~~SPECIAL INQUIRY~~ ON INVASION OF PRIVACY

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HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON GOVERNMENT OPERATIONS HOUSE OF REPRESENTATIVES

EIGHTY-NINTH CONGRESS

FIRST SESSION

JUNE 2, 3, 4, 7, 23, AND SEPTEMBER 23, 1965

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Clarence J. Brown, Ohio, deceased August 23, 1965.
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Robert Dole, Kansas, came to committee August 31, 1965.
Clarence J. Brown, Jr., Ohio, came to committee January 12, 1966.

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SPECIAL INQUIRY ON INVASION OF PRIVACY

WEDNESDAY, JUNE 2, 1965

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE ON INVASION OF PRIVACY
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C.

The subcommittee met, pursuant to notice, at 2:10 p.m., in room 2203, Rayburn Office Building, Hon. Cornelius E. Gallagher (chairman of the subcommittee) presiding.

Present: Representative Cornelius E. Gallagher, Benjamin S. Rosenthal, and Frank J. Horton.

Also present: Norman G. Cornish, chief of special inquiry; Miles Q. Romney, associate general counsel, Committee on Government Operations; James A. Lanigan, general counsel, Committee on Government Operations; and Raymond T. Collins, minority professional staff.

Mr. GALLAGHER. I would like to call this subcommittee to order.

I wish to welcome the witnesses and the people who are here today and make an opening statement. And then an opening statement will be made by Mr. Rosenthal and Mr. Horton, my colleagues of this special inquiry.

The hearings beginning today are part of a special inquiry by the Committee on Government Operations of the U.S. House of Representatives. Among the duties of that committee is studying the operation of the activities of the Federal Government at all levels in order to determine whether such activities are being conducted economically, efficiently, and in compliance with law.

Toward the end of the 88th Congress, the chairman of the Committee on Government Operations, the Honorable William L. Dawson, authorized a special inquiry into the investigative activities of Federal civilian agencies.

The need for such an inquiry had become apparent because of a large body of evidence that certain activities and operations of Federal agencies were being carried out concerning which serious questions could be raised. Were they authorized by law? Were they in consonance with basic constitutional principles? How much Federal money was being spent in carrying out these operations?

The basic principles involved in these questions can be conveniently wrapped up in the concept—the individual right of privacy. Of course, there can be no right of absolute privacy. However, all persons and their governments need to be alert to maintain the right of privacy to the maximum extent consistent with the public good. The Federal Government should take the lead to show by example that it recognizes the vital importance of protecting this right. Therefore, the committee felt that a study should be made of the operations

of Federal Government agencies with a view to seeing whether their responsibilities are being discharged in a manner which provides optimum protection of this right.

As FBI Director J. Edgar Hoover stated so well last December:

> We must demonstrate that the freedoms Americans cherish so highly are strengthened whenever law enforcement asserts itself not only in crime and subversion but also against any invasion upon the rights and dignity of all the people.

At the end of the 88th Congress, this special inquiry had developed information on several specific operations of Federal Government agencies of sufficient importance that it was felt that committee hearings were needed to complete the picture. The purpose of this hearing today and future hearings is to elicit facts and informed opinion for the record to complete the committee's study of the particular subjects which had been partially developed during the last Congress and to permit the committee to make findings, draw conclusions, and submit recommendations.

The matter of protection of the individual's right to privacy and the Government's responsibility therein is one with which I am personally deeply concerned. I, therefore, wish to take this opportunity to present some of my own thoughts, although I realize that as the record is made more nearly complete and further study given to it, compelling arguments may be adduced which could cause modification of some of these views. I will, naturally, keep an open mind.

The right to privacy has been under such strong attack in recent years that the American people are now waking up to the fact action must be taken to restore life to the fourth amendment to the Constitution, or the freedom it gives may be lost forever.

During World War II and the Korean conflict, most Americans were willing to set aside objections to Government intrusion into their lives in the interest of combating the totalitarian threats of fascism and communism.

But security consciousness has become such a part of our way of life that it now goes far beyond the original effort to ferret out subversives and protect the Nation's military secrets. The demands to invade the privacy of our citizens have multiplied over the years and we find examples of such prying in almost every facet of our lives.

Wiretapping has been a problem for years and continues to be. The discredited lie detector has become a tool of industry as well as government. The suitability check, once mainly the concern of sensitive Government agencies, has become an accepted employment practice in many private companies. Advancements in electronics have given new weapons to snoopers of all kinds who feel they must have an intimate look at the innermost secrets of our people. Their motivations vary and may even be good, but dark dangers lurk in their conviction that somehow they have the absolute right to know these things. Now the magic of computers is helping them gather such a wealth of information from such a variety of sources that all of us may someday stand psychologically naked.

Today man's home or castle, his traditional bastion of privacy, is in danger of becoming a fishbowl, no longer so well protected from prying eyes and ears. Man's mind—the private vault of his ideas, opinions, and thoughts—is more than ever under psychological and electronic assault.

Some say that we have ourselves to blame, if through widespread dishonesty and thievery we have compelled the investigative agencies of Government and industry to resort to spying techniques and electronic watchdogs.

There is something about a detection mirror in a supermarket or a department store, put there to guard against shoplifting, that casts a shadow over our morality. Industry and business suffer tremendous losses annually through thievery. They argue they have a right to protect their property.

But the privacy of man's home and person is frequently and more effectively being invaded through the use of instruments much more sophisticated than a simple detection mirror. Cash a check and your photograph is snapped; enter an apartment house elevator or corridor and you may be on closed-circuit television; carry on a conversation in your home and it may be recorded two blocks away; phone a Government agency and in many cases your words are recorded.

Private companies sometimes spy on each other to learn trade secrets and other valuable information. Formal classes are even given on how to thwart industrial espionage.

Thus the techniques and gadgets that for so many years were associated with international cloak-and-dagger operators like Mata Hari are widely used today, not only by the police and Government investigators, but by respectable businessmen and untold numbers of private investigative agencies.

Snooping devices have even entered the mass market. They are advertised in the mail order sections of major newspapers and magazines, and can even be purchased with a Diner's Club card. These advertisements, in some cases, gleefully invite the public to join in the "great game" of snooping on your neighbors, your friends, and others. Sometimes the sales talk is directed to children.

It is now possible for an ordinary law-abiding American citizen to be under the surveillance of snoopers from the moment he gets up in the morning until the moment he goes to bed at night and even then he may not be able to snore in private. He probably is not even aware of it, for the snoopers rarely give any warning. That would defeat their purpose.

We have become a nation of snoopers—public and private. For many years, we grew increasingly callous about this disturbing development in American society. But there are large cracks now appearing in that callousness. The crust became too heavy. I believe the American people want to break through that shell. And perhaps we can. There is a new mood in Congress—a new mood in the Nation—which compels attention.

I believe that 1965 may well be the year of the libertarians, a year in which America swings the pendulum back to its former great emphasis on individual rights, especially those guaranteed to us by the Constitution. The civil rights law is now giving new life to rights which have been dormant in the field of racial matters. I see no reason why we should not revitalize man's right to privacy at the same time.

Justice Brandeis, in his famous dissent in the *Olmstead* case in 1928, expressed the view which I believe should guide our consideration of problems relating to invasion of privacy. He said:

The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings and of his intellect * * *. They conferred, as against the Government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men. To protect that right, every unjustifiable intrusion by the Government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the fourth amendment.

The fourth amendment to the Constitution was written as the result of the American Revolution against warrants and writs issued by King George which often gave his officers an excuse to search anyone, anywhere, any time. Even then an English Chief Justice—Pratt, later Lord Camden—in commenting upon such a search conducted against John Wilkes, said:

To enter a man's house by virtue of a nameless warrant, in order to procure evidences, is worse than the Spanish Inquisition—a law under which no Englishman would wish to live an hour.

To me, there is absolutely no difference between this and the electronic devices which are currently used to search a man's home, office, hotel room, or other private place to find out things about him which he may not want others to know.

It has been argued, principally by law enforcement authorities, that these electronic devices help greatly to bring criminals and other wrongdoers to justice. But they have forgotten that the Bill of Rights was not written for or by the king's men.

The framers of our Constitution required that warrants could be issued only on probable cause and must specify the place to be searched and persons or things to be seized. Yet, the king's men of today—and others—are conducting such searches without the benefit of any warrant, much less the type surrounded by safeguards required in the Constitution.

Our courts, unfortunately, have been a party to this. They have been reluctant to render decisions which might make the task of the law enforcement officer more difficult in dealing with criminals.

But Justice Holmes had something to say on that subject long ago which should still ring true today. He said:

It is desirable that criminals should be detected, and to that end all available evidence should be used. It is also desirable that the Government should not itself foster and pay for other crimes, when they are the means by which the evidence is to be obtained * * *. We have to choose, and for my part, I think it a less evil that some criminals should escape than that the Government play an ignoble part.

Congress must examine some of the marvels of electronics that have been added to the snooper arsenal and the threat they constitute to freedom. There are now instruments which can pick up a conversation through an office window on the opposite side of a busy street. There are electronic devices so sensitive they can pick up and record the voices of people talking 300 yards away. That's the length of three football fields. Experiments are now being conducted to perfect other devices making it possible to overhear everything said in a room without ever entering it or even going near it.

Every day, thousands of cameras and listening devices are recording the conversations and actions of American citizens. They are installed in businesses, hotel rooms, stores, offices, apartment houses, schools, and even private homes across the country.

And snooping is not confined to electronic gadgets by any means.

The Post Office, at the request of a Federal, State, or local investigative agency, can and does put a "mail cover" on letters sent to a home or office. This means that the return addresses are copied down before the mail is delivered so that somewhere there is a record of who is writing to that person.

In response to an inquiry by our special inquiry, the Chief, U.S. Postal Inspector, Henry B. Montague, reported that 619 such "mail covers" were in effect on a single day. The mail recipients had no idea such a check was being made.

The "mail cover" has never been directly passed upon by the Supreme Court of the United States. Nor is there any statute specifically authorizing such a practice.

I believe the present procedure by the Post Office is shocking and is the type of Government activity which normally would be found in a police state. Congress should pass a law requiring the use of a warrant or court order in such cases. In this manner, the Constitution would be upheld and yet law enforcement authorities would not be deprived of a useful weapon in their fight against crime.

When a person puts a letter in the mailbox he believes that it will be confidential, including the return address. The only purpose of the return address is to make certain that the letter comes back to the original sender if it cannot be delivered. It is there for no other purpose and should be considered a part of a person's personal papers just as much as the contents of the letter itself.

Your Federal tax return is supposed to be confidential, but you're wrong if you think you and your friendly Internal Revenue agent are the only ones who ever look at it.

Every Federal agency and every State as well as several committees of the Congress can ask to examine your return. Sometimes they do.

They are supposed to look at it only in the line of duty and follow a rigid procedure designed to keep the contents confidential. But there have been a number of charges that this confidence has been violated.

There have even been allegations that Federal investigative agencies sometimes snoop through the trash that people leave outside the back door of their homes. It is said that much valuable information can be gained from examining the torn up letters, old bills, canceled checks, medicine bottles, and empty cans which are normally found in trash barrels.

If you think snooping is limited primarily to criminals and possible enemy spies, you're sadly mistaken.

For example, take the latest farm census questionnaire. For the first time, farmers were asked last year to detail their outside income, including the amounts they receive from social security, the Veterans' Administration, dividends and interest and other sources. They also were required to submit this information for everyone living in the farmhouse, including their own families and hired hands. One Pennsylvania farmer wrote me that he considered this to be an invasion of his privacy and information far beyond the needs of the farm census. I agree with him.

Then there is the matter of psychological or personality testing of Government employees and job applicants by Federal agencies. Many Federal workers are subjected to extensive tests on their sex

life, family situations, religion, personal habits, childhood, and other matters.

The fourth amendment was designed to protect our people from unreasonable search and seizure. Yet today our Government is engaged in a much more insidious form of search than going into someone's home or through personal papers. We are now searching their minds, trying to pry out the most hidden and intimate thoughts.

But not all of the news concerning invasion of privacy is bad. One heartening development was the order by Postmaster General John A. Gronouski to discontinue the "peepholes" in the men's washrooms of some 5,000 post offices.

The Postmaster General said the peepholes originally were installed to investigate stealing from the mails by postal workers, but he came to the conclusion that the washroom lookouts are "an unfortunate invasion of privacy." Mr. Gronouski should be commended for this action.

Now I would suggest that the District of Columbia and other cities around the country seriously consider the abandonment of peepholes which they have built into public restrooms in order to catch homosexuals. More frequent checking by uniformed officers or the employment of attendants would accomplish the same purpose without invading anyone's privacy and at the same time possibly prevent activities before they become crimes.

There are a number of things which Government can do by simple administrative action to insure a greater right of privacy for many citizens. One of these involves the security clearance forms which must be filled out by employees of private companies doing classified work under defense contracts. As it stands now, these employees must fill out an extensive security clearance form which contains several questions of a highly personal nature.

This special inquiry received a complaint from a South Carolina engineer, who was handed such a form by his employer and told to fill it out and return it to him. This citizen said he had no objection to answering all of the questions completely and accurately if the form was sent directly to a Federal security agency. However, he did object if the form had to go through the employer on its way to the security agency.

This man had adopted another religion and legally changed his name. He did not feel that he should have to make known to his employer this fact, especially when it was not included as a question on his original employment form with the company.

He also did not want to list the names of his relatives who had the same previous name as his own. In addition, he saw no reason why the employer should know to which organizations he had belonged during his lifetime. He believed these disclosures to his employer might hurt his chances for promotion and even adversely affect his personal relationships at the company.

This man's attitude is typical of many Americans. Privacy to them is a very relative thing. There are things which they would tell their best friends but would not tell their wives. There are things which they might tell a fellow employee they would not tell their employer. And of course, the opposite would be true. There are things they would tell their wives but not their best friends. There are things they might tell their employer but not their fellow employees.

I believe the Government should do everything possible to help preserve the right of each individual to decide what he wants to keep private. He should not be put in the position of being forced to give information which may be no one's business other than himself, and those persons in whom he may decide to share a confidence.

Snooping affects not only American citizens in this country. Its victims sometimes include exiles and citizens of other countries visiting the United States. For example, there have been allegations that private American detective agencies have been hired by some foreign governments to keep a close watch on nationals and on former nationals of those nations while they are within our borders.

In one instance, it has been charged that the dictatorship of Francois Duvalier in Haiti has contracted for such questionable services. It was alleged that the information obtained by these detective agencies could become dossiers at a later time for the persecution and prosecution of persons returning to Haiti or their families.

If these charges are true, then some private detective agencies are acting as a hired American gestapo. Reforms in this area should be considered. Perhaps they could be accomplished by changes in the Foreign Agents Registration Act and other legislation.

This special inquiry will go into a number of invasion-of-privacy matters related to the efficiency and economy of certain investigative and data-gathering activities of the Federal Government.

They include psychological testing of Federal employees and job applicants, electronic eavesdropping, mail covers, trash snooping, peepholes in Government buildings, the farm census questionnaire, and whether confidentiality is properly guarded in income-tax returns and Federal investigative and employment files. Because of the nature of some of the testimony we will receive, I am requesting that all witnesses be sworn before appearing.

Here are examples of some of the questions that concern us in this inquiry: Are there Government activities which should be eliminated with resultant savings to the U.S. taxpayer? Have Federal agencies overstepped their legal and constitutional authority in some of their activities? Are unauthorized or unnecessary expenditures being made? What effect is Government invasion of privacy having on American society? What problems are involved in individual rights versus Government responsibilities?

In my opinion there appears to be a need for a great deal of new legislation regarding many aspects of invasion of privacy. There may be a pressing need for some sort of control over the manufacture, distribution, and sale of electronic devices and other gadgets used for snooping purposes, similar to the slot machine laws.

Perhaps there is a need for an amendment to the Civil Rights Act itself, making such electronic snooping a violation of that law. Certainly, some bill needs to be passed which will make it mandatory for Federal agencies to give up their snooping devices and activities. It may be wise to start with the nonsensitive Government agencies first in this regard, but at least this step should be taken.

I believe that once the Congress begins to take action the States will be encouraged to pass laws on areas of invasion of privacy outside Federal jurisdiction. But all of this may not be enough. A new constitutional amendment may be required to build a stronger wall.

Perhaps then, the famous line in George Orwell's book, "1984," will never come true in America.

You had to live—did live, from habit that became instinct—in the assumption that every sound you made was overheard * * *.

The Chair recognizes Mr. Horton.

Mr. HORTON. Mr. Chairman, I want to congratulate you on your statement. I think it is a blueprint for the action of this special inquiry. It is very succinct in summing up the problem that is before us.

Mr. Chairman, it is an honor to have been selected to serve with you and our friend, Mr. Rosenthal, on this inquiry panel.

I believe our examination of certain investigative processes and procedures of the Federal Government, particularly as they bear on possible violations of the Constitution's guarantees of individual rights, is especially timely. There is mounting evidence all around us of snooping into the lives and affairs of American citizens to a frightening degree.

I believe there are many examples of officially sanctioned privacy violations. Further, technological advances in the science of snooping have progressed so rapidly that intensive surveillance often is possible without the slightest knowledge of the subject.

There is one critical area with which I know our special inquiry plans to concern itself. That takes up the investigation of those citizens either applying for or already employed by the Federal Government.

We accept without question that our Nation is involved in many pursuits that cannot be discussed in any detail for to do so is to compromise precious strategic values and national security. Therefore, those who are employed to deal with these matters must be trustworthy to an unquestioned extent. Establishing this standard often involves a personal evaluation which lays bare every facet of the individual's character. Yet, it is essential.

However, most Federal employment is not in these highly classified or supersecret areas. Most civil servants are employed in occupations that are comparable to private industry or the professions of this country. They may—and do—have special responsibilities, because public office is a public trust, but they should not be subjected to the critical examination many agencies are using.

My specific references are to personality tests which ask scores of embarrassing questions about the personal habits of the subject. My references also are to mail covers, wastebasket snooping, telephone taps, and surveillance. Many Federal employees work under situations of constant harassment from one-way mirrors in washrooms and peepholes in work areas.

These are areas demanding our attention. Let's look into these practices and quiz their originators. Let's find out what if anything in the form of better Government comes from this peering and probing, this snooping and surveillance.

Throughout our special inquiry, I am sure, we will be mindful of Madison's statement about the great inquiry which was the beginning of democracy: that we are securing the public good and private rights. Mr. Chairman, I believe that among these private rights is the right to be private.

Mr. GALLAGHER. Thank you very much, Mr. Horton, for your remarks, and your gracious words.

The Chair recognizes Mr. Rosenthal.

Mr. ROSENTHAL. Thank you, Mr. Chairman. I think the record ought to indicate that all of us are very grateful to Chairman Dawson for establishing this special inquiry. His interest in this subject of privacy and constitutional rights of all of our citizens has been known by all Members of Congress for a long time, and certainly he has been a leader in the fight for the preservation of individual rights under our Constitution.

I also want to express my own personal debt of gratitude to the general counsel of the committee, Mr. Lanigan, who is sitting with us, and who, as you know, Mr. Chairman, has helped us in establishing this special inquiry and has been very, very helpful and given considerable guidance to us as to where and how this inquiry should proceed.

Without offering or making any prejudgments as to what the final conclusions of this special body will be, Mr. Chairman, I might suggest to those who are concerned that my review of the preliminary information that we have in the committee files leads me to certain conclusions.

The first one is that this country is presently living under a serious threat—the threat that the civil liberties of all our citizens may be eroded by new habits and procedures for invading personal privacy. Indeed, it can fairly be said that contemporary American society is a society under surveillance, subject to the subtle machinery of snooping, and an increasing disrespect for the inalienable right of privacy.

The job of this special inquiry, as I see it, is to investigate the extent to which the invasion of privacy is becoming a national habit. What is at stake is nothing less than the health of our democracy and the guarantees of our Constitution.

For some time now, procedures for eavesdropping on telephone conversations, examining private business records, scrutinizing mailing operations, and bugging private rooms have been in the process of development—sometimes in the name of national security, sometimes for the enforcement of criminal law, sometimes even for personal self-protection.

However acceptable this development may once have seemed in theory, it has become clear to many that the machinery of snooping is increasingly being misused in practice. And there seems to be a momentum in the practice of invading privacy.

New devices are constantly being dreamed up; counterdevices, in turn, have to be developed. And suddenly we discover that there are people in this country who are in the business of snooping, whose very job is to develop means for invading privacy.

It cannot be ignored that the largest snooper of all is the Federal Government. Insofar as the invasion of privacy has become a national habit, the Government is responsible for having established precedents and developed procedures. For that reason, the special inquiry should be most concerned with examining Federal practices in the invasion of privacy.

The excesses of this process will not be curtailed unless the public takes time to scrutinize in some detail the habits and procedures of privacy invasion. Our task is, therefore, largely one of public information. The very nature of this subject, however, restricts public knowledge.

People never know if their phones are tapped, their business records under investigation, their photos taken in secrecy. It is time that

this dangerous habit be examined in detail, before all interested citizens.

In my opinion, Mr. Chairman, the threat is too disturbing to be left unexposed.

Participating in the accolades, Mr. Chairman, I want to compliment you for your leadership and original thinking in contributing to the formation of this inquiry. I frankly am hopeful that the inquiry will make a major contribution to the American way of life. If you do that, I am going to be very proud to have served with you on this special inquiry.

Mr. GALLAGHER. I thank the gentleman from New York and I associate myself with his remarks on Chairman Dawson. Were it not for his active interest, this special inquiry would not have been formed. Chairman Dawson has been a leader in the field of civil rights and human dignity for over 40 years and certainly the creation of this group is an indication that his interest is still active and he has rendered our country a great service down through the years.

At this time the Chair would like to call as the first witness before this special inquiry, Dr. William M. Beaney, professor of politics and Cromwell professor of law at Princeton University.

Dr. Beaney is a distinguished authority on constitutional law. He has published a number of scholarly articles on this and many other subjects. He has long concerned himself with the broad problem of the question of privacy.

Dr. Beaney, in accordance with the procedures of this committee, I would ask you to be sworn.

(Whereupon, Professor William M. Beaney was duly sworn.)

TESTIMONY OF WILLIAM M. BEANEY, PROFESSOR OF POLITICS, AND CROMWELL PROFESSOR OF LAW, PRINCETON UNIVERSITY

Mr. GALLAGHER. Doctor, do you have a prepared statement or an opening statement?

Mr. BEANEY. I submitted a statement, Mr. Chairman, and unless it is requested that I read it, I prefer merely to summarize the conclusions I reached there and ask that it be incorporated by reference, if that is permissible.

Mr. GALLAGHER. Yes, that is permissible. The statement will become part of the record.

(The prepared text follows:)

STATEMENT OF WILLIAM M. BEANEY, PROFESSOR OF POLITICS, AND CROMWELL PROFESSOR OF LAW, PRINCETON UNIVERSITY

Each generation of Americans has faced new problems arising from threats to one or more of the liberties that, taken together, make us a free people. Changing conditions within our society, new demands and necessities of our people, new programs of government and our private institutions may raise serious questions concerning the proper balance between a claim of freedom by an individual or group and the claim of government or private associations to act in various ways that impinge on freedom claims.

We should not think of these clashes of interests or claims as a battle between the forces of good and those of evil. While "freedom" as a separate value should always hold high rank in our hierarchy of values, we expect government to protect the freedom of each of us against other individuals and groups which necessarily raises issues of resolving conflicting claims as in the field of law enforcement, and in addition, we seek from our government the promotion of a high degree of social

and economic well-being, which compels government to seek information to guide legislative and administrative action.

In an increasingly interdependent society, devoted to the scientific solution to many human as well as material problems, governmental agencies and a wide variety of nongovernmental institutions seek more and more information about human activity, attitudes, and demands.

In an age marked by specialization in virtually every field, the use of larger and larger units for carrying on economic, political, and social activities, it becomes a natural way of thought to see the individual human as a number, a file, a dossier, whose life and personality are captured by the volume of collected data.

The apparent increase in crime and use of modern technology by criminals has been countered by police use of modern means of surveillance and crime solution. Threats to national security have resulted in the widespread employment of security checks for Americans holding certain governmental, or sensitive private positions.

Modern business and other organizations go to great lengths to insure that their recruits are well fitted for the positions they will fulfill, and in some instances maintain a close watch on their private and organizational lives in the interests of the institution.

Even in the absence of the kind of empirical data which would permit accurate assessment of the adverse effect of these developments on individual and group privacy, there is sufficient information available to justify concern and to underscore the value of inquiries, such as that presently being undertaken by this committee, into the precise nature and extent of invasions of privacy in public and private life.

In many ways, the term "privacy" is an unfortunate way of capsulizing an effort to define limits on the intervention of governmental and nongovernmental actions into the affairs of individual citizens or their lawful associations. There is a coldness, an antiseptic quality associated with the term that fails to convey its importance as an individual and social value.

I think that the great Justice Brandeis came closest to identifying the true nature of privacy as a "right" in his famous Harvard Law Review article, written in collaboration with Charles Warren, published in 1890 ("The Right to Privacy," 4 Harvard Law Review (1890)), and in his powerful dissent in the *Olmstead* case in 1928 (*Olmstead* v. *United States*, 277 U.S. 438).

In his article, Brandeis thought that the prying of scandalmongering newspapers into the private social life of prominent citizens violated their right to privacy.

Although the authors seem in retrospect to have given insufficient weight to the values and traditions that surround "freedom of press," their sensitive and imaginative perception of the threats to privacy arising from "the intensity and complexity of modern life" and their call for legal protection through legislation and court action mark the beginning of serious awareness of the problem. The tort of privacy has now been recognized in a majority of States and there have been over 350 decided cases involving the civil wrong of "invasion of privacy."

But of greater significance, in my opinion, is the slow, halting evolution of a constitutional "right to privacy" stimulated by Brandeis' prophetic opinion in dissent in *Olmstead*.

You will recall that this case arose out of the Federal Government's efforts to convict a large-scale bootlegger in the State of Washington, and specifically, the use of evidence obtained by the tapping of his telephone line, this in a State which had a law forbidding wiretapping.

By a 5-to-4 vote the majority of the U.S. Supreme Court held that wiretapping was not an unreasonable search and seizure, and hence not prohibited by the fourth amendment guarantee.

While Holmes, dissenting, decried the role of the Federal authorities in the "dirty business" of breaking State law, Brandeis, dissenting, stressed what to me is clearly the proper principle in interpreting constitutional grants of power and limitations in power.

Pointing out that the Court had construed powers broadly to meet conditions unanticipated by the framers, he argued that "clauses guaranteeing to the individual protection against specific abuses of power must have a similar capacity of adaptation to a changing world" (277 U.S. 438 at 472).

Decrying the narrow, mechanical approach of the majority, Brandeis argued that the framers "recognized the significance of man's spiritual nature, of his feelings, and of his intellect * * * they sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They conferred, as

against the Government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men."

Brandeis concluded that "to protect that right, every unjustifiable intrusion by the Government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the fourth amendment" (at 478).

In an article published in 1962, "The Constitutional Right to Privacy in the Supreme Court" (1962 Sup. Ct. Rev. 212) I traced the development of fourth amendment doctrines and concluded that the Supreme Court had not yet embraced the Brandeis position though several judges had expressed their agreement with Brandeis and their disapproval of the *Olmstead* holding.

I suggested in that article that the curious twisting and turning in the development of search and seizure law had obscured the purpose of the 4th amendment protection and that a more useful approach was to conceive the right to privacy as set forth by Brandeis as part of the essential liberty safeguarded against State action by the due process clause of the 14th amendment and against national action by the 5th amendment clause.

In subsequent research which is not yet completed, I have tried to show that if "freedom to travel," is part of liberty, "the right to privacy," a guarantee against unjustifiable intrusion into one's thoughts, emotions, sensations—the right to be let alone unless there is a rational and important countervailing interest, can be spelled out of a combination of several clauses of the Constitution, including the 1st, the 4th, the 5th, and the 14th amendments.

And one can make a good case that a freedom from unjustifiable intrusion is central to the very notion of a constitutional order in which the importance and dignity of every individual is central, in a political system based on the concept of government derived from the consent of the governed.

But wholly apart from the constitutional basis (or assuming for the moment that there is no constitutional basis of a right to privacy), I would suggest that a government devoted to freedom and recognizing the dignity and importance of every individual should seek to safeguard all reasonable claims to privacy against private invasions, should avoid intrusive action on its own part, except where strong justification existed.

I am not suggesting a once and for all definition of the right nor is it appropriate to catalog all of the possible claims that can be made and which may deserve protection. What is required is an inventory of the activities of public and private agencies that raise privacy and dignity issues.

In each instance the justification for the intrusive action should be made explicit so that it may be evaluated, while at the same time, alternative less intrusive measures may be substituted. For in many instances, it will be found that men of good will, eager to perform their own function as efficiently as possible have simply failed to take into account the adverse effect of their actions on those affected.

Whether through the use of excessively prying items on questionnaires used by educational or other institutions, failure to maintain strict confidentiality of Government file items that may embarrass citizens, overzealous investigation of welfare recipients, or over aggressive law enforcement procedures, invasions of privacy have seemingly become part of the American scene.

The numerous new forms of intrusive surveillance through the medium of electronic eavesdropping, the use of long-range cameras and other optical equipment, and the computorized auditing of transactions, greatly enhance the ability to invade the privacy of all of us, whatever our status and activities.

The way to proceed is through a careful examination of present or potential invasions of privacy at all levels of Government, in a wide variety of private enterprises and institutions.

It is easy to compile a list of sensational acts of invasion of privacy in a Nation as large and active as ours, but a sober response to the present situation and that of the portending future requires a realistic assessment of present activities and discernible trends. This committee can take a giant step toward solution to problems that must be solved if the privacy element in our freedom is to be as meaningful in the future as we should like to believe that it has been in the past.

Mr. GALLAGHER. You may proceed.

Mr. BEANEY. I think it is a great privilege to be asked to appear before this subcommittee, which in my humble judgment is concerned with one of the acute problems facing the American people today. As I suggested, each generation of Americans has a different set of

problems to confront with respect to the liberties which each of us enjoys.

Conditions within our society change, there are new demands for various activities to be undertaken by Government, ways of conducting our economic affairs and our private institutions change, and so that which was a source of little trouble in one generation may assume great significance in another.

I think our Founding Fathers at the time of writing the Constitution did not think of privacy as being a serious problem. The whole constitutional arrangement was one intended to guarantee as wide an area of freedom as was possible.

You may recall that Hamilton and Madison, in opposing initially the inclusion of a bill of rights in the Constitution said that one of the dangers of a specific enumeration of rights was that some other rights of equal value or even greater value might not be protected by the Constitution. On the other hand, they recognized there were serious demands that certain rights be placed as amendment or a series of amendments to the Constitution, so we have our first 10 amendments, but privacy was not an acute problem because of the nature of our society.

We were a few million people, strung in a sparse way along the eastern coast. The basic activity of the country was farming and my own impression is that people who lived in rural areas generally are not terribly concerned with privacy. They are more apt to seek the comfort and friendship of others because of the distances which separate them. But my general approach has been in such writing as I have done, and that on which I am still working, is that the Constitution taken as a whole, and the 1st and the 5th and the 4th and the 14th amendments particularly spell out a safeguard for the privacy of individuals.

By privacy in this sense, I mean the freedom or the liberty to determine to what extent you will share your life, your activities, your ideas, your thoughts, and sensations with others.

Had the Founding Fathers—of course, this is a game everyone can play and one can never be so positive, but I assume that had they foreseen the developments of recent decades in this country a statement of a right to privacy would have found explicit inclusion in the Bill of Rights.

I take my theme from Brandeis in arguing that constitutional limitations or putting it more positively, the guarantee of individual rights, must be approached in the same positive rational spirit that we approached the question of the powers of the National Government or the powers of our State governments in the light of changing conditions. That is, the commerce power is something different today from what is was in 1800. And similarly, the limitations of the Bill of Rights must be adapted to the specific form which the dangers and the problems take at the present time.

It seems to me that it is in that spirit that some of our justices and some of our courts have approached this problem and I don't want to mislead you by saying at the present time the U.S. Supreme Court or the Federal or State judiciaries have adopted this position in any explicit fashion. Yet I think that, as I tried to show in my article, we are moving very much toward a position that I think the Supreme Court will take in giving to the fourth amendment the

meaning which I think it was intended to have, and which I am afraid in the *Olmstead* case the majority of the Court was unwilling to give it. That is, the fourth amendment isn't merely a protection against material invasions or the taking of tangible expressions of one's thought and mind, it is a means of protecting the right to be let alone, the right to determine what part of your life will be shared with others.

I think that a recent Supreme Court decision, even in the search and seizure field, seems to point in this direction and I would be very surprised if in the next decade or sooner that the Court doesn't accept the position which Brandeis set forth in the *Olmstead* case.

Mr. ROSENTHAL. Professor, may I interrupt for a moment?

Mr. BEANEY. Surely.

Mr. ROSENTHAL. I think most of the community and all of us concern ourselves with the main thesis, the question of how do you strike a balance between individual rights and community interest, particularly in the field of law enforcement and national security?

Mr. BEANEY. This is the great question that underlies all questions of lawmaking, I assume, that impinge on individual rights. We have had the problem with our first amendment issues as we know. Most of us do not think rights are absolute, although Mr. Justice Black has stated on several occasions that the rights of the first amendment are absolute.

What I would suggest as a brief answer to a very pressing question and a very significant question is that in striking the balance, in determining how the equation should be used and what should be the answer in the given case, is that we must make sure we get the privacy values on the other side of the scales from the side on which we place law enforcement or the desire of government for information or to know more about recruits for the military service or whatever. Too often we leap only to the obvious conclusion that the interest in law enforcement or the interest in getting information should prevail, and we tend not, I think, to put on the scales the privacy interests.

It seems to me one of the values of what your committee is doing and undertaking to do is to give us a much clearer picture, or for the first time a picture, since I don't have the data which will allow me to speak effectively to the questions that were raised with the letter that came from the chairman, that is, we must know what the practices are and what the alleged justification or claimed justification is for the governmental practice or for the practice of a business or private institution that impinges on privacy.

My argument would be, we must bring this out into the open, if there are obvious reasons for pressing on someone's privacy, we should know what those reasons are. It should be possible then for reasonable men to sit back and weigh the relative interests that are involved.

As I see it, the trends of the past 20, 30 years in this country, and to a high degree all over the world, are simply to go on unthinkingly to assume that more information about any subject is a good thing and this is understandable. If you are responsible for fulfilling some function, whether in government or universities or private business, it is always nice to have lots of data in the file. If you have to deal with other human beings, you try to find out enough about them so you can deal effectively. If you have to pass on their promotions,

you want to know what they have done and so on, but my criticism is that we have rather unthinkingly just assumed that this is a good thing, that there must be good reasons for it without stopping to cast the balance, which I think you are suggesting is desired here, when you say how do you cast the balance in law enforcement, you are getting into a very large and difficult area and it is one in which I don't profess real competence.

What I do suggest is that too often, however, law enforcement agencies have assumed that they must be able to engage in certain practices, or that they must be able to disregard State legal provisions, because otherwise the criminal goes free. Yet once they begin to observe these procedures, I think it is frequently the case, has been the case, that they do their job just as well, and maybe with additional training do it better than in the past.

What I am really saying here is that one cannot answer your very penetrating question with a broadside statement. I think we must have a weighing for each alleged intrusive action, whether by government, by other individuals, or by private parties, and see what the justification is, and then, as reasonable men, the legislative branch, and those in all walks of national life, may conclude that it is a price we must pay because of some important individual or social value, then that intrusion will be borne.

We all agree that privacy, I think, is not an absolute, and in the nature of things, cannot be. A society in which it were an absolute would be one of the deadest societies which one can imagine.

I think what we need, and that is what I suggest in my statement, is the kind of careful gathering of empirical data, constantly seeking the justification for the intrusive action, constantly asking, is there an alternative way by which the job can be done without behaving in such an intrusive way, but seldom, it seems to me, have we asked the questions in this way. That is, if we want a free society, we have to work and ask the questions that will keep us a free society.

The direction of drift is perfectly clear. You don't have to be very intelligent to see that if this drift toward more and more intrusive action by private groups and organizations of all kinds, and by Government, isn't checked, in 20 or 30 years no one will bother asking questions about privacy, and we will take it for granted that we live in a fishbowl and that we are not free men, but fish.

Mr. HORTON. Doctor, in connection with that, you have indicated that justification might be sufficient for invading privacy. Would you——

Mr. BEANEY. I don't want to leave that impression.

Mr. HORTON. Perhaps you might speak to that.

Mr. BEANEY. There may be some bits of information which are obtained at such a high price that you would simply say we don't want them at all. The purpose for which you seek the information may have some value. There may be some social value attached to it, but the price, the cost to the individual and to the society of which he is a part, is simply so great that then you would say we will get along without it, because again in looking at the effect of the invasion you simply would not for a moment condone it.

But I am speaking of the less dramatic, the less obvious kind of intrusive action.

Mr. HORTON. You are talking in essence about what you might call a gray zone, where these problems become somewhat confused or

difficult to stretch them out, but don't we have before this subcommittee instances in which there really isn't any gray zone?

The thing that I am concerned about is the matter of use of these electronic devices to snoop on people that are entitled to privacy, and I am assuming that we have a right of privacy and I am starting from that premise.

Now, the use of these snooping devices to hear what is going on in a man's private home, certainly it seems to me, is outside that gray zone. Is there any justification for that, in your judgment?

Mr. BEANEY. The justification, which is commonly cited in support of the new York State system, where by use of court orders there can be a tapping, is that if there is reasonable ground for believing that someone is engaged in criminal activity, or conspiracy, and is using the telephone as a means of implementing his criminal act, then with a judicial order there can be tapping. Personally——

Mr. HORTON. There you are in an area where there is a criminal nature involved. I am talking about the use of these snooping devices by persons that have no apparent reason other than just to find out about what a person is doing, what his private life is like.

Mr. BEANEY. It is against the law in many States. It is unlawful activity and is a frightening—I can see no justification.

Mr. HORTON. Do you think there should be a Federal law in connection with this, and if so, do you think it would be possible to draft such a law?

Mr. BEANEY. It would be an awfully difficult law to enforce; this is the problem. No matter how commendable the purpose——

Mr. HORTON. The chairman has suggested something by way of control over manufacture, distribution, and sale of electronic devices.

Mr. BEANEY. The difficulty is children in my block make these things. They are very clever today. They can buy components——

Mr. HORTON. Do we just hold up our hands and say we can't solve it? Do you have any suggestions, from your background on constitutional law?

Mr. BEANEY. One suggestion I have is that where it is made a criminal act, usually a misdemeanor and not with a very heavy fine, either, to engage in these practices, one wonders if the police, with the assistance of telephone people, could not do a better job of policing than they now do. But since the police themselves engage in so much tapping, it is a bit difficult to envisage the police running around tracking down these illegal tappers when, in so many instances, they are illegally tapping themselves. It is asking too much, it seems to me, to assume that the police are going to do this. But the advertisements appear in the yellow pages in every city in this country. Surveillance equipment and agents are available—of course, lawyers use them in marital and other cases, and we don't know, I don't know all of the different uses that are made, but it is not something that is hidden. It is very open.

I would like to see State laws and it might be possible to devise a Federal law——

Mr. HORTON. You haven't, apparently, given any thought to that?

Mr. BEANEY. No; because we always bog down on this problem of the way these things are put together, that if a man is skilled, as I understand it, if a man has any skill at all in electronics, that he can

assemble these things for rather small amounts of money, and from components which in themselves are perfectly innocent.

That is, you could get at the manufacturer and the shipment of an actual auditory device or insist on registration or something of the kind, but my guess is that then it would merely cause one additional step for any would-be tapper, and that is that he would have some electronic fellow, a technician, make him up one.

Mr. HORTON. What you are saying in essence is that, because these things are so common and so easy to assemble, the right of privacy has almost gone by the boards?

Mr. BEANEY. Yes; except to the degree that, as I say, if we could induce our police, induce our State legislatures to take this as a very serious problem——

Mr. HORTON. Do you think it is a serious problem?

Mr. BEANEY. To check more closely on the people who conduct these businesses——

Mr. HORTON. Do you think it is a serious problem, and if you think it is a serious problem, do you think it is serious enough to have congressional action?

Mr. BEANEY. I think action is required. The form of action, I am not prepared to recommend at this point. That is, I think there is a great deal that can be done through State legislation immediately. I have more difficulty envisaging effective, effective congressional legislation.

Now if you make it a Federal offense to do interstate tapping and that sort of thing, this might help. That is, one thing about all legislation, this is a truism, you can't measure the value of it only in terms of the number of actual prosecutions that will take place. That is, when you put a law of this kind on the book, it does place a stamp of immorality on the action.

I think law is important, as an educative device. And so one might conclude that as part of an overall attempt to stress the seriousness of invasions of this kind, that one might try to have a Federal and State legislation, even recognizing that enforcement and conviction might be very difficult in the case of Federal law.

Mr. GALLAGHER. Doctor, would you prefer to finish an opening statement before we get to questions?

Mr. BEANEY. Just one other point, Mr. Chairman, I think that though much I have written on this deals with the constitutional aspects, that it would be very unfortunate if we were all to become overly preoccupied in spelling out the precise nature of the constitutional right with the possibility that because the courts might not agree with our theory of what the Constitution means, that therefore another 25 or 50 years would have to go by before there would be legal protection, that is, everything that is constitutional is not necessarily good policy.

I would think that, as Mr. Horton's comment and questions suggested, that legislation may be seriously needed to deal with several of these problems without any reference to the question of whether we are, by so doing, protecting a constitutional right which has now been spelled out in the reported decisions of the courts. That is, if it is good policy, it would seem to me that is the important thing, if it helps create the kind of society that we want, that is the important thing. If it is a practice that is controllable by the Congress, if it

doesn't interfere with some legitimate function of the Federal agency, then, controls, it seems to me, are highly desirable without working to get the precise definition of a constitutional right.

I am not minimizing what I said earlier. All I am saying is that I think so often in this country, we bog down in rather involved constitutional arguments which are important, I grant, as there are very central values associated with the Constitution, but I would not think that you always must say, we are doing this because there is a constitutional right we are protecting.

I think the effort to create the kind of a political system we want, the kind of society we want, should be the dominant aims and let the courts and the lawyers struggle over the precise terminology of the right, whether this or that is in it or not over time, because that is the way it will be done legally.

There is never going to be one right to privacy, which, for once and for all, is going to exist. It will be etched out by decisions over time, as people who are oppressed by some of these practices, work up a case and the courts are called upon to decide it. So that is all I care to say in a preliminary way.

Mr. GALLAGHER. Thank you very much, doctor. In relationship to your last statement, the court decisions that we have been discussing have been in the area of criminal investigation. The *Olmstead* case certainly would fall within that category of the fourth amendment situation but the Government inquiring into an employee's privacy and other areas, such as the questionnaire type of thing, the lie detector, this is a different area. This is one of the areas that this committee is concerned with.

What are your thoughts along this line?

Mr. BEANEY. It seemed to me an argument can be made that the first and fifth amendments would be the appropriate places to look with respect to a Federal employee in this position, that is, the argument that if freedom of expression is to have any meaning, it must mean that we can keep back some things we don't care to talk about. It is the reverse and converse of it, and it is also that liberty which is guaranteed in the fifth amendment.

If you accept my analysis, privacy, one's freedom to decide what part of one's life and thought will be shared, is a liberty guaranteed to Americans, and then I think the 5th amendment would apply and similarly, the 14th amendment would apply to state action.

Mr. GALLAGHER. You say protections to the individual, do you see any constitutional authority to require this type of information as a condition precedent to employment?

Mr. BEANEY. I know of nothing in the statutes that requires or provides for such questioning. It has been my impression that these practices have generally evolved from the efforts of personnel officers and others to try and insure that a high type, a security type, a reliable type of employee is recruited into the Federal service.

I did make the suggestion in my statement, that I think the spirit in which one should approach the conflicts which have arisen between privacy claims and the actions of agencies, is not to assume that those who have utilized these intrusive measures, are evil men, any more than Brandeis did. These are people who are trying to do a good job, maybe as zealously as possible in carrying out the public interest, as they define it, but in the process, as Brandeis indicated, they lose sight of other values.

I think it is the same type of activity that characterizes some of the intrusive action in colleges and universities. This is a society now in which everyone wants to ask more and more questions of everyone else and I am afraid that I am a member of an academic band, so-called social scientists, which has helped bring this about. That is in studying human behavior, if you are to get behind theory, you have to have some data, you want hard facts, and how you get those, is either by observing, the way individuals and groups act, or you ask them questions to see what they can tell you about the way they act, and their motivation and so on. I don't think that as a group, we have been guilty of the worst intrusive behavior, but there have been some instances where people, it seems to me, have shown bad judgment or really go too far because they want to know. They want the answer and they didn't think about the privacy aspect of what they were doing.

Mr. GALLAGHER. Looking down the road, where do you see these trends taking us and is there anything that Congress can do to discourage this, or anything that the President can do, by Presidential proclamation to these agencies?

Mr. BEANEY. If I may echo the thought that was expressed in the introductory statements, which were really excellent, it seemed to me, negated any need for me to come and tell you things you already know. That is, that the Federal Government is the great exemplar.

You won't get a private institution or private individuals to think there is anything wrong with intrusive behavior if they can point to one or more Federal agencies which indulge in the very same practices. The Federal Government can be the great teacher and so I think that if, on the basis of a careful study of practices in all the agencies, and I would like you to stress good things as well as those things that might seem rather negative, then it would seem to me in various ways, either the statutes which give the agency power can be amended to prevent this, or I suspect, in many instances, the agency officials will, on their own volition, say that it is perhaps an undesirable practice, the same way that the Postmaster General recently did, which I agree is a very heartwarming action on his part.

I think we need this kind of a careful inventory of the status of privacy claims and activities that impinge on privacy in the Federal Government, and that can serve as a model for State governments, for cities, and for private investigations of all kinds. It is very difficult for private persons to do this kind of investigation, wholly apart from the resources. There is no reason why governmental agencies should——

Mr. GALLAGHER. Mr. Cornish had questions he wanted to ask.

Mr. CORNISH. Dr. Beaney, I was quite interested in your comments on the social scientist, which prompts me to ask you this question. I gather that you feel by virtue of being a social scientist, this does not give any particular license to invade privacy. I will tell you why I ask that question. Frequently we find in checking with Federal agencies on these matters, that their defense is that they are conducting some sort of study of human behavior and because it is a purely scientific purpose, they somehow feel this exempts them from the charge they are invading individual privacy. I would like to get your thoughts on that.

Mr. BEANEY. I think this is a very dangerous line of reasoning to invoke the name of science for this kind of intrusive behavior. It is

no more justified than using the need to ascertain the truth could be justified in pretrial investigations in the criminal field where they can take a person and by using every device from torture to the most refined modern psychological techniques extract statements which can probably then be verified and then perhaps we will have the truth in a criminal case.

We had said there are certain values, there are important values, that should cause us to resist this tendency. I think that truth is an important value. Again, it is a value which must always be weighed against the search to achieve other ends and other values and I see no reason why the social scientist should be exempt from the requirements to behave decently toward his fellow man. Because we are men, we are not subjects and investigators.

Mr. GALLAGHER. Doctor, with your permission, and permission of the people gathered here, we would like to take a 10-minute break to go over and perform our duty.

(Recess.)

Mr. GALLAGHER. The subcommittee will come to order.

Doctor, we would like to resume at the point we left off. Did the doctor reply?

Mr. CORNISH. To that particular question, but I had another one I wanted to pose. That is, do you think people can become conditioned to invasion of privacy? Do you feel that if these invasions of privacy continue and multiply, that eventually the American people will become conditioned to this sort of thing and cease to protest? Do you have any thoughts on this at all?

Mr. BEANEY. I am afraid my thoughts are rather obvious ones. I think certainly, they can become conditioned to accepting various forms of invasionary practices, just as we condition children to take all kinds of tests today. My children and all other schoolchildren, it seems to me, are taking tests of all kinds, not just on subject matter, but various tests to permit comparison with other people their age, and to find out what frustrates them, apart from their parents and other matters that may be disturbing them, but they get used to them.

They come home and talk about some of these tests or go to school and look at them. Parents are a little disturbed because we didn't have these tests, but children take it for granted and it is all designed to help them develop into healthy, normal citizens, but there is no reason why the American people or any other people couldn't be, it seems to me, conditioned over a time. Because what I think is so really frightening about those whole range of matters that we have been discussing here, is that very few of them are terribly dramatic in themselves.

Now, if every so often, we have an incident of wiretapping, it makes the headlines, but this is a busy country, the papers are full of interesting news every day, and after a few days, this is forgotten. So much of tapping or electronic eavesdropping is never known, and obviously no one can react to something that isn't directly observed or cannot be directly observed and I think you can go down the line to show that efforts to investigate, to get data on individuals in various walks of life, are taken for granted. The census asks for questions and the census did, I take it 30 or 40 years ago, I am not saying that the questions are in any sense improper, but there are more of them. We become conditioned to it.

Mr. ROSENTHAL. I think if I might interrupt you and refer to page 2 when you say the term "privacy" sort of defies the definition, and then you say, "there is a coldness and antiseptic quality associated with the term that fails to convey its importance as an individual in social values."

I think that is quite good, and because of that acceptance by the public, because of their inability to feel the warmth and meaning of privacy, I feel that they have, as counsel suggested, begun to accept this sort of thing. It is not the kind of thing thay can put their fingers on, but they vaguely understand it.

Mr. BEANEY. I think we ought to recognize it is not a universally shared value and never will be, and there are many people who suffer from just the reverse of privacy. They don't have enough contacts with people, psychologists tell us, and with these people there should be less privacy and more human contacts and more warmth in their lives. It will vary with individuals, and with groups, but I think certainly, it is a very important value.

It is important to many people, not just to artists or creative people. It is important to all of us who have serious work to do, who regard the human being as something more than a number in the population total, and you don't have to bring in religious reasoning to justify this. It seems to me the humanists can make very persuasive argument, too. But I think it is difficult to interest many people in this topic if they have not personally suffered a loss of privacy and I find in speaking with many of my friends, who apparently don't do anything important enough to have their privacy invaded, that they frequently react initially as though this is a kind of sportive thing in our national life, something that happens to odd people, people having troubles with their marital problems, or people engaged in unusual activities and it is not something that affects the average, good citizen.

But I think already there is plenty of data to show that assumption isn't true. It is affecting more and more of us with every passing year.

Mr. ROSENTHAL. Mr. Horton?

Mr. HORTON. I am a little bit concerned, Doctor, as to where you would, as a constitutional lawyer, draw certain lines and have you thought through this so that you can give us any thoughts that you may have in this regard? Let's take on the one hand, the privacy and the right of persons to be private and recognize also, that when a person violates the law, or when there is a criminal investigation or this type of thing, that privacy has to be violated to the extent of investigation and that sort of thing.

I am not thinking now, I might say, about those who are applying for jobs with the Federal Government, but I am thinking about the mass of people who perhaps, as you pointed out, are not aware of these invasions.

Would you draw the line, as a constitutional lawyer? What do you think should be done to protect this right of privacy?

Mr. BEANEY. Well, as I sketched out very briefly in my initial remarks, I think you have to look at each facet of this problem. When you say draw the lines, you draw the lines by looking at specific situations or cases or types of situations.

For instance, the criminal justice problem is in many ways the area that is least favorable to privacy.

Mr. HORTON. Do you have any suggestions that the subcommittee might take under consideration for these various type of situations that I am sure you must have thought of?

Mr. BEANEY. I don't think I have been able to get one step further than Justice Brandeis did when he talked about every unjustifiable intrusion. That is, I think you can only get at the question of where law is needed by seeing what is being done in specific areas.

If it is phychological testing that seems to probe far beyond any questions that are rationally related to fitness for the job or employment, then I would argue, whether by Executive order or by legislation, amendment of the statutory authority of the agency, I would present that.

If it is a question of welfare investigators going to homes of recipients at odd hours in the middle of the night to detect violations, and this without any greater justification than occasionally they may catch someone there who shouldn't be there if the family is to be eligible, then I would hope through the welfare law, to limit that practice.

In other words, I see as building up a definition of the right by looking at the classes of activities in our society that are affected.

Mr. HORTON. Let me ask you this: if you have two people, one person is on welfare and one person is not on welfare, and let's take person A is on welfare, do you feel that person A gives up some of his rights to privacy as opposed to B?

Mr. BEANEY. Yes, he does give up some.

Mr. HORTON. When he takes welfare?

Mr. BEANEY. He gives up some. The question is how much does he give up? Obviously, or at least it would seem reasonable, that a government agency entrusted with expending public funds for the benefit of this person would have a right to certain information about him. The question is, how much do you need and in what form do you collect it.

Mr. HORTON. Do you feel this is an area that can be regulated by law or do you feel it couldn't be?

Mr. BEANEY. It can be.

Mr. HORTON. It can be?

Mr. BEANEY. It can be by law. It may take the form of Executive order. It may take in a city, such as New York or Chicago, an order of the agency head. The precise form of the law, it seems to me, is not so important, but these things can be controlled.

In many instances, there is no specific authorization for engaging in these practices. They have sprung up not because people were determined to invade privacy, because people have good intentions, and thought they were doing a good job in the public interest.

Mr. HORTON. Thank you.

Mr. GALLAGHER (presiding). Doctor, referring back to a question I asked you previously, as to whether or not you feel the President might take some action to declare a policy and set guidelines for executive agencies, would you care to comment on this?

Mr. BEANEY. I think this would be most welcome, because in the long run, what we would need in public life and private life is a certain attitude or set of attitudes toward other people and the proper way of defining relationships with other people.

That is, laws in themselves will never do the job fully. We know that. Any law expresses the thoughts of the generation when it is

enacted and hopefully it is consistent with the thoughts of generations to come, but the important thing would be the spirit and the attitude—of both governmental officials and nongovernmental actors of all kinds who face this problem, and it would seem to me that the President, with his tremendous capacity to capture the attention and the imagination of the American people, is the one person who could do so much to make all agencies aware of the problem and not just the governmental agencies, but I think would have some influence on the behavior of all of us in the private sectors because I am just as much worried about this area as I am about government.

That is, we might end up with situations in which government is very scrupulous in its dealings with employees, but in the rest of the society, individuals and groups are pushed around by employers and institutions of all kinds. We might then not be much farther ahead, because the typical citizen deals with other institutions more frequently than he does with government.

Mr. GALLAGHER. Then you feel the Federal Government has a very grave responsibility to set an example so that there could not be a pointing of a finger to the Government as a justification for invasion of privacy.

Mr. BEANEY. I think VA is of great importance.

Mr. GALLAGHER. One question. Up until now we have all had the tendency to view technology and the advancement of technology as the enemy of privacy. Do you see any hope that we can use this same technological advancement in order that it can be used to protect privacy?

Mr. BEANEY. One would certainly hope so and given the ingenuity of scientists and technicians, one would assume that if it is important enough, that we find countermeasures, it would be done.

Thus far, and I am not technically qualified here, I can't even fix a light plug, but I understand from hearing those who are competent discuss this, that there so far have been real difficulties in devising truly effective countermeasures such as devices that could be used on telephone lines which will inevitably detect a tap, because there are ways of tapping, or accomplishing the same purpose, which will not be revealed through these devices.

Of course, as we know with our embassies and other places where security is important, one way of checking is by dismantling your house, your rooms, and putting it back together. But this doesn't seem terribly feasible. I suspect, though, that so far the energies and the thoughts have gone in principally to the use of these measures for invasionary purposes and not for defense purposes.

I understand that people who suspect that perhaps they are subjected to close surveillance have, by substantial expenditures, managed frequently to discover the nature of the invasion and can do something about it.

I would put my weight, though, on policies which would—and laws which would—dissuade people in engaging in the practices. On the other hand, if we are to have enforcement, in one area in which Mr. Horton mentioned, these are very difficult areas in which to imagine substantial enforcement because of the very secretive nature under which they are carried on.

I don't think, for instance, that my home is tapped because nothing important goes on or is ever said there, but I have no way of knowing or that somebody has planted a bug under some article in my house.

We just assume that it doesn't take place, and one of my colleagues has raised a rather ironic thought, that the only people in the future who may really enjoy privacy are those who are doing absolutely nothing important.

Mr. GALLAGHER. The Chair certainly concurs with your thinking that we have a responsibility to lay down some guidelines. We do have another witness and there are some further questions from the subcommittee. It is with some reluctance that we excuse you, but we do thank you very much for coming here and making a significant contribution to these hearings.

Mr. BEANEY. Thank you for the privilege.

Mr. GALLAGHER. The Chair would like to call Lawrence Speiser, director of the Washington office of the American Civil Liberties Union. Would you raise your hand and be sworn?

(Whereupon, Lawrence Speiser was duly sworn.)

Mr. GALLAGHER. Mr. Speiser, we thank you very much for coming here today, and without further ado, we certainly are aware of the significant work you and your organization have been doing, and I would appreciate it if you would proceed.

TESTIMONY OF LAWRENCE SPEISER, DIRECTOR, WASHINGTON OFFICE, AMERICAN CIVIL LIBERTIES UNION

Mr. SPEISER. I have no written prepared statement, but I would like to discuss some specific matters that I think are of interest to the committee and which may provide some areas which the committee would like to explore.

Generally, the question of invasion of privacy by Government agencies fits into two major categories: First, is in law enforcement, and perhaps some rules may be developed there, and the second is in the noncriminal law field, such as Government employment, and the activities of other agencies that have some kind of administrative regulations and controls.

If is significant that the fourth amendment, which placed limitations on the Government in protecting the people from unreasonable searches and seizures, was phrased in terms limiting it only to law-enforcement activities. One might think where serious rights of society are to be protected, the Constitution would be more lenient, but that has not been the case.

The limitations that exist in the Bill of Rights do, indeed, make it more difficult for law-enforcement agencies to operate, which indicates that a balance has been struck. The balance was struck, however, it seems to me, when the Constitution was adopted.

How the balance is struck in a particular case is going to be determined by the facts of that case. But I think the balance was struck so that we do not have a society in which law-enforcement agencies can be, or are desired to be 100-percent efficient. In a free society it is not possible to catch all criminals and to convict all criminals. We have placed limitations on law-enforcement agencies which does restrict them in what they can accomplish.

For example, what if, every year, law-enforcement agencies were permitted to search every home unannounced just to see what they could find?

They would engage in nonbrutal conduct, but merely make exploratory searches of every home. I am sure they would find evidence

of crime, they would find criminals, they would be able to find fugitives they cannot now uncover. But this is a price that we are unwilling to pay and, therefore, there are people who have committed crimes that go unpunished, and there are people for whom there is perhaps probable cause to arrest for crimes, but we are unable to convict. The Bill of Rights accomplishes that, and it does not seem to me to be unfair a price in order to have a free society; i.e., a government of limited powers.

The right of privacy is a developing concept, and we still have very few cases which indicate the scope of it.

Dr. Beaney referred a number of times to Justice Brandeis, and I find the same kind of admiration for his thoughts and his words. I think that he was being most perceptive when he said this in one of his opinions, "The makers of our Constitution sought to protect Americans in their beliefs, thoughts and their emotions, and their sensations. They conferred as against the Government the right to be let alone the most comprehensive of the rights of man and the right most valued by civilized men."

However, this concept we are losing more and more because of the interaction in our society, and the Government, as Dr. Beaney suggested, sets a pattern.

For example, in the field of Government employment, there is a belief, which is often expressed that Government employment is not a right, it is a privilege. Once you accept that contention, then you accept the argument that because it is a privilege, any condition at all can be attached to it, such conditions as the kinds of tests that you take, the questions you have to answer, the kind of searching, the kind of investigation that you can be subjected to in order to have Government employment.

This concept that Government employment is a privilege and, therefore, the Government may do anything is nonsense. It just isn't true. It is not true, for example, that merely because Government employment is called a privilege, that the Government could bar individuals who attend mass, or those who are of a certain color, or that it can bar individuals from Government employment who have red hair, or some other features.

There must be some reasonable relationship between the kind of condition that is imposed on Government employment and the Government employment itself.

There has been awareness among some executives in the Government about invasions of privacy. A memorandum was issued by Under Secretary of Defense, Walter T. Skallerup, Jr., on November 26, 1962, on the subject of civil and private rights.

In it he set forth guidelines that should be used by security investigators and review boards. He warned them to stay away from certain areas that would constitute invasions of privacy of individuals.

He stated, for example in his memorandum:

> Inquiries which have no relevance to a security determination should not be made. Questions regarding personal and domestic affairs, financial matters, and the status of physical health fall in this category unless evidence clearly indicates a reasonable basis for believing there may be illegal or subversive activities, personal or immoral irresponsibility, or mental or emotional instability involved. The probing of a person's thoughts and beliefs and questions about his conduct, which have no security implications, are unwarranted.

He attached to this memorandum a list of questions which should not be asked of either a subject, or of another individual. For example, he included in the questions involving religious matters that should not be asked, such questions as: Do you believe in God? What is your religious preference, or affiliation? Are you anti-Semitic, anti-Catholic, or anti-Protestant? Are you an atheist? Do you believe in the doctrine of separation of church and state?

On racial matters, he set forth the following questions which should not be asked: What are your views on racial matters such as desegregation of public schools, hotels, eating places, et cetera? Are you a member of the NAACP? Do you entertain members of other races in your home? What are your views on intermarriage? Do you believe one race is superior to another?

He had prohibited questions on domestic matters, political matters, such as: On political matters: Do you consider yourself to be a liberal or a conservative? Are you registered to vote in primary elections? These questions were collected, I believe, because they were asked by security investigators, and even what is more horrendous is the fact that some of them are still being asked.

Since this was issued, I wrote to each of the Under Secretaries of the three services and asked for their regulations to determine whether their investigators were instructed not to ask these questions. In every case, I was refused the regulations on the grounds that they were internal management guides.

Some of the services indicated that there were no changes in the regulations because their regulations already covered questions of this kind. I do not believe this is the case.

Just recently, the Army published some regulations which seemed to cover this kind of ground, but certainly they were not as specific as this memorandum of Mr. Skallerup. Since this memorandum was issued, I have had three cases in which people have been interviewed, and have been asked questions that are listed as being barred.

In two of the cases, there were apologies and an admission the questions should not have been asked. In one case, there was a denial that the questions were asked. In no case has disciplinary action ever been taken against the investigator.

We come back again to one of the points Dr. Beaney was making that the individuals involved, who do invade privacy, are generally not being malevolent. They are just being overzealous.

Government executives are unwilling to discipline or to punish those employees who are under their jurisdiction—and who are merely being overzealous. What they are doing is what they conceive to be for the public good, but the fact that they are invading someone's privacy is not considered serious enough for the Government to take any kind of disciplinary action to show it really means what it says when it says, "Do not invade any individual's privacy."

Secondly, in this area, the Government, itself, sets a bad example. There is not this kind of regulation for all Government agencies. If it has been issued by the three services, it is not being rigorously applied.

The Civil Service Commission has the job of screening Government employees, prospective Government employees, and probationary Government employees for suitability for Government employment, and it has shown a complete insensitivity to the kinds of questions that should be asked and the kinds of questions that should not be asked.

For example, the Supreme Court determined in a case of *Cole* v. *Young*, that a security program which covered Government employees should be restricted in its coverage to sensitive agencies and sensitive jobs. Under the guise of determining "suitability," the same kinds of information that is collected and utilized in security investigations is also utilized by the Civil Service Commission and is applied against all Government employees.

Within the past year, I have had three cases brought to my attention involving three people who worked for nonsensitive agencies, or were applying for nonsensitive jobs.

Yet the Civil Service Commission conducted investigations and attempted to extract information that had absolutely nothing whatever to do with the kinds of jobs they were doing, or whether or not they were security risks. Furthermore, they couldn't have been security risks because they weren't in that kind of situation.

For example, interrogatories were sent to one person, alleging that in 1959 and 1960 she had served as the "contact" at Swarthmore College for the Young Socialist Club of Philadelphia.

It alleged that she was reportedly on the mailing list of the Philadelphia Socialist Workers Party in 1959, and had received an invitation to attend a forum sponsored by that branch to be held in 1959. This was an allegation in 1964 about events even if true referred to matters 6 years ago.

The person involved here had absolutely nothing to do with security, with sensitive materials, or with classified information. Why the Government is spending money in making investigations of this kind of Government employees to determine their suitability for Government employment, I fail to see. The effect is however, that when you have cases like this, it means that individuals in our society are going to restrain themselves in the kinds of things they do. Whether they are going to get into security or sensitive positions, or not, they are not going to explore ideas, they are not going to be intellectually curious, and they are going to restrain themselves, if there are investigations like this.

Another individual, a young woman, received information that in 1958 that she is alleged to have attended a gathering held at the residence of a certain person in New York at which there was a guest speaker.

The guest speaker was alleged to be a member of the Communist Party's national executive committee. It doesn't allege this person was a Communist, the one who received the interrogation. It does allege she reportedly organized a "progressive youth group," whatever that means.

I thought that we had gotten over this era that we called McCarthyism—but we haven't. We have institutionalized it.

There is no law on the statute books which authorizes the Civil Service Commission to utilize these criteria in this fashion. There is no Executive order which presently is in effect covering this. These are regulations of the Civil Service Commission which they have adopted themselves.

I have had extensive correspondence with the Chairman of the Civil Service Commission who justified the interrogatories and indicates that he feels the Commission is on a sound basis in continuing to do as it has been.

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Mr. GALLAGHER. Were they sent out by the Commission, itself?

Mr. SPEISER. Yes, they were.

Mr. HORTON. Another question. Would you explain the circumstances under which they were sent?

Mr. SPEISER. Yes, sir. For two of the cases, two were probationary Government employees, within a year after they started their job. They received the interrogatories during the period of time they were working. And they were asked to respond to it.

In the three cases, it is sort of interesting showing the lack of real necessity as far as the Government is concerned, one of the individuals answered all of the questions, and received a clearance, or in effect was found suitable. He was so disgusted by the whole business he left the Government. He had a doctorate in chemistry and wasn't working in a sensitive job, but he left the Government. We lost a good Government employee.

The second person answered the questions as to herself but refused to answer questions regarding members of her family. She likewise was found suitable, showing that the Commission didn't really have to ask the questions about the members of her family.

The third person refused to answer any of the questions. Hopefully, we thought we had a test case. But the Civil Service Commission said, "A year has gone by, so therefore we have lost jurisdiction, and, therefore, we are not ruling on the question as to whether she was suitable for Government employment or not." She was an applicant for Government employment and did not have a job at the time.

Mr. HORTON. Do you have a list of these questions?

Mr. SPEISER. I have the interrogatories that the individuals received, of the kinds of questions that were asked by the Civil Service Commission. In no case did the Commission make any allegation that the individual was a member or had been a member of the Communist Party himself, assuming that is a valid criterion for Government employment. But in none of the cases was that alleged in any of the interrogations. The invasion of privacy does not stop there, however. Even after the Civil Service Commission gets the responses back and says that the person is suitable for Government employment, it sends the entire file on to the employing agency. It doesn't stop within the Civil Service Commission.

There should be a single standard of suitability for Government employment, and yet the questionnaires and the information is sent on to the employing agency. What controls are in the employing agencies as to the kinds of information, the interrogatories and the answers and who gets to see them in the employing agency varies. There is no standard of overall Government control. And that information could very easily be circulated depending on the Government agency.

There is a question on the form 57 that is asked of all prospective Government employees—not a question of about whether you have been convicted of a crime—but this question—question 37: "Have you ever been arrested, taken into custody, held for investigation or questioning, or charged by any law enforcement authority?" There is an exemption for any traffic violations for which you paid a fine of $30 or less, or anything that happened before your 16th birthday. If a law enforcement officer acted improperly, made a false arrest,

and picked someone up and then discharged him, no criminal charge ever having been filed, he is bound to disclose this information to the Government, even though the law enforcement agency was at fault. If he fails to, he can be discharged for filing a fraudulent form 57, plus being subjected to criminal penalties.

As you are probably aware, throughout the South, and in the North as well, there are a lot of people who are involved in civil rights demonstrations who are arrested, and in many cases arrested improperly. In many cases, no criminal charge is even filed, and yet they have to disclose this kind of information. There may be no judicial determination about the validity of the arrest, or whether probable cause existed or whether the law enforcement officer acted properly, and yet the individual must answer that kind of question on the form 57.

Another question which seems to be even worse is the one found on the application to file petition for naturalization, form N–400, which must be answered by all persons applying for naturalization. It is the following: "Have you ever in the United States or in any other place knowingly committed any crime or broken any law for which you have not been arrested?" This would require people who had lived in Nazi Germany, for example, or the Soviet Union, to disclose violations of laws for which they had never even been charged by any government agency, even in such totalitarian countries, including violation of the old Nazi racial laws.

Going to a slightly different area now covered by one of the questions in your letter, Mr. Chairman, on the confidentiality of income tax returns, they are not really very confidential. Executive agencies can get them almost at will. They include such assorted agencies as the Civil Service Commission, the Federal Trade Commission, HEW, Housing and Home Finance Agency, the Interstate Commerce Commission, Labor Department, Securities and Exchange Commission, Small Business Administration, Social Security Administration, and Tennessee Valley Authority.

Last year I collected a number of Executive orders which had been issued by the President at the request of congressional committees, asking for permission to see income, excess profits, or State and gift tax returns.

On the Senate side, for example, the Senate Committee on Government Operations, on February 4, 1963, and there probably was one for this year, obtained permission to view any income, excess profits or State or gift taxes for the years 1947 through 1963.

The Senate Committee on Foreign Relations was granted similar authority for the years 1950 to 1962.

The Senate Committee on Rules and Administration was given similar authority for the years 1959 to 1963.

The House Committee on Un-American Activities was given similar authority for the years 1947 to 1963.

The House Committee on Public Works was given similar authority to inspect returns 1956 to 1963.

The House Committee on Government Operations was given authority to inspect similar returns for the years 1947 to 1963.

No explanation was given as to why this committee or any other committees needed it, but they apparently could get the authority to see all of these returns of anyone they asked for.

On the question of mail covers, I know that the committee is interested in it, I have no new information to add to it. I know that——

Mr. GALLAGHER. Mr. Speiser, in reply to your comment on income tax returns and one which I am not quite sure I am in agreement with, in reference to the House Committee on Government Operations, it takes full committee approval of a resolution on each individual case in order to have such permission to review such reports. I thought you might like that for the record. It is not a very easy thing to get. However, I agree, it is potentially a very dangerous thing.

Mr. SPEISER. I think that does have some measure of control. I fail to see, however, why the wide range of years is necessary as requested for all of these committees. I can't see any justification for asking for income tax returns back to 1947, for example.

There was a certain degree of notoriety concerning the inspection of trash here in the District of Columbia, and a complaint was made by the local affiliate of the American Civil Liberties Union, the National Capital Civil Liberties Union. The trash of a wife of an attorney was being segregated. Apparently the practice has ended, although we are not quite sure, because the response that was received from General Duke, who is on the Board of Commissioners, was that the city department never has engaged in trash snooping, and furthermore, it wasn't going to do it any more in the future.

Mr. GALLAGHER. Is that in response to my letter?

Mr. SPEISER. Yes; that is correct.

Mr. GALLAGHER. It was rather ambiguous.

Mr. SPEISER. On the question of peepholes, we have urged that the use of peepholes for surveillance of public restrooms be ended as invasion of privacy, that there are other ways of policing. Apparently it is considered a vital police function to seek out homosexuals. Whether the police have discontinued the practice at the present time is unknown.

One of the ways in which Government agencies feel that they can invade privacy has been the development of a wide range of regulations. For example, although a search warrant supposedly is required for criminal prosecution to search a home, we have health inspectors, and this has been upheld by the Supreme Court, unfortunately, as well as housing inspectors, who can go into homes without probable cause and without, perhaps, advance notice.

I think that the problem is the Government here is setting patterns for the rest of society. With wiretapping, for example, the Government treats wiretapping, I think, rather flippantly, although we have on the books a law which, I believe along with others, prohibits wiretapping, the Department of Justice, and the Attorney General, has interpreted this only to prohibit intercepting and divulging, which they interpret to mean divulging outside of the Government agency.

The fact of the matter is that wiretapping is done by law enforcement agencies throughout the country. Never are there any prosecutions for tapping for violating section 605 of the Federal Communications Act of law enforcement officers unless they do it not for law enforcement purposes, but for private gain. That is the only time the Government gets excited about invasions of privacy. When individuals engage in invasions of privacy and the justification

is that they are merely doing their job, whether it is a search without a warrant, whether it is wiretapping, as long as it is in pursuit of their job to try to catch criminals, nothing is ever done either by the agency for which they are employed in the form of disciplinary action or by any agency as far as criminal prosecution. This is one reason, for example, but certainly not the only one, that we have opposed the proposed wiretapping bill of the administration, which has been introduced the past couple of sessions. The advantage that the administration suggests is that it will then stop all unlawful tapping, and it will vigorously prosecute anyone who taps outside the law. But the whole pattern of the U.S. Department of Justice or any law enforcement agency is that they never prosecute individuals who are in law enforcement agencies for nonbrutal activities which they commit in the pursuit of law enforcement purposes. Until that occurs, then it seems to me that police officers are going to continue to search homes without warrants. The most that happens then is that the cases are tossed out of court, and we are throwing more and more of a burden on the courts. But the police continue to do it. They continue to violate their own rules of their departments, they continue to violate the penal laws because they know they can do it with impunity. The worst that happens is that a case is lost, and until we have some kind of Executive order, or perhaps an expansion of the Civil Rights Act with some clear legislative intent, that that act be enforced for invasions of privacy, then perhaps the kind of legislative oversight that this committee is considering and I hope will do, we are not going to have Government agencies concerned with and observing the values that we have, which I think are necessary for a free society including protecting the right of privacy.

Thank you.

Mr. GALLAGHER. Thank you very much, Mr. Speiser, for your very meaningful remarks.

The Chair would appreciate it if you would submit the type of questions that you mentioned in your testimony. If you will make those a part of the record, we would like to have them.

Mr. SPEISER. Because of the rules of your committee, I would prefer to cut out references to specific names and any identifying remarks, but I will submit the questions that were submitted by the Civil Service Commission to prospective Government employees, plus a copy of the Walter T. Skallerup memorandum.

Mr. GALLAGHER. We would like to have both of those.

Mr. Horton?

Mr. HORTON. I just wanted to ask about that memorandum. You left out some questions, that you said had to do with personal——

Mr. SPEISER. I would be glad to read them.

Mr. HORTON. Are you going to submit it?

Mr. SPEISER. There are only a few. Let me read those questions.

Mr. HORTON. These are the type of questions you say were being asked, but this memorandum apparently eliminated but you contend are still being asked?

Mr. SPEISER. That is correct, or at least I have had cases which have arisen since then, which indicate they are still being asked and when complaints have been made no disciplinary action was taken against the investigators who asked the kinds of questions.

The personal domestic matters questions are:

How much income tax do you pay?
What is the source and size of your income?
What is your net worth?
What contributions do you make to political, charitable, religious, or civic organizations?
Describe any physical ailments or diseases you may have.
Do you have any serious marital or domestic problems?
Are you, or have you been, a member of a trade union?
Is there anything in your past life that you would not want your wife to know?

Incidentally, on that last question, I have a security case right now under the industrial security program, in which a nongovernmental employee, who is required to have access to classified information, was asked that kind of question by two investigators, who interrogated her over a 6-hour period, after discouraging her from having counsel with her.

Mr. HORTON. Thank you, Mr. Chairman.

Mr. GALLAGHER. Mr. Rosenthal?

Mr. ROSENTHAL. I have just one question.

Mr. Speiser, with regard to the things that you find offensive, that the Government has been participating in, have you found any change in Government activity or climate over the last 4 years? In other words, has this type of activity increased, decreased, or remained static?

Mr. SPEISER. I don't know. If you had asked me last July, whether I thought that they had decreased, I would have said, "Yes." And then I go to these three Civil Service Commission cases in a row. I have a feeling that all of this is institutionalized, that perhaps as Dr. Beaney said, we have become calloused about it, and individuals aren't inclined to protest. I think you have a number of problems in determining invasion of privacy. One is the fact that they occur, and in many cases, for example, the individuals don't know that their privacy is invaded.

Secondly, there has been this belief that the Government can ask either Government employees or applicants a wide range of things, from questions, to tests, and that individuals accept this as being the part of Government employment because of the myth that it is a privilege, not a right also, I think, that most people are not inclined to make a fuss. They are starting a new career going to work for the Government, they feel, perhaps, if they do make a fuss, they might jeopardize their future careers, their advancement, and so they are inclined to go along with it.

I think the problem is not so much that the individual should have to make a protest, I think the focus should be that the Government shouldn't be engaged in that activity, and shouldn't be asking the questions.

Mr. GALLAGHER. You agree with Dr. Beaney and some of the earlier committee statements, that the Federal Government has a very grave responsibility to set standards of conduct and responsibility in this area?

Mr. SPEISER. I agree wholeheartedly.

Mr. GALLAGHER. Mr. Speiser, we thank you very much, and do hope that we can call you at some future date.

Mr. SPEISER. I hope to be of whatever service I can to the committee. I think that this is an excellent endeavor and I wish you luck in proceeding with it.

Mr. GALLAGHER. Thank you very much.

The subcommittee will stand adjourned until 11 a.m. tomorrow morning, when our first witness will be John Macy, the Chairman of the Civil Service Commission.

(Whereupon, at 4:30 p.m., the subcommittee was recessed, to reconvene at 11 a.m., Thursday, June 3, 1965.)

SPECIAL INQUIRY ON INVASION OF PRIVACY

THURSDAY, JUNE 3, 1965

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE ON INVASION OF PRIVACY
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C.

The subcommittee met, pursuant to recess, at 11:05 a.m., in room 2203, Rayburn Office Building, Hon. Cornelius E. Gallagher (chairman) presiding.

Present: Representatives Cornelius E. Gallagher, Benjamin S. Rosenthal, Frank J. Horton, and Henry S. Reuss.

Also present: Norman G. Cornish, chief of special inquiry; Miles Q. Romney, associate general counsel, Committee on Government Operations; James A. Lanigan, general counsel, Committee on Government Operations; and Raymond T. Collins, minority professional staff.

Mr. GALLAGHER. The special inquiry will come to order.

The Chair would like to welcome a member of the Government Operations Committee, Mr. Reuss, who has done considerable work in this field and has taken a great interest, and the Chair would like to make him part of this hearing and hopes that he will participate in any way he wishes.

Mr. REUSS. Thank you very much, Mr. Chairman. I do appreciate it.

Mr. GALLAGHER. This hearing is a continuation of a special inquiry under the House Committee on Government Operations into the subject of invasion of privacy as it is related to the efficiency and economy of certain Federal investigative and data-gathering activities. Today and Friday we will take a look at the use of psychological questionnaires or personality tests on Federal employees and job applicants.

Tests of this kind are used by a number of Federal agencies allegedly to pinpoint persons with existing or potential psychological problems. The stated objective in the giving of most of these tests is to protect the Federal service from persons who might not be suited for certain types of jobs. This is a commendable objective and certainly no one in Congress has any quarrel with it.

However, individual rights must also be balanced against Government responsibilities and, unfortunately, many of these tests constitute what is, in my opinion, a serious invasion of the right to privacy, particularly in the circumstances in which they are given. Many Federal workers and job applicants are subjected to extensive tests on their sex lives, family situations, religious views, personal habits, childhood happenings, and other matters normally regarded as only the private business of individuals.

This special inquiry has invited the distinguished Chairman of the U.S. Civil Service Commission, Mr. John W. Macy, Jr., to the hearing

this morning to discuss his agency's position with respect to the appraisal of personal characteristics in the selection of Federal employees under the merit system. I shall insert that letter at this point in the record:

MAY 24, 1965.

Hon. JOHN W. MACY, JR.,
Chairman, U.S. Civil Service Commission,
Washington, D.C.

DEAR MR. MACY: The House Committee on Government Operations is conducting an investigation of matters related to the invasion of privacy by Federal agencies. Hearings are scheduled to begin June 1, 1965. I have been designated as chairman of this special inquiry.

One of the matters under current investigation is the use of psychological questionnaires and personality tests on Federal employees and job applicants.

It is my understanding that the Commission has tried to discourage Federal agencies from using such tests in personnel selection and promotion because of their unreliability and the fact they almost always contain questions which constitute a gross invasion of privacy into the lives of Federal employees and job applicants. The Commission deserves great commendation for its position.

I have been hopeful that the Commission also would come up with a firm written policy against such tests. In any case, I think the public record should show clearly just what the position of the Commission is in this matter.

In line with this, I would like to invite you to testify before our special inquiry at 10 a.m., Thursday, June 3, 1965.

Your staff may communicate with Mr. Norman G. Cornish, chief of special inquiry, room 2157, Rayburn Office Building, telephone Government code 180, extensions 4050 or 5050, concerning any additional details relating to the hearing. It would be appreciated if 50 copies of the prepared testimony could be made available for the subcommittee by June 2, 1965.

I am enclosing a copy of a statement which appeared in the Congressional Record of Monday, May 17, 1965, which I thought might be of interest to you.

With kind regards.

Sincerely yours,

CORNELIUS E. GALLAGHER,
Chairman, Special Subcommittee on Invasion of Privacy.

We are particularly happy to have you here, Mr. Macy. In my view, the statement you are about to present is of major importance. So on behalf of the subcommittee, we welcome you here this morning.

Mr. MACY. Thank you very much, Mr. Chairman.

(Whereupon, Mr. John W. Macy, Jr., was duly sworn.)

Mr. GALLAGHER. Would you please proceed, Mr. Macy.

TESTIMONY OF JOHN W. MACY, JR., CHAIRMAN, U.S. CIVIL SERVICE COMMISSION

Mr. MACY. Mr. Chairman, members of the committee, I appreciate very much this opportunity to participate in your proceedings. You are engaged in a review of a very important area of interest to the Civil Service Commission. I have a statement that I would like to read, if I may, and then I would be happy to answer any questions that you and members of the committee may have.

Mr. GALLAGHER. Please proceed.

Mr. MACY. For positions filled under the provisions of the Civil Service Act, the Commission has a number of responsibilities in which psychological testing may be involved. These include:

(1) Developing selection methods and procedures for hiring new employees.

(2) Establishing the standards and guidelines applied by agencies in promoting and reassigning employees.

(3) Setting the standards and policies governing medical examinations for fitness for duty and subsequent actions leading to separation, reassignment, or disability retirement.

First, with respect to the hiring process, the Commission prepares and issues the job standards and testing methods that are used. It has been the Commission's longstanding policy and practice to follow closely the requirement of the basic Civil Service Act of 1883 that "examinations for testing the fitness of applicants for public service shall be practical in their character and so far as may be shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the service into which they seek to be appointed."

May I say as an insertion, Mr. Chairman, I believe the congressional draftsmen, 82 years ago, were very sound in their approach in calling for examinations that were practical and were job oriented.

The competitive examining program directed by the Commission makes use of various methods for determining the relative fitness of applicants, such as: evaluations of experience and training from information submitted by the applicant; written and performance tests of skills, aptitudes and abilities; interviews; reference checks; and qualifications investigations.

The decision as to which devices to use is based on whether the method is practical, whether it is suitable for the purpose intended, and whether it is acceptable from a public relations standpoint.

Furthermore, we direct that measurement devices do not call for information concerning the political, racial, or religious opinions or affiliations of any persons, or cover knowledge gained only through such affiliations.

Over the years a variety of psychological tests have been developed which meet these standards. These are tests which measure the applicant's specific job knowledge or his aptitudes to learn to perform the duties of an occupation and to pursue a successful career.

I assume that your special inquiry is not concerned with this category of psychological tests. Rather, I understand your area of interest to be those tests and questionnaires which ask the applicant to reveal personal information, such as his feelings, his likes and dislikes, his personal and social habits, and the like.

Incidentally, I see no basic distinction between "questionnaires" and "tests"; I use the term "test" to cover the variety of so-called personality traits such as the applicant's behavior toward other people in terms of, for example, aggressiveness or anxiety. They generally yield scores which seek to show the degree to which the applicant has or exhibits such traits.

Personality tests of the type in question fail to satisfy merit system precepts for employment on a number of grounds:

(1) They were developed for clinical use, and are not designed to measure the specific characteristics needed by persons working in particular occupations.

(2) These tests are subject to distortion, either purposefully or otherwise. Therefore, the scores are undependable as a basis for employment decisions.

(3) The scores on such tests can easily be grossly misinterpreted and misapplied by persons who are not qualified psychiatrists or psychologists trained to interpret such test results in the light of their total study of the individual.

(4) In view of the character of the questions asked, if the results of personality tests are used for employment purposes, the individual's right to privacy is seriously jeopardized.

For these reasons, Mr. Chairman, the Commission has not used or permitted use of personality tests in hiring civil service employees. I have issued a restatement of this policy to agencies to reaffirm and strengthen this longstanding position. Copies of this policy restatement and of the reasons which support such a policy are being submitted to your special inquiry. In brief, this policy provides as follows:

The Commission does not itself use and prohibits agencies from using personality tests as such in any personnel action affecting employees or positions in the competitive service. This does not, of course, relate to the proper use of such tests by a qualified psychiatrist or psychologist when, in his professional judgment, they would assist in his total study of an individual in connection with medical determinations for employment or fitness for duty.

You will note that this statement goes beyond the use of tests in employment and covers all personnel decisions affecting Government employees. We are also making clear to agencies that this policy applies to positions which are subject to the Civil Service Act but have been excepted from competitive examination procedures by action of the Commission. It is of particular significance, I believe, that our policy does not interfere with the use of psychological tools when they are needed in medical evaluations of applicants or employees.

I want to reaffirm, Mr. Chairman, my strong conviction that we must maintain and improve the method for evaluating the physical and mental health of applicants. Through such a program we are better able to keep out of the Government work force persons with demonstrable emotional or behavior disorders that would, in the judgment of competent medical specialists, create a hazard both to the Government and to the employee.

For example, we should not appoint to an air traffic controller position a person about whom there is reasonable doubt as to whether he can stand up to the pressure of that work. As another example, we should try to make sure that we do not hire as ward attendants in our medical institutions persons who are hostile or sadistic and would be harmful to our patients.

There are very few positions for which psychiatric evaluation is a regular part of the medical examination. However, in these instances, the best way to identify persons with behavior or emotional problems is through the psychiatric phase of the medical evaluation.

Our proper concern, therefore, is to insure that when such evaluations are required, they be conducted by fully qualified specialists and with full consideration of the rights of the individual as well as of the needs of the Federal service. The specific diagnostic methods used in such examinations are properly determined by the medical specialist.

Let me turn now from hiring practices to reassignment and promotion decisions. The reassignment and promotion of employees in competitive positions is carried out by agencies under the guidelines provided by the Commission. Agency promotion programs are regularly subject to inspection by the Commission. Insofar as I am aware, there have been no incidents reported through our inspection program of the use of personality tests in the merit promotion program.

Finally, as to medical examinations for fitness for duty, these are conducted by the agencies. As a result of such examinations, agencies may reassign employees, or they may retain them in their present positions, or they may file applications for disability retirement on behalf of the employee. Our stated policy here is that agencies should make every effort to reassign or retrain an employee who, because of his physical or mental condition, can no longer do his work efficiently and safely.

Disability retirement is approved only when evidence shows that the employee has a disease or injury which prevents him from performing his job in a useful and efficient manner and without danger to himself or others. Any reasonable doubt is to be resolved in favor of the employee. Almost all claims involving emotional illness include psychiatric examination. Psychological testing is also used, but always as an adjunct to, and never independent of, examination by a psychiatrist.

In conclusion, Mr. Chairman, let me point out that our policy is intended to prohibit general use of personality tests as they are presently designed. I am convinced that we must find more practical and acceptable ways of measuring those personal qualities which are so critical to job performance. Thus, our staff will keep alert to research findings, and will, as the opportunity arises, try out new methods that may meet the special demands of the merit system.

Mr. Chairman, I also have an additional statement, which it has been suggested by Mr. Cornish, the committee might also wish to have. With your permission, I will read that into the record as well, or would you prefer to question me on my statement first?

Mr. GALLAGHER. Mr. Chairman, I would like to congratulate you on your statement. However, since this is the first public announcement of this policy, we would appreciate very much, if you could read the justification of that policy.

Mr. MACY. This statement is entitled "The Appraisal of Personal Characteristics in the Selection of Federal Employees Under the Merit System."

I. MERIT SYSTEM EXAMINING METHODS

A. The qualifications of applicants (other than physical abilities and suitability) that are important to examine in filling Federal positions fall into four broad areas:

(1) Basic aptitudes and abilities to learn the duties of the position.

(2) Specific knowledge.

(3) Specific skills and abilities.

(4) Personal characteristics.

B. Any examining method for merit system use must be considered in terms of whether—

(1) It provides information about the candidate which is necessary and useful in reaching a conclusion that he will be successful in the particular occupation;

(2) The information provided is stable and dependable; that is to say, the information is as free as can be from distortion due to bias (intentional or otherwise) on the part of the applicant or the persons using the results, and free of other factors that are unrelated to the qualifications being measured;

(3) It is practical to administer;
(4) It is recognized by applicants as fair and reasonably related to job duties;
(5) It is free of questions concerning the political, social, racial, or religious opinions or affiliations of applicants, and does not cover knowledge gained only through such affiliations, and
(6) It safeguards the applicant against unwarranted invasion of his privacy.

II. APPRAISING PERSONAL CHARACTERISTICS

For each of the first three kinds of qualifications requirements, listed in I–A, above, over the years a variety of tests and other appraisal methods have been developed which have met these criteria adequately and have, in fact, proved useful in selecting the best qualified applicants.

Beyond these traditional areas, however, it is generally recognized that the performance of employees is, to a significant degree, related to a wide variety of personal characteristics which are commonly called personality traits, motivations, attitudes, interests and temperaments.

A. General methods of personality testing

In the effort to evaluate these characteristics, two general types of examining methods have been developed.

The first is based on observation of the applicant in real life situations or in miniature situations that reflect the job. These observations are obtained through a variety of techniques such as interviews, reference checks, ratings, situational performance tests, and review of past records of job performance.

The second major type comprises those methods generally called personality tests. In these tests, the applicant is presented with various materials—pictures, questions, words—and from his responses interpretations are made as to his personality traits and behavior patterns.

One group of such tests, the projective tests based on pictures, ink blots, et cetera, are recognized as purely clinical instruments and as clearly unadaptable to use in the Federal employment system.

The largest group of personality tests are those which are paper and pencil questionnaires or inventories. In these, a number of questions are assembled into a form on which the applicant tells about his opinions, his likes and dislikes, his values, his interests, his personal and social habits, his feelings, et cetera.

These tests are generally constructed by preparing a large group of questions presumed to measure a particular personality trait, then giving these questions to people, some of whom are thought to have this trait to a high degree and others to a low degree. Then the questions which are answered in one way by the high group and in a different way by the low group are considered to be useful in measuring the personality trait.

When, in this way, a number of items have been found which measure the same trait, these items become a test or scale for this trait. The average scores on such a scale may be found for various groups of people to provide a framework to which the score for a particular individual can then be related.

In this procedure, the usefulness of the test questions rests on the fact that they do, in fact, differentiate between groups who are presumed to have different degrees of the trait in question. The finding that such questions do distinguish between groups does not tell whether they do, in fact, reveal the basic personality trait under study.

All methods now available for evaluating personal characteristics suffer from inadequate information about the specific requirements of jobs, and inadequate measurement tools. There are, however, two major differences between the observational methods and the paper and pencil personality inventories.

(1) Generally, the observation methods can be designed to get at the kinds of behavior which the job is believed to demand, rather than to yield conclusions about poorly defined broad traits;

(2) The observation methods generally do not require or lend themselves to numerical scores to which trait names are easily attached. In contrast, the inventories do yield scores reported in trait terms, for example, sociability, submissiveness, hypochondriasis, et cetera.

Such scores are difficult to interpret even by properly trained professional persons. When recorded in personnel records, they become readily accessible to many persons who will read into the scores much that is not there, and may use them, unwittingly or otherwise, to justify personnel decisions.

B. Problems in using personality tests

There are a number of serious problems in the use of such paper and pencil personality tests in the Federal merit system:

(1) If the questions in such a test are to be useful, they must be based on knowledge by the employer as to the specific kinds of behavior, interests, and other personal characteristics that are required in the position to be filled.

Furthermore, the test questions must necessarily reflect the standards and values of management and the kind of behavior it expects of its employees in the work situation. For the most part, such information has not been developed in the kind of detail and specific language in which job requirements, such as aptitudes and skills, can be expressed.

For any organization to develop such information would require a continuing long-range research effort. In the absence of such an effort, it is unwarranted to assume that the answers by applicants to questions on such published tests are, in fact, related to the requirements of the job.

(2) The available personality inventories have been developed for clinical and counseling situations in which the cooperation of the applicant and a high degree of honesty can be assumed. The use and interpretation of such tests is a professional responsibility. The trained clinician can evaluate the test scores and the responses to individual test questions as a proper part of his total study of the person, of his culture, and of the circumstances surrounding the use of the tests.

However, when nonprofessionally trained persons simply administer these tests, compute overall scores, and then use the scores to label the applicant on such general traits as sociability, creativeness, and so on, the safeguards and professional standards of the clinical situation are violated. In employment use, particularly, the test becomes

a threatening and competitive device which the applicant (consciously or otherwise) is likely to distort in his favor.

As a result, there is even more danger if nonprofessionally trained persons use these test scores to make inferences about the personality and behavior of the applicant and his probable job adjustment.

(3) Research studies of the use of scores on such tests in the prediction of job success show that they have only a very limited value, even in making group predictions. For individual prediction, tests must be much more precise than for group prediction. The available tests are simply not adequate for individual prediction of job performance.

(4) In the competitive situation these tests can be readily distorted. Applicants can either recognize what the acceptable answers are or can be taught to recognize them. Thus, the results are undependable.

(5) Existing tests are not limited to information which management needs to know in order to make sound personnel judgments. Many questions included in such tests have no relevance for employment purposes.

(6) The use of scores by untrained people leads to unwarranted conclusions about scores which may be different from the norm. There is no evidence that persons who have atypical scores on such tests are necessarily poor risks from a vocational standpoint.

To eliminate all applicants who do not happen to fall at the average on such tests might well be unwisely to reject many persons who could contribute materially to the organization. Certainly, some deviations in behavior are unacceptable, for example, chronic alcoholism, frequent emotional instability, et cetera, which clearly would affect the employees' dependability and ability to do the work for which he is paid.

It is usually possible for the employer to find out about such problems from the applicant's past history. Personality tests are not needed to uncover them.

Beyond these deviations, however, there is relatively very little known about what kinds of behavior are acceptable or unacceptable in particular job situations.

(7) In the nature of personnel management processes and records maintenance, it is almost impossible to safeguard the privacy of the testing material and thus the privacy of the individual.

Many questions included in personality tests call for information which the employer does not need in order to reach sound personnel decisions. To require the applicant to take a test of this sort is to confront him with the dilemma of revealing personal information which he may not wish to reveal and whose purpose he cannot see, or of risking loss of the employment opportunity. If the information is, in fact, not essential to the personnel decision, then clearly the privacy of the applicant would be violated.

Although the test scores, answer sheets, and related information should be kept confidential, it is quite likely that the information will be seen and used by many people for purposes for which the material is totally irrelevant, and perhaps damaging.

III. POLICY STATEMENT

For the above reasons, the Commission's policy with respect to use of personality tests is as follows:

Use of personality tests prohibited

Available personality tests, questionnaires, inventories, and related methods that seek to appraise personal characteristics have not generally been designed for occupational placement. They are appropriately used by professional persons for clinical diagnostic and counseling purposes.

For this reason and because results of such tests are subject to various kinds of misinterpretation, the Commission does not itself use and prohibits agencies from using personality tests as such in any personnel action affecting employees or positions in the competitive service.

This does not, of course, relate to the proper use of such tests by a qualified psychiatrist or psychologist when, in his professional judgment, they would assist in his total study of an individual in connection with medical determinations for employment or fitness for duty.

The above policy restricts the use of current personality test methods intended to gage personal characteristics. The Commission will consider proposals for the use of a particular personality test only when it has been shown by systematic research to have a direct value in making personnel decisions.

As distinguished from tests of personal characteristics, psychological tests measuring qualifications, such as knowledge and aptitudes, are appropriate and useful for job placement purposes.

For further background information as to the reasons for this policy, see the discussion of personality tests in appendix A to part II, Handbook X–118. This is now being revised and elaborated to provide a more complete review of the nature, proper uses, and limitations of personality tests.

This is the statement, Mr. Chairman, that has been released to the personnel officers of the Government in the past week.

The additional work that I referred to in the final paragraph is underway and will be incorporated as a part of the guidance material provided by the Civil Service Commission to all of those who make personnel decisions throughout the Federal Service.

Let me say again, thank you for the opportunity to be here with you, to present to you these facts and opinions. I hope they will be useful to you and your committee in the important work you are doing.

I would be happy to answer any questions you may have as a result of my statement.

Mr. GALLAGHER. Thank you very much, Mr. Chairman. The Chair would like to congratulate you for your very profound statement of policy. I think that everyone in our civil service owes you a debt of gratitude for this statement. I believe that the rippling effect of your statement will be extremely meaningful to anyone in this country who has to work for a living or has a desire to serve in the Government of the United States.

We do have some questions and before we get to them, I would like you to clarify one thing. I gather you are not referring to any exception permitting mass testing merely because psychologists are utilized?

Mr. MACY. Let me be specific. Psychologists are used in the design of the tests which I referred to as the means of measuring the potential of the individual to perform a kind of work that the Government has to offer.

The professional label is psychometrician. This is the profession that the Commission uses in designing tests that measure relative ability to perform the work. This is the basic professional core of our staff for this purpose.

The reference to the use of personality tests in conjunction with a medical review was only in connection with the necessity for a medical appraisal of the individual either because of the specific nature of the job and its demands, or because the individual appeared to have need for such an appraisal as far as his or her future is concerned.

So, in answer to your question, specifically, this is not used on a mass basis. This is a highly individualized application of this technique as an inherent part of an overall medical appraisal made by a physician who may, if he wishes use a clinical psychologist as a consultant.

Mr. GALLAGHER. This is basically a clinical situation.

Mr. MACY. Exclusively a clinical situation.

Mr. GALLAGHER. The privacy of the individual remains as part of the doctor-patient relationship?

Mr. MACY. It is the same type of relationship that would exist between a doctor and his patient.

Mr. GALLAGHER. You have touched just about every base of our concern. The question of these tests and evaluations resting in a personnel folder, which is passed throughout Government, and thereby placing the employee in jeopardy, has been one of the great concerns of this body.

Mr. MACY. I might add on that particular point, Mr. Chairman, that even the test instruments that are used for the measurement of relative ability are not a part of the individual's personnel file. They are maintained either by the Civil Service Commission or by one of the boards of examiners that conducts the examining, so that even those results are not a part of the continuing personnel record of the individual.

Mr. GALLAGHER. Thank you, Mr. Macy.

Mr. Rosenthal?

Mr. ROSENTHAL. Thank you, Mr. Chairman.

Mr. Macy, I want to join with the chairman in complimenting you on what I consider rather progressive, forthright views on this subject.

What I am concerned about is how these views are being implemented in the agencies and when have they started to follow your line of thinking.

Mr. MACY. To my knowledge, Mr. Rosenthal, all of the agencies that are under the competitive civil service have followed the policy that I have enunciated.

The policy in the past has been one of discouraging the use of these tests. The restatement is one of strengthening that position by prohibiting their use, and the work of this committee has called this particular condition to our attention.

However, we have a regular inspection program of the examining process and in reviewing our inspection reports, I have not found any evidence of use of personality tests by the agencies that come under civil service supervision.

If in the course of these hearings you do come upon instances where this is being done, I would be very much interested in knowing about it and working with the agencies to bring about their elimination.

Mr. ROSENTHAL. When was the restatement issued?

Mr. MACY. Last week. This was the first public recital of the statement. It was distributed to personnel officers last week.

Mr. ROSENTHAL. I think you said, Mr. Macy, that psychological and/or personality tests might be used during the course of a medical examination, and presumably by qualified clinical psychologists.

I jumped ahead a little bit and read through the statement of our next witness. In it he tells the story of a fellow who was subjected to a physical examination for a heart condition. I assume this is a rather current case, because they say in the statement that it still has not been concluded. They say that this psychological test that was administered, together with the physical examination for this heart condition, included questions to be answered "true" or "false" such as, "I love my father," "I hate my father," "I would like to be a florist," "I love my mother," "My sex life is satisfactory," "I am attracted to members of my own sex," "I believe there is just one true religion," "I am an implement of God."

Can you offer any thoughts on these instances described?

Mr. MACY. I am not able to identify either the type of situation or the test that is referred to. I certainly would like to investigate the circumstances of such a test.

May I ask, was that a test in connection with a disability retirement? What were the circumstances of the medical review and appraisal?

Mr. ROSENTHAL. It was. It says here, and I am reading from someone else's statement, so this is from no personal knowledge: "After several recent heart attacks he decided to file application for disability retirement." Does that make any more sense to you?

Mr. MACY. Offhand, Mr. Rosenthal, and again with really inadequate information, it would be my tentative conclusion that questions of the type that you read would have no relevance and would consequently be inappropriate in an examination of that kind.

It may have been, however, that there were conditions of a medical nature, other than the cardiac condition, that the doctor felt should be reviewed.

However, when that testimony has been submitted to you, and is on the record, I will endeavor to interview the witness and obtain the necessary identifying information so that this can be reviewed.

Mr. ROSENTHAL. Under the restatement which you have issued, this type of situation should not occur.

Mr. MACY. It would depend upon the nature of the particular medical review. I gather that this is clearly a medical situation. Now my statement is a prohibition on the use of any tests of that kind or any other personality tests in connection with the employment process.

It seems to me here we have a medical situation that is involved, and I think the only way I can answer that would be to have more facts with respect to the case.

Mr. GALLAGHER. Will the gentleman yield?

Mr. ROSENTHAL. Yes, Mr. Chairman.

Mr. GALLAGHER. In connection with Mr. Rosenthal's line of questioning, we have been advised that there are agencies and some

departments in the Federal Government that presently use these tests. I might give an example, there are several that we have. The Bonneville Power Administration uses these tests in determining fitness for certain operations involving promotions. Now, would your inspection program relative to merit promotions normally disclose these practices?

Mr. MACY. Yes, because we would review, in the course of our inspection of the operation of the merit promotion program, the test instruments that they are employing in arriving at judgments of relative ability.

I am not familiar with our inspection of the Bonneville Power Administration, but I will certainly look into that one, if that is one of the cases which you have. Certainly our restatement of policy would apply to the Bonneville Power Administration as an agency of the Department of the Interior.

Mr. GALLAGHER. Up until your restatement of policy, there were some major agencies using these tests that have now discontinued. For instance, State used them under certain conditions; Export-Import Bank; the Peace Corps still uses them.

Mr. MACY. The Peace Corps uses them in selection of volunteers?

Mr. GALLAGHER. Yes.

What does your agency do when a violation of this prohibition occurs?

Mr. MACY. Since the outright prohibition is new, we don't have any specific case of violation, but if we find it, we will immediately request that the agency cease the practice—terminate the practice.

Mr. GALLAGHER. Assuming that a person was applying for the position, and he was advised that the taking of this test was voluntary, and he refused to take the test, and he is disqualified on some other ground; what protection do we have for such a person?

Mr. MACY. Of course the protection that we are applying would be the prohibition of such tests except as a part of a medical evaluation and if the medical evaluation were necessary, and if it included such a consideration, if the individual was rejected on medical grounds by the examiner, under the civil service system, he could have that judgment reviewed by the Commission medical staff in order to ascertain whether the condition of the individual were in fact such as to disqualify him for the particular job.

But if it were used as a part of testing without the medical implication, this would clearly, if this were reported to the Civil Service Commission, action would be taken to nullify the disqualification decision.

Mr. GALLAGHER. Then, boiled down and stated simply, this policy prohibits the use of personality testing?

Mr. MACY. That is right, in connection with personnel decisions.

Mr. GALLAGHER. In connection with Federal employment?

Mr. MACY. Correct.

Mr. GALLAGHER. If there is a problem that is a clinical problem as to the competency of an individual, the mental competency of an individual, this then would be determined through a doctor and patient relationship.

Mr. MACY. Exactly.

Mr. GALLAGHER. And the results of this finding would not become part of his personnel file that might follow him through Federal employment.

Mr. MACY. That is correct; this would be a part of the examining file, and I might add, to make sure that I have made my point completely clear, a part of the Commission's standard setting is to look at the physical requirements of a particular job and to set certain medical standards that must be met in order to perform a job satisfactorily.

Now our process with respect to those standards in recent years has been to conduct research to provide as few jobs as possible that preclude individuals who have some kind of physical handicap. In fact, we are very proud of our program for the placement of the handicapped.

In addition to the placement of those who are physically impaired, we have two programs that have very strong emphasis at the present time for the placement of those who have recovered from mental illness and are now qualified to perform work under certain conditions and also a program for the placement of the trained mentally retarded in certain kinds of work. So we are very conscious of the use of medical judgments to extend the employment opportunities rather than to restrict them.

Mr. GALLAGHER. The Chair certainly concurs in this approach.

Mr. CORNISH. Mr. Macy, in connection with the exceptions that you have mentioned in this thing, I would gather that you don't intend to convey the impression that any mass testing program—just because they happen to utilize some psychologists, and perhaps some psychiatirists—would be approved either?

Mr. MACY. No; not a mass program.

Mr. CORNISH. In other words, this involves only a few positions and a few individual medical matters?

Mr. MACY. I mentioned one example, that tends to be dramatic, and it is our judgment, and the judgment of the FAA that we should be very careful about the medical condition of those who are involved in air traffic control work. This calls for a very thorough medical review and a part of that review could very well be to look into the stability of the individual in emotional terms.

Mr. GALLAGHER. Mr. Rosenthal?

Mr. ROSENTHAL. Thank you, Mr. Chairman.

I just want to return to the case that we were talking about earlier, Mr. Macy, and I am sure it is one that you will want to look at, as you suggested you will, because the statement says that the examination had been requested by the Civil Service Commission.

The point that I want to inquire about in this case is this: This fellow applied for disability retirement and it may well be that there was a thought that maybe he was malingering or something of that nature. There may be other reasons why a psychological test had had to be ordered, and I can follow it up to that point.

But, assuming that was the case, do you find in any way justification for the statement to be answered true or false, "I believe there is just one true religion"?

Mr. MACY. I would say that even for the purposes of a medical nature that you cite, there would be serious doubt as to the propriety of using the questions that are involved there.

Mr. ROSENTHAL. Is it also your intention as part of this restatement not only to narrow the areas where these tests can be used, but to review the questions themselves to see that they are not violative of the thing we have just been talking about?

Mr. MACY. On the matter of disability retirement, this is under the Commission's direction. The Commission sets the standards under which disability is determined. A Commission doctor must approve every disability retirement adjudication. So our standards would be applied.

Certainly, in those standards we would insure that the instruments that were used were not those that would constitute an inappropriate inquiry into the individual's views. In all cases of disability, the individual has the right to appeal and review, if he feels that the judgment is improper.

Mr. ROSENTHAL. That subject is not particularly pertinent to my inquiry. My only question is—I think I am reasonably satisfied—is that not only are you going to narrow the incidence of where this type of test will be used, but that the Commission will review its own tests as to the type of questions that they are asking.

Mr. MACY. The Commission would not prescibe any test of that kind. This would be used only by a doctor who felt that a device of this kind was necessary in order to arrive at a judgment as to fitness for duty.

Mr. ROSENTHAL. Up to that point, we are in agreement. I only want to know if you are going to permit the use of tests, including questions such as the one I referred to?

Mr. MACY. I can see instances where tests asking certain questions concerning traits and behavior might be very appropriate in arriving at a judgment, particularly in cases where there is evidence or claim of mental illness.

But to answer your question in specific terms, yes, we will be reviewing these tests as a part of our total study of this problem.

Mr. ROSENTHAL. Thank you, Mr. Chairman.

Mr. GALLAGHER. Mr. Reuss?

Mr. REUSS. Thank you, Mr. Chairman.

I, too, want to congratulate you on your superb restatement of Civil Service Commission policy. It seems to me the sun of honesty is beginning to dispel the fog of pettifoggery which has hovered around these tests for so long. You have just invited my colleague, Mr. Rosenthal, to give specific instances of where violations of this policy have occurred.

I would like to give you one that involves not just one person, but thousands. Just a year ago, the Department of Labor announced a competitive examination for some 2,000 youth counselors. They were to take part in the war against poverty program and be advisers at neighborhood centers. Some 21,000 people applied for these jobs, which incidentally, were pretty good jobs—according to the brochure, starting salaries were from $4,200 to $7,500 a year—and part of the examination consisted of 158 questions designed, so the Department tells me, to tell whether these young people who applied for these jobs were flexible, responsible, psychological minded, whatever that may mean, socializational—that is not my word, either—and tolerant.

Mr. MACY. That sounds ideological.

Mr. REUSS. And among the questions asked—to just give a few—true or false, "Usually I would prefer to work with women." "I like school." "I feel sure there is only one true religion." That seems to crop up in these. "I think Lincoln was greater than Washington." "I like poetry." "I hardly ever get excited or thrilled." "I do not have a great fear of snakes."

"I commonly wonder what hidden reason another person may have for doing something nice to me." "Sometimes at elections I vote for men about whom I know very little about." "I very much like hunting." "Most people worry too much about sex." "Most of the time I feel happy." "When a man is with a woman, he is usually thinking about things related to her sex." "A large number of people are guilty of bad sexual conduct." "I have never done anything dangerous for the thrill of it." "As a youngster, I was suspended from school one or more times for cutting up." "I have never done any heavy drinking."

"I have been in trouble one or more times because of my sex behavior." "My home as a child was less peaceful and quiet than that of most other people." "My parents never really understood me." Et cetera, et cetera, et cetera.

From this test, as I said, some 2,000 were selected from the 21,000 who applied, the other 19,000 being left out in the cold. None of these young people were interviewed in the traditional and classic way. None of them ever saw a governmental or civil service worker asking them any questions.

While they all gave references of their minister, their past employer, their friends, their teachers, none of these references were checked prior to selection. I am told that this test of 158 questions is an adaptation of the so-called Minnesota multiphasic test which was developed 30 or more years ago, basically, from asking questions to 800 mental patients in mental institutions in Minnesota, and then comparing these with some groups outside the institutions.

Are you familiar with this?

Mr. MACY. No. And this does not come under the jurisdiction of this policy at all. These are not Federal employees.

Mr. REUSS. But I submit, Mr. Chairman, that the brochure says "Join your Career Youth Opportunity Centers, U.S. Department of Labor, W. Willard Wirtz, Secretary," and it says, about who your employer would be:

> The U.S. Employment Services, affiliated State employment agencies, are the employers under the Federal-State partnership. Each State sets a salary schedule for such jobs within the States.

And then this outrageous test which was given to these people is entitled "Youth Opportunity Programs, Training Test, U.S. Department of Labor, Manpower Administration, Bureau of Employment Security." And they were in fact paid out of Federal funds. And for all practical purposes, it was the Federal Government who selected them.

I think we have here a loophole through which you could drive a team of horses.

Mr. MACY. There are many jobs in the grant-in-aid program where the Federal Government provides the money and the actual selection is performed or made by the State or the municipality.

Mr. REUSS. That wasn't true here. Here the Federal Government, right here in Washington, hired the 2,000.

Mr. MACY. They put this out, the U.S. Labor Department put this out, but these were not civil service, nor Federal employees, as such.

Mr. REUSS. But they were human beings who were hired for an essentially Federal program.

Mr. MACY. Perhaps I am drawing a defensive line. All I am saying is that these instruments were used and these individuals selected through the use of those instruments outside of the civil service system.

Mr. REUSS. What can we do, Mr. Chairman, to apply your wholly excellent and common sensible regulations to departments of Government who are normally subject to your jurisdiction, but who because the ultimate employer happens to be a State, which uses Federal funds to pay them are not technically conducting a civil service test?

It seems to me the evil is just as great, and it is just as logically at the door of Uncle Sam if there is something wrong.

Mr. MACY. It seems to me the public isn't going to make the kind of distinction I made as to responsibility.

Mr. REUSS. Don't you have the authority to tell the Department of Labor to cease and desist from using it?

Mr. MACY. Legally I do not, but certainly having had this called to my attention, by your statement for the first time, I will certainly discuss it with Secretary Wirtz. I am not familiar with the background that led the Department to use this particular method in recommending the selection of those advisers.

Mr. REUSS. Now, one final question: On the basis of the facts as I have put them to you, and I realize you are not familiar with this, but if I have my facts right, if this were a Department of Labor activity over which you have jurisdiction, this would be an outrageous case of violation of your precepts, would it not?

Mr. MACY. This would clearly be out of the ball park, as far as our standards are concerned. I don't know whether there was any other instrument used in addition to this. I assume there must have been.

Mr. REUSS. Oh, yes; there was a part of the test which had some weighting devoted to specific occupational questions, which I think is excellent, although I do have a hankering for the old-fashioned method of interviewing a prospective employee and checking up on his references. But that is another matter.

Mr. MACY. Your conclusion is correct. This would not fall within the permissive area of our policy.

Mr. REUSS. Thank you very much. And thank you, Mr. Chairman.

Mr. GALLAGHER. Mr. Horton.

Mr. HORTON. I don't have any questions at this time, Mr. Chairman.

Mr. GALLAGHER. Mr. Macy, do you have any recommendations—and I hope that the rippling effect of your statement might embrace this type of violation—do you have any recommendations as to how we might be able to bring this type of agency back into the ball park and have your statement, or your approach, to this be applicable to these agencies? We have several instances where this type of thing has occurred, most of them in these youth counseling programs that various agencies might have, and what we think is perhaps the largest violation, in the Peace Corps, where all of the volunteers are subject to this type of question and several hundred additional ones.

Mr. MACY. Of course, with respect to the Peace Corps, and also to other overseas operations, there are certain conditions involved in the kind of cultural change that service abroad represents, where it

may very well be necessary to have some kind of clinical evaluation to predict how the individual is likely to react to this kind of change. And I believe that is the basic reason for the Peace Corps' use of this device in making selections and it may be that some of the other agencies outside of the Commission's jurisdiction who have employees overseas have also used some of these devices in order to avoid, to the greatest possible extent, those who may fail because of their inability to adapt to drastically changed conditions.

When I responded earlier to your question about whether the Commission's policy covers all of the Federal Government, it covers the 86 percent that is under the civil service umbrella.

There are certain activities—such as the State Department, the CIA, and others—that are outside, where they have designed their own system.

In answer to your question as to what might be done, it seems to me that I might very well, in my capacity as the President's adviser on personnel, review all of these practices, whether or not they are a part of the civil service system, and see if we can't apply the policy generally, or at least have an explanation as to what conditions exist that warrant an exception to the policy.

My own feeling is that this is an area where administrative action is preferable to legislation. It seems to me we should be able to work this out as an administrative matter. You have put the spotlight on it, which is very helpful. It has permitted us to restate our policy in somewhat more definitive terms.

It seems to me we could go beyond that into the excepted areas and take a look at it.

Mr. GALLAGHER. Yes, sir.

Mr. HORTON. Mr. Chairman, would you yield at this point?

Mr. GALLAGHER. Yes.

Mr. HORTON. Are there any instances, to your knowledge, Mr. Chairman, where the type of questions that were just read should be used for examination purposes?

Mr. MACY. The questions that were read, I would have serious doubt as to whether there are any situations where questions with respect to religion are really relevant, or questions with respect to some of the other matters discussed. However, I am not a qualified physician, and there may very well be some medical situations where questions on a doctor-patient relationship along these lines might be relevant in assisting the individual to overcome some particular problem.

Mr. HORTON. This is the point I was trying to make. In that connection, if the type of questions that were read consist of a clinical-type examination, and they are given under the auspices of—under the care of a doctor or under the agency of a medical clinic, this would be one thing. But to fire these questionnaires out broadside for taking of examinations seems to me would not be very good practice.

Mr. MACY. I agree. And my position and the policy statement of the Commission would be that only under clinical conditions with a medical, trained medical professional in charge, should questions of this type be injected.

Mr. HORTON. Then, as I also understand your testimony, if there were instances where this type of examination of psychological examination were involved, that you would, in your capacity as

chairman, review these questions and the basis for the questioning and the controls under which they were given periodically to make certain they don't get into this type of area we are concerned with.

Mr. MACY. That is correct.

Mr. HORTON. Thank you.

Mr. GALLAGHER. Mr. Macy, you are not recommending that doctors use this type of question. You are only stating that there may well be circumstances where the particular question——

Mr. MACY. Again, this is the matter of professional medical judgment, involving an individual in a clinical situation, which calls for this kind of information.

Mr. GALLAGHER. It is sometimes difficult for us to understand why this type of question might be pertinent to people overseas, when certainly our fighting men in Vietnam are having some problems that call for quick adaption and they are not subjected to this type of test.

Mr. MACY. That is true. Of course, the desire of the Government is to have individuals who will represent the United States as effectively, efficiently, and intelligently as possible, and to reduce to the lowest minimum possible the risk of failure. And studies have shown that Americans going abroad, particularly in underdeveloped areas, suffer a certain amount of shock in the course of adjustment. Consequently, certain stability of personality is sought, and it is in instances such as that, where there has been some research to see if there are not devices, such as the interviews, such as a clinical study, that would assist us in selecting the people who would be most effective.

Mr. GALLAGHER. Are there not other ways to make a determination other than this mass testing to arrive at the point you have described?

Mr. MACY. Again, I stress the point that if it is done, it should be done on an individual basis and with highly professional direction. It should not be done by anyone who has not had experience. It should be done by someone who knows how to interpret the information that is collected.

Mr. GALLAGHER. Mr. Horton touched on a question that causes us great concern. A recurring question on the question of religion, brings up the question of Christ, and whether or not people taking the test believe that Christ performed miracles and there are a series of some 18 to 20 questions along religious lines.

It seemed to us it puts a person in a very unfair position to have to answer these questions, if he were of the Jewish faith, or were a non-Christian. And yet, these tests are designed to fit the type of situation that the person compiling the test envisioned.

We are inclined to agree with you, that this should be done through administrative procedures and we welcome your statement that you, as the adviser to the President, might have a restatement of policy at that level to these agencies not falling under civil service. It is our hope that the Federal Government can set some standards and some guidelines which can be followed in private industry, where there is a great trend toward this testing. There are many workers who suffer the indignity and great humiliation of answering these tests.

They sometimes have to subject themselves to a lie detector examination periodically with the same set of questioning, in order to remain a shoe salesman, for example. So we feel that such a statement on the part of the President would be very welcome.

It is very heartening to us, Mr. Macy, to have you come before us today and to listen to your statement. We feel reassured that we have a person of your competence in such a meaningful position in the U.S. Government.

Mr. MACY. Thank you very much.

Mr. GALLAGHER. Mr. Romney?

Mr. ROMNEY. Chairman Macy, I would like to refer to your statement. I will read it.

> In view of the character of the questions asked, if the results of personality tests are used for employment purposes, the individual's right to privacy is seriously jeopardized.

Just for clarification, you include within the phrase "for employment purposes" all personnel actions, not merely the hiring?

Mr. MACY. All personnel decisions.

Mr. ROMNEY. Then, I would like to develop this sentence just a bit further. The statement is that "the individual's right to privacy is seriously jeopardized."

Now, suppose the personality tests were given by a physician under clinical conditions. Would you not say that while right to privacy may also technically be jeopardized here, however, the needs for the public service to have such an examination outweigh the question of the individual's right to the privacy of these thoughts he is being asked to give?

Mr. MACY. Yes; that is exactly the case. It is a matter of trying to balance the needs of the service and the rights of the individual, and it is only in those instances where the necessity of the service calls for this kind of clinical assessment that there would be any justification for the use of this type of device.

Mr. ROMNEY. Thank you.

Mr. HORTON. Mr. Chairman, just one further question.

I am a little troubled about how we get to the problem of finding out about these tests. We had brought before us apparently the personality test that was given in connection with grants to States and this came out of the Department of Labor.

Now, there may be others in other departments. And I am concerned—and you did indicate that you felt that as the adviser to the President, you could perhaps look into this. But do you have any way or any suggestion that there could be a survey made by the Government to find out what tests are being given, particularly in this field, through the other departments and agencies?

Mr. MACY. I think we can rather readily review this with the other agencies that are outside of the civil service area, and involve Federal employees and rather readily review it with the Federal agencies that prescribe or suggest standards to State and local agencies under grant-in-aid.

I believe that with a questionnaire of our own, with proper questions, of course, we would be able to elicit the information that would give us a picture.

Mr. HORTON. I am concerned about the fact that this has not been done before. This question that was referred to, that came out of the Department of Labor, was one that you, I assume, were not familiar with at all?

Mr. MACY. No; I knew nothing about it, because normally, our jurisdiction wouldn't extend to that.

Mr. HORTON. I am not saying that you should, as Chairman, but I was wondering as the special adviser to the President, whether or not you feel that the time has arrived for a study to be made at the executive branch of all of these types of questionnaires, to see what is going on.

There ought to be some central place where somebody can take a look at this type of questioning and this type of examination, the conditions under which they are given, the reason for it, and all that sort of thing.

Mr. MACY. I think from the discussion here, and other testimony you have had before this inquiry, that clearly a review of that kind is called for and we will proceed with it.

Mr. HORTON. This is something that would be in your special province as special adviser to the President.

Mr. MACY. I think I can work this out with other officials that have related or parallel responsibility on this.

Mr. HORTON. We are going to be having these hearings through most of this month, I gather from the schedule that was made out.

Do you feel there would be any possibility of some sort of a report to us before our hearings are completed as to what your findings may be in this?

Mr. MACY. I would want to discuss this with my staff and with the agencies before I made any commitment. But we will try to expedite it if we possibly can and keep in touch with the chairman on our progress.

Mr. HORTON. Thank you.

Mr. GALLAGHER. Mr. Collins?

Mr. COLLINS. No questions.

Mr. GALLAGHER. Mr. Cornish?

Mr. CORNISH. No questions.

Mr. GALLAGHER. Thank you very much.

Mr. MACY. Thank you. I appreciate being here.

Mr. GALLAGHER. The special inquiry will stand adjourned until 2 p.m.

(The following interim report was submitted September 16, 1965, by Mr. Macy:)

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., September 16, 1965.

Hon. CORNELIUS E. GALLAGHER,
House of Representatives,
Washington, D.C.

DEAR MR. GALLAGHER: I have completed review of the policies and practices in the use of personality tests by agencies whose positions are wholly or in substantial part excepted by statute. As I advised the special inquiry of the House Government Operations Committee, the purpose of such a review would be to determine what steps, if any, might be desirable to achieve a greater consistency throughout the Government in the use of personality test methods.

Our review covered the following: Atomic Energy Commission, Veterans' Administration, Tennessee Valley Authority, U.S. Information Agency, Department of Justice, Department of State, and the Central Intelligence Agency.

The Veterans' Administration has advised us that they do not use personality tests in any of their personnel management programs.

Three agencies, the Department of Justice, the Tennessee Valley Authority, and the Atomic Energy Commission, do not use personality tests in employment. However, personality tests may, on occasion, be utilized in connection with psychiatric evaluation of employees in their medical programs.

In the Department of State, psychiatric evaluation is a regular part of the medical examinations procedure only in employment of applicants in highly sensitive communication work. In all other cases, psychiatric evaluation is made only when necessary by decision of the medical staff, and psychological tests are

used in connection with these evaluations in a very small number of cases. The medical program of the Department of State also services the U.S. Information Agency as well as several smaller organizations concerned with overseas employment. Therefore, the policy of the State Department applies to USIA cases.

In the Central Intelligence Agency personality test methods both with applicants and employees are used only within the medical program and by qualified psychiatrists and psychologists. Test results are part of a total medical assessment of the individual and the confidential nature of the information is fully protected.

From these facts, it appears to me that the current practices of these agencies conform closely to the policy which the Civil Service Commission applies to positions in the competitive service. In general, the use of personality tests is carefully controlled by responsible psychiatrists and psychologists under medical supervision, the results are utilized as part of an individual medical evaluation, and test results are maintained as part of confidential medical files rather than of the agency's personnel files.

In my letter to the heads of these agencies, I pointed out the desirability of Government-wide consistency in the use of personality test methods. I have no doubt that these agencies are aware of the issues that have concerned your special inquiry and will continue to oversee their personnel programs closely from this point of view.

My staff is also exploring several other issues of concern to the special inquiry. These are the use of personality tests by State and local agencies under Federal grant-in-aid programs and in contract activities supported by the Federal Government. These issues present a number of very complex questions that need thorough consideration before it is possible to decide on a constructive course of action. I would hope that we could conclude our assessment of these issues within the next several months.

Sincerely yours,

JOHN W. MACY, Jr., *Chairman.*

(Whereupon, at 12:25 p.m., the subcommittee was recessed, to reconvene at 2 p.m. the same day.)

AFTERNOON SESSION

Mr. GALLAGHER. The subcommittee will come to order.

The first witness that we will have this afternoon will be George Meagher, director of legislation, American Federation of Government Employees. Mr. Meagher.

(Whereupon, George Meagher was duly sworn.)

TESTIMONY OF GEORGE MEAGHER, DIRECTOR OF LEGISLATION, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

Mr. GALLAGHER. Would you proceed?

Mr. MEAGHER. Mr. Chairman, my name is George Meagher. I am director of legislation for the American Federation of Government Employees. I have been asked by committee counsel to give you a brief personal background.

I was born in Long Island, N.Y. I am 32 years old, educated principally in the various States. My father was in service. I graduated from the Citadel in 1954, 2 years in the Army, short period with Senate staff over on the other side, and have been with the American Federation of Government Employees for 5 years.

I have been director for the past 2 years.

If I may, Mr. Chairman, I would like to just proceed with reading the statement.

Mr. GALLAGHER. Please proceed.

Mr. MEAGHER. Attempts to search the minds of Federal employees and to elicit their innermost thoughts concerning matters of great

personal significance is in our opinion, Mr. Chairman, most reprehensible.

It is, therefore, in a spirit of cooperation with this subcommittee that the American Federation of Government Employees submits this comment on one of the most objectionable practices yet developed to plague the public service.

It is our belief that the Federal Government has no more right than any other employer to require its employees or prospective employees to submit to invasions of privacy such as those which have come to light.

On behalf of Federal employees who have been compelled to undergo the indignity of questioning of an extremely personal character, we protest these practices and it is our sincere hope that the interest which this subcommittee has indicated in this highly irregular procedure will have the salutary effect of banishing it from the Federal civil service.

I might add, Mr. Chairman, Mr. Macy's comments this morning indicate that the subcommittee has had success in this area already.

The use of this so-called psychological testing is practically unnecessary and scientifically questionable in its results. Moreover, we agree emphatically with those Members of Congress and others who have questioned the legality of such proceedings and have indicated their belief that these queries transgress the personal and legal rights of employees who have been so questioned. The fourth and fifth amendments to the Constitution may well be violated by such tactics.

The ramifications and extent of this pseudopsychological investigation are undoubtedly broader than will ever be known. The impingement of personal feelings of what in so many instances amounts to a form of quackery or of unmitigated effrontery is so disturbing that women employees, in particular, are reluctant to discuss such an experience. As a result, many more instances of this shocking invasion of personal right to privacy have occurred than have become known.

I might add, Mr. Chairman, this is something we have run into. We have female members of our union who have been asked to give us this information, and although they will to us in the privacy of our office, they have absolutely refused to allow us to use their names or circumstances surrounding their case.

Mr. GALLAGHER. The Chair might state this is an experience that the staff of this committee also has encountered. So we are understanding of the problem.

Mr. MEAGHER. We have asked our members to apprise us of such instances and several examples were called to our attention. The one characteristic which is so disturbing about the type of psychological testing used is the senseless manner in which it has been practiced. This was exemplified in one instance brought to our attention. We were at a loss to understand why such a test was used unless it could have been for the sole purpose of deliberate persecution.

The employee involved has, according to our information, a heart condition. He has been hospitalized several times and during the last 2 years has been away from his work a considerable amount of time. After several recent attacks, he decided to file an application for disability retirement.

This employee was first called for a physical examination. This in no wise would have been objectionable if it had been a properly conducted examination of the man's physical condition. But when the employee presented himself for the expected physical examination he was informed by the personnel officer that it would be psychological and that the examination had been requested by the Civil Service Commission.

I would like to explain at this point, Mr. Chairman, since this was the case Mr. Rosenthal brought out this morning, I believe that the Commission did not request a psychological examination, but it is the Commission's practice in the case of disability retirement to request physical examination and that the personnel officer would have been correct in stating that the Commission required a physical examination.

I think there is some question now as to whether the personnel officer actually said the psychological examination was requested by the Commission, but nevertheless, the psychological examination was administered to the employee.

We are investigating these questionable developments and since the situation has just come to our attention we are not prepared to do more than to recite the circumstances which have been outlined by the officer of the AFGE Lodge who called the situation to our attention.

There was a further statement to the employee that was more than amazing. He was told that the psychological test would be kept very confidential and that "if you don't tell anyone, we won't."

The best recollection of the employee who was victimized in this manner is that the series of more than 500 statements included the following, which he was expected to indicate as "true" or "false":

I loved my father.
I hated my father.
I would like to be a florist.
I loved my mother.
My sex life is satisfactory.
I am attracted to members of my own sex.
I believe there is just one true religion.
I am an implement of God.

What connection such questions have with a suspected case of heart disease or with an application for disability retirement is difficult to say.

Granted that some such questions might be used in a psychological test to establish the presence or absence of a type of mental abnormality, it is beyond belief that they were used to establish the validity of an application for disability retirement, a right which every Federal employee is given specifically by the Civil Service Retirement and Disability Act.

All that was needed was to determine if the man's heart was indeed affected to the point that it interfered with the satisfactory performance of his duties. And, incidentally, the final determination of matters of this nature is by law to be made by the Civil Service Commission.

The employee was asked what caused him to imagine that he was having heart attacks and if he was closely associated with others who had heart attacks.

Even if the existence of malingering were suspected, a bona fide medical officer could have been able scientifically to determine if one or more heart attacks had occurred and if damage to the heart had occurred.

Any well-informed physician will substantiate the statement that this fact is determinable with a considerable degree of accuracy, but that the determination does not include a psychological inquiry.

We agree heartily with the representative of our lodge who informed us of this case that it was not only humiliating but degrading as well and scarcely of the type of official action that produces satisfactory relationships between employer and employees.

Another instance of psychological or personality testing that has come to our attention involved an employee who had worked for the employing agency for 14 years. For varying periods of 10 days on one occasion and 2 weeks on two other occasions this employee was hospitalized in a Government hospital, with chest pains and a back condition.

Following his discharge from the hospital, the employee was directed to see a psychologist on the staff of his agency. About a week later he was sent to a psychiatrist.

This employee later was hospitalized in a city hospital for about 10 days and was treated there by a private physician for hypertension and arthritis of the spine and muscle spasm. Earlier this year, the employee received a written memorandum from a supervisor that any further use of any sick leave would require a physician's certification.

And what about the psychological examination which had been given earlier? It was concerned with what has come to be a gruesome pattern for this type of inquiry.

The employee stated that it concerned his home life, sex life, and financial affairs. What this type of examination had to do with chest pains and a back condition has yet to be explained.

Another agency in recent months employed a consulting firm to propound to its employees various questions of the type under discussion. One such question which in this instance caused more hilarity than irritation was: "Do you like tall girls?" The significance of a yes or no answer has yet to be explained.

So far as it is known, no employee of the agency was actually required to take the test. It is suspected, however, that a refusal would not expedite the promotion of the employee who declined.

These few instances to which I have referred, Mr. Chairman, in our opinion clearly indicate that a most disturbing practice has been developing in the Federal service, a practice which is not only shocking in its possibilities but one that is plainly illegal and completely unworthy of the Federal civil service.

This sort of inquiry is, in our opinion, indefensible. If it were characterized in some instances only by its stupidity, it would be undesirable. The type of questioning and the insistence and compulsion which have typified such testing are evidence of a sadistic viewpoint rather than a trustworthy effort to devise tests which can serve a good purpose.

We urge the subcommittee to recommend firm and positive action to end these practices.

Mr. GALLAGHER. The Chair wishes to thank you for a very excellent statement and also to thank you and your organization for the cooperation you have extended to the staff in the past.

Would you like to state for the record what agency was concerned about the tall girls?

Mr. MEAGHER. Yes, sir; I have the agencies for all of them. The tall girls was Bonneville Power.

Mr. GALLAGHER. That is the same one that we have come in contact with. We called this to the attention of Mr. Macy this morning.

Mr. MEAGHER. Yes, sir.

Mr. GALLAGHER. Mr. Horton?

Mr. HORTON. Looking at your statement, you have set forth a few instances and you have also indicated that there are some that you are not at liberty to disclose because of the request of the employee involved. But do you find in your duties as Director that there are quite a number of these cases, or are they on a small scale?

Mr. MEAGHER. Very few have come to my attention, sir. I went to our department of employee relations which normally would handle grievances along these lines. I have talked to them and they tell me that 2 years ago we had no such case. They are currently handling about 15. Unfortunately, none of the people are willing to talk. So I can only judge by that; we went from none to 15 in 2 years.

Mr. HORTON. In at least 15 cases that you are handling, they came to you as a result of the employee's initiative rather than the organization making any efforts to find out about it?

Mr. MEAGHER. That is right, sir. These came from the employee.

Mr. HORTON. You don't have any directive or request of employees to furnish you information about this? In other words, you've made no overt action to find out, taken no overt action to find out about these type of instances?

Mr. MEAGHER. Yes, sir. We have. When we heard of this committee's interest, we put out a news service bulletin to our people asking that they refer such cases to us. I believe that was 4 weeks ago, sir, and we haven't had a response.

Mr. HORTON. Thank you.

Mr. GALLAGHER. Mr. Rosenthal?

Mr. ROSENTHAL. No questions, Mr. Chairman.

Mr. GALLAGHER. Mr. Reuss?

Mr. REUSS. Just one question. Do you see any difference in the abrogation of the kind of psychological tests as a condition of employment, which you have been telling us about in the case of a straight civil service employee as opposed to a Federal agency conducting an identical test with respect to people such as those under the youth opportunities program who would technically be employed by a State or locality rather than the Federal Government?

Mr. MEAGHER. As a union, sir, we represent only the career civil service employee. I share your concern with the people who are not professional civil service. I am sure if I were representing those people I would be arguing just as strongly for them as the people I do represent.

Mr. REUSS. Thank you very much.

Mr. GALLAGHER. How many people do you represent?

Mr. MEAGHER. About 160,000, sir. It was 158,000 2 months ago, so I would guess about 160,000.

Mr. GALLAGHER. Mr. Horton?

Mr. HORTON. I was just going to ask, are there any other incidences you know of, of other types of invasions of privacy of employees?

Mr. MEAGHER. No, sir. We have asked on wiretapping and some of the other techniques. We have asked our people to tell us about them. There is nothing that has come in that proves anything yet. There are just suspicions and these need to be run down.

Mr. HORTON. How about snooping and peepholes?

Mr. MEAGHER. Not in our service. This is common in postal service, but we don't find too much in regular career civil service.

Mr. HORTON. Are most of your cases confined to applications for employment or did you mention one had to do with disability?

Mr. MEAGHER. No, sir. Most of the cases that come to our attention would be people already on the rolls, and they are applying for retirement or trying to get a promotion. The new people normally don't join unions. They join after they have been on the Federal rolls for some time.

Mr. HORTON. I was just wondering, if when they made their original application, if you had heard from any of your employees subsequently that they had this type of test.

Mr. MEAGHER. No, sir, I don't know.

Mr. HORTON. Thank you.

Mr. GALLAGHER. Mr. Cornish?

Mr. CORNISH. Mr. Meagher, don't you find that Federal employees are really very reluctant to bring this issue to your attention or even to the attention of officials in the Government system where they would normally take such complaints?

I am thinking of people who are afraid of being labeled troublemakers, for one thing, because they have careers in the Federal service they want to pursue, and knowing that when they make a protest of this kind, this more or less puts that label on them.

Mr. MEAGHER. Yes.

Mr. CORNISH. Is this an accurate impression?

Mr. MEAGHER. Yes, sir. I think this is true in the cases that we have—Mr. Horton asked about—I think it is true with those people and they are seeking not to be identified and the fact that their cases were sent to the national office rather than through their local lodges, that they felt by our handling it and trying to represent it at the level of Washington, it could perhaps avoid labels being placed on them locally.

Mr. CORNISH. The inclination is just to answer questions and shut up and keep quiet; isn't that what it amounts to, because it has become a condition of employment or promotion in many cases?

Mr. MEAGHER. It would appear that way, sir, from what we know.

Mr. GALLAGHER. Mr. Romney?

Mr. ROMNEY. No questions.

Mr. GALLAGHER. Thank you very much.

Mr. MEAGHER. Thank you, sir.

(The following was subsequently received for inclusion in the record:)

NATIONAL FEDERATION OF FEDERAL EMPLOYEES,
Washington, D.C., December 1, 1965.

Mr. NORMAN CORNISH,
Chief of Special Inquiry, House Committee on Government Operations,
Rayburn Building, Washington, D.C.

DEAR MR. CORNISH: Reference our recent telecon, I am herewith submitting the NFFE statement on the use of psychological questionnaires and personality tests for incorporation into the hearing testimony.

Your interest and cooperation in this matter and Congressman Gallagher's inquiry into the subject are commendable. We are heartily in accord with Congressman Gallagher's statement that "there is a limit to the amount of information that one ought to possess. We don't have the right to probe what a person's thoughts may be in some future time in life."

Thanks again for the opportunity to NFFE to present its thinking on the subject.

Sincerely,

N. T. WOLKOMIR, *President.*

[Enclosure]

STATEMENT OF NATHAN T. WOLKOMIR, PRESIDENT, NATIONAL FEDERATION OF FEDERAL EMPLOYEES

I thank the chairman for this opportunity of presenting to the committee the NFFE discussion on the use of psychological-personality tests on Federal employees and job applicants.

The NFFE is the oldest and largest independent general union of Federal employees in Government. We span practically every Government agency and thus have much interest in this inquiry. Our interest, however, must be restricted to the reaction of our members to the use of "questionnaires" and "tests" as applicable to their environment. At the last biennial convention of NFFE held in September of 1964, delegates therein assembled were much concerned with this problem as indicated by the resolutions introduced (Nos. 10, 17–25, 28, 29, and 601). A master resolution was adopted which stated that "the objective of the merit promotion program should be to fill positions with the best qualified employees using as No. 1 ranking factor training, experience, and job knowledge, and as No. 2 ranking factor a written aptitude test based on specific job requirement."

The resolved as adopted stipulated that "the rating of merit promotion program papers shall not be done at the agency in which the vacancy occurs, but shall be rated by the CSC region in which the agency is located and the register shall be established." In addition, there was much interest in the use of "testing" for recruitment purposes.

Since that convention, many locals of NFFE and individuals have written and protested most of the "instruments" being utilized by Government agencies. All arguments presented claimed divergence from the basic merit principle concept. It is essential, therefore, to review the NFFE stand and make clear the basic element of this concept. In order to provide a responsive public service, the merit principle and, thus, any "questionnaires or tests" used, should augment the following precepts:

(1) Do they help isolate with validity and reliability the best qualified people to perform the work of the Government?

(2) Do they provide stability to a "career" work force, considering the complexity of assignment and regardless of changes in political administration?

(3) Do they augment "the equality of opportunity" facet, open to all citizens of our country regardless of religious beliefs, race, creed, color, or politics?

These are the criteria against which all "tests and questionnaires" should be weighed in order to make Federal civil service "representative" with individuals selected or promoted on the basis of ability and fitness. In order to abide by this creed, former Chairman of the CSC, Harris Ellsworth, once stated that "a number of basic principles which underlie the way in which we go about our daily job" are involved as follows:

(1) All eligibles must have an opportunity to apply.

(2) All standards evolved must be applied impartially using realistic and reasonably valid standards.

(3) Standards should relate only to ability and fitness.

(4) Ranking should be on the basis of ability and selection from among the best.

(5) Knowledge of results and opportunity for administrative review should be available to any individual who believes that the process has not applied properly in his own case.

It is in line with these tenets that "tests and questionnaires" should be reviewed. It is because of violations of these tenets, in the eyes of our complainants, that we emphasize caution in the use of certain "tests and questionnaires." Our members, in varying numbers and degree, have stated violations of all five principles outlined.

The NFFE considers the statement made by John W. Macy, Jr., Chairman of the Civil Service Commission, in previous testimony, generally in consonance

with the tenets advocated, together with the attachment on "The Appraisal of Personal Characteristics in the Selection of Federal Employees Under the Merit System," as in agreement with the statements made. We, however, consider that there is quite a distinction between situational tests, paper and pencil tests, questionnaires, personality projective devices, ratings by supervisors, and interview procedures.

We feel that personality questionnaires are of use in a guidance situation where the client has the maximum to gain by telling the truth. They are of little or no value, other than of research, for any other purpose. Interest questionnaires, on the other hand, have considerable value in a vocational guidance situation. They have been shown to measure to a fair degree job satisfaction.

Although we do not claim to be clinical psychologists, we venture to make some statements about the clinical use of various personality tests. We feel that the ability to use clinical personality tests is more of an art than a science. No single projective device has very much reliability and validity by itself. On the other hand, the use of a number of projective devices to give indications have been shown to be valuable by those clinical psychologists that really know how to use them. We do not think that all clinical psychologists have the same efficiency in using these. The fault is not in the test as much as it is in the individual evaluating the results. In medicine we have a number of tests that have relatively no reliability but nonetheless are valuable to us in assisting the physician in diagnosis. The basal metabolism test is one such example.

We believe that in the use of medical examinations for fitness for duty and subsequent actions leading to separation, reassignment, or disability retirement, that the standards set must be very relevant to the specific job of the incumbent. We feel that the medical examiner should be given a statement of expected standards of performance so that he can make a valid determination as to the ability of the individual to perform it from a physical fitness standpoint. Concerning appraisal of individuals for hiring and promotion, the NFFE feels that although our present procedures are fairly good, we can greatly improve these by developing more and better performance measures. These, however, we realize, are quite costly to develop and administer. But the cost of inefficient Government is more expensive.

There has been much concern and publicity on the subjects of "personality testing" and "invasion of privacy" by Government snooping. The NFFE feels that much injustice is done to both parties concerned. As a result, the Government employee is caught in the middle on the horns of a dilemma. There are case studies on hand to emphasize the injustice to those we consider qualified and capable individuals, who are restricted in promotions and appointments because of "test scores" subjectively rated by amateur administrators and interpreters. At the same time, "the right of reasonable inquiry" also must be protected. Medical service would never have developed to its present sophisticated state without research. The issue and problem at hand is to develop a sensible policy so that incumbents are protected without impeding scientific research, even if some controversial matters are involved. Individuals should be carefully selected, should be well qualified, and all "testing" should be validated in light of the criteria previously itemized.

The committee's exposé on such test devices as the Minnesota Multiphasic Inventory containing questions on sex and religion that invade "privacy" has merit, but we ask the honorable members to also consider Acting Commissioner Ianni's announcement that USOE will "carefully review all questionnaires submitted to it, to prevent injuring public sensitivities in such matters as the challenging of established morals, the invasion of privacy, etc." Protection against capricious and self-proclaimed researchers is essential and the committee should be commended for its forthright investigation during these hearings and research. Less responsible Government officials are thus forewarned. The Federal support of research and Government operation warrants a "protective sphere." Measuring devices, like statistics, when misused, are harmful and destructive.

Wholesale testing should not be used, since it has proven to be conducive to misuse and reprisals. It should be limited to predetermined and needed areas.

The NFFE, in conclusion, offers the following constructive suggestion. Considering the high cost of contracting "testing and questionnaire" devices, would it not be to the Government's advantage to set up a centralized test development facility within its own structure (i.e., CSC or USOE). Staffed by competent and professional test construction specialists with supporting statisticians and expert analysts, performing all functions, better measuring and test administration applicable to functions concerned, would probably result at less cost. Done within the Government, checks on validity and reliability could be accomplished

until selected criteria are satisfied; automated systems are available to overcome the error problems and outside contaminating influences could be curtailed. A within-house capability could lead to expedient action and there would be less tendency to look into your own glasshouse because of mirror reflection. Unions acting as sounding boards could serve in an advisory or consultative capacity, speaking empirically and pragmatically.

The National Federation of Federal Employees thanks the committee for this opportunity "to invade the privacy of your distinguished committee."

Mr. GALLAGHER. The Chair would like to call Martin Gross.

(Whereupon, Martin L. Gross was duly sworn.)

TESTIMONY OF MARTIN L. GROSS, AUTHOR OF "THE BRAIN WATCHERS"

Mr. GALLAGHER. The Chair welcomes you, Mr. Gross.

Mr. Gross is the author of the book "The Brain Watchers," a study of mind probing, which I understand took some 3 years of extensive research.

I welcome you on behalf of my colleagues to the inquiry. Your book has done much to arouse public concern over the issue which this subcommittee is investigating.

We are very happy to receive your request to testify and if you did not make such a request, we were going to invite you to come, because I think your book should be required reading for all of those who advocate this type of ordeal by humiliation and indignity.

I believe your views have already contributed a great deal to the American public's understanding of this problem and I am sure your testimony will make a significant and very important contribution to this study.

Would you please proceed?

Mr. GROSS. Thank you.

My concern with the subject began routinely as a working journalist when I did a magazine article on the subject and then was asked by a publisher to do a book. As a full time journalist I have written on a great many subjects, national affairs, defense, health and education. After I got into the book a year or so I realized that the subject had a great deal more importance than I had originally assumed, and that it went deeper into the fiber of our country than I had originally thought.

I have prepared a statement which I will proceed with, and then I have some additional comments to make.

Mr. GALLAGHER. Please do.

Mr. GROSS. I would first like to congratulate the Members of Congress for their interest in the invasion of privacy that has been perpetrated by various groups intent on probing our psyches for their profit, material or otherwise. During the more than 3 years that I investigated personality testing in this Nation, I was constantly amazed at the callous indiscretion of testers in seeking out the most sacred details of a person—including his sexual life, religion, political beliefs—as if it were necessary to eliminate human dignity in order to be employable in our country.

Commonly administered tests ask such impertinent questions as:

"Do you often feel just miserable?"

"Is your sex life satisfactory?"

"About how many people have you disliked (or hated) very much? (a) None; (b) 1 to 3; (c) 4 to 10; (d) 11 to 50; (e) over 50."

Incidentally this is Washburne Social Adjustment Inventory which is very popular in many corporations. Answer (a) and (b) are acceptable. Should you hate four or more people, however, you are in difficulty.

Mr. REUSS. I was thinking, is this the age of the people you hate or number of people you hate? [Laughter.]

Mr. GROSS. The assumption is based on the supposed scientific evidence that Mr. Washburne thought that number 4 was a nice number. This is what psychologists call a priori, a priori being Latin for the American hunch.

Another question: "I believe I am being plotted against (True or False)."

"I dream frequently about things that are best kept to myself (True or False)."

"I am a special agent of God (True or False)." This is from the Minnesota Multiphasic Personality Inventory, which is, according to the National Industrial Conference Board, the most popular test in American industry and, I understand, a very popular test in those agencies of the Government where they do testing.

Mr. GALLAGHER. It is a very popular test in the Peace Corps.

Mr. GROSS. "I often go to cheaper neighborhoods to do my drinking (True or False)."

"I need a drink or two in the morning (True or False)."

"I have diarrhea once a month or more (True or False)."

"The top of my head sometimes feels tender (True or False)."

"I believe in a life hereafter (True or False)."

Job applicants and others are asked to tell what they see in ink blots—that is the famous Rorschach test commonly used in industry. It is also used in psychological testing when the personnel people or those responsible feel that a deeper clinical probe should be attempted. Often this will be done under the aegis of a clinical psychologist or a psychiatrist, perhaps, but most often a psychologist.

The applicant is asked to draw a picture of a nude woman; to create stories of supposed personality import from drawings of a man playing a violin, or an unclad man climbing a rope. Other tests ask testees to check off adjectives that they believe describe them, including many self-incriminating phrases.

We should never underestimate the extent and power of personality testing in every phase of society; ministers of the clergy are chosen through personality testing, as are executives, pilots, salesmen, and I understand, certain Federal employees. It is used in the selection of medical students, and college entrance groups have been experimenting with its use in the selection of regular undergraduates.

Schoolchildren are plagued with the most intimate questionnaires about themselves and their families, under the guise of "guidance." Even complex psychological tests such as the Rorschach ink blots and other so-called projective instruments are used on schoolchildren without the permission, or knowledge, of parents.

Mr. Fred Hechinger of the New York Times devoted his Sunday column to a chapter in my book which dealt with personality testing in schools.

I live in Manhattan and parents in my neighborhood called the principal of the school stating that they were horrified at the thought that personality tests were used in the school system. I did not

mention the New York City school system, who had told me the tests were not used in the city. I had investigated many suburban areas where they admitted they were used, including Port Jefferson and other areas in Long Island. However, the principal told these parents not to be concerned and that everything was fine and they would not think of using such instruments.

My daughter who is a student in the school, within several months after this, received a personality test at Public School 6 and under my instructions, she refused to take the test. She was yelled at by the guidance person who said, "Get out of the room and go to the library." So that very often, in the field of psychological testing, I found a great many untruths stated, often because of ignorance and often because of pure subterfuge. The principal in this case was ignorant of the activities of guidance counselors.

The tests are used routinely in various phases of our society in making the decision of whom to upgrade, demote, or fire. Men with great longevity of industrial service are often discharged because of these tests.

After full study, I have two basic objections to the use of personality tests: their inaccuracy and their immorality.

Before I proceed into detail on why personality tests do not successfully predict the behavior, psychological attitudes, or performance of an individual, I would like to quote three other experts whose names are familiar to the professionals in the field, and to many of the public at large. Dr. John Dollard, professor of psychology at Yale University, in reviewing my book in the New York Sunday Times Book Review, states as follows:

> There may be exceptions unknown to me, but generally speaking, projective tests, trait scales, interest inventories or depth interviews are not proved to be useful in selecting executives, or salesmen, or potential delinquents, or superior college students.

Dr. Henry S. Dyer, vice president of the nonprofit Educational Testing Service of Princeton, N.J., has also stated his view that personality testing is without valid scientific theory or method. Says Dr. Dyer:

> I take a dim view of personality tests and I think the general public is being much too frequently taken in by the mumbo-jumbo that goes with them. The inventories, the projective tests—all of them—are scarcely beyond the tea-leaf-reading stage.

One of the most surprising criticisms of the accuracy of personality tests comes from Dr. George K. Bennett, president of the Psychological Corp., the publisher or distributor of some of these tests. They are the distributors of the Minnesota Multiphasic Personality Inventory test. Writing in the Fifth Mental Measurement Yearbook, which contains reviews of test efficiency, Dr. Bennett states:

> Over the past 40 years a great number of self-descriptive inventories have been constructed and tried out. This reviewer is unable to recall a well-established instance of useful validity for a class of questionnaire against a criterion of occupational success. (p. 30).

This is the president of the corporation that publishes and distributes some personality tests.

Mr. GALLAGHER. How does he justify the statement?

Mr. GROSS. Dr. Bennett, whom I interviewed on two separate occasions in his office, is caught in a tight vise. The difficulty is

that Dr. Bennett as a psychologist and a man of integrity, does not appear to believe, as stated on many occasions, that the personality tests are very accurate. He is also president of a corporation which is, as I understand it, cooperatively owned by a group of practicing psychologists, who earn income from these tests. The ostensible purpose of these tests, in I think, the view of the corporation, is that they are basically research instruments. Should a professor of psychology at a university want the test, they would sell it to him. They would also sell it to any qualified psychologist who ostensibly has ethical procedures and supposedly follows these ethical procedures.

In my book I raise the question of the ethical procedures in use of tests. There is a technique within the field of psychology, in which clinical psychologists will use projective instruments without ever seeing the individual being tested. I saw this happen on the spot in a testing firm in New York. A clerk gives the projective instruments, such as the draw-a-man test, and the clinical psychologist, licensed by the State of New York, will make a psychological judgment of the mental health of the individual from this piece of paper, never having seen the applicant. This is called blind analysis, and is very common. Blind analysis is a technical term they use, and I would think that in terms of commonsense, that it is very unwise.

Mr. GALLAGHER. Before you go on, Mr. Gross, perhaps you would like to state how they earn income on this non-profit-making——

Mr. GROSS. Psychological Corp. is a profitmaking group. Educational Testing Service is nonprofit. Psychological Corp. in New York is a profitmaking group and they test for many firms.

Mr. GALLAGHER. How do they earn the income?

Mr. GROSS. From many things. For a while McGraw-Hill, a publishing company in New York, for example, had a testing program for beginning editorial executives, and I understand they tested them. They test for a great many people in New York. In addition to tests of this type they have other more valid tests such as mechanical efficiency tests. Dr. Bennett himself is author of a test on mechanical aptitude which is used by industry. Although they are not exceptional measures of accuracy, there is some validity to testing a person's mechanical aptitude.

In addition to these more objective tests, they do publish, distribute, and use for profit, personality tests, a type of test which Dr. Bennett personally has stated he thinks are not very good, as I have quoted.

Mr. GALLAGHER. He doesn't preface the adequacy of the test by his own remarks?

Mr. GROSS. Definitely not. As a matter of fact he doesn't sell the tests. Being president of the corporation, he doesn't have to go on the firing line. A salesman has to go out and sell them—if they have salesmen. I don't know. I suppose some clients come to the corporation. The whole field of psychology is in a quandry in regard to personality tests, because every profession likes to have an additional tool. A doctor likes the electrocardiogram, and these tests, if they were valid, would give the psychologist a great additional tool for his status, and prestige and profit. The difficulty is that the more astute psychologists know that the personality tests are no good. The less astute don't know or don't care. A man like Dr. Bennett, of course, is in a most unfortunate position because he is smart enough and has enough integrity to say they are not accurate, but yet is

president of a firm that uses them. I have nothing but sympathy for his position.

What the gentleman was saying, in simpler language, is that the results of a typical question-and-answer personality test cannot predict the behavior of an individual, nor can the traits be matched up to those propounded as ideal for any job in question.

The results of many careful experiments that have attempted to validate personality testing have all proven the tests to be worthless. The United Nations, under its former Director of Examinations, Dr. Eugene W. C. Shen, conducted a vigorous trial of the Rorschach ink blot test, and another famous projective personality instrument, the draw-a-man test, and found that they failed miserably in predicting the work performance or behavior of the United Nations Secretariat. During World War II, Army psychologists gave a full series of personality tests to aviation cadets, tests which then failed to predict the service success or failure of the cadets. This was conducted by Dr. Flanagan, the head of AIR, a testing company working out of Pittsburgh. At the time he was, I believe, chief psychologist for the U.S. Army Air Force.

Colleges, including the University of Minnesota, have attempted to correlate student scores on personality tests with their emotional behavior on campus. The result was that students labeled by the test as having pressing psychological problems proved to be well-adjusted collegians, and vice versa. Numerous attempts to correlate academic achievement against personality tests have been failures, including the Government's own personality project—Project Talent, which has invaded the psychological privacy of students throughout the country with the taxpayer's own money.

A copy of the personality test, Project Talent, was sent to me by HEW at the time it was being given to approximately half a million high-school students around the country. It was a conventional personality test, similar to the ones used in industry and given to students at that time.

Mr. GALLAGHER. To your knowledge is this test still being used by HEW?

Mr. GROSS. I think Project Talent was a one-time project. But scores have since been correlated on various personality trait scales, typical emotional stability scales, and so forth.

The reasons for the tests' failures are numerous, and perhaps I can cover some of them later in my testimony. The most important general fact to consider is that we have almost no information on how mental health relates to personality test scores, and attempts by management or the Government to use them for this purpose are unscientific and dangerous.

In regard to my second point, that of immorality, I would like to raise the question of discrimination. Personality tests, in my opinion, are the newest pseudoscientific form of prejudice. With the enactment of legislation and the increasing awareness of the community, many of our older racial and religious prejudices are dying. However, the false discipline of personality testing is attempting to bring it back by stating—through unreliable test scores rather than proven behavior—that someone is "neurotic," or "potentially schizophrenic," or "maladjusted," or "introverted." Is it any less immoral to discriminate on such false invented criteria than it is to punish some-

one for his race, creed, or national origin? In addition, of course, many of the tests contain items of religious and other beliefs. I would think that potential victims of this new discrimination need equal protection under our FEPC laws.

In schools throughout the Nation, personality tests are inflicted on unwary youngsters—often, I believe, with the help of Federal funds—and many such children are often singled out for special guidance and psychological attention that can be damaging.

I might add here that I am not sufficiently familiar—perhaps you gentlemen could help me—with the aid that is given by the National Defense Education Act enacted in the early 1950's, I believe, for the training of guidance counselors for schools. The vocational guidance counselor, generally called the guidance counselor, throughout this country is usually the amateur psychologist on the spot who does the testing of children in schools.

As part of this training they do psychometric and personality testing, which is very typical in many schools. In my article in Life magazine I quote the exact number of schoolchildren who have taken personality tests given by guidance counselors trained, I believe, with the help of Federal money. They use tests such as the Kuder & Strong vocational interest tests, which try to predict the child's career by asking questions about their interests. In the case of the Kuder, they ask simple questions, such as: "Do you like to see how a typewriter is made in the factory?" "Do you like to raise food?" "Do you like to read books?" From the last question, for example, they try to gauge the child's literary interest.

These tests, in later validation, have proven incorrect. Children's vocational interests in 8th, 9th, and 10th grades do not correlate positively with the occupations they later take up. Otherwise everybody would be a marine, a nurse, or fireman. Young children's interests change, and in fact almost half of all college students change their majors in college, so that we know that real vocational interest is a growing, not a permanent thing. For an immature, inexperienced guidance counselor to use test scores of this type to inform parents of vocational interests is unwise. Parents often, I found, think that they are not interest scores, but actually ability scores. So, if a daughter scores high in music, the parent thinks perhaps she should be a musician even if the child is tone deaf.

More complex tests are being given by guidance counselors, sometimes in school courses called human relations. In these they often use the Minnesota Counseling Inventory, which is sort of a scaled-down Minnesota multiphasic personality inventory for children. It has similar questions and the child has the same chance of coming out as being neurotic or emotionally disturbed.

In many schools this is used as a method of screening out so-called trouble children, children who have given no overt instances of behavior problems, delinquency, or truancy. Normal children in class are singled out, not for behavior, but for their test scores. They are first sent for guidance, then should the guidance counselor think so, to the psychologist, if there is a school psychologist. As a matter of fact, in the State of New York, the psychology law, which asks for specific graduate training and experience, excludes the school psychologist. The school psychologist in the State of New York need not be a psychologist. You think it would be quite the opposite way

around. All he needs is a bachelor's degree and credits toward a master's degree. Even though he may never have practiced psychology in his life, many of them use complex instruments, including the Rorschach ink blot and others on schoolchildren. Supposedly they can't give therapy by law, but they can make diagnoses. It is very difficult in the field of psychology to separate diagnosis and therapy.

The tragedy of the schoolchildren is a vast one and I suppose the Government can only help in not allowing the use of Federal funds for the study of personality testing or use of personality testing in school. Much of the probing of schoolchildren is an indecent invasion of privacy, as indicated by such true-false test questions as "There is very little love and companionship in my home as compared to other homes," or "Are the people in your home too quarrelsome?"

They ask sex questions of young girls, about menstruation, their interest in boys, and even more probing questions. I doubt that this was the educational intent of the local American taxpayer in supporting a free system of public education, or of the national taxpayer whose Federal taxes will go into Federal aid to education.

I believe that the personality tester has had his way during the past generation because of a shocking supineness of the American public, a weak yielding to those who would rob us of our heritage of privacy and individual dignity. It is amazing to me how easily we have relinquished our constitutional rights of protection against search and seizure when it applies to our minds instead of our properties. Apparently in contemporary America there is something more sacrosanct in the inviolability of our apartments and split-level castles than in the private nobility of our brains.

The public needs help from the U.S. Congress in this dilemma of attempting to protect his honor while being pressured from without, by employers, schools, and other agencies. I believe that a law prohibiting the use of personality tests in the selection and upgrading of Federal employees would be an admirable first step that would serve as a model to the Nation. I also believe such legislation should extend the same protection to employees covered by Government contracts to industry.

Many large space firms, I have found, and I discuss some of their work in my book, use personality testing for screening of engineers, technicians and management people, et cetera, and most of these firms exist almost exclusively on Government money.

And even broader protection for the public would be the prohibition of the expenditure of direct Federal funds, such as Department of HEW grants and aid, to be used for the testing of personality. The ultimate that we could ask of you gentlemen would be the withholding of Federal aid for any institution—whether medical school or grade school—with the inhumanity to subject their personnel to inquiries about their sex lives, frustrations, family, dreams, politics, religion, and aspirations.

If a psychologist developed a personality test that claimed to determine the suitability of Congressmen for their jobs, I am sure that you gentlemen would reject such a test and its psuedoscientific judgments. And you would be right.

This Republic was not built on the limiting of our people with prior decisions of their suitability based on idle rumor, or the opinion of

so-called experts. Permitting the false discipline of personality testing to be our measure of a man can only endanger our most prized traditions of privacy and unlimited opportunity.

Mr. GALLAGHER. Thank you very much, Mr. Gross. I think your next to the last paragraph strikes a note close to home.

We would like to ask you some questions.

Mr. GROSS. If you have the time, because this is a very technical subject—after you ask the questions—I would like to give you a short impromptu technical insight into why the tests are not accurate in determining personality and why they are not accurate in determining mental health.

Mr. GALLAGHER. Perhaps you would like to do this right now.

Mr. GROSS. Do you think that would be best?

Mr. GALLAGHER. Yes.

Mr. GROSS. The first point to make is that the question and answer tests are group tests; that is, the original research intent of these tests was to measure, for psychological research, the different attitudes of large groups, so that if you tested 5,000 children in the Western States, and 5,000 children in the Eastern States, you might possibly determine some regional or group differences in attitudes toward whatever you want to measure—interest in sex, books, companionship, or sociability.

After these tests were developed, it became almost impossible to stop psychologists and personnel people and corporations from using them, because of what psychologists call face validity. That is, if someone asks a question that seems to indicate nervousness, and you say yes, it is easy to make an assumption of nervousness. The face validity of some tests seems high. That is, a tester asks a question, "Do you wake up in the middle of the night?" and the person answers "Yes." The psychologist then says, "Well, that is an obvious indication of nervousness."

The reasons why the tests are failures in determining true emotional behavior is indicated by a great deal of research. First, some people are very candid on tests and will give you correct answers. Some people are not candid at all and will give you the answers that they think you want. Other people don't understand what the questions mean, and every person has a different interpretation of it. This is all mixed together in what they call the "norm." Then you take the test as an individual and you are graded in your variation from the "norm." You are graded in a variation from something that made no sense originally because it was apparently a mixed response.

For example, Dr. P. Eisenberg, a psychologist, took the question "Do you want to be alone," which is a question that appears on many personality questionnaires, and he asked people to write an essay about what they meant about "wanting to be alone." Of 219 students, 55 said they wanted to be alone when they had work to do. You would assume that they would all answer the question in the same way—yes, no, or question mark. They all meant the same thing—but one-third said "Yes," one-third said "No," and one-third said "Question mark." The actual physical response to a question of this type has almost no psychological or semantic meaning.

Applying the tests to individuals is completely outside the statistical possibilities of a group questionnaire, and all question and answer tests are group questionnaires. Any attempts whatsoever to use a group

questionnaire on individuals is improper and completely unscientific. It is witchcraft or alchemy.

For example, the MMPI, which is quite commonly used, was created by giving the sample questions to people who were mentally ill in the University of Minnesota Hospital, and to visitors to the hospital. The testers could find no question with total differentiation between normal and abnormal, but there were some that were answered somewhat differently. They made those a permanent part of the test. There were a total of 566 questions. The test had very awesome scales—schizophrenic, psychopathic deviates. If you scored high on the schizophrenic scale, that would supposedly mean you tended toward schizophrenia.

Professor Anastasi, who is a psychologist at the University of Fordham, says that a high score on schizophrenic does not mean that you are schizophrenic or tend toward schizophrenia.

More important, the authors of the test themselves, in talking about the psychotic profile, warn not to take it too seriously. On this test, if you score 70 on the scales rather than the norm of 50, it is supposedly a psychotic warning. This is a determination of mental health being made by a question and answer test.

Authors of test, in the manual of the MMPI, state, and I quote: "It should be continually kept in mind that the great majority of persons having deviant profiles are not in the usual sense of the word 'mentally ill,' nor are they in need of psychological treatment. Having no more information about a person than that he has a deviant profile, one should always start with the assumption the subject is operating within the normal range." This means, of course, that the test has no value in individual distinction. This was proven at Northwestern University when 39 percent of the students proved to score "psychotic" on one scale of the MMPI by getting 70 or more.

Later tests at universities showed the MMPI's so-called "norm" of 50 was actually "60" at many schools. Using this concept of a norm is meaningless because areas differ, people change, and these are only small samples. Using deviations from the norm is also meaningless. In addition, the authors state that the names of the scales themselves are not meaningful. As a matter of fact, the MMPI authors have reportedly stated they are very sorry that they named these scales because of the misinterpretation of the words, and believe they should have numbered them and not given them any names whatsoever.

The names given to scales, such as neuroticism, alienation, and in the Edwards test, autonomy, are inventions of the author.

Your definition, my definition, and psychologists' definitions of "neuroticism" may be entirely different than the test author's, yet use the same words to name a scale.

For example, Mr. Bernreuter, who is author of the Bernreuter Personality Inventory Test has many questions, including one, "Do you daydream?" If you answer yes, you are penalized on the emotional adjustment scale. This idea came from Mr. Bernreuter's personal psyche. He thinks daydreaming is neurotic. I think daydreaming is essential to normality. Other psychologists agree with me.

Two psychologists make up two different tests, use different questions, but the same name "neuroticism." Yet they mean entirely different things by it. For example, the word "autonomous," which means free will, the free action of an individual, is used on the Edwards

Personal Preference Schedule. There is a test called the Rosenzweig Picture Frustration Test, which has a scale called "conformity," the opposite of "autonomy." Scores on the Rosenzweig, for conformity, and scores on the Edwards for autonomy, correlate positively. That is, the same. So that on two opposite scales, the same person can be a conformist on one, and autonomous on the other.

Further, Mr. Edwards' definition of "autonomous" is different than the Oxford Dictionary. Mr. Edwards, in defining autonomous, uses the phrase "to avoid responsibilities and obligations." But the "autonomous" person assumes his personal obligations well according to our definition.

The words that testers use to name trait scales are simplistic. They use words such as "honesty." They may have a meaning in their own mind for honesty, but psychologists are in no agreement about what the word "honesty" means because it is a multidimensional trait and not a simplistic trait.

You can be honest with yourself; with your God; with your conscience; with your Government; with your wife; with your taxes; with your expense account. It is impossible to use this word "honesty" simplistically unless you mean "theft." But tests using the word "honesty" seldom measure the question of theft or concern themselves with it.

Further, every psychologist invents a series of traits that he says comprise the human "pie," yet no psychologist agrees on the number of traits. For example, Mr. Catell has 16, Mr. Bernreuter has 4, Mr. Thurstone has 7. Actually it is quite possible that there are 50,000 to 100,000 human traits if we use English and other languages. Remember, other languages have words that describe emotions that the English language does not describe. Since the human being is multinational, we can theoretically develop a test with 50,000 or 100,000 or 200,000 traits.

To say that 16 personality traits can define a man is a childish, immature, and simplistic argument that should not be taken seriously by a grown person.

Trying to measure a trait like "persistence" by gaging if a person gets a high score on a scale called persistence is another unscientific concept. Dr. Lee J. Cronbach of the University of Illinois points this out. He says this if a person scores well on a scale labeled "persistence" it merely means the person has a tendency to claim to be persistent on personality tests.

Now, if this is of any value to anybody in trying to define "persistence," I don't know. It is like asking a person one question: "How smart are you?" to measure his intelligence. He says: "I am very smart," and the tester believes he is very smart. The fact that it is taken seriously by people shows that we Americans tend to give too much credence to claims of expertise in certain fields, in this case psychology.

MMPI has a scale called Psychopathic Deviate. The Humm-Wadsworth Test has a scale called Hysteroid, which means approximately the same thing. Yet, there is no general agreement on the scores of the two tests.

If a Federal agency, instead of using MMPI, used the Humm-Wadsworth—which is popular in Los Angeles where it is used by newspapers, et cetera—people that came out psychotic or psychotically

inclined on the MMPI, could come up normal on the Humm-Wadsworth. Changing the tests changes your balance of normal and abnormal people. In such a situation, normality depends not upon your psyche, but upon the psyche of the testmaker. This is a very difficult thing to separate.

There is a very famous projective test used in this country called the draw-a-man test. It has many forms including the buck-house-tree-person test. If you draw a picture of a person, man or woman, they ostensibly can tell something about your psyche or mental health.

The Veterans' Administration, which would have use for such a test, decided to check it out. A Dr. Whitmyre conducted an experiment with 50 men, all veterans, who were mentally ill. He asked them to draw a picture of a person, then took 50 ostensibly normal visitors to the Veterans' Administration hospital and also asked them to draw pictures. He mixed them all up and called in so-called experts on the Draw-A-Man Test and gave them a very simple experiment.

In this field you usually have to come back to commonsense in order to make a rational decision. Some testers state that they can find psychotic behavior in a drawing. Then all you need do to test that claim is to shuffle them up like a deck of cards and give them to a group of psychologists to pick out the normal ones and abnormal ones. This is just what Dr. Whitmyre at the Veterans' Administration did.

The psychologists failed miserably. They could not separate the normals from the abnormals. Dr. Whitmyre then gave the same drawings to an artist and asked him to grade them on art skill. The only positive correlation they could find was that the psychologists agreed with the artist. The psychologists had separated the pictures by art skill rather than emotional illness. The drawing test was also given at the United Nations, as I mentioned in my statement, where it failed miserably in predicting behavior of the Secretariat. The U.N. had a very objective test. They had a timeclock. Over the last 8 years, people had been pressing that timeclock when they came in each morning. The number was indelibly marked in purple ink.

Dr. Shen said to the psychological testers, "Tell us who among the Secretariat tend to be late and who are not late." The results had what testers call a negative correlation, which is generally only possible in a crooked gambling casino.

Mr. GALLAGHER. I might say, Mr. Gross, the example you pointed out of 50 tests, normal and abnormal, was also given on one of these multiquestion tests in one of the local hospitals, and half was given to a group mentally committed and the other half given to the middle class civil servants and Army officers with similar family and cultural backgrounds. The so-called normal group came out with far greater problems of abnormality than did the abnormal people.

Mr. GROSS. Very good. If I had known that, it would have been very good for my book.

Mr. GALLAGHER. Use it.

Mr. GROSS. The next question to consider in the use of psychological tests is criteria. Should the time arrive when science can develop psychological tests which tell you something about the individual—which is still not in the foreseeable future—you would then have to match this up with what you anticipate in the performance of a job.

That is, if we took the job of a writer, or took the job of a Congressman, someone has to sit down and first decide what makes a good writer and what makes a good Congressman. If you can't decide on that it is of absolutely no value to know how sociable a man is, how direct he is, or how indirect he is. Unless you know for sure that you want decisiveness and in what dimensions you want it, there is no sense in testing anyone. In psychological language this is called criteria.

We know nothing about the criteria of any job. This is indicated by the fact that when the same corporations that use this type of testing thought they might as well find out if they knew what they were doing. They asked the Educational Testing Service to do experiments on criteria of executives. This included 14 major firms such as IBM. The Educational Testing Service set up a reasonable experiment. A man working as an executive, with an in-box and out-box, did everything he was told to do. The conclusion that the Educational Testing Service fed back to the corporations is that they did not know anything, nor could they find out anything, about the criteria of executives. Executives vary in their personality and behavior.

People who observe notice this. But testers would like, of course, to be more specific because this enables them to make profitable claims.

In testing, it is important to understand technical phrases such as reliability and validity. Reliability is a psychological phrase that can best be explained by using the thermometer as an example. If a person is without fever, and his temperature is taken with a good thermometer, by a good physician, the thermometer registers approximately 98.6.

If the thermometer in use was unreliable, and the person had no fever, yet it registered anywhere between 90 and 110, then the physician could not use this thermometer for evaluation. Measuring just one or two points of temperature is essential. If your temperature is 97, it could be quite dangerous, and 101 could be the beginning of a heavy infection. If the thermometer was inaccurate in its reliability, then it could not be used as a measuring instrument. No validity could result from it because of its bad reliability.

Reliability is not the accuracy of the prediction, but of the measuring instrument, such as a ruler. If it is ostensibly 6 inches long and is really only five and a half inches, and you measure your height with it, you come out badly.

The manuals generally claim high reliability for tests, whether it is the Washburne or Edwards or MMPI. This is done by the test authors, who have made up the test, and have a natural human tendency to come out with the best possible results.

Later tests on test reliability, called test-retest reliability, are less optimistic. This is a most stringent method that gives the same person the same test over a period of time, perhaps a few weeks apart. This method indicates that most of these tests are not reliable; that is, the same person, 2 weeks apart, scores quite differently on the same test.

His mental health hasn't changed, his sociability hasn't changed, nothing particular about this man has changed in a few weeks. What has changed is the test score, which means that the tests are not reliable. As an example, the Thurstone temperament schedule, which is used

by a large number of corporations in America, on test-retest at the University of Chicago, came out 0.64 on its seven scales rather than the 0.9 or so that the tester claimed. On one scale it was a low 0.48. When test gets below 0.8, or 0.7, like a thermometer that registers between 95 and 105 when it means 98.6, it has to be thrown out.

The MMPI, which claims high reliability also showed up badly on test-retest. On one university sample, the reliability of its "depressive" scale dropped to 0.66, and to 0.56 on the paranoid scale. This means that the potential accuracy of it has been destroyed before the test begins, because the same person who comes out a psychopathic deviate on the MMPI on Tuesday might be perfectly normal on Thursday, because of the lack of reliability of the scales.

Even if the scales of a test are 100 percent reliable, you must then face the question of validity. There are numbers involved here that are very deceiving. For example, someone will say "The IQ, has a 0.5^0 coefficient of validity." This sounds to laymen like an accuracy of "one-half". When I first began my investigation, this is what I assumed—that if a child has a 140 IQ, and we anticipate grade scores of B+ or A's for this child, then it will be true 50 percent of the time or a 0.50 correlation. This is not true. It turns out that on the curve of predictive efficiency, meaning how much better do we do than flipping a coin, a 0.50 validity coefficient is only 13 percent better than chance.

And there is no personality test with even a claimed validity coefficient of 0.5^0. If the tests would operate near their highest maximum claimed level, you would have a validity of only 13 percent better than chance. My personal opinion, and this is proven out by statistics, is that the fallible human being has a predictive ability or an equal percentage better than chance. As an example of that, consider IQ scores, and remember that an IQ is a much more valid instrument than personality tests. IQ scores predict college performance, predict academic grades in junior high school and high school and in grade school, approximately 13 percent better than chance.

College Entrance Examination Board tests predict college grades approximately 13 percent better than chance. But teachers' grades in grade school, junior high school, and high school—the fallible human element—predicts a little bit better than the college boards and the IQ. So the infallible personnel man, unscientifically, through hunch, guess, chance, intuition, does better than the best claimed personality test in the evaluation of behavior.

The experiments disproving the tests number in the thousands, most of them done by psychologists. The MMPI was given at the University of California, Los Angeles, to find sexual deviates, ostensibly with an 88 percent accuracy. If this were true, this would be a very valuable instrument for prison wardens. A prison warden in Texas, I believe at Huntsville, decided to give the test, but tried it out first on his known sexual deviates in prison and the men he knew to be normal. The scale did not work at all. This has prompted many psychologists and many observers to state that claims made for tests in one sample generally fail to hold up in another sample. The reason is that chance, rather than science, is generally operating in the situation.

If some tester says that a result is statistically significant—meaning it is not just chance—this is generally a meaningless phrase. "Chance" is the gremlin. If you play at a casino, you will see 10 reds come up in a row. That is a 1,000 to 1 chance, but it happens and it happens quite often, especially if you are betting black. Chance might be 5 to 1, or 6 to 1, or 10 to 1 against test results happening, but they happen. But this is what confuses the Huntsville and UCLA men who use the same personality test and get different results.

A very dangerous element in the tests is that even if they worked exactly as they claimed, experiments including that at UCLA and others I have mentioned point up the existence of the "false-positive." It is a most dangerous thing. The UCLA MMPI test on sexual deviates stated that they had only 11 percent false-positives. Looking at it superficially, you say that 88 percent accuracy in finding deviates, with only 11 percent false-positives, is good.

We should do a little simple arithmetic, which many testers fail to do. If you have 25,000 students and 50 sexual deviates, and the test is 88 percent accurate, you are going to find 44 of the 50. However, if the test labels 11 percent as false-positive, you are going to mislabel 11 percent of 25,000 students, or almost 3,000 students, as sexual deviates in order to find 44 who are. This simple arithmetic was pointed out by a Navy admiral during World War II, to a psychologist who came to him claiming he had a personal inventory scale which could predict 52 percent of all of the men in the Navy who would get section eights.

The admiral was very interested, of course. Then he asked about the false-positives. How many would be mislabeled? The psychologist assured him they would find 52 percent of the deviates, with only 6 percent false-positives. The admiral pointed out that there were almost 5 million men in the Navy, and that with 6 percent falsely labeled as potentially psychotic, we would lose 300,000 sailors to find 20,000 to 40,000 possible breakdowns. The admiral decided to stay with the old system.

This question of mislabeling is vital because it shows why group testing cannot be used for individual analysis. Even though psychotics, as a group, score higher on the MMPI than normals as a group—because that is how the test was conducted—it is impossible to diagnose individuals with it. You fall into the same false-positive trap as in the Navy experiment. No one wants to be one of the mislabeled.

Then why has it all happened? Why are we involved in this ridiculous situation? The reason is, of course, that we Americans are very impatient people. We insist on marketing our people the way we market cars and everything else. We insist on putting percentiles, labels, and numbers on people. If such a science existed we wouldn't have to worry. We could get wonderful corporation presidents, and wonderful Congressmen, and wonderful writers. But we can't do it, and to attempt to when we can't, is, I would say, a sin. That is all I have to say.

Thank you.

Mr. GALLAGHER. You have said a great deal and we appreciate all that you have said. It is very enlightening to us in grappling with some of these problems. For you to bring some sense into this whole area is very refreshing.

That false positive part of it, especially if applied to Congressmen, would create quite a problem.

Mr. Gross, to get back to the MMPI, if you would there are a series of questions there about religion. Would you care to give us your analysis of the religious questions on the MMPI?

Mr. GROSS. Prior to the Psychological Corp. knowing my attitude toward the testing, I interviewed them and at that time they cooperated in giving me the test, and the MMPI scoring key, which is something they would not do today.

As a matter of fact, Newsweek, which I understand is doing an article on the subject, asked the Psychological Corp. for cooperation with the MMPI and was turned down and called me instead.

Unfortunately, I no longer have the test. I had given it to a magazine. However, I went through my book and found facts that I had taken from the scoring key at the time.

Now, in terms of religion on the MMPI there are, many religious questions on page 108, and perhaps I could read from the book. It is only one paragraph:

> The brazen MMPI, however, bristles with spiritual overtones. In fact, the testmakers have empirically decided what is "healthy" in religious beliefs and how much devotion is likely to become clinically significant. It is normal, said the MMPI, to believe in God and a life hereafter and to pray several times a week. However, it is not clinically sound to carry faith to such extremes as being very religious, reading the Bible several times a week, or, as some groups sincerely do, believe there is only one true religion.
>
> A person who denies the second coming of Christ, surprisingly enough, is penalized on the depressive scale, with no forgiveness for those who have not yet accepted the first coming. In one generous gesture the MMPI has made it equally acceptable to agree that Christ did change "water into wine," or believe that such miracles are simply "tricks."

The last item had no clinical significance, but the other questions, paraphrasing from the key, you are penalized for reading the Bible too often or believing there is one true religion. You are supposed to believe in the second coming of Christ if you don't want to be penalized on the depressive scale. That escapes me, but of course a great deal in this field is unusual.

The MMPI, as I pointed out, has "lie" questions, to trick the person who would attempt to fabricate a healthier outlook, a person who claims that everything is fine. The test also has "once in a while" admissions, that are supposed to trip up the liar. For example: "I certainly feel useless at times." You are supposed to say "yes" rather than "no." If you say "no" you are penalized in mental health on the whole test. That is called the "K" scale for correction, because the testee is supposedly giving too favorable a picture of himself.

The MMPI is the most dangerous test we have in this country today, because it is given more respectability by the public. It is often put into the hands of clinical psychologists and used in semimedical situations.

This is a grave danger because we do not have any test extant that can measure mental health. As a matter of fact, only the person who is legally committed is, by definition, not sane. If he is not legally committed, by definition, it means that he is sane. To attempt to make qualitative judgments within that frame work is impossible. The MMPI does not add information whether the tests are used by so-called qualified or unqualified people. It is only important to the

extent that unqualified people tend to be very naive. That is, a school guidance counselor, might tend to take bad scores completely at face value and say that the child is emotionally sick.

A very experienced psychologist, who is very intelligent, would tend to be less naive. He might not trust the test, but you could not rely on this.

It is quite possible for a qualified psychologist, with a Ph. D., to take the test quite seriously. Many of them believe the tests are excellent, yet a qualified person cannot give an unvalidated test and have it make sense. The qualification of the tester is not overly important in the use of personality tests because no one is qualified to use these instruments because there are no "qualified" tests.

I was disheartened by the one sentence in the statement of the head of the civil service, which was given to me this afternoon, in which he clarified the use of personality tests in the U.S. Government. Mr. Macy allowed the civil service a loophole, which I think is very dangerous, and will permit the use of personality tests in almost any situation in Government.

He says on the last page of his policy statement, "Use of personality test prohibited." The last sentence of that paragraph reads:

> This does not, of course, relate to the proper use of such tests by a qualified psychiatrist, or psychologist when in his professional judgment they would assist in his total study of an individual in connection with medical determination for employment or fitness for future duty.

Mr. GALLAGHER. I might say, and then we will get back to it, this was on the question of invasion of privacy. This did not become part of his overall following file, that this remains part of the clinical relationship between doctor and——

Mr. GROSS. Could it not be used, though, for his discharge?

Mr. GALLAGHER. Yes, it could, no question about it.

Mr. GROSS. I have overlooked one very significant thing, possibly the most significant thing that has been done in test evaluation. That was the Office of Strategic Services, headed by General Donovan, in World War II. They conducted the most extensive personality test program in history. Every prospective agent here at Fairfax, Va., was put through 3 days of personality testing, and every known instrument was used. In the book, "Assessment of Men," a report by OSS psychologists, published by Rinehart after World War II, they list the procedure in detail and I describe it in my book. The OSS book is written so optimistically that you expect that at the end the OSS psychologists are going to say that, as a result of this testing program, we found magnificent agents for use in Yugoslavia, France, et cetera. The book concludes that although their intent was good, and although the techniques seemed excellent, when the test scores were compared with performance ratings of OSS agents throughout the world during World War II, there was no worthwhile correlation. The test did not predict performance. This is simple admission, and they used almost every well known test.

Now, if an instrument is proven by various Government agencies, and by various institutions throughout our history, in carefully validated tests, not to succeed, it seems to me ridiculous that it should be used.

As I say, the greatest danger is the aura of clinical truth that some psychologists would use to surround MMPI. Of course, other

psychologists disagree with the test claims and I have quoted them in my book. I would look askance at any claims made for so-called clinical use of the MMPI.

Mr. GALLAGHER. Mr. Gross, on this religious thing, which disturbs us, this question is given to the Peace Corps in particular tests. Does it not make the norm of the testee—does it not require him to be a Christian to answer correctly, or does it not——

Mr. GROSS. Yes. A Jewish person or a Moslem, who did not believe in the second coming of Christ, because they didn't believe in the first, would be penalized on the depressive scale. A person who didn't read the Bible, who didn't believe in life hereafter, would be penalized.

Of course if you were overreligious, you are penalized equally on the test. If you believe there is only one true religion, as I understand some people in this country including the, Jehovah's Witnesses, believe, you are penalized, too.

The whole theory that attitudes toward religion are related to mental health is a fallacy. Attitudes toward religion vary in people who are healthy and not healthy. Much of it is habit, much of it is tradition, and much of it is how and where you are born. I do not believe it has any relation to mental health.

There are a lot of false psychological theories, which psychologists dignify by calling them a priori. A lot of it is incorporated into psychological testing, yet few psychologists would state that these are true.

Dr. Dollard of Yale states there is no proven theory of personality on which to base a test. If we don't have a theory of personality on which to base a test, I don't know how we can go about creating a test.

Mr. GALLAGHER. Mr. Gross, assuming that the tests were absolutely infallible——

Mr. GROSS. In predicting behavior.

Mr. GALLAGHER. In prediction of behavior, do you feel the Government would have any right to intrude on privacy?

Mr. GROSS. I would oppose them completely on moral grounds in the invasion of privacy, because they are the greatest possible invasion of privacy that can be made. It is probable that the questions that are asked are more intimate than those that a wiretapper would overhear in a normal business conversation. In a normal business conversation, people do not talk about religious attitudes and sex life. It is an invasion of privacy. The sin is compounded because the personality tests are quackery.

I don't think that the personality testers are quacks, and I don't think they are frauds. I do think, however, that they are desperate to have a so-called scientific tool to measure man, because this will greatly enhance their expertise. In doing this they have seized on something which is unscientific.

I think there are a great many sincere, well-meaning people doing personality testing, just as I am sure there are many well-meaning people in nonmedical healing cults, who believe in what they do. But it doesn't mean it is true.

Mr. GALLAGHER. Is this false-positive factor present in the Minnesota tests?

Mr. GROSS. Oh, yes, greatly so. The one experiment that I indicated to you was the sexual deviate test at the University of Cali-

fornia at Los Angeles, where they admitted 11 percent false-positives. Since sexual deviates encompass such a small percent of the population, 1 or 2 percent, and if the false-positives are 11 percent, you are going to mislabel 11 times as many people as you find, if the test were accurate. According to their own claims, it would be dangerous.

Mr. GALLAGHER. Then there could be a great number of young people in the United States being discriminated in this 11-percent factor who may desire to serve the Peace Corps.

Mr. GROSS. Exactly. I would like to point out a book by Dr. Eli Ginzberg of Columbia, actually a series of three books, called "The Ineffective Soldier—Lessons for Management and the Nation." One volume is called "The Lost Divisions." The study was financed by funds, foundations, corporations, and conducted at Columbia over a period of years.

Dr. Ginzberg is a very intelligent man, and he did a very interesting thing. They surveyed the men who were given psychological draft waivers based upon the presumed psychological health of these men as estimated, by the psychological screener at the draft board, or wherever he saw the young men.

Toward the end of World War II, certain groups of draft-exempt people were called up for military emergencies. Dr. Ginzberg's group checked these men who had been psychologically rejected and followed their performance during the war. They found an equal number of heroes, an equal number of psychological breakdowns, and exactly the same performance as the men who had been admitted as psychologically sound. This indicated once and again, for the one-thousandth time, that there is no way, scientific way, that we have to distinguish the mental health of people functioning day to day.

Now, this does not mean that MMPI may not have some use within a mental hospital. I don't know. I didn't occupy myself with that concern. I do not know if the Rorschach ink blot test would not have some use within a mental hospital for the diagnosis of people who have already been declared mentally ill.

It may be worth something, but it is definitely not of value in the selection and screening of normal functioning people to predict their possible psychological breakdown or failure. And by definition, and good psychology students learn this, it is technically impossible to use a group instrument, such as the Minnesota multiphasic, for psychological evaluation of an individual. To use it violates the simple lesson that they probably learned in first or second year psychology.

I can only point out that the question and answer tests have that problem. The projective tests are scaled for the individual. They do not have group statistics, although they have group keys. That is, if you see something in the ink blot it means something specific. In that sense it is group scored. But it is given to individuals, who make an individual response which is evaluated individually by the psychologist.

The thermatic apperception test, which contains 19 photographs and drawings, is the same kind of test. You tell the tester what you see in the drawing. A psychologist, in checking the test-retest reliability—that is he waited 9 weeks and gave the test over again to the same people—found a test-retest reliability of less than 0.3, I think 0.26. This means that by psychological definition the test is incapable of making a decision. Total reliability is 1.00, so if test

reliability is 0.26 it means that you can come out completely different just by taking it the second time. You react differently to the pictures. You tell a different story, and the tester then gives a different interpretation. It is a very loose discipline.

I think it is very unfortunate that the psychologists, rather than the layman, have not taken the time and effort to explain all of the technical fallacies and problems in these instruments. Good doctors will always tell a patient or his family the extent and value of the therapy. If a person is dying of cancer of the stomach and the doctor knows the patient is not going to live, he is not going to claim that the patient will recover when he won't. He will tell the truth.

I think it is incumbent upon testers, and psychologists, people who make tests, and those who use them to tell the truth about their claims. Often they do not.

Mr. GALLAGHER. Mr. Horton?

Mr. HORTON. In your last statement, it is along the lines I wanted to follow. You, of course, have made some statements here, and I don't mean to be critical of them, but I just want to get the background for them. You have expressed some opinions and these, of course, are your opinions.

Mr. GROSS. Right.

Mr. HORTON. And the last thing you said, what is the truth? What do the psychiatrists say about these various tests and what is their opinion with regard to the statements that you have made? In other words, are you expressing an opinion which is shared by the majority of psychiatrists, if you will, or is this an opinion which is in controversy? Is yours an opinion that stands alone? Do all psychiatrists think all of these tests are no good?

Mr. GROSS. It is a very good question. I will give you a fair appraisal of the professional attitudes toward the tests. When my book came out, it was viciously attacked in the psychological journals. Fortunately the New York Times gave it to John Dollard of Yale, who maintains a rather independent attitude toward the field and tries to be objective. Because he was reviewing for the Times, I suppose he assumed the difficult responsibility. The review stated that my book was accurate, et cetera.

I have read you the paragraph from the review where he agreed that the tests were worthless. However, the psychological journals attacked the book viciously. They gave it begrudging credit for its extensive research, but stated that I brought a tremendous amount of personal venom and hatred to my opinion on testing which, therefore, was colored. Of course I anticipated this.

The psychiatric community, however, and this is my appraisal of it, had a different attitude than the psychological community. The difference between the two communities are the fact that psychologists are not medical doctors, while the psychiatrist is a medical doctor.

The psychiatric community, by and large, approved my point of view, that the use of tests to determine mental health was a dangerous procedure.

Dr. Lawrence Kubie, who is now here in Washington, I believe at the University of Maryland Medical School and connected in some way with the Government—I believe with NIH but I am not sure—previously was professor of psychiatry at Columbia College of Physicians and Surgeons, and one of the foremost psychiatrists in America.

I have absolutely no idea what Dr. Kubie thinks of my book, but I will say this. When I did a magazine article on the subject, prior to my book, Sylvia Porter, the business columnist, wrote a column about my opinions. Dr. Kubie wrote a letter to Sylvia Porter which was forwarded to me, stating his complete agreement with the point of view, that the tests were inaccurate and dangerous. He submitted a paper he had written on the general subject of testing and accuracy. I would say that I think it is fair estimate to say that by and large the psychiatric medical community agreed that the tests were not accurate in determining or predicting behavior. Predicting is an important thing. The tester is making a prediction of their behavior, that they are going to break down somewhere along the line. I think that the psychiatric community, by and large, does not believe the tests can do this.

Many in the psychological community do believe the tests can do this because psychologists are more professionally involved. If a psychologist is attached to a mental hospital, psychiatrists will take care of the health of the patient and his therapy and generally give the clinical psychologist the job of testing.

Now again, my opinion does not relate to people who have already been declared mentally incompetent. I have not researched the use of tests among this group, whether the tests differentiate between the groups and whether it can help in diagnosis and therapy. So, to answer your question, I believe that the psychiatric medical community by and large agrees with me.

Mr. HORTON. What special qualifications do you possess to make these criticisms?

Mr. GROSS. Absolutely none. My only special qualification is that I am a journalist, writer, a reputable one. I have written on many subjects with authority. I have received awards for my writing.

Mr. HORTON. I don't mean to be critical, but I am trying to establish——

Mr. GROSS. That is right. Of course, you must remember, very often journalists and writers make surveys of various groups, independently of the profession, for the benefit of the public. Very often an objective good journalist can bring more to it.

I have a reasonably good scientific background from college, so I was intellectually capable of understanding what I was reading, and able to understand the psychologists I talked to.

Mr. HORTON. Do you have any special training or did you have any special training in this field?

Mr. GROSS. I did not. I have a bachelor's degree from college. I have taken a great deal of science. I have taken organic and physical chemistry and all of the calculus, integral calculus, differential calculus. I have a reasonable background in math and science, so I understand the subject. But I have no special qualifications in psychology.

As a matter of fact, I might quote Dr. Dollard, of Yale, who said in his review of my book that this book could not have been written by a psychologist, meaning that a person intimately involved in testing could not have brought it such outside objectivity.

Now, I may say that later on in psychological journals, much of the attitude toward my book changed. The "American Psychologist" which attacked me on many occasions, wrote an article in a later edition, 10 months or so after my book came out, giving it begrudging

praise. The psychologist said I was still a little biased, but that it was of great value to the profession to have the subject aired. He also stated that they too were concerned about unjustifiable claims, ethics, and other points that I raised.

Mr. GALLAGHER. If it will help, Mr. Gross, I don't believe you have to be a chicken to know an egg is bad.

Mr. GROSS. Right.

I have one other point. I was asked to address the convention of the Pennsylvania Psychological Association on psychological testing in 1963, which I did, which was an admission of my competence.

I have been asked by many universities to speak on psychological testing, and have appeared before the American Statistical Association.

Mr. HORTON. One further question in this regard.

Mr. GROSS. That should be the New York Statistical Association in Albany.

Mr. HORTON. One further question in this regard. You did spend time in compiling the information which, of course, is in your book. How much time or how many years have you spent in studying these matters in detail?

Mr. GROSS. Three years.

Mr. HORTON. Are you still doing it?

Mr. GROSS. Yes; only to the extent that I'm called upon to speak in various places and I do some refreshing by going through some journals. But during the period that I wrote the book I gave myself an extensive education and with all due modesty, when I address psychological groups, I appear to have much better command of the subject than the psychologists, which is also often their opinion.

I was invited by the U.S. Government, Civil Service Commission, to address their senior management seminar on psychological testing. I appeared once. I was invited back a second time to address another seminar of senior management, including men in the top ranks of Defense Department and State Department, et cetera. I did not appear the second time because I had to go elsewhere, but I did appear once in Washington.

Mr. HORTON. I gather from your testimony that you don't feel that there are any instances in which psychological testing should be used or could be used by the Federal Government?

Mr. GROSS. The word "psychological testing" is a difficult phrase because it encompasses many tests that are not included in personality testing. Psychological testing is a generic phrase which is used by the profession to include tests such as mechanical aptitude, IQ tests. I would say that the more correct phrase would be personality testing.

Mr. HORTON. Let's confine it to that.

Mr. GROSS. Excuse me, I would broaden it to personality and interest testing. No; they should not be used in any way whatsoever by the U.S. Government. They are very dangerous in the selection of personnel.

Mr. HORTON. Is this because you feel there is an invasion of a right or privacy or because you feel it is immoral testing or because you feel that the results are not going to be effective?

Mr. GROSS. I would say all of those reasons and more. No. 1, it is a tremendous invasion of privacy and, in addition to that, it makes the invasion of privacy respectable in the Nation; it makes the invasion of privacy normal, so that a person not only has his privacy

invaded by the test, but it conditions that agency, conditions the entire population, to consider invasion of privacy a normal way of life. It would be only the beginning of the invasion of privacy.

Should this be established as respectable, this would be only the beginning. Testers would invent criteria for all kinds of behavior; for dress, for speech, for attitudes on politics, religion. They do this now to an extent, but they would go much further. This would be opening the floodgates, I would think, to the destruction of our way of life.

Mr. HORTON. Based on your interviews and your research in these 3 years that you spent in compiling your book, have you found that industry is using on a large order the so-called personality tests?

Mr. GROSS. It is very difficult to state the percentage, but my guess is that about half of the large corporations in the country, in one way or another, use psychological testing either directly through testing companies or through management consultants.

Mr. HORTON. And the same reason for the Government not using them would obtain insofar as your criticism of industry using it also?

Mr. GROSS. Right. The lack of essentiality of the tests is indicated by the very successful companies such as the Bell Telephone Co., the DuPont Corp., which refuse to use them. On the other hand, others can point to Sears, Roebuck, which does use them, as an argument for the efficiency of testing. But a better argument for efficiency is indicated by the fact that if you withdraw something, something bad will subsequently happen. For example, if a person has pneumonia and you don't give him antibiotics, he is going to suffer, perhaps die. Now if you withdrew testing from the DuPont Corp., it should collapse. But the DuPont Corp. is quite successful because it has intelligent management and doesn't need testing. It is very difficult to say testing will hurt a large corporation immediately, because a large corporation has a tremendous amount of talent to draw from, whatever system they use, tossing coins or testing. There are a tremendous amount of young college graduates coming out of business school and many young engineers, so all the testers are doing is shuffling fate. But more than that, they are setting a bad precedent for the future.

I raise the argument in my book that from the tests I have seen and the corporations I have talked to, too much of a premium is being put on conformity and shallow traits in the criteria for personality scales that they match against the test scores. In a time of success and prosperity, this may not hurt a large corporation, but should the Nation ever be faced with a depression and require great ingenuity and aggressiveness from heads of corporations, we may find we have been selecting the wrong men. Perhaps testing it is a luxury of peacetime, a luxury of prosperity.

Small corporations, I do feel, suffer greatly when they use testing because little corporations need growth and they need aggressive imaginative individuals. This type are screened out by tests such as the "Study of Values" which testers use to discriminate against men of culture and intellect in favor of men who only want to make money.

Mr. HORTON. Thank you.

Mr. GALLAGHER. Mr. Rosenthal.

Mr. ROSENTHAL. Thank you, Mr. Chairman.

You spoke of Professor Dollard approving your book. Nonetheless, at the same time, he called you an angry journalist, is that correct? Do you think that term and connotation that derives from it implies any suspicion of your objectivity?

Mr. GROSS. He stated two things in the review. First, I don't think angry journalist can be interpreted as negative. The next thing he said, "It was about time someone did it." But later in the review he said, "Mr. Gross brings too much hatred, too much venom to his anger against personality testing." He objected to my title, and thought perhaps I was thinking of bird watching or brain washing. I didn't understand his point, but he objected to that. He made no negative comment about the content or facts in the book. But he was objecting as a psychologist. I'm sure he felt a personal affront to his profession because of my comments and my language, which I think is his due. But, he made no objection to my information and, as a matter of fact, he agreed completely with my point of view.

Mr. ROSENTHAL. Are you working on another book on another subject matter these days?

Mr. GROSS. Yes, I am.

Mr. ROSENTHAL. What subject is that?

Mr. GROSS. I don't know if it is pertinent, but if you like, I am doing an investigation of the medical profession.

Mr. ROSENTHAL. Let me suggest why I think it is pertinent.

Mr. GALLAGHER. It is not pertinent to this.

Mr. ROSENTHAL. I think it is, Mr. Chairman. Let me suggest why. You made almost sledge hammer accusations, many of which this committee would be willing to accept, accept their credibility and I, for one, would but, on the other hand, if we are going to build a creditable record to be used by Congress and those outside, we have to make it appear that we have inquired, as Mr. Horton indicated quite appropriately, to your credentials to see whether the charges that you make are supported by fact. I, for one, don't doubt that much of what you say is probably true. At the moment, we have an enormous void in the record.

Now, if you were in the position of the chairman and you wanted to offer someone a chance to rebut what you said, whom do you think you would call as a witness?

Mr. GROSS. I would guess any one of the operators of testing corporations, or their chief psychologist.

Mr. ROSENTHAL. Are there any outstanding authorities in the United States that, in your opinion, are somewhat more objective than those commercially involved in this subject?

Mr. GROSS. It is difficult to get someone in favor of testing who is not commercially involved. The difficulty is that the academic community—this is a very unfortunate thing—the academic community in some cases is mingled closely with the commercial testing community. For example, some of the testing corporations in New York, Chicago, and elsewhere, have academic people on their staffs and some are owned by academic people. Some psychologists at Columbia Teachers College do testing commercially in addition to their academic work. So, it is very difficult to separate the two. I don't know of any academic person who is an advocate of the efficiency of testing who is not commercially involved.

There are some men who would give you a somewhat different picture than I did, only to the extent to say that Mr. Gross is right; the tests aren't very good, but they are not all as bad as he says they are. For example, there is Dr. Cronbach, who is a very intelligent psychologist at the University of Illinois, who has written a textbook called "Psychological Measurement." Dr. Lee Cronbach is 50 percent as skeptical as I am. Naturally, the journalist feels he has a more objective viewpoint because he is able to be objective. He says to the tester that he will look at the part you say is good, and I will ask other people to verify it. It is very difficult to crack a real discipline. It would be impossible for me to go into chemistry and physics and to disprove certain equations that are being used. Its theory is carefully set up. Say a space vehicle is going to do X, Y, Z. The chances are excellent it is going to do X, Y, Z and it would be very difficult for me to say it is not going to do X, Y, Z. If one psychologist, however, says the Rorschach is no good, that it is a joke, but that the MMPI is great, I will say, "You say that is great, but I'm going to ask 20 other psychologists." Nineteen might disagree. Testing is an infant discipline without rigorous methodology.

Mr. ROSENTHAL. We are getting off the track of where I want to go. I'm thinking of the responsibility I have. I frankly and honestly want to believe in what you say. I want to make sure I'm on pretty safe ground. There isn't any question that your participation in this thing had some commercial overtones.

Mr. GROSS. Not commercial, professional. I'm a writer. This is what I do for a living.

Mr. ROSENTHAL. To wit, the sale of the book.

Mr. GROSS. I do this for a living all the time. This is my work. When I was writing the book on testing, I wrote a book on testing. Before that, I wrote an article on Blue Cross. It doesn't give it any special commercial significance. I have been doing it for 15 years or more.

Mr. ROSENTHAL. What subjects had you done before testing?

Mr. GROSS. I had written over 150 articles for Good Housekeeping, Saturday Evening Post, Life—all the major magazines—and I have covered a great many subjects. I did an article on Blue Cross-Blue Shield for Good Housekeeping which resulted in a change of Blue Cross-Blue Shield reimbursements in New York and a change in their procedure.

I did an article on education, which won an award from the National Education Association on the failure to build intelligent schoolhouses.

I have done articles on psychiatry, on psychology. I did an article during the 1950's that there was much shoddy building being done. I did the first article on the FHA–VA and problems arising in home-building out on Long Island.

Mr. ROSENTHAL. I didn't want you to misunderstand the nature of my inquiry.

Mr. GROSS. I don't misunderstand.

Mr. ROSENTHAL. We are involved in a very important subject, important not only to the role of the Federal Government, but the tone that the Federal Government sets for the rest of the Nation in this subject.

Mr. GROSS. I think I can explain your problem with one anecdote.

Mr. ROSENTHAL. My personal problem or professional problem?

Mr. GROSS. Professional problem. One anecdote which explains the dilemma which you will find insolvable in a problem such as this.

A television show, or radio show, that had invited me, also wanted a professional psychologist to come on. I called a gentleman at a university in New York who had expressed antagonism against personality testing and invited him to appear. He said, "I will think about it." I called him back and he said "No." I asked "Why?" He said he agreed that the tests that are now in use are no good. But, he added, "I am working on one." You are faced with the tremendous problem of an infant discipline, in which many of the people within the profession will say, in general terms, that the tests are inaccurate, unscientific, et cetera.

However, they invariably add, we are doing unusual work on tests at this school. You face a very grave problem in which the individual and personal claims, and personal allegiances to schools of psychology will confuse you.

As an example, Dr. Hans Eysenck, a very important psychologist who is director of the Institute of Psychology at the University of London, has written extensively on the fallacy of the Rorschach blot test, Draw-A-Man Test, and all other projective instruments. Dr. Eysenck would, I think, support verbatim and even more vociferously than I, the objections to projective tests.

However, Dr. Eysenck is one of the world's great authorities in a positive sense, on the question and answer tests. He thinks that the only possibility for psychological personality test truth is in questions and answers, and he has been working on that for many years.

Another expert, Burleigh Gardner of Social Research, Inc., of Chicago and the people at Personnel Labs in New York will say that question and answer tests are ridiculous. It is obvious to them that question and answer personality tests are fallacious and make no psychological sense. You can cheat on them. They only have face validity. They will repeat what Cronbach and Eisenberg and others say about the problems involved.

But, they say, the thematic apperception test and the Rorschach ink blots and other projective instruments that they give—often "blind," as in the case of the Personnel Labs in New York—are exceptionally good because they make clinical sense.

Do you see my point? It is very simple for the journalist to put the two together and say that it is obvious to the objective viewer that both arguments are sound. I can say there is no test validity anywhere because each gentleman is exposing each of the pieces of the puzzle for me separately. I just put them all together. You cannot do this in a valid discipline. You can't conclusively prove little pieces of failure in science. You can't prove a mathematical equation or a chemical equation is wrong, and therefore that chemistry or mathematics is false.

I would say that if you wanted a more moderate attack, more moderate cynicism, you might get Prof. Anne Anastasi at Fordham University, Prof. John Dollard of Yale, Prof. Lee Cronbach of the University of Illinois.

But, as I say, you have problems. Dollard is not commercially involved in testing in any way. Dr. Anastasi is not commercially involved but she just did a personality test for the College Entrance Examination Board for college students and has developed a biographical scale she thinks is good.

So you have a problem. The three names I gave you wouldn't, I believe, be advocates of personality testing, but they would be less annoyed than I am, because they are in the profession. In the same way someone coming along who would be angry at writers, because they think some journalists are bad, would be a good witness against me in terms of writing in general.

Mr. ROSENTHAL. Thank you, Mr. Chairman.

Mr. GALLAGHER. Mr. Gross, while this has been extremely interesting, our purpose was not to solve this controversy but to show this controversy exists. I think you have done this very well, namely, that psychological testing is greatly controversial. But, in my view, even if it were perfect, an invasion of privacy would still remain.

Mr. Reuss?

Mr. REUSS. Thank you, Mr. Chairman.

Mr. Gross, I am not sure you had a chance to fully respond to the question by Mr. Horton of your objections to personality testing, particularly by the Federal Government.

Item 1 was quite clear, an invasion of privacy, with all of the variants on that theme.

Item 2 in your bill of particulars was that it was very largely valueless and produced frivolous results which have no real relationship to the kind of employee that an agency or employer should want to employ or should retain.

Is that a fair statement of your two objections?

Mr. GROSS. Yes.

Mr. REUSS. Is there not a third, which certainly occurs to me? That third is that this test, particularly the MMPI test, can be quite discriminatory as to minority groups in our society.

Were you here this morning?

Mr. GROSS. No.

Mr. REUSS. This morning I discussed briefly a test conducted by the Department of Labor last year in order to pick 2,000 youth advisers for the war against poverty from some 21,000 applicants, and they used, as part of their method of screening, a 158-question list, which seemed to derive very directly from the MMPI.

You have the "rosetta stone," I guess, to the MMPI, which although I have been trying for 8 months, I can't spring from the Department of Labor.

Mr. GROSS. I no longer have it. I have given it to someone.

Mr. REUSS. Let me see whether your recollection is able, as I think it probably is, to give me the answers to two or three of these questions which I have picked up from the Department of Labor test.

For example, question 19—all of these, incidentally, are derived directly without any verbal exchange from the MMPI—question 19: "I think Lincoln was greater than Washington." Now what was a good answer and what was a bad answer?

Mr. GROSS. Lincoln and Washington on the MMPI are related to a scale called masculinity-femininity. The psychological theory that is behind most masculine and feminine tests is developed from Terman-Miles test. It is an old one which was invented out of pure cloth, out of the concept that masculinity was related to physical activities, sports, and each of cultural interests.

If you are going to be a journalist, for example, the masculine person would want to be a sportswriter. A feminine person would

cover books, politics, or whatever. I suppose a war correspondent would be all right for a man.

The masculine person, according to this theory, doesn't read very much and the feminine person reads a great deal. The interest of masculine and feminine was related, by some strange device, to culture, based on the supposed generalization that females are more cultural than men.

This question, by some strange freak, fits into the masculine-feminine scale on the MMPI. George Washington was a soldier, and George Washington seems to have a more masculine image. On this test, if you prefer Lincoln to Washington, you are penalized on the masculine scale.

Mr. ROSENTHAL. What about the fact Lincoln was a railsplitter?

Mr. GROSS. That should have helped, but it didn't.

Mr. REUSS. Because the bells have rung I won't proceed. So on this, the good answer was Washington and the one that penalized you was Lincoln.

Mr. GROSS. Unless of course, if they were looking for an intellectual job. Then a feminine scale is not generally damaging.

Mr. REUSS. The next question on this list is No. 20: I feel sure that there is only one true religion. I believe you have already said that if you said "Yes," there is only one true religion, that was a damaging answer.

Mr. GROSS. Yes; correct.

Mr. REUSS. Let me take one more question, No. 148: My home as a child was less peaceful and quiet than that of most other people. What did that do for you?

Mr. GROSS. It is negative, if you said true, negative.

Mr. REUSS. If you said your home was less peaceful, this hurt you?

Mr. GROSS. Yes.

Mr. REUSS. I suggest to you that our urban minority group culture being what it is, and fundamentalist religions being as prominent in the culture of the American Negro as they are, a Negro taking this test might well have said that he thought Lincoln was greater than Washington, that he felt sure that his faith was the one true religion, and that since he grew up in a slum, his home was less peaceful and quiet than that of most people. Is that not so?

Mr. GROSS. I would assume; yes.

Mr. REUSS. Isn't there, therefore, a third item in the bill of particulars against these tests, that they, however unwittingly, discriminate against minority groups?

Mr. GROSS. Possibly so, but that discrimination is unwitting. The witting discrimination is such things as fundamentalism in religions. Some psychologists don't like fundamentalist religious ideas, and when inventories are made up, they are generally discriminated against.

Mr. REUSS. One final question, suggested by what you said a moment ago. Am I right in thinking that on these tests, if you, a man, answered true to the question, "I would like to be a journalist," that this gave you a negative rating because this was considered an effeminate profession?

Mr. GROSS. Exactly correct.

Mr. REUSS. Is it conversely true, that if a woman answered to the question, "I would like to be a journalist," that she would like to be a journalist, that this raised questions of lesbianism?

Mr. GROSS. I don't know. Masculine-feminine scale works in reverse with the opposite sex, so I suppose it would penalize her on femininity.

Mr. REUSS. This is from Minnesota multiphasic.

Mr. GROSS. Yes. It has this F–M scale which is absolutely childish. It starts from a false psychological theory that masculinity is related to crudity, and related to ignorance and lack of culture. This probably began in the heads of Professor Terman and Professor Miles who invented the first test from which all others have been derived. This stupidity is followed from test to test and decisions are made on it. As a matter of fact, in one testing company on Third Avenue in Manhattan which grades their test with a machine, a man applied for a job on the DEW line, which I think was being built under Government contract. The man was very cultured and scored high in femininity on the test. He answered that he liked poetry, et cetera. They would not give him the job because they suspected homosexuality. He was married and had three children and wanted to make some money. But he didn't get the job.

So a ridiculous theory creates a ridiculous scale which is then further made ridiculous by applying it to individuals.

Mr. REUSS. Thank you.

Mr. GALLAGHER. Mr. Cornish?

Mr. CORNISH. No questions.

Mr. GALLAGHER. Mr. Romney?

Mr. ROMNEY. No questions.

Mr. GALLAGHER. Thank you very much for appearing here today, and for making a very significant contribution to the study of this subcommittee.

The special inquiry will stand adjourned until 10 a.m. tomorrow.

(Whereupon, at 4:10 p.m., the special inquiry adjourned, to reconvene at 10 a.m. Friday, June 4, 1965.)

SPECIAL INQUIRY ON INVASION OF PRIVACY

FRIDAY, JUNE 4, 1965

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE ON INVASION OF PRIVACY
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C.

The subcommittee met, pursuant to recess, at 10 a.m., in room 2203, Rayburn Office Building, Hon. Cornelius E. Gallagher (chairman) presiding.

Present: Representatives Cornelius E. Gallagher, Benjamin S. Rosenthal, Frank J. Horton, and Henry S. Reuss.

Also present: Norman G. Cornish, chief of special inquiry; Miles Q. Romney, associate general counsel, Government Operations Committee; James A. Lanigan, general counsel, Government Operations Committee; and Raymond T. Collins, minority professional staff.

Mr. GALLAGHER. The subcommittee will come to order.

Before we hear the testimony of today's witnesses, there are two documents which I would like to insert in the record at this point. Mr. Cornish?

Mr. CORNISH. Yes, Mr. Chairman. The first one is a letter dated March 26, 1965, from the Deputy Under Secretary of State, Mr. William J. Crockett, and it reads as follows:

DEAR CONGRESSMAN GALLAGHER: There have been numerous questions raised as to whether our use of psychological testing in our regular medical examinations was an appropriate test for a Government agency to impose upon its personnel. We have used this type of testing whenever our medical division determined whether it might assist in the proper treatment for the individuals. We have now decided to discontinue this policy and will substitute instead a requirement that personnel seek their own psychiatric counsel whenever the medical examination indicates psychiatric treatment is necessary.

We expect that this psychiatric care would be carried on in a personal relationship between the employee and doctor of his choice. In this way I think we can insure that the Department of State does not violate the rights of individuals while at the same time fulfills its responsibilities to the individual employee by calling attention to problems as well as protecting the national interest.

The individual employee will seek assistance from his own doctor. I would like to discuss this whole matter with you as we move forward with our new regulations.

I appreciate your help and assistance.

Sincerely,

WILLIAM J. CROCKETT.

The second one, Mr. Chairman, is the text of a memorandum of the Export-Import Bank of Washington, which was transmitted to me as the staff chief of this special inquiry.

It is dated April 20, 1965, and reads as follows.

Memorandum to Personnel Officers.

Subject: Applicant and employee testing.

1. The purpose of this memorandum is to establish a policy prohibiting the use of a certain type of test on employees or applicants for employment with the Export-Import Bank.

2. It is recognized that there are certain kinds of test materials under the general heading of "psychological testing" which are useful and permissible, such as aptitude and vocabulary tests.

3. Apart from the above, there has been some use made in Government of psychological personality tests which most often include questions of an extremely personal nature, bearing on sex, morality, parental relationships and the like.

4. It is hereby prescribed that tests of the nature indicated in paragraph 3 above will not be used in any examination of employees or applicants for employment.

John R. Crown, Administrative Officer, Export-Import Bank of Washington.

Mr. GALLAGHER. There are also several editorials which indicate the degree of public concern over the matter of invasion of privacy and personality testing. If there is no objection, these will become a part of the record also.

(The editorials referred to appear on p. 387 of the appendix.)

Mr. GALLAGHER. Our first witness today is Mr. Leo Werts, Assistant Secretary of Labor for Administration.

TESTIMONY OF LEO R. WERTS, ASSISTANT SECRETARY OF LABOR FOR ADMINISTRATION, DEPARTMENT OF LABOR

Mr. GALLAGHER. Mr. Werts, we welcome you here this morning.

(Whereupon, Mr. Leo R. Werts was duly sworn.)

Mr. GALLAGHER. Would you proceed, please?

Mr. WERTS. Thank you.

Mr. Chairman and members of the subcommittee, my name is Leo R. Werts. I am here today representing the Secretary of Labor. The Department welcomes the invitation of the House Committee on Government Operations to appear before it to describe the use we have made of tests and questionnaires for selecting persons to work with youth.

With the committee's permission, Mr. Chairman, I will read some of the significant parts of this testimony and then summarize certain other sections of it which are not as directly related to the question which you have asked as the points I will read.

Mr. GALLAGHER. All right.

STATEMENT OF LEO R. WERTS, ASSISTANT SECRETARY OF LABOR FOR ADMINISTRATION

Before going into the subject of today's hearing, it should be noted that the Department is most strongly opposed to the careless and illegitimate invasion of personal privacy either by private or governmental institutions. The constitutional right against invasions of privacy must be safeguarded at all costs.

The Department of Labor was one of the first Federal agencies to take positive action to assure that maximum efforts were taken by all officers and employees to guarantee the integrity of personal conversations or statements, and to guard against the invasion of privacy through the use of electronic recording and monitoring devices. The Secretary personally became concerned early last year with the potential abuses from monitored telephone conversations and caused an inquiry to be made leading to a comprehensive policy and Department-wide regulations that all internal and external business be transacted with complete candor and confidence.

Distinction between employment in U.S. Department of Labor and Project CAUSE

I would like to emphasize first that counsellors recruited and trained for the CAUSE project are not employees of the Department of Labor. Rather, they are trainees being prepared for assignments with State employment service agencies as counselors of young people. The only exception is the District of Columbia Employment Service which is legally part of the Department of Labor, but which operates as part of the nationwide employment security system.

Types of examinations used for employment in the U.S. Department of Labor

Department employees are hired through examinations developed and administered by the Civil Service Commission or the Department's Board of U.S. Civil Service examiners under the guidance of the Civil Service Commission. Some of these tests are written and some are based on an evaluation of past training and experience. Examples of these examinations are the Federal service entrance examination, the Federal administration and management examination, the economist examination, the stenographer and typist test, and the employment service adviser examination. None of these are personality or psychological examinations. Nor are tests of the type in question used for promotion within the Department.

Background for Project CAUSE

Project CAUSE was born to attack the acute problem of youth counselor shortages. Early in 1964, it became apparent that a rapid rise in the supply of counseling personnel would be required to meet current and prospective demands for qualified staff to serve all youth, but particularly disadvantaged youth—those who are out of school and out of work, those who have no special job skills, and those who are disadvantaged either through lack of education and training or because of poverty, race, and environment.

Although there are approximately 50,000 counselors currently employed in the United States—42,000 in the public schools, 3,500 in State employment service offices, 2,500 by State and local rehabilitation agencies, and 2,000 in nonpublic service activities—the Secretary of Labor's "Report on Manpower Requirements, Resources, Utilization and Training," submitted to Congress by the President in March 1964, estimated that an additional 32,000 full-time counselors would have to be trained during the next 3 years—25,000 for the public schools, 5,500 for the State employment services, and about 600 for rehabilitation counseling.

The increase in the counseling staffs of State employment service offices was predicated on the need for adding well-qualified counselors to service regular guidance and counseling programs, new programs for youth authorized by Congress under the Manpower Development and Training Act, as amended, and to provide counseling services to those young men found unfit for military service and referred by selective service to State employment service offices for assistance.

On top of these existing shortages and demands for counseling personnel, the President's antipoverty program and the enactment of the Economic Opportunity Act of 1964 created a further need for qualified and trained people capable of working with and counseling youth for the Neighborhood Youth Corps, the Job Corps, various community action programs and programs such as the youth opportunity campaign just announced by the President last week.

To increase the supply of trained counseling personnel as rapidly as possible, the Bureau of Employment Security initiated Project CAUSE. Project CAUSE has been designed to supplement existing counselor education programs with an affirmative plan to recruit, select, train, and employ—in cooperation with State employment security agencies, universities, and youth counseling experts—approximately 3,500 counselor trainees between June 1964 and October 1965. The BES project's primary goal is to augment the supply of counseling talent to man youth opportunity centers.

Youth opportunity centers

The Department of Labor is currently establishing throughout the employment security system a nationwide network of youth opportunity centers to increase the employability and employment of all youth 16 to 21 years of age, but with particular emphasis on disadvantaged youth. These centers are necessary because there are about 1.2 million jobless young people in this country who are with little prospect of getting a job, or of keeping one because they have no particular skills. The number of such youths looking for jobs is increasing rapidly and unemployment for this group is almost three times the rate for the rest of the labor force.

These centers are actually local offices established within the framework of the employment service system. They operate as a focal point for government and community efforts in solving youth employment problems through personalized counseling and, necessary preparation for employment. The services offered depend largely on individual needs. They include interviewing, career guidance, intensive counseling; technical services in preparing for employment; job development; job placement; recommending youth for occupational training; referral to MDTA training or to work and training programs through the Neighborhood Youth Corps and Job Corps; and even referral to other appropriate community

agencies when necessary to deal with specific problems. In short, the centers would provide many services needed to help youth find suitable employment.

There is a special need for trained counselors to man these centers. Project CAUSE I has met this need partially and it is anticipated that Project CAUSE II will further meet the need for trained staff.

Project CAUSE II selection and testing

The committee has asked the Department to explain its past and current positions regarding the selection and testing of candidates for youth counselor training. Since the Department does not consider that the testing and selection techniques used for Project CAUSE last summer was objectionable to the vast majority of candidates, the position of the Department is that we are not dealing here with the need to justify the use of tests and questionnaires. In our jdugment, the use made of the test materials for the selection of youth counselor trainees was not an invasion of privacy.

I can assure the committee that personality tests will not be given this year nor questions asked that involve invasions of privacy. This year's CAUSE selection process will differ from last year's in that it will serve to determine more completely the relevance of the candidate's experience to work with the disadvantaged. We are looking for interest in and familiarity with the conditions of disadvantaged youth. This technique is also designed to measure a candidate's sensitivity to youth problems and needs.

The new application questionnaire for CAUSE II is designed to serve as both application and objective standardized interview to allow a candidate to review some of his personal and work experience along the following dimensions:

(1) Degree of familiarity with the poverty of disadvantaged.

(2) Interests and attitudes toward the type of work required of YOC counselors.

(3) Formal experience background.

(4) Work attitudes relating to supervision, sensitiviy to administration, and work adjustment.

(5) Counseling skills, knowledge, and aptitudes.

Applicants may fill out the application at home, and then bring the application answer sheet and booklet to the testing site at the time of taking the CAUSE II selection test. As seen from an examination of the application questionnaire, the candidate selects from five inclusive choices a statement which most closely relates to his work experience, or he endorses a statement which follows an approach to an actual work situation similar to that which he would do or say in the actual situation. This permits us to interview him and at the same time enables us to rapidly and fairly process a large number of applications.

This year's examination was prepared for us by the Department of Health, Education, and Welfare, in conformity with State merit system procedures. Our experience with the assessment of trainees during last year's CAUSE program suggests that this newly designed examination will prove to be an even more relevant and accurate gage of an individual's suitability for employment that requires constant contact with the disadvantaged. After candidates sit for the examination, a review will be made which emphasizes the candidates' specific substantive knowledge that is directly concerned with youth counseling. We are suggesting, however, that only a minimum score is needed on this examination.

If a candidate has this minimum score, then his application will be used as a basis for selection. This procedure has not been used before in a Federal program and should result in a much more favorable balance of ethnic and minority groups who understand and have experienced conditions of deprivation.

Through the use of computerized information, we can compare each candidate with general statements about the entire group as well as with sample groups that have the characteristics in which we are interested. We thus expect, on the basis of our interview-type application, to place our candidates in two groups: First, those who have many of the experiences and background characteristics we feel desirable; and secondly, those who have few of these characteristics.

The coding and weighing of the questionnaire and test results provides some half dozen subscale scores and there is no possible way of using the five multiple-choice answers from any one question that the candidate may have responded to. We feel that this is an efficient and fair way to handle this data which offers maximum protection to the candidate and at the same time insures us of an intelligent selection process.

Thank you for the opportunity of appearing here today.

Mr. WERTS. Before going into the subject of today's hearing, it should be noted that the Department is strongly opposed to the careless and illegitimate invasion of personal privacy, either by private or governmental institutions. The constitutional right against invasions of privacy must be safeguarded at all costs.

The Department of Labor was one of the first Federal agencies to take positive action to assure that maximum efforts were taken by all officers and employees to guarantee the integrity of personal conversations or statements, and to guard against the invasion of privacy through the use of electronic recording and monitoring devices. The Secretary personally became concerned early last year with the potential abuses from monitored telephone conversations and caused an inquiry to be made leading to a comprehensive policy and department-wide regulations that all internal and external business be transacted with complete candor and confidence. In other words, no use of any electronic devices for recording or listening in on conversations unless all parties were aware of all people who were in on the conversation.

I would like to emphasize first that counselors recruited and trained for the CAUSE project are not employees of the Department of Labor. Rather, they are trainees being prepared for assignments with State employment service agencies as counselors of young people. The only exception is the District of Columbia Employment Service which is legally part of the Department of Labor, but which operates as part of the nationwide employment security system.

Department of Labor employees are hired through examinations developed and administered by the Civil Service Commission or the Department's Board of U.S. Civil Service Examiners under the guidance of the Civil Service Commission. Some of these tests are written and some are based on an evaluation of past training and experience. Examples of these examinations are the Federal service entrance examination, the Federal administration and management examination, the economist examination, the stenographer and typist test, and the employment service adviser examination. None of these are personality or psychological examinations. Nor are tests of the type in question used for promotion within the Department.

These next sections I will summarize and point up essential facts just for the information of the committee.

Project CAUSE was born to attack the acute problem of youth counselor shortages. The Secretary of Labor's report on manpower requirements, resources, utilization, and training, submitted to Congress by the President in March 1964, estimated that an additional 32,000 full-time counselors would have to be trained during the next 3 years—25,000 for the public schools, 5,500 for the State Employment services, and about 600 for rehabilitation counseling.

To increase the supply of trained counseling personnel as rapidly as possible, the Bureau of Employment Security initiated Project CAUSE. The project's primary goal is to augment the supply of counseling talent to man youth opportunity centers.

The youth opportunity centers are actually local offices established within the framework of the employment service system. They operate as a focal point for government and community efforts in solving youth employment problems through individual counseling and necessary preparation for employment. The services offered include interviewing, career guidance, intensive counseling; technical

services in preparing for employment; job development, job placement, recommending youth for occupational training; referral to training provided for under the Manpower Development and Training Act, or to work in training programs provided through the Neighborhood Youth Corps and the Job Corps. The centers would provide many services needed to help youth find suitable employment.

The committee has asked the Department to explain its past and current positions regarding the selection and testing of candidates for youth counselor training.

In rereading these next sentences, Mr. Chairman, I recognize the possibility that these may be misunderstood, and with your permission, I would like to present my apologies for any implications here which may be misunderstood and to assure the committee that the intent of this paragaraph is to say that since the Department is using a different approach in 1965, we did not contemplate that we would discuss the procedures used in 1964.

If, however, the committee would like to have a discussion of these items, we would be very glad to arrange for a competent person to discuss the technical aspects of these tests. I am not competent to discuss them because I am not a technician in the testing business.

Mr. GALLAGHER. Well, Mr. Secretary, is the Chair correct in interpreting your remarks to mean that you have now discontinued the type of test which has been discussed before the committee in the past few days?

Mr. WERTS. That is correct, Mr. Chairman.

Mr. GALLAGHER. And that there will not be a personality test made part of a set of conditions precedent to employment?

Mr. WERTS. That is correct, Mr. Chairman. And the points made in the rest of the prepared statement here, the formal statement, make those points.

Mr. GALLAGHER. On your new criteria that you will establish, you are prepared to discuss this with the subcommittee, or counsel on the subcommittee, along with your own people who you feel are competent in this field?

Mr. WERTS. We would be very happy to do that, Mr. Chairman.

Mr. GALLAGHER. Is there any objection?

Mr. REUSS. Well, Mr. Chairman, for the last 8 months, since October, I have been trying to find out from the Department of Labor the nature of this youth opportunity program's trainee test that they administered last June and July. Later I shall ask the subcommittee's permission to put into the record the correspondence between myself and the Department of Labor, which I submit is a masterpiece of evasion by the Department of Labor.

I also would want to put into the record your letter, Mr. Chairman, of May 24, to the Department of Labor, in which you set forth with great precision that we wanted a witness here who would testify about the CAUSE proposal and specifically you said: "It would be helpful if that official could discuss in detail the justification for such tests, their cost, and whether the Department intends to utilize them again."

This was after several paragraphs which set forth the CAUSE project tests and my interest in it. And for the Department of Labor, after 8 months of evading my questions, to come up here this morning and say—and I am quoting—"Since the Department does not consider that the testing and selection techniques used for Project CAUSE last

summer was objectionable to the vast majority of candidates, the position of the Department is that we are not dealing here with the need to justify the use of tests and questionnaires" seems to me not responsive to this subcommittee.

So I would, with the Chair's permission, later on this morning, like to put into the record the evidence which I have been able to accumulate of what the Department of Labor has been doing. This is not so much with a desire to rake up the past, but because I don't think there is any indication that they have reformed. I think they are likely, tomorrow, to thumb their nose—as they did a few months ago—at the Civil Service Commission, and have another one of these damaging personality tests used to deprive people of their right to fair consideration for a job with the Federal Government or with the federally supported programs.

Mr. GALLAGHER. Without objection, it will be so ordered, and the correspondence will become a part of the record.

(The correspondence referred to follows:)

U.S. DEPARTMENT OF LABOR,
BUREAU OF EMPLOYMENT SECURITY,
Washington, D.C., November 20, 1964.

Hon. HENRY S. REUSS,
House of Representatives, Washington, D.C.

DEAR MR. REUSS: Thank you for your telephone inquiry about the recently completed counselor-adviser university summer education program that was conducted at 27 universities by this Department.

As you doubtless realize, there is a shortage of approximately 31,000 trained counselors in the Nation. The recent program, popularly known as Project CAUSE, was aimed at helping to relieve this shortage and to bring immediate and effective help to the more than 1 million young people who are out of school, out of work, and out of hope.

The counselor aids and youth advisers who were trained this summer acquired new skills and techniques which will enable them to reach out to disadvantaged youth wherever they may be—on the streets, in the settlement houses, or at the corner garage. They will prove of immense aid and assistance to the already overburdened counseling staff of the State employment services.

Nearly 22,000 persons applied for this training course in June of this year. The test used was a multiphasic examination which was designed to select candidates who possessed the characteristics that would enable them to become successful counselors. The test was designed not so much to measure the individual's knowledge, but rather their ability to learn.

After the tests were scored they were returned to Washington, where a sophisticated group of 31 professionals from the Bureau of Employment Security's 11 regions selected those who showed the most promise of becoming successful trainees. In all, 21,993 persons sat for the examination. Of these, 1,904 appeared on campus. Certified at the end of the training were 1,751—a remarkably low dropout rate.

In Wisconsin, 28 persons were selected for the training. This is 2 less than the original quota which was 30. The quotas were based on State population and geographic distribution. Thus far, the Wisconsin State Employment Security Agency has employed 23 of the CAUSE trainees. However, the placement process is still continuing and it can be anticipated that additional trainees will be employed.

I wish to assure you that there was no discrimination in the selection process. In fact, it was impossible to tell from the application or the examination what race, color, or creed the applicants were. However, in its recruiting efforts Project CAUSE launched a special direct mail campaign at recent Negro college graduates in an effort to interest them in the training program. I am enclosing an article by Harry Kranz, "A Crash Program To Aid Disadvantaged Youth," which describes this summer's training program in greater detail.

Your interest in this program is appreciated. If you have any additional inquiries, please feel free to call upon us.

Sincerely yours,

ROBERT C. GOODWIN, *Administrator.*

U.S. DEPARTMENT OF LABOR,
BUREAU OF EMPLOYMENT SECURITY,
Washington, D.C., December 17, 1965.

Hon. HENRY S. REUSS,
House of Representatives,
Washington, D.C.

DEAR MR. REUSS: This is in response to your telephone conversation with me on December 4, 1964, in which you expressed concern about the possibility of discrimination in the selection process of the recent counselor-adviser university summer education (CAUSE) project.

I wish to reiterate my assurances to you that there was no discrimination on the basis of race, color, or creed in the selection process of these trainees.

As I mentioned in my previous letter to you of November 20, every effort was made to encourage members of minority groups to apply for the program. The presidents of 35 predominantly Negro colleges and universities received personal letters from Secretary Wirtz, asking them to cooperate in publicizing the program among their recent graduates. In addition, 9,200 letters were mailed to the 1962, 1963, and 1964 graduating classes of these Negro colleges informing them of the program. Since there was no way of determining the applicants' race from our records, we have no way of knowing the number of Negroes who took the examination. We did, however, make a head count of the trainees on each campus (after they were selected) and found that at least 169, or 9 percent, of the trainees were nonwhites. Since this is a much higher percentage than that of Negroes who are attending or have graduated from college, we feel that our recruitment efforts were somewhat successful.

The selection process, we must admit, was a difficult one. The examination which all trainees had to take consisted of two major sections; the cognitive battery, which was a mental ability and aptitude test and noncognitive battery, which measured personal characteristics required for successful work in counseling. Of the 21,993 people who took the examination, only 5,419 passed the cognitive portion successfully. Only 3,524 of these were judged to have the necessary personal characteristics and relevant education and/or experience from the noncognitive portion of the test and from information obtained from their applications, and were invited to training.

One of the principal reasons for having the selection of CAUSE trainees take place in Washington was to assure that each applicant would be judged by exactly the same standards, and to avoid the possibility of these criteria being misinterpreted and misunderstood as might have happened if the selection process had taken place in the States. Applicants were judged as much as is humanly possible on an objective basis. Additional credit was given on the personal characteristics portions of the applicant's rating for membership in social reform organizations including NAACP, CORE, etc., as well as the applicants from a disadvantaged background.

A number of the Project CAUSE staff in Washington were nonwhites including members of the selection panel. Several of the 27 colleges and universities which trained counselor aids and youth advisers were predominantly Negro institutions, including Howard University, Tuskegee Institute, and Fisk University, and hundreds of faculty members at the 27 colleges who taught our trainees were also Negroes. I feel that we in the Department of Labor and the staff of Project CAUSE have done everything possible to avoid discrimination on the basis of race or color, and I believe that we have succeeded.

I am enclosing a copy of the application form for Project CAUSE so that you may see the questions which were asked of the applicants. If I may be of any further assistance, please contact me.

Sincerely yours,

ROBERT C. GOODWIN, *Administrator.*

JANUARY 6, 1965.

Mr. ROBERT C. GOODWIN,
Administrator, Bureau of Employment Security,
Department of Labor, Washington, D.C.

DEAR MR. GOODWIN: Thank you for your letter of December 17 with respect to the nature of the selection process for the CAUSE project. As you know, I was mystified because I was informed that some 60 qualified Negro college graduates applied in Wisconsin, but that only 1 was included in the 28 persons selected for training (and even this one shortly thereafter dropped out).

I shall appreciate your making available to me the following information:

1. How many applications were received from Wisconsin? Of these, how many took and how many passed the cognitive test, and the noncognitive test, respectively?

2. I should like copies of the application, the cognative test, the noncognitive test, and any other documents relevant to the selection of persons for training in the CAUSE project. In connection with the cognitive test, please furnish precise information as to the method of grading used. What answers to what questions produced what grade? What were the various headings under which people were being tested by this test? I would like to be informed all about the control groups whose answers to various of these questions determined whether an answer belongs in one category or another. Precisely who were the people in these control groups, and what was their background? When were the control tests made? Who decided, and how, what people belonged in what control group?

3. How were the decisions made as to whom to hire for the training program? Apparently by the cognitive and noncognitive tests, but what other measures were used? Were the applicants interviewed? Questioned by whom and where? Were the references given checked? By whom, how, and where?

I hope that the material you send me will be comprehensive, so that I may clear up my lack of knowledge about the CAUSE project.

Sincerely,

HENRY S. REUSS,
Member of Congress.

U.S. DEPARTMENT OF LABOR,
BUREAU OF EMPLOYMENT SECURITY,
Washington, D.C., February 4, 1965.

Hon. HENRY S. REUSS,
House of Representatives,
Washington, D.C.

DEAR MR. REUSS: This is in reply to your letter of January 6 in which you indicated your wish to be informed on several points relating to the selection of trainees for the CAUSE project.

From the State of Wisconsin, a total of 262 applications were received. A total of 252 applicants from Wisconsin took the examination, which included the cognitive and the noncognitive tests. Ninety Wisconsin applicants passed the cognitive test. The noncognitive test was not a pass-or-fail test, but the results of this test were one of the several elements upon which the personality, or "P," rating was based. The noncognitive test consisted of five scales from the California Psychological Inventory and was designed to measure certain specific traits associated with successful counseling. These traits were flexibility, tolerance, psychological mindedness, socialization, and responsibility. In constructing the scales, over 1,000 test items were collected, following which research was done, using groups of people known to have the characteristics to be measured by the test. For example, school principals or other responsible persons were asked to nominate people known to have a high and a low degree of a given trait. Items which the two groups answered in different ways were identified and these items were grouped together to make up the scale. The entire test, consisting of all the scales, was then given to a random collection of people in order to find out how much of any one of the traits is average, or the average number of items that these people answer in the same way as the criterion group. This number then became the average or "norm" group for the given trait.

More than 6,000 men and over 7,000 women took the test, which means that this number constitued the norming group, and that their scores are the "normal" or average scores on which the scales are based. Among those taking the test were the following groups: medical school applicants, social work graduate students, psychology graduate students, prison inmates, high school disciplinary problem students, young delinquents, psychiatric patients, tubercular patients, general medical patients, nurses, banking and business executives, school superintendents, correction officers, machine operators, electric technicians, psychiatric aids, military officers, salesmen, and airline hostesses. The standardization of the test extended over a period of more than 10 years.

The personality or "P" rating included points assigned for the various score levels obtained on the noncognitive sections of the selection battery. It also reflected the extent to which the applicant showed evidence of commitment to work with disadvantaged youth, realiability in past employment and advancement

potential, familiarity with the program and its needs, and familiarity with the culture of poverty. Personality ratings were made by State and regional representatives working with explicit instructions for rating the life-history materials contained in the application and for ranking the noncognitive test scores.

Selection for training was thus based on the applicant's combined rating on the cognitive and noncognitive tests and the content of the application. In addition, quotas established for each State were met in the selection. For each applicant, five letters of references were requested. Due to the crash nature of the program, all letters of reference had not been returned at the time of selection. However, during the course of the training, the letters of reference served as one of the assessment tools. Applicants were not interviewed in person prior to their selection for training.

I am enclosing a copy of the Project CAUSE application blank. With regard to your request for a copy of the examination and other materials, I would like to suggest that a member of the Bureau staff who is prepared to discuss these materials with you and answer any questions that may arise, bring these to your office personally at a prearranged time. If this is agreeable to you, an appointment may be arranged by telephone.

Sincerely yours,

ROBERT C. GOODWIN, *Administrator.*

FEBRUARY 10, 1965.

Mr. ROBERT C. GOODWIN,
Administrator, Bureau of Employment Security,
Department of Labor,
Washington, D.C.

DEAR MR. GOODWIN: Thank you for your letter of February 4 in response to mine of January 6.

I am unhappy at my still not having received the copies of the examination and other materials I requested. May I have them?

If I have any questions after having looked at them, I shall get in touch with the appropriate member of your Bureau staff.

Sincerely,

HENRY S. REUSS, *Member of Congress.*

FEBRUARY 24, 1965.

Mr. ROBERT C. GOODWIN,
Administrator, Bureau of Employment Security,
Department of Labor,
Washington, D.C.

DEAR MR. GOODWIN: This is in continuation of my letter to you of February 10 and my earlier communications.

I have still not received, and would very much like to have, the ratings given the different answers of part 2 of the youth opportunity program trainees test, the criterion sheets which governed the marking of the examination, and the description of how the California test was prepared.

Sincerely,

HENRY S. REUSS, *Member of Congress.*

U.S. DEPARTMENT OF LABOR,
BUREAU OF EMPLOYMENT SECURITY,
Washington, D.C., March 11, 1965.

Hon. HENRY S. REUSS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN REUSS: In accordance with your recent request for additional material used in the selection of trainees for the Counselor-Adviser University Summer Education (CAUSE) program, I am forwarding herewith, for your information, a copy of "Selection of Applicants for Youth Opportunity Program Training," the selection manual for the CAUSE program. Beginning on page 17 of this manual, under section D., PQ Rating, you will find a full description of the method of screening on the basis of the noncognitive test and the other personality factors upon which applicants were rated. In the last section of the

manual, appendix M, you will find a reproduction of Criteria Sheet No. 7, which gives directions for P-Rating of the trainees.

I am also sending the name of the publisher of the California Psychological Inventory, as follows:

Psychological Consultation Service,
1230 Queens Road,
Berkeley 8, Calif.

We do not have a copy of the test in its commercial form, nor of the test manual, which describes how it was put together. However, you may purchase a specimen set at a nominal cost, by writing to the above firm. I believe you are aware that we included in our examination only 5 of the 16 scales making up the test.

If we can be of any further service to you, please let us know.

Sincerely yours,

ROBERT C. GOODWIN, *Administrator.*

Mr. GALLAGHER. It is my understanding, Mr. Secretary, that there has been a change of policy, that you are now advising this committee that the tests used in 1964, which Mr. Reuss referred to, will be discontinued?

Mr. WERTS. That is correct, Mr. Chairman.

Mr. HORTON. Mr. Chairman?

Mr. GALLAGHER. Mr. Horton?

Mr. HORTON. Normally I would like to reserve questions and I know it is your policy to reserve questions until the witness has finished, but I think in this instance it ought to be made clear just exactly what the policy was before, and what the policy is now, and when the policy was changed. Now if the witness is prepared to give us that information, I think it might be appropriate to have it now.

Mr. WERTS. Yes, Mr. Congressman. I would be pleased to comment on that. I would say this, that the Secretary and the Department's policy does not permit the kind of thing that happened in 1964. If, in the judgment of those who have had experience with the material, it is considered to have been a violation or invasion of privacy, the policy then is the same as now—prohibiting use of tests if they are considered to be an invasion of privacy.

I think it is fair to say that we in the Secretary's office were not aware of the fine points in this test until the press stories about a young man who was released from one of the colleges where he was under training. I am assured by competent people whose judgment I accept that this gentleman was not released because of anything that was revealed in the test, but his having been requested to resign from the training was based upon observations of his behavior and performance while in training, and was not based at all in terms of tests that were given last year. So that——

Mr. GALLAGHER. Mr. Werts, may the Chair merely sound a note of caution that, since the person has not yet been made part of the record, we would just as soon that it not become a part of the record, and we should speak of him generally, rather than as a specific person, if it would be damaging to the young man.

Mr. WERTS. I agree, Mr. Chairman. I think that is very wise advice. But the point, just to summarize, is that the policy has not changed. I think what we are doing is restating the policy, and making clear and making sure that we have procedures which will make the policy effective. When I proceed, I will be able to——

Mr. HORTON. Mr. Chairman, I am not satisfied with the answer and I want to go into it, but I think we ought to permit the witness to complete his statement.

Mr. GALLAGHER. Yes, I think we should. We can then assume that you and the Secretary, at the policy level, do feel that this test was an invasion of the individual's privacy?

Mr. WERTS. I am sorry, I didn't hear you, sir.

Mr. GALLAGHER. Can we conclude you do feel now the 1964 test was an invasion of privacy?

Mr. WERTS. I will say I have not gone over this personally with the Secretary, so that I don't know what his views are.

I have not seen until this morning the test here. I was assured that these questions were not on the order of those usually referred to as invasion of privacy. Without further study I wouldn't be able to give you a final conclusive answer on that point.

Mr. GALLAGHER. Well if you would like, we could read some of those questions. However, since you have now said to the subcommittee that these tests have been discontinued, I think that would be sufficient at this point.

Mr. WERTS. Thank you, Mr. Chairman.

Proceeding then with the statement, I can assure the committee that personality tests will not be given this year, nor questions asked that involve invasion of privacy. This year's CAUSE selection process will differ from last year's in that it will serve to determine more completely the relevance of the candidate's experience to work with the disadvantaged.

Mr. HORTON. Mr. Werts, would you read the last sentence before the second paragraph, where you just started now?

Mr. WERTS. Yes. Since the Department does not consider that the testing and selection techniques used for Project CAUSE last summer was objectionable to the vast majority of candidates, the position of the Department is that we are not dealing here with the need to justify the use of tests and questionnaires. In our judgment, the use made of the test materials for the selection of youth counselor trainees was not an invasion of privacy.

Mr. GALLAGHER. This is no longer your opinion though?

Mr. WERTS. As I indicated, when I came to this section of the testimony, I think this is an unfortunate statement, and it is possible of misinterpretation and if anyone takes any offense, I apologize, and take full responsibility for it.

Mr. GALLAGHER. Please proceed.

Mr. WERTS. We are looking for interest in and familiarity with the conditions of disadvantaged youth. This technique is also designed to measure a candidate's sensitivity to youth problems and needs.

The new application questionnaire for CAUSE II is designed to serve as both application and objective standardized interview to allow a candidate to review some of his personal and work experience along the following dimensions:

(1) Degree of familiarity with poverty and the disadvantaged.

(2) Interests and attitudes toward the type of work required of Youth Opportunity Center counselors.

(3) Formal experience background.

(4) Work attitudes relating to supervision, sensitivity to administration, and work adjustment.

(5) Counseling skills, knowledge, and aptitudes.

Applicants may fill out the application at home, and then bring the application answer sheet and booklet to the testing site at the time of taking the CAUSE II selection test. As seen from an examination of the application questionnaire, the candidate selects from five inclusive choices a statement which most closely relates to his work experience, or he endorses a statement which follows an approach to an actual work situation similar to that which he would do or say in the actual situation. This permits us to interview him and at the same time enables us to rapidly and fairly process a large number of applications.

This year's examination was prepared for us by the Department of Health, Education, and Welfare, in conformity with State merit system procudures. Our experience with the assessment of trainees during last year's CAUSE program suggests that this newly designed examination will prove to be an even more relevant and accurate gage of an individual's suitability for employment that requires constant contact with the disadvantaged. After candidates sit for the examination, a review will be made which emphasizes the candidate's specific substantive knowledge that is directly concerned with youth counseling. We are suggesting, however, that only a minimum score is needed on this examination.

If a candidate has this minimum score, than his application will be used as a basis for selection. In other words, his experience and knowledge of the job to be done will be the basis for selection. This procedure has not been used before in a Federal program and should result in a much more favorable balance of ethnic and minority groups who understand and have experienced conditions of deprivation.

Through the use of computerized information, we can compare each candidate with general statements about the entire group as well as with sample groups that have the characteristics of individuals who have successfully produced in the field. We thus expect, on the basis of our interview-type application, to place our candidates in two groups; first, those who have many of the experiences and background characteristics we feel desirable, and secondly, those who have few of these characteristics.

The coding and weighing of the questionnaire and test results provides some half-dozen subscale scores and there is no possible way of using the five multiple-choice answers from any one question that the candidate may have responded to. This is an efficient and fair way to handle this data which offers maximum protection to the candidate and at the same time insures us of an intelligent selection process.

Thank you for the opportunity of appearing here today.

I will be pleased to attempt to deal with any questions the committee would like to present, Mr. Chairman.

Mr. GALLAGHER. Thank you very much, Mr. Secretary.

While this subcommittee would like very much to commend the Department for its progressive attitude on the use of electronic devices, nevertheless the Chair finds itself in a somewhat perplexed position this morning. The statement does not seem to be moving to the same drumbeat as your declaration of policy. Perhaps if you would like to clear that up, it might better serve our record.

Since you have not had an opportunity to fully examine the test, I would like to read some of these questions to you. They go in part as follows:

"I think Lincoln was greater than Washington?"

This is one Mr. Reuss pointed out yesterday.

"I feel sure that there is only one true religion."

"When a man is with a woman, he is usually thinking about things related to her sex."

"I often go against my parents' wishes."

"My life at home was always very pleasant."

"I hardly ever get excited or thrilled."

And so on. Now I don't know whether or not you would be prepared to say these statements constitute an invasion of privacy. Taking your policy statement at face value, I am wondering whether or not the rest of your statement does not in fact advise us that you have even bigger and better questions this year?

Mr. WERTS. Mr. Chairman, I don't recognize the document or the source of the questions which you have read. The only document that I have had access to is this one. Are they in this document?

Mr. REUSS. Questions 19 and 20 were among those which the chairman read.

Mr. CORNISH. I can read the numbers of the questions, Mr. Secretary, if that would be helpful.

Mr. WERTS. Yes, it would be, thank you.

Mr. CORNISH. The first one is No. 19, "I think Lincoln was greater than Washington."

I am afraid these haven't been arranged according to the proper number, but may I refer you to the numbers out of order?

Mr. WERTS. Yes.

Mr. CORNISH. No. 90, "When a man is with a woman he is usually thinking about things related to her sex."

No. 106, "I have often gone against my parents wishes."

No. 127, "My home life was always very pleasant."

No. 129, "My table manners are not quite as good at home as when I am out in company."

No. 153, "The members of my family were always very close to each other."

Then back to No. 29, "I often feel as though I have done something wrong or wicked."

No. 56, "My home life was always happy."

No. 54, "My parents have often disapproved of my friends."

No. 51, "I hardly ever get excited or thrilled."

No. 21, "Maybe some minority groups do get rough treatment, but it is no business of mine."

No. 20, "I feel sure that there is only one true religion."

I think most of these cover the ones that were mentioned by the chairman.

Mr. WERTS. Thank you very much.

Mr. GALLAGHER. I merely pointed out a few, Mr. Secretary. This thing goes on and on. Recognizing the difficult situation that you are in, I certainly don't want to pursue this, especially since you apparently are in a change of policy at this time.

Mr. WERTS. That is right. I would be perfectly willing to comment with respect to these. I think they are unfortunate and probably irrelevant to the selection of candidates. I must say that I have no thorough validated basis of the theory, the background of the invasion of privacy, so I would term them, as I have, rather

than try to judge them against any standard definition of invasion of privacy.

Mr. GALLAGHER. Well, the standard that we have been trying to set is that questions along this line, not being relative, are in themselves the business of the individual concerned and should not be the business of the Government or be part of the file of a young person who is starting on his career. And if this should become part of his file then the answers he gives to this would follow him for the rest of his life, with the possibilities of damage in his future life.

Mr. Horton?

Mr. HORTON. Mr. Werts, I asked you a question earlier, and as I indicated, I was not satisfied with the answer. You have indicated that there is a change in policy, and you have referred to this statement that you read that, in your judgment, the use made of the test materials for the selection of youth counselor trainees was not an invasion of privacy.

Now, that, apparently was your policy before. You have indicated that your policy has not really changed, and yet, at the same time, you say it has changed. So I would like to know what your policy was before with regard to personality tests, what your policy is now, and when, if it did change, did it change?

Mr. WERTS. Congressman, the policy, as I indicated earlier is to prohibit personality tests, or invasion of privacy. The statement which I have made today would, I think, support that this is the present policy.

I think if there is a change, it is a change of interpretation and procedure. As I indicated, these matters had not come to the attention of the Secretary's Office——

Mr. HORTON. Let me ask you at that point, why did they not come to the attention of the Secretary's Office? These were put out, or promulgated from the Secretary's Office. I am not talking about the personal attention of the Secretary of Labor, but certainly, the Office has constructive knowledge of it, or should have.

Mr. WERTS. We were aware, obviously, of the Project CAUSE I last year, and the responsibility for carrying out this program was delegated. We would not, in the Secretary's office, review individual pieces of paper, or implementations of a program except when we become aware of the nature of it, we did then take over and look at it very carefully, and that has caused, or has brought about a different practice under the policy this year.

And having looked at CAUSE II application questionnaire, I wouldn't say our judgment is a hundred percent perfect, but this was gone over in great detail in the Secretary's office, and a great many changes were made, eliminations were made.

Hopefully, our judgment has brought us to a questionnaire which will be consistent with the committee's judgment as to what is appropriate and proper.

With respect to this youth opportunity programs trainee's test, part 2, from which these questions were read, it is not a part of this year's test. I don't have a copy of that test, the test that will be given, but I talked to the HEW people who prepared this test—I have looked at it very hurriedly because it wasn't available yet for distribution—and from what I saw, all of the questions are related to the knowledge that the counselor trainee should have to be a successful

trainee. It relates to his experience, his knowledge, and to the things which would be related to a job.

Mr. HORTON. Then if I understand your testimony correctly, you have the same policy with regard to invasion of the right of privacy; that is, that the policy is against the invasion of the right of privacy?

Mr. WERTS. That is correct, Mr. Congressman.

Mr. HORTON. But the implementation of that policy was one that did permit the so-called personality tests, the questions which have been read to you, but that when this was called to your attention, you then made a change in that implementation of policy because you feel that there is an invasion of the right of privacy with the use of this type of test; is that right?

Mr. WERTS. I would say, Mr. Congressman, in response to your statement, the implementation of the policy did permit this to happen as you have stated, and that the supervision of the application of the policy has been tightened up to the point where this cannot happen again, except as we, being human, may make judgments which are not as good as they might be.

Mr. HORTON. As I understand that statement, this would indicate to me at least that in the past you did not look into, or did not check into the implementation of this program, but that now you are checking into it, and you do feel it is so important that you will, in the Secretary's Office, check on this implementation of the policy?

Mr. WERTS. That is correct. That is a fair and accurate statement, Mr. Congressman.

Mr. HORTON. Now, do you refute the statement that was read, and which is a part of your statement where you said, "In our judgment, the use made of the test materials for the selection of youth counselor trainees was not an invasion of privacy"?

Mr. WERTS. I do not refute it in the sense that you have raised the question. I think it is an unfortuante statement.

Mr. HORTON. Then you do feel that the use of these tests materials in the selection of youth counselor trainees is not an invasion of privacy?

Mr. WERTS. As I indicated, as I read when this paragraph was being written, and as I went over verbally the provisions of the 1964 materials, I was assured that—not having the material available to look at—it did not constitute invasion of privacy.

Mr. HORTON. Whose judgment was that?

Mr. WERTS. That was the judgment of the staff people who had produced the material in 1964.

Mr. HORTON. Do these same staff producers feel that these personality tests are not an invasion of privacy?

Mr. WERTS. You mean the 1964 tests?

Mr. HORTON. Yes.

Mr. WERTS. Yes, I think they would still say, in their judgment, these do not constitute invasion of privacy.

Mr. HORTON. Then, do we have a conflict in the Department with regard to this matter?

Mr. GALLAGHER. The Chair would like to suggest that perhaps the policymakers ought to take the test and see how it feels. Perhaps we could get off dead center on this. I think we are involved in a question of semantics. It was not the Labor Department's intention

to invade privacy, but as Mr. Horton pointed out, the net effect was an invasion of privacy.

Mr. WERTS. I would accept that statement. I think all we can say is that having the question raised, and obviously having some doubts, we have said we don't do this any more.

Mr. HORTON. Now, you are talking about these personality tests?

Mr. WERTS. Right.

Mr. HORTON. I have not seen a copy of this application questionnaire for CAUSE II. Do we have copies of that available?

Mr. CORNISH. No, we don't.

Mr. HORTON. Can you make copies of that available to the members of the subcommittee?

Mr. WERTS. Yes.

(The application referred to above follows:)

BUDGET BUREAU APPROVAL NO. 44-6525
Expires 12-31-65

CAUSE II Application Questionnaire

U. S. Department of Labor

Bureau of Employment Security

CAUSE II

In filling out this application, you will complete the first step in applying for a training position with the U.S. Department of Labor's 1965 Counselor Advisor University Summer Education project. This eight week project, to be conducted at more than 30 colleges and universities, will train 2,200 people in techniques of bringing counseling help to the nation's youth who are out of school, out of work, and without hope.

We are pleased that you are interested in CAUSE II. Your recognition of the need to provide disadvantaged youth with opportunities to enter the mainstream of our economic and social life and your desire to help with this important work is to be commended. You are eligible for training if you hold a master's or bachelor's degree, are a citizen of the United States and at least 21 years old.

You will observe that this application for training is unique in many respects. However, it should take you no longer to complete than a more conventional procedure requiring several essays and other written entries. You may consider this application to be a "standard interview" designed to give you an opportunity to react to a variety of areas related to youth counseling and which will also give us a sense of your interests in this work. In addition, this application procedure has definite advantages such as fairness and thoroughness -- we are able to cover many important areas with you and at the same time minimize unreliable subjective judgments of your competence and qualifications.

SELECTION PROCESS

The effectiveness of the CAUSE II selection process will directly depend on the care which you as an individual take with each item in the application booklet - so take your time. As the second step, you will be asked to take a test given by your State Employment Service agency, or State Civil Service or Merit System. Contact your local Employment Service office for the scheduled test date. When the test is given, be sure to take this completed application and answer sheet with you to the test site.

If you are selected, you will be notified first that you have received an "interim acceptance." This means that you have all the personal and academic qualifications necessary to be a CAUSE II trainee. Within approximately a week you will be notified of your "final acceptance" which depends upon responses from your references, and your eligibility under the law.

When you are notified of your "interim acceptance," you will be given explicit instructions about how to establish your eligibility, and how to obtain travel authorization from your nearest Employment Service office. You will be told at which university you will train, to whom you should report, and when.

TRAINING PROGRAM

CAUSE II university training is scheduled to begin about July 6 and end about September 3. During that time, you will be housed in university facilities and your room and board will be provided free. You will also receive a weekly allowance under the Manpower Development and Training Act of 1965. Following the academic training, you will receive four weeks of on-the-job training at a local State Employment Service office, and if possible, at a Youth Opportunity Center.

EMPLOYMENT

If you successfully complete training, you will be recommended by Project CAUSE II for employment in the youth service programs of your State Employment Service agency. Some states may require you to take a State Civil Service or Merit System examination, either during training or at the end of training, in order to be placed in youth services. In others, the CAUSE selection may be accepted as equivalent to the state examination. Selection for training does not mean you are guaranteed a job.

ANSWER SHEET

This questionnaire is to be answered on the special answer sheet which is enclosed. The answer sheet, when filled out, becomes your official application for Project CAUSE Youth Opportunity Program Training. It is very important that you answer all questions carefully and accurately on the blue side of the answer sheet labeled, "Application Answer Sheet." Do not fold, bend, or tear the answer sheet.

If you are selected for Project CAUSE, the factual information contained in your application will be subject to verification. On the answer sheet you are asked to sign a statement indicating that your answers are true and accurate to the best of your knowledge.

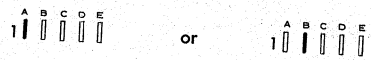
The answer sheet may be filled out with any pencil (no ballpoint or ink); a soft No. 2 pencil is best. Fill in the spaces between the lines so that the space which represents your choice is entirely filled. For example, the first question:

1. Sex

   A. Male

   B. Female

would be marked on the answer sheet as follows:



If you wish to change an answer, erase your mark completely and thoroughly.

You may mark only one choice for each of the questions. When several answers are possible, pick the answer which you consider most appropriate.

No more than one answer is permitted for each question.

Make no marks on the green side of the answer sheet labeled "Test Answer Sheet." When you take the Project CAUSE Youth Opportunity Program Training Test, you must take the answer sheet with you to the test site, and record your test answers on the green "Test Answer Sheet" side.

The answer sheet will then be sent for scoring and evaluation as a single document containing your application and all of your qualifications for training in Project CAUSE.

REFERENCE INFORMATION

The last page of this booklet contains directions regarding your references. When you have completed the Application Answer Sheet, and have followed the directions on the last page, you will have no further need for the questionnaire. Please turn it in, unmarked and in reusable condition, when you take the Project CAUSE Youth Opportunity Program Training Test.

SPECIAL REQUIREMENTS

Candidates for CAUSE II are required to be at least 21 years old and citizens of the United States. To be eligible for allowances, you must have had at least two years attachment to the labor force which means, according to the Manpower Development and Training Act of 1965, any combination of qualifying periods of gainful employment for pay (including military service), self-employment for profit, or as a worker whose principal employment is in a family enterprise for which he receives no salary. In order to qualify, these periods of employment may not overlap and must aggregate two years. The experience need not be consecutive and may have been acquired at any time in the individual's life.

If you receive an "interim acceptance" for CAUSE II, and wish to accept, you will be asked to fill out a form at your local Employment Service office, at which time your eligibility under the above terms will be determined.

ADDITIONAL INFORMATION

If you need any help in filling out the application answer sheet, or wish to know the date of the Project CAUSE Youth Opportunity Program Training Test in your state, consult your local State Employment Service office. If there is no Employment Service office in your community, your local post office can give you the address of the nearest Employment Service office.

NOW GO ON TO THE QUESTIONS

Set your own pace and work carefully.

Project CAUSE Application Questionnaire

No more than one answer permitted for each of the following questions.

1. Sex

   A. Male
   B. Female

2. Residence

   A. My state of residence is the same as my mailing address state.
   B. My state of residence is different from my mailing address state.

3. Citizenship

   A. I am not a citizen and have no firm plans to apply for citizenship.
   B. I am not a citizen but have made application.
   C. I am not a citizen but will be, upon expiration of the waiting period.
   D. I am a citizen of the U.S.

4. Highest degree attained:

   A. High school diploma
   B. Bachelor's degree
   C. Master's degree
   D. Doctorate degree
   E. Professional or other degree (Divinity, Law, Medicine, Dentistry)

5. Referral source: I heard about CAUSE II from,

   A. newspaper, TV, or radio.
   B. Employment Service office.
   C. a friend.
   D. another social agency.
   E. my college or school.

6. Current status with Employment Service agency

   A. I am currently employed in my state's Employment Service agency.
   B. I have passed the state examination and am on the register for a position in my state's Employment Service agency.
   C. Neither of the above.

7. In how many different communites have you lived since you were 18 years old?

   A. 1 to 3
   B. 4 to 6
   C. 7 to 9
   D. 10 to 12
   E. 13 or more

8. Efforts will be made to place those trained by Project CAUSE II in their own states, but it will probably not be possible to place most in their present communities. In some cases, placements might be arranged in other states.

   A. I am unwilling to move from my community or city.
   B. I would be willing to move only within my state.
   C. I would be willing to move to another state.

9. Military service

A. I was never in military service.
B. I was in the Armed Forces and was discharged or released from duty under honorable conditions.
C. I was in the Armed Forces and was discharged or released from duty under conditions of general discharge.
D. I was discharged dishonorably or as unsuitable within the past five years.
E. I was discharged dishonorably or as unsuitable more than five years ago.

10. Current marital status

A. Single
B. Married
C. Divorced
D. Separated
E. Widowed

11. How many times have you been married?

A. Never
B. Once
C. Two or more times

12. Number of children

A. None
B. One
C. Two
D. Three
E. Four or more

13. How many persons (not including yourself) are dependent upon you for all or most of their support?

A. None
B. 1
C. 2 or 3
D. 4 or 5
E. More than 5

14. Peace Corps

A. I applied to the Peace Corps but did not go for training.
B. I took Peace Corps training but did not go overseas.
C. I am a returned Peace Corps Volunteer.
D. I did not apply and was not in the Peace Corps.

15. In the neighborhood or community in which I spent the bulk of my childhood and youth,

A. the churches were mostly large institutions with good, commercially built structures.
B. the churches were small local ones, with the buildings largely homemade or built directly by the congregation members.
C. the churches were store-front or second story rentals.
D. there were no churches.
E. I was not aware of what the churches were like.

16. As a youngster, my neighborhood had visits from welfare workers,

A. daily.
B. frequently.
C. occasionally.
D. almost never.
E. never.

17. As a youngster, if I had any contact with social workers,

A. I was glad to see them.
B. I was told exactly what to tell them.
C. I was told nothing by my parents.
D. I never had contact with social workers.
E. I did not know what a social worker was.

18. How many households do you know directly and personally in which a father or husband has deserted and does not support the family?

A. None
B. One
C. Two
D. Three
E. Four or more

19. In my neighborhood,

A. older children had most of the responsibility for caring for younger children.
B. older children had some responsibility for caring for younger children.
C. older children had no responsibility for caring for younger children.
D. older children tried to avoid responsibility for caring for younger children.
E. none of the above.

20. When you were young if you had some money and wanted to go somewhere,

A. you went by yourself.
B. you found a friend who had some money and you both went.
C. you treated your friend.
D. you lent your friend money and expected prompt repayment.
E. you lent your friend money and expected that sometime he would lend you some.

You should now be at the end of the first column on your answer sheet.

21. Just before your teens, how did you "let off steam" when you got angry?

A. By fighting.
B. By kicking or throwing something.
C. By cursing.
D. By talking it over with someone.
E. I didn't -- I tried to hide my feelings.

22. When you were in high school, where did you and your friends most often get together during the evening?

A. At a friend's home.
B. At a club, dance hall, or public building (e.g., settlement house, school).
C. At your home.
D. On the street corner.
E. At church activities.

23. When you were in grade school, about how many books did you have for your own?

A. A bookcase full.
B. A shelf full.
C. About a dozen.
D. A few books.
E. One or no books.

24. When you were a child in grade school, how often did your parents confer with your teacher on issues other than discipline?

A. Several times a year.
B. At least once a year.
C. Less than once a year.
D. Not more than once or twice during my grade school years.
E. Never.

25. I learned to speak the following language as a child in my home:

A. Spanish.
B. An American Indian language.
C. Cajun.
D. Portuguese.
E. None of the above.

26. Were there times when you did not try to enter an activity, group, association, or facility because you thought you might be excluded or refused out of prejudice against you?

A. Possibly once, and was not important to me.
B. More than once.
C. Never - even when I didn't expect to be accepted, I always or mostly always applied or tried to enter.
D. I never had reason to think that I might be excluded because of prejudice.

27. Have you lived in a neighborhood or community which, by today's standards, would be considered a poverty, disadvantaged, or depressed area (high unemployment, low income, high crime rate, high concentration of welfare recipients, most workers unskilled)?

A. No.
B. One year or less.
C. One or more years.
D. Most of childhood and youth.
E. All or most of my life, including adulthood.

28. Have you lived in a neighborhood or community in which a large number of residents were of the same minority group?

A. No.
B. One year or less.
C. One or more years.
D. Most of my childhood and youth.
E. All or most of my life, including adulthood.

29. What was the average number of people living in your home during your childhood and/or youth?

A. Less than one per room.
B. One to two persons per room.
C. Two to three persons per room.
D. Three to four persons per room.
E. More than four persons per room.

30. Did you take shop and/or business-secretarial courses in high school?

A. Yes, I thought they would prepare me for a job.
B. Yes, but as a sideline to the regular academic curriculum.
C. No.

31. Have you ever felt that some important person (e.g., teacher, supervisor, official) was bending over backwards to be fair to you, so that you began to feel that he or she was being too good to you?

A. Perhaps once, but it was not important.
B. Once and/or more.
C. Never.

32. To me, the most important thing about working in a Youth Opportunity Center is:

A. A chance to innovate in a changing and developing field.
B. A chance to do something good for mankind and make a contribution to the world.
C. A chance to work directly with young people, in whom I am very interested.
D. A chance to use psychology.
E. A chance to work into a large, important, and potentially significant organization.

33. Which one of the following activities would you enjoy most?

A. Develop the theory of operation of a new machine, e.g., auto.
B. Supervise the manufacture of the machine.
C. Sell the machine.
D. Teach others the use of the machine.
E. Interest the public in the machine through public speeches.

34. Which of the following strikes you as the most important feature about a job?

A. The kind of work you actually do.
B. The amount of money you make.
C. What others think of people who do this job.
D. The security the job can give you.
E. The ways in which you can use the job to eventually get a better one.

35. How do you feel about a job that would require you to regularly work evenings?

A. Very inconvenient.
B. Inconvenient.
C. Somewhat inconvenient.
D. Not inconvenient.
E. Would prefer such a job.

36. How would you feel about a job that would require you to regularly work Saturdays and Sundays?

A. Very inconvenient.
B. Inconvenient.
C. Somewhat inconvenient.
D. Not inconvenient.
E. Would prefer such a job.

37. How do you feel about jobs requiring many routine operations, calculations, etc.?

A. Rather enjoy routine once you get the hang of it.
B. Do not mind them once in a while.
C. Indifferent, take it or leave it.
D. Dislike them but would take one if necessary or advantageous.
E. Would not take one under any circumstances.

38. My choice of an ideal job would be one which:

A. Allowed a great amount of interaction with other people.
B. Would require working with a small group.
C. Would allow me to work closely with one other person.
D. Would allow me to work by myself.

39. On which one of the following features of your job would you like to be able to spend more time?

A. Listening to new ideas.
B. Keeping things in their place.
C. Passing on detailed information to others.
D. Getting to really know the people with whom you work.
E. Correcting errors as they are made.

40. To what extent do you read daily newspapers?

A. Read one or more newspapers thoroughly each day.
B. Read parts of a newspaper each day.
C. Read a newspaper two or three times per week.
D. Seldom read a newspaper.
E. Never read newspapers.

You should now be at the end of the second column on your answer sheet.

41. Do you subscribe to or read regularly any of the following periodicals?

A. Foreign language newspapers published in the U.S.
B. Magazines, newspapers, or journals directed to and published for minority or ethnic group members.
C. Magazines, newspapers, or journals concerned with problems connected with civil rights, minority or ethnic groups, social issues.
D. More than one of the above categories.
E. None of the periodicals I read fall into the above categories.

42. How do you usually behave in a group session with your associates?

A. I feel free to express my views, and sway the group considerably.
B. I feel free to express my views, but the group doesn't always share them.
C. I am reluctant to express my views, but they are usually very well received.
D. I am reluctant to express my views and unsure of their reception.
E. I don't usually participate.

43. How have you reacted to the advantages and opportunities that have been presented to you?

A. I have taken advantage of every opportunity.
B. I have generally tried to take advantage of any opportunity.
C. I have taken advantage of some and not of others.
D. I have not had too many opportunities, but have taken advantage of the ones I have had.
E. I have failed to take advantage of any opportunities presented.

44. On the average, how many hours did you work on a job on Saturdays and Sundays when you were a teen-ager?

A. Didn't work on weekends.
B. 1 to 5 hours.
C. 6 to 10 hours.
D. 11 to 16 hours.
E. 17 or more hours.

45. How many of the following did you do by the time you were 18?

Dance
Drink
Drive a car
Gamble
Have a full-time job
Have a part-time job
Make minor house repairs
Play cards
Smoke
Swim
Go alone on an overnight trip to a strange city
Operate a tractor, bulldozer, or similar machine
Make a long-distance phone call
Paint or paper a room
Build a small radio
Change a tire
Mend the cord on an electrical appliance
Handle a sailboat in a breeze
Play tennis or golf
Build and finish some furniture
Take complete care of a garden
Build and operate a piece of machinery
Exhibit something which you made
Use a shotgun or .22 caliber or larger rifle
Take a share of responsibility for running the home

45. How many of the preceding did you do by the time you were 18? (Cont'd)

A. 1 to 3
B. 4 to 7
C. 8 to 11
D. 12 to 14
E. 15 or more

46. During your early youth, what was the main source of your family income?

A. My father's business or profession.
B. My mother's business or profession.
C. Various jobs my father held.
D. Various jobs my mother held.
E. Jobs both parents held.

47. Major field

A. I have a master's degree in Counseling and guidance, psychology, or social work.
B. My master's degree is in sociology, education, or personnel administration with major interest in working directly with people.
C. My master's degree is in another field, but includes a strong emphasis on working directly with people seeking or needing help.
D. My master's degree is in some other field.
E. I have a bachelor's degree but not a master's.

Below is a list of courses in five areas related to counseling. The titles of courses you have taken need not be identical to those listed.

I. Guidance Principles and Techniques

Principles of Guidance
Counseling Theory
Techniques of Counseling
Preparing and Using Case Records
Vocational Rehabilitation Counseling
Group Guidance Methods
Pupil Personnel Work
Counseling Follow-up Techniques
Supervised Practice in Counseling
Supervision of Vocational Guidance
Administration and Organization of Guidance Program
Community Relationships in Guidance and Personnel Work

II. Analysis of the Individual

Principles of Guidance
Counseling Theory
Techniques of Counseling
Preparing and Using Case Records
Vocational Rehabilitation Counseling
Group Guidance Methods
Pupil Personnel Work
Counseling Follow-up Techniques
Supervised Practice in Counseling
Administration and Organization of Guidance Program
Community Relationships in Guidance and Personnel Work

III. Personality Development

Theories of Personality
Abnormal Psychology
Mental Hygiene
Individual Growth and Development
Social Influences in Personality Development
Psychology of Adjustment as related to: Adolescence, the Aged, the Handicapped

IV. Occupational and Industrial Information

Psychology of Occupations
Industrial Psychology
Industrial Sociology
Job Analysis
Theories of Occupational Choice
Occupational and Industrial Employment Trends

V. Other Courses Contributing to Counselor Preparation

Social Psychology
Community Resources and Social Welfare
Educational Psychology
Labor and Industrial Relations
Adolescent Psychology
Motivation and Morale
Personnel Psychology
Human Relations
Social Case Work
Statistical and Research Methods

48. Of the courses listed above, or similar courses,

A. I have successfully completed at least 22 semester hours (3 quarter hours = 2 semester hours).
B. I have successfully completed at least 15 semester hours, distributed over at least three of the listed fields.
C. I have successfully completed at least 9 semester hours distributed over at least two of the listed fields.
D. I have successfully completed at least 6 semester hours in at least two of the listed fields, or spread out over several of the listed fields.
E. I have less than 6 semester hours.

49. My grade point average in these courses was:

A. B+ to A
B. B- to B
C. C to C+
D. C- or less
E. No courses in these fields

50. My grade point average for all graduate work is:

A. B+ to A
B. B- to B
C. C to C+
D. C- or less
E. No graduate work

51. My Undergraduate grade point average is:

A. B+ to A
B. B- to B
C. C to C+
D. C or less

52. While in college,

A. I was a full-time student for all of my undergraduate college education and was not responsible for the bulk of the expenses incurred.
B. through all of my undergraduate college education, I worked full or or part-time to support myself.
C. I was a part-time student for some of my undergraduate college education, for reasons other than employment.
D. I interrupted my undergraduate education for 6 months or more at a time, in order to earn money so that I could go to school.
E. I would have had to go to school part-time, or to quit, had it not been for scholarship or loan aid.

53. In high school, I

A. led a clique or gang.
B. belonged to a clique or gang.
C. knew the members of a clique well but did not join.
D. kept to myself.
E. none of the above.

54. Continuity of education:

A. I was a full-time student for my master's degree.
B. I was a full-time student for my master's program, but worked to support myself.
C. I was a part-time student for a master's degree or interrupted a master's program for reasons other than employment.
D. I interrupted my master's degree studies for 6 months or more, in order to earn money so that I could go back to school.
E. None of the above applicable; I was never a graduate student.

55. Thinking about my most recent job, my course of studies at college

A. directly prepared me for that job.
B. had a substantial but indirect influence on my choice of job.
C. had only the most general relation to my job.
D. had no influence one way or the other.
E. might have influenced me against my choice of job.

56. In relation to work in youth service activities, my experiences at college

A. directly prepared me for this work.
B. involved a substantial but indirect preparation for this work.
C. had only the most general relation to this work.
D. had no relationship one way or the other.
E. might have influenced me against such work.

57. By the time you finished high school, how did you feel towards your life's occupation?

A. Knew what I wanted in the way of a job and have not changed my mind.
B. Thought I knew what I wanted but have since changed my mind.
C. Had some idea of what I wanted to go into.
D. Had little or no idea of what I wanted to go into because I was interested in many things.
E. Had little or no idea what I wanted to go into because few things interested me.

58. Did you change your major while in college?

A. Never
B. Once
C. Twice
D. Three times
E. More than three times

59. How many different jobs have you held during the last three non-student years?

A. One
B. Two
C. Three
D. Four or more
E. I have not had three non-student years.

60. When you take a vacation, which do you prefer?

A. Like to plan all the details in advance.
B. Like to make general plans, but let the details take care of themselves.
C. Like to take spontaneous trips and recreation.
D. Never take a vacation, or just work or loaf around home.
E. Have to spend vacation time working for extra money.

You should now be at the end of the third column on your answer sheet

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61. In the last five years, how many times have you been given a ticket for a moving violation while driving a motor vehicle?

A. Have not driven a motor vehicle in the last 5 years.
B. No tickets.
C. 1 ticket.
D. 2 to 3 tickets.
E. 4 or more tickets.

62. How many accidents or injuries have you had in the last 5 years?

A. None
B. 1 to 2
C. 3 to 4
D. Over 4

63. How has your health and physical fitness been since the age of 18?

A. Exceptionally good.
B. Good, suffering few minor illnesses.
C. About like the average person.
D. Somewhat of a handicap.
E. Definitely a handicap.

64. How much time on the average, in the last five years, have you lost from work or studies because of illness?

A. Almost none.
B. Two or three days a year.
C. One to two weeks a year.
D. More than two weeks a year.

65. During the past five years:

A. I have been hospitalized for severe emotional or nervous problems, from which I am now fully recovered.
B. I have been hospitalized for severe emotional or nervous problems from which I have largely recovered.
C. I have been in office treatment for a nervous or emotional condition which has interfered with my work, and am now fully recovered.
D. I have been in office treatment for a nervous or emotional condition which has interfered with my work, and am now largely recovered.
E. None of the above.

66. Which of the following is designed to affect the social relationships between racial and ethnic groups?

A. Court decisions
B. Mass demonstrations - "The Movement"
C. Federal government operation of installations
D. Civil rights legislation
E. Executive decision

Several of the responses in each of the following items are acceptable. Select the one response most like one that you might make.

67. "That man, he just asked me a lot of fool questions -- sure I can work that machine -- but he kept after me with a whole lot of stuff, and I got kind of tangled up -- and he said, nothing doing." Response:

A. "It sounds as though you felt you could do the job but had a lot of trouble making the boss believe it."
B. "I guess things started to go well and then all of a sudden you got a little rattled and from then on it was hard to talk to him."
C. "It must be rough not getting that job when you certainly knew the whole machine operation."
D. "I wonder if it would have been better to ask him to show you the machine and then sit right down and start the operation."
E. "Suppose next time we think about the things a man is likely to ask you. That way maybe you won't have as much trouble."

68. "Things are working out fine -- I know in a day or so I got that job for keeps -- I stay with the work -- and the boss is a good guy --- I been late some, but that's nothing." Response:

A. "So far so good."
B. "Sounds like you're real sure of things; I hope you're not fooling yourself about that coming in late."
C. "You really worked hard to show them that you can do it."
D. "Sound's good, but what got you in late?"
E. "Sound's like it's a little hard to talk to the boss about being late."

69. "Can't make it here man, I see more bread working the street in a day than I see pushing one of them handtrucks in a week." The counselor says:

A. "You feel it's a lot of hard work and very little to show for it at the end of the week."
B. "You tell yourself it could be a lot easier and you wonder why you do this."
C. "I wonder if even though you want to quit, maybe you are afraid that you can't."
D. "It's a hard nasty job and so far you haven't quit."
E. "I guess it would take a lot of guts to stay. It would be easy to walk out and after a while mess up all over again."

70. "I don't know you, Mister -- I know all the folks around here -- but I never seen you -- two months ago some fellows came by asking a lot of questions -- heck, now I am right where I was then -- just a-sitting." The counselor says:

A. "It sounds as though you wonder who I am and whether it's going to be as useless to talk to me as the other people who passed through this town."
B. "You must be tired of people who seem to promise a lot and never really do anything for you."
C. "I guess it would be a lot easier to believe me if you really knew something about me."
D. "You must be really mad at people who run through town making a lot of promises before they even get to know your name."
E. "I wonder if maybe you haven't gotten a break for so long that it is going to be hard to take advantage of it when it does come along."

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71. "My folks work this piece of land -- my grandpa -- he owned it -- then pa sold it to the coal company. It's pretty sorry land now -- the top is off that hill -- but we still work it some -- ain't nothing else to do." Your response to this youth should stress:

A. Your appreciation of what the land means to him.
B. Your understanding of how limited the opportunities there really are.
C. Your understanding of how much work he does and how little he gets for it.
D. Your realization that he has little hope of doing anything else.
E. Your realization that there is very little else that he knows.

72. "That's o.k., I didn't really think I could get it. You tried, you did a whole lot for me -- I guess I just messed up again." Response:

A. "You really blame yourself, but let's try and see what else I could have done."
B. "You certainly tried."
C. "Maybe you got cold feet before you started."
D. "If you could believe in yourself, you'd stand a better chance."
E. "Just one more disappointment."

73. "He don't want any part of me -- never did -- sure, he said I could -- but he sees his chance, you watch, he'll make his move, -- and I'm ready -- I don't have to take nothing from him." Response:

A. "It sounds like trouble's around the corner and you're waiting for it."
B. "Just waiting for him to start something must get pretty uncomfortable."
C. "Waiting for him to start must be very hard, sort of like walking a tight-rope."
D. "It sounds like you wish he would make his move and get it over with."
E. "It sounds like he put you down once and you're just looking for an excuse to get to him again."

74. "I mean, I tried -- but I just can't follow that stuff -- it makes some kind of sense -- and then it just don't stay together -- I guess I just can't get it." Response:

A. You understood it for a while and then it got to be too much for you."
B. "It sounds like you made a good start and then it began to come at you too fast."
C. "You're feeling bad now, but you did stay with it for a while, and that's something.
D. "Something got in your way and made you stop."
E. "I can't see how that could have happened, try to tell me more about it."

75. "Waste of money, those people never will amount to anything. First nice day they take off - and you won't see them again till it rains." Response:

A. "Their lack of ambition really bothers you."
B. "I guess you feel that when I know them as well as you do, I am going to have to come around."
C. "I guess you are tired of having people come here who can't do the job."
D. "It sounds as though even if things start out well here, you know sooner or later there will be trouble."
E. "I guess even if they really do the job, you probably won't believe it."

76. "Don't mess with that boy - I don't want anybody putting a whole lot of ideas into his head." Response:

A. "I guess you are not sure what I am going to tell him, and there's no telling what he'll be like when I'm through talking to him."
B. "It sounds like you got him where you want him and mean to keep it that way."
C. "I guess he is a handful now and you're probably wondering if I might get him into trouble."
D. "I wonder if maybe you feel that when we are done he won't pay any attention to you any more."
E. "It might make sense if we went over things first with you."

77. "I mean you tell me a lot of stuff - that's your job - they pay you for that - but I mean, I know what you really think." Response:

A. "I guess it is one thing for me to tell you something and another thing for you to believe it."
B. "I guess you really don't trust me."
C. "I guess I have asked you to go further than you're ready to trust me."
D. "It sounds like you made your mind up and whatever I tell you won't matter."
E. "I think you know where I stand, it is just hard for you to say so."

78. "Now hold on, yea, maybe I was supposed to be there, but something else--I mean--heck, you don't own me." Response:

A. "You know there is nothing more important than keeping an appointment for a job interview."
B. "Maybe I've been riding you some, but we both want to see you on a job."
C. "Maybe we should slow down some, there will be other jobs."
D. "Sounds like you are pretty mad, what did come up?"
E. "What you are telling me is you are really mad at yourself."

79. "Mister, I'm scratching just to stand still --- there's them three little ones --- my pa - he been gone for two years, and ma gets tired kind of easy now. I got to stay here." Response:

A. "You've got too much holding you to take advantage of this offer."
B. "You are really up against it."
C. "You've stayed with a lot that most people would side-step."
D. "If this works out you won't have to scratch. Maybe we ought to get some people to give you a hand with the family."
E. "You have a lot to take care of here, but even so, maybe you are not going because that kind of move is strange and a little scary."

80. "I tell you like it is--it's rough out here man--ain't like it use to be home--those cats get you up tight--you ain't got your people--you're nothing." Young man is arguing for:

A. Family solidarity
B. Defensive street group
C. Solitary defensive activity
D. Offensive street group
E. Group activity

You should now be at the end of the fourth column on your answer sheet

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Of the several possibly effective ways of handling each of the following situations, select the one closest to what you would probably do.

81. A successful client begins to backslide after his worker has transferred. - You are assigned the case:

A. Discuss with the client your own admiration of the former worker and indicate that you both should try not to let him down.
B. Indicate that you have also had much experience in helping many people and can help him.
C. Show him that his former worker has made his share of mistakes.
D. Tell him that you have spoken to his worker and are now in a position to offer him help.
E. Tell him that it may be a while before he is comfortable with you but that you would like to work with him.

82. The client referred to you by a probation officer feels that you have derrogatory information about him which you may use against him.

A. Tell him frankly that what he has done is a matter of record and that he should have thought about it before he did it.
B. Tell him that the official activity of a probation officer has no relation to your function and that you have no access to those records.
C. Tell him that you are in a position to put in a good word for him with the probation department.
D. Tell him that you, like the probation officer, are interested in helping him plan for his future.
E. Tell him that you know he has come to see you because he has to, but that much of what gets done is up to him.

83. A youth with very poor academic skills seems interested in a career choice which requires a high degree of formal training.

A. Point out the inappropriateness of his choice and indicate that he will need to work very hard before the career is open to him.
B. Suggest that although what he wants to do is up to him he will need to work very hard before the career is open to him.
C. Find an occupation which taps these skills at a lower level and raise this as a possibility which offers similar satisfaction for him.
D. Arrange an intensive tutorial and remedial program which will bring him up to the desired skill level.
E. Suggest that you and he will be spending some time talking about his interests and that your job is to help him make a useful choice.

84. The client discovers that the worker appeared to have been arbitrary and inconsistent. "That's weak man," the client says.

A. Do not directly alude to this; he will come to trust you as you continue to work with him.
B. Do not directly alude to this, but arrange to provide him with proof of your effectiveness and concern.
C. Point out the unfairness of his judgment and assure him that as he comes to know you he will find that you have his interest at heart.
D. Try to go over the situation with him and convince him that he was wrong.
E. Try to go over the situation with him and openly accept the possibility that he may have some good reason for feeling as he did.

85. A friend of a successful client comes and expects that you will do as much for him as you did for the client.

A. Acknowledge the referral source and indicate that there is a good chance that you could do as much for him.
B. Acknowledge the referral source, indicate how pleased you are that things worked out for his friend, and suggest that this client try to achieve the same objectives.
C. Acknowledge the referral source but indicate that the friend was fortunate to have things turn out as well as they did.
D. Do not acknowledge the referral source until you find out what this client really thought of his friend.
E. Acknowledge the referral source and indicate that you are pleased to work with him but that the outcome depends on what he himself really wants to do.

86. A youth who was a high school dropout and has a spotty work record has favorably impressed a remedial teacher with his potential.

A. Review his record with the remedial teacher and point up the inconsistancies in the youth's performances.
B. Suggest to the teacher that you are the person counseling the youth and that she ought to check with you before she gives him too much encouragement.
C. Try to get the teacher to take over job planning for this youngster as she seems to be doing a good job with him.
D. Take note of his progress and revise your planning with the youth as he may be college-bound.
E. Arrange to work closely with the teacher and see if she has any thoughts about possible plans for him.

87. How much did you work while in high school?

A. I worked regularly after school and/or on weekends while in high school and contributed some of my earnings to my parents.
B. I worked regularly after school and/or on weekends while in high school and used the earnings for my allowance and personal needs, or my own savings.
C. I did not work while in high school, except for irregular jobs baby-sitting, lawn-mowing, or helping in the family business.

88. How many hours a week did you spend on a part-time job while a senior in high school?

A. None.
B. Less than 5 hours.
C. 5 to 10 hours.
D. 10 to 20 hours.
E. More than 20 hours.

89. During the last couple of years you were in high school what part of the money for your support did you personally earn?

A. Less than 10%.
B. Between 10% and 30%.
C. Between 30% and 60%.
D. Between 60% and 90%.
E. About all of it.

90. If you worked while in high school, was it for:

A. A relative or a contact made by a relative?
B. A neighbor or family friend, or a contact made by them?
C. A personal friend, or a contact made by a personal friend?
D. An organization in which neither friends, neighbors, or relatives used or had contacts?
E. I was not employed while in high school.

91. If you attended college, what percent of your college expenses did you earn?

A. Less than 10%.
B. More than 10% but less than 25%.
C. More than 25% but less than 50%.
D. More than 50% but less than 75%.
E. More than 75%.

92. I have gotten at least one job through:

A. Friends or people in the neighborhood who heard about it and told me, though they didn't help me get it.
B. Contacts arranged by police, a court, or social worker.
C. Contacts arranged by the employment service.
D. More than one of the above.
E. None of the above apply to me.

93. Why did you leave your last full-time job?

A. Dissatisfied with pay or working conditions.
B. I was laid off or discharged.
C. Little chance for advancement.
D. Important personal reasons (such as moving to another part of the country).
E. Something else, or did not have a full-time job that I left.

94. In which one of the following have you most desired greater opportunity in jobs you have held in the past?

A. Use of my imagination.
B. Exercise of my administrative ability.
C. Freedom to do the job as it should be done.
D. Relax now and then.
E. Exercise my initiative.

95. What has been your most important reason for desiring to change any job you have held in the past?

A. To do more interesting work.
B. To have more likeable associates.
C. To increase my pay.
D. To make better use of my training and experience.
E. Other, or no previous job.

96. Which one of the following best describes your work?

A. Exhausting.
B. Very tiring at times.
C. Generally fatiguing.
D. I know that I have done a day's work but I am not tired.
E. Not the least bit tiring; I can work and still enjoy the evenings without feeling it.

97. Which one of the following have you disliked most about the way you have been treated in any job you have held?

A. Poor personnel practices.
B. Lack of communication, and cooperation between staff.
C. Poor pay.
D. Lack of recognition.
E. Resistance to new ideas.

98. Which one of the following has bothered you the most about the way you have been treated in any jobs you have held?

A. Too many interruptions from agency administration.
B. Discrepancy between agency policy and needs of clients.
C. Not enough opportunity to use my own judgment.
D. Lack of sufficient information provided upon which to base my decisions.
E. Insufficiently defined lines of authority.

99. Which of the following characteristics do you like most in supervisors?

A. Ability to deal effectively with people.
B. Ability to back up staff.
C. Knowledge of the technical aspects of administration.
D. Ability to represent the agency effectively.
E. Ability to size up a situation and act accordingly.

In the following section, pick the one answer which best describes your experience.

We are interested in fully exploring your work history relevant to youth counseling. Answer questions 100 to 114 on the basis of your paid experience in the following fields:

Counseling, guidance, personnel work.
Work with youth, youth groups, or youth organizations.
Providing assistance to disadvantaged individuals or groups including workers in marginal, low level, or subsistence industries.
Providing service for workers facing technological unemployment, subsistence farmers, or marginal mining industries.
Providing service for migrant workers with sporadic employment and/or marginal wages, and culturally disadvantaged minority and ethnic groups as well as handicapped, mentally retarded, or mentally ill individuals.
Helping people through civic or community programs, social agencies, and organizations.
Teaching and practice teaching.
Involvement in labor union activities at a staff level.
Employment as juvenile aid bureau or youth division officer.
Experience in probation, parole, or rehabilitative counseling.
Direct social action within a community action program.
Affiliation with Peace Corps, American Friends Service Committee, or similar direct service activity on a full-time basis.
Any other similar social welfare or service activity.

If you have not had experience in these areas, mark the "no experience" choice on your answer sheet for each question.

100. In these preceding areas, within the past 10 years, my full-time or full-time equivalency experience (1800 hours of work equals one year of full-time work) has been for:

A. No experience to 6 months
B. 6 months to 1 year
C. 1 year to 18 months
D. 2 to 4 years
E. Over 4 years

You should now be at the end of the fifth column on your answer sheet

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101. Most of my experience with out-reach techniques, out-of-agency group work, and/or street club work or rural social work on an outstation basis has been gained:

A. Through direct job experience as an out-station worker with continuing responsibility for clients. Population served through out-of-office contacts.
B. Through direct job experience as an in-agency worker with intermittent assignments as an out-station worker with partial case responsibility for out-of-office contacts with clients.
C. Through job experience as an in-agency worker with liaison to out-station worker, but not providing a direct service to out-of-agency clients.
D. Through job experience in an agency or agencies which had responsibility for out-station work which did not relate to my work assignment.
E. No experience.

102. Most of my knowledge of disadvantaged youth was gained from job experience in:

A. Counseling, guidance, and job placement of disadvantaged groups.
B. Recreation and supportive program work with disadvantaged groups.
C. General program activity which included but did not emphasize service to disadvantaged.
D. Agency activity which did not directly serve disadvantaged populations.
E. No job experience.

103. Most of my administrative and supervisory experience in these areas includes:

A. Responsibility for supervision of staff or volunteers providing direct service to disadvantaged populations.
B. Administration and preparation of programs or materials without responsibility for ongoing staff supervision.
C. Supervision of staff or volunteers providing services to non-disadvantaged populations.
D. Responsibility for execution of program, no staff supervisory responsibility.
E. No experience.

104. Most of my work experience with rehabilitative and counseling techniques and my professional skills in these areas have been gained from:

A. Specific job responsibilities which required counseling, treatment, or diagnostic work with disadvantaged.
B. Job experience which permitted observation of specific counseling or rehabilitative techniques.
C. Job experience which required referrals to agencies which specialized in these services.
D. Work in service agencies not related to counseling and rehabilitation of disadvantaged.
E. No job experience.

105. Most of my work experience with secondary school or college level counseling, guidance, and/or teaching includes direct experience with or program development related to:

A. Counseling high school dropouts and/or terminal high school graduates.
B. Enrichment programs for culturally disadvantaged (e.g., the Higher Horizon program).
C. Work with discipline and behavior problems.
D. Educational or tutorial programs in instututions (e.g., treatment or rehabilitation centers, and state schools).
E. No relevant experience.

106. Most of my work experience with public or private agencies, programs or clinics, included special activities focused on:

A. Public assistance and welfare work with disadvantaged.
B. Preparation of diagnostic test reports of disadvantaged.
C. Group or individual treatment of disadvantaged.
D. Child care or institutional work with disadvantaged.
E. No relevant experience

107. Most of my experience with court, probation, and parole work includes:

A. Professional case work in a juvenile court clinic.
B. After-care work with juveniles paroled from training school.
C. Juvenile aid bureau, youth officer, and related police agencies.
D. Probation and parole officer.
E. No relevant experience.

108. Most of my experience with techniques of community organization has been derived from:

A. Community or settlement house work in a deprived neighborhood.
B. Church youth activities in a deprived neighborhood.
C. Any community youth program.
D. General community program work.
E. No relevant experience.

109. Most of my experience with job development and/or placement has been gained from:

A. Work as a State Employment Service counselor or interviewer.
B. Work as a job development person in a public or private agency or community center.
C. Job Placement and referral as after-care worker.
D. Work as a vocational rehabilitation counselor.
E. No relevant experience.

110. Most of my experience with agency liaison and referral sources has been gained:

A. As a community organization worker.
B. As an agency or clinic intake worker.
C. As a guidance counselor responsible for liaison with other agencies.
D. Through work in area redevelopment, urban renewal, or community action programs.
E. No relevant experience.

111. Most of my experience as a volunteer in work such as that listed in preceding items was derived from:

A. Settlement house and community center work.
B. Hospital, clinic, tutorial, or rehabilitative work.
C. Community action work in a disadvantaged neighborhood.
D. National organization work not related to disadvantaged populations.
E. No experience as a volunteer.

112. Most of my experience as a volunteer has been for (1800 hours = one year):

A. One month full-time equivalent or less.
B. Two to three months full-time equivalent.
C. Three to six months full-time equivalent.
D. Six months to one year full-time equivalent.
E. Over one year full-time equivalent.

113. Most of my formal work experience in areas other than those described above has been:

A. Less than 6 months
B. 6 months to 1 year
C. 1 year to 2 years
D. 2 to 4 years
E. Over 4 years

114. In this work my job performance depended on:

A. Continuous interaction and intimate relationship with disadvantaged people.
B. Technical skills (e.g., X-ray Technician) relative to work with disadvantaged.
C. Technical skills with little interaction with disadvantaged.
D. Technical skills with professional interaction.
E. Varied work assignment at varying levels of skill.

115. Have you served a term in prison or jail or been on parole from prison or jail within the last five years?

A. Yes, for participation in an organized, non-violent civil rights demonstration.
B. Yes, because of conviction for a different offense.
C. Both reasons.
D. No.

116. From which of the following general classes of physical defects or disabilities do you suffer?

A. Inability to move about rapidly or exert myself unduly.
B. Inability to see clearly and read easily.
C. Inability to speak clearly or hear a conversation distinctly in a noisy room.
D. Recurrent headaches, tension, muscular spasms, tremors, or seizures.
E. None of the above.

117. What have you done to try to keep healthy in the past year?

A. Visited the doctor regularly.
B. Got plenty of sleep, fresh air, and exercise.
C. Didn't over-eat.
D. Stopped worrying.
E. Nothing in particular.

118. I have a physical disability which:

A. Limits the range of work activities I could perform in a Youth Opportunity Center easily.
B. Requires me to make special adjustments in order to perform work assignments.
C. Does not interfere with my ability to work easily and without inconvenience.
D. Represents a potential threat to my ability to work in a Youth Opportunity Center, requiring me to be careful not to over-extend myself.
E. I have no noteworthy physical disabilities.

119. If you have had occasion to work or be associated with people whom you felt were initially prejudiced against you, or whom you felt held attitudes prejudicially related to you, which one of the following is most applicable?

A. The attitudes improved over time.
B. I ultimately found it necessary to cease my association.
C. I became engaged in open conflict.
D. I was able to get along effectively with them in some areas of activity, despite their attitudes and my feelings toward them.
E. None of the above applies to me.

For the following two questions, think of your current or most recent job as Number 1, the job before it, if any, as Number 2, and the job before Number 2, if any, as Number 3.

120. Excluding military service, in comparison to job Number 1, job Number 2:

A. Paid less.
B. Involved less responsibility.
C. Was less related to my interests.
D. Was about the same level or better in salary, responsibility, and interest.
E. I had no job before Number 1.

You should now be at the end of the sixth column on your answer sheet

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121. Excluding military service, in comparison with job Number 2, job Number 3:

A. Paid less.
B. Involved less responsibility.
C. Was less related to my interests.
D. Was at the same level or better in salary, responsibility and interest.
E. I had no job before job Number 2.

122. My highest annual salary has been:

A. Below $2,500
B. $2,600 to $4,000
C. $4,100 to $6,000
D. $6,100 to $10,000
E. Above $10,000

123. My current or most recent annual salary is:

A. Higher than my previous salary.
B. Equal to the salary on any previous job.
C. Less than the salary on a previous job.
D. No previous job.

124. Have you ever been fired, discharged, asked to resign, suspended or placed on probation from your job?

A. Yes, as part of a reduction in force or termination of a contract (i.e., laid off).
B. Yes, as a result of evaluations of my work or job behavior.
C. Yes, for personal or disciplinary reasons.
D. More than once, or more than one of the above.
E. No.

TEST INSTRUCTIONS

Your local State employment service office can tell you the time and place at which the Project CAUSE Youth Opportunity Program Training Test will be given. The testing will take between two and three hours. Bring your answer sheet, this questionnaire, a soft pencil and the following reference information with you to the testing office:

1. The name and address and dates of your association with your most recent employer, if any.

2. The name and address and the dates of your association with your employer prior to your most recent employer, if any.

3. The name and address of your college or university advisor, department chairman, or major professor.

4. The name and address of a supervisor who has observed your practical or field work in youth counseling or counseling-related activities (if this person is different from those described above).

5. Your social security number.

6. Any comments or explanations of your application answers, or additional information about yourself which you consider relevant and important to the selection staff. You will be provided with a card on which you may write these comments.

As soon after June 4th as possible but not later than June 12th bring this completed application and the above items and information to your local Employment Service office.

Mr. HORTON. It is your statement that so-called personality tests are not part of this application?

Mr. WERTS. That is correct.

Mr. HORTON. Do I have any assurance from you, as Assistant Secretary of Labor, and as one who is speaking on policy, that personality tests are not going to be given in the Department?

Mr. WERTS. That is correct, Mr. Congressman. Personality tests are against the policy and will not be given in the Department, and we are tightening up the supervision of the application of that policy. They will not be given in the Department of Labor. That is the policy.

Mr. HORTON. All right.

Now, that is in the Department of Labor. How about in these——

Mr. WERTS. Or I might add in any personnel program for which the Department has responsibility.

Mr. HORTON. Turning to the first page of your statement, you say the Secretary personally became concerned last year with the potential abuses from monitored telephone conversations. Do you monitor telephone conversations in the Department of Labor?

Mr. WERTS. Not since the Secretary learned that there were some places where telephones were being monitored by secretaries, and this astounded him, and he ordered it discontinued. We have here a copy of the order. It is really a renewal of an old policy, and it is somewhat like the situation we find ourselves in with respect to Project CAUSE.

(The material referred to above follows:)

U. S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, August 5, 1964.

SECRETARY'S ORDER NO. 26–64

Subject: Recording, transcribing, and monitoring of conversations and statements.

1. *Purpose.*—The purpose of this order is to assure that maximum efforts are taken by all officers and employees of the Department of Labor to guarantee the integrity of personal conversations or statements, and to guard against the invasion of privacy.

2. *Authority and directives affected:*

(*a*) *Authority.*—This order is issued pursuant to the act of March 4, 1913 (37 Stat. 736, 5 U.S.C. 611); R.S. 161 (5 U.S.C. 22); and Reorganization Plan No. 6 of 1950 (15 F.R. 3174, 64 Stat. 1263, 5 U.S.C. 611 note).

(*b*) *Directives affected.*—General Order No. 106 dated April 15, 1960, is hereby superseded and canceled. All other orders, instructions, and memorandums inconsistent with this order are either canceled or superseded to the extent of their inconsistency.

3. *Background.*—The invasion of privacy has been a matter of historic concern to citizens of this country. In recent years, the complexity of Federal administration and availability of recording and monitoring devices have led to practices which have been questioned by the judiciary, Congress, the press, and the public at large.

4. *Policy.*—It shall be the policy of the Department of Labor that all internal and external business be transacted with complete confidence by all parties and that, insofar as Department of Labor personnel are concerned, statements or conversations made in person or over the telephone will not be recorded, transcribed, or monitored (listened in on) without advance notification and permission. To assure that this policy is complied with, the following regulations shall prevail.

(*a*) The use of electronic or mechanical recording and monitoring devices in conjunction with telephones is prohibited. These devices may not be purchased, rented, leased, or borrowed.

(*b*) Manual verbatim transcriptions and the use of electronic or mechanical recording devices in conjunction with meetings, interviews, and conversations are prohibited unless advance notification has been given to all participants in each instance that such recording or transcription will take place.

(*c*) Monitoring (listening-in-on) by secretaries or other personnel of telephone conversations for the purpose of recording appointments, making arrangements, assisting with commitments, and assuring adequate followups will be permitted only after advance notification to callers in each instance that such monitoring is taking place and provided that such monitoring is not accomplished through the use of any electronic or mechanical recording or monitoring device.

5. *Responsibility.*—The enforcement of the above policy is only possible with the fullest cooperation of all officers and employees in the Department. Officials charged with direct enforcement responsibilities are as follows:

(*a*) Assistant Secretaries, Administrators, and Bureau and office heads shall be responsible for seeing that the policy in this order is carried out within their areas of supervision.

(*b*) The Administrative Assistant Secretary shall remove prohibited devices from telephones and promulgate such additional regulations as may be necessary to implement this order.

6. *Effective date.*—This order is effective immediately.

W. WILLARD WIRTZ,
Secretary of Labor.

Mr. WERTS. The policy was clear but the practice——

Mr. HORTON. The custom had grown up to monitor. How was this monitoring done?

Mr. WERTS. The secretary would listen in on the telephone, primarily for follow up of commitments made by the persons who were on the phone.

Mr. HORTON. When you say "secretary," you don't mean the Secretary of Labor?

Mr. WERTS. No; I mean the secretary to an official.

Mr. HORTON. You mean a secretary in an office?

Mr. WERTS. Right, who would listen in on a telephone conversation so she could follow up, if somebody made a promise, "I will send you a copy of this letter," or "I will get this out tomorrow," she would then be able to follow up and help.

Mr. HORTON. I am not talking about that type of thing. That is not a monitored telephone conversation, in my judgment.

Mr. WERTS. Well, in the Secretary's judgment it was, and he said this shall not happen. If you want somebody to take notes or follow up, you tell the person on the other end of the phone that your secretary is on the wire, so they will be governed accordingly.

Mr. HORTON. I understand that. That is all right. But as I undertsand it, this was the abuse that was detected by the Secretary of Labor?

Mr. WERTS. That is right. And in the process he said, "Let's take a look at all of the possiblities of electronic devices that might lead to this."

Mr. HORTON. That is the question I wanted to ask. Did you find any electronic devices or any listening devices that were being used on telephones by way of monitoring?

Mr. WERTS. I would say yes to this extent: There is a device you may be familiar with. You can flip a switch on a telephone so it is not apparent to the person on the other end who is calling that a person is listening in. We found a few of these on telephones, and we have taken them all out.

Mr. HORTON. Were those devices acquired by the Department from the General Services Administration?

Mr. WERTS. These were acquired from the telephone company, as a part of the telephone equipment.

Mr. HORTON. I see. But as I understand it now, so there is no mistake about it, the policy is there will be no monitoring in any manner whatsoever of telephone calls in the Department of Labor?

Mr. WERTS. Except as the person is informed, right.

Mr. HORTON. I think that is all I have, Mr. Chairman.

Mr. GALLAGHER. All right, Mr. Horton.

Mr. Secretary, these are some great questions here, too, I might say, on a casual glance, but I will yield to the other members here.

Mr. ROSENTHAL. I read these over and there are some "beauts" in there.

Mr. GALLAGHER. I wonder about this one: "I tell you like it is—it is rough out here, man—it ain't like it use to be home. When these cats get you up tight—you ain't got your people, you are nothing."

I don't know about the "cats," but I am wondering whether or not we have the same people writing new material on these questions. Here's one about churches. We seem to be back on the same old stand, about whether or not you went to church with a store front on it, whether or not you went to a big church, "The churches in my neighborhood or community were store fronts; there were no churches."

I am sure they must be helpful. I am glad we are putting some of the beatniks to work writing up the questions here and getting them out of the picket lines.

But anyhow, Mr. Rosenthal?

Mr. ROSENTHAL. The chairman picked up about where I wanted to begin. But presently, I think the problem between the Department and us is that you see a clear-cut, dramatic example of an invasion of privacy in a telephone call interception, but someone either at the top or in an intermediate stage doesn't see quite the same way the members of the subcommittee do relative to the invasion of privacy in having to answer these tests and various other offenses in the tests.

Now, this presumably is your new test, is that correct?

Mr. WERTS. This is the new application.

Mr. ROSENTHAL. Which has eliminated all of the offensive material. Now, we have had testimony here that not only are these tests an invasion of privacy—and certainly to a layman many of these questions indicate that—but we have had testimony by responsible people that there is no validity to these tests.

Now, not setting ourselves up as professionals, we are becoming more and more inclined to believe that—or at least I am—when we see these tests.

Now, on page 17, question 80: "I tell you like it is—it is rough out here, man—ain't like it use to be home—those cats get you up tight—you ain't got your people—you are nothing."

You have to pick out one of five answers. The young man is arguing for (*a*) family solidarity; (*b*) defensive street group; (*c*) solitary defensive activity; (*d*) offensive street group; and (*e*) group activity.

Now, of the 435 Members of this House, there isn't one who would know what to do with this. And those of us who can see beyond what the question intends, the obvious answer leads that a person who has

had some minority group experience and background would answer it one way, as compared to someone who hadn't. So, as far as I am concerned, this question is as much offensive as anything we saw in any of the earlier tests.

Now, going back a little, question 66, the Supreme Court would have difficulty with this one. It says, "Which of the following is designed to affect the social relationships between racial and ethnic groups: (*a*) court decisions; (*b*) mass demonstrations, 'the movement'; (*c*) Federal Government operation of installations; (*d*) civil rights legislation; and (*e*) executive decisions."

I can conceive of what you are trying to get at there, and I think if we all answered it up here, we might have varying types of answers.

Now, looking into the background of people, and eliminating obviously people from possibly low-income backgrounds, you are asking in question 29: "What was the average number of people living in your home during your childhood and your youth?"

Question 31: "Have you ever felt some important person was bending over backward to be fair to you, so you began to feel he or she was being too good to you?" And question 28: "Have you ever lived in a neighborhood with a large number of residents of the same minority group?" And this is one qualification for the job.

Question 21: "Just before your teens, how did you let off steam when you got angry: (*a*) by fighting; (*b*) by kicking or throwing something; (*c*) by cursing; (*d*) by talking it over with someone; (*e*) I didn't. I tried to hide my feelings."

Now, I honestly think, Mr. Chairman, that we are going to have to give the Department an opportunity to come back again with the people who are responsible for this test and let them have an opportunity to explain to us the validity, because it seems to me that some of the most offensive questions of not only the Minnesota test, but others, are contained in the new test, and this test is expected to be used after the Chairman of the Civil Service Commission said personality tests would not be used in hiring Federal employees. And you, yourself, have indicated there is a change of policy, vis-a-vis invasion of privacy. So I think we are really at a stalemate.

And I think the Department ought to be recalled so we can find out whether this new clean bill of health they are willing to call this test is just that.

Mr. GALLAGHER. I would agree. I think the Secretary is in an unfair position here this morning, since this is a new test. I would appreciate it very much if we could have the people who advocated these tests up here. I think that is the type of people we ought to question.

Question 14, I am not sure whether or not—it is a Peace Corps question—I applied for training, and it has four or five different steps. I did not apply, I was rejected, this type of thing is probably germane in the mind of someone who did or did not want to go into the Peace Corps.

But I agree with Mr. Rosenthal, that we ought to have people up here who can advise us as to what they are attempting to get at, rather than to put you on the spot here this morning to justify this.

However, since it did come up, I am sure that the members do have a right to ask about it.

Mr. Reuss——

Mr. HORTON. Mr. Chairman, could I interrupt to make this comment with regard to the statement you just made? The thing I am also concerned about, though, is the policy. And Mr. Werts represents the policy, as I understand it, the policymaking aspects of the Secretary's Office. And I think it would be appropriate to have a spokesman from the policy back after they have had a chance to go over this thing perhaps again.

That is in addition to those who apparently are making the policy, but without the knowledge of those at the policymaking level.

Mr. WERTS. Mr. Chairman, I think that is reasonable. As I indicated earlier, I am not an expert on testing. Obviously we have had some discussion of some of the guidelines on why some of the questions are raised here. The experts indicate that these are the kinds of questions that might be raised in a personal interview and this is a structured interview, so that you get a basis for comparison of individuals.

And I think in their judgment the questions asked do reveal the individual's knowledge of disadvantaged situations as the reference to the problems of disadvantaged youth, and the need of these counselors in the youth opportunity centers, and they will be less helpful to the program if they are not aware of the kinds of problems which youth in disadvantaged neighborhoods have.

And the intent here is—I agree you ought to have the experts to explain this to you—is this will identify people who are sympathetic, who are interested in helping the disadvantaged, and will help to, as my testimony indicates, get a good distribution of the ethnic and minority groups into the program who will be able to help the disadvantaged youth.

Now, as I indicated, some of these things are matters of judgment, and out judgment may not be adequate. But at least it was on the basis of this kind of presentation that we permitted this to go forward.

Mr. GALLAGHER. That may well be true, and I can understand that it is a question of judgment. But at the same time it is very discriminatory, in the Chair's opinion. It might well be that we need people who can read correctly the problems of disadvantaged youth. But why should a job applicant for this—what concern does it really have whether or not he worships God in a church with a storefront or an institutional church? I don't know of any storefront Catholic churches, for example, or Jewish synagogues. I can see the need to recognize problems, but I think what we are doing here is pinpointing the individual applicants of this particular job situation and you might just as well ask what your religion is, what your race is, because after you read three or four pages, you have a complete book on the person who must fill this out, not necessarily his own knowledge of the situation, but on him. And this is what we are dealing with.

We get only concerned with the masses and we forget about the individuals that are participating in these programs.

Mr. WERTS. On this point, if I may, Mr. Chairman, I would like to point out that all of the tests for 1964 have been burned, so they don't——

Mr. ROSENTHAL. Have been what?

Mr. WERTS. Have been burned, those that were given. The answers to the tests.

Mr. GALLAGHER. How much did they cost?

Mr. WERTS. In the neighborhood of $13,000 to make these tests.

Mr. CORNISH. Mr. Secretary, does that include the cost of preparing the booklets, administering the tests, and then evaluating them? Is that the total cost of the personality test?

Mr. WERTS. The figure I used, which is actually $12,997, has to do with the answer sheets—designers, Government Printing Office charges, 30 State and regional employment service personnel who evaluated the tests, the scoring template, reimbursement to States for overtime work in the scoring of tests, and that sort of thing.

Mr. CORNISH. Would that be available for insertion in the record?

Mr. WERTS. Yes.

The following is a breakdown of costs for the expense of testing nearly 22,000 Project CAUSE I applicants:

Answer sheets	$440
Royalty to designers of California psychological inventory	750
Government Printing Office	3,813
30 State and regional employment service persons who evaluated tests	6,882
Scoring template	912
Reimbursement to States for overtime work	200
Total	12,997

The cost of testing came to less than $1 per applicant.

Mr. GALLAGHER. Mr. Reuss?

Mr. REUSS. Thank you, Mr. Chairman.

My concern with this 1964 CAUSE personality test, as I have said before, is not simply because I want to rake up the past, but because if I may say so, Mr. Secretary, the Department of Labor's lack of repentance about it indicates you are going to keep on doing the same old thing. I note in your statement the following sentence.

Our experience with the assessment of trainees during last year's CAUSE program suggests this newly designed examination will prove to be an even more relevant and accurate gage of an individual's suitability for employment that requires constant contact with the disadvantaged.

Well, I agree with the Chairman of the Civil Service Commission, Mr. Macy, who said yesterday that this 1964 CAUSE personality test was not the least bit relevant or accurate, and it should not be used at all. But the Department seems to be saying, even at this late date, that it is relevant and accurate.

I question your ability, very frankly, to come up with a new test or new set of hiring standards that are accurate and fair. And the questions of the Chairman and my colleagues, Mr. Horton and Mr. Rosenthal, indicate that you still are not profiting by your unhappy experience. For example, I notice you described this year's program, and I am going to read what you said there—

Through the use of computerized information, we can compare each candidate with general statements about the entire group as well as with sample groups that have the characteristics in which we are interested. We thus expect, on the basis of our interview-type application, to place our candidates in two groups, first those who have many of the experiences and background characteristics we feel desirable, and secondly, those who have few of these characteristics.

Well, that is precisely the kind of test, from your description of it, which the Civil Service Commission says should be thrown into the ash can. Yet now you propose to do it again. There isn't time this morning to go into this year's test, and I have just been confronted with it, but from your description of it, you are again thumbing your nose at the Civil Service Commission's rules.

Have you submitted this 1965 test to Mr. Macy in the Civil Service Commission?

Mr. WERTS. We have not.

Mr. REUSS. Will you do so this afternoon, sir?

Mr. WERTS. We will be very glad to make it available to him this afternoon.

Mr. REUSS. Thank you.

At this time, Mr. Chairman, I would like to offer for the record my chronology of letters to the Department of Labor, trying to find out about the 1964 CAUSE test, they being letters either from me to the Department or from the Department to me, dated November 20, 1964; December 17, 1965; January 6, 1965; February 4, 1965; February 10, 1965; February 24, 1965; and March 11, 1965. (See pp. 97–100.)

The general upshot of all of this was that the Department of Labor wouldn't tell me about the 1964 test and invited me to go and buy one of the testing company's tests to find out. Though, Mr. Chairman, on May 24, 1965, you specifically asked the Labor Department by letter to give us full information about the 1964 tests, we have practically no information on it.

(The letter referred to follows:)

MAY 24, 1965.

Hon. W. WILLARD WIRTZ,
The Secretary,
U.S. Department of Labor,
Washington, D.C.

DEAR MR. SECRETARY: Thank you for your letter of May 20, 1965, in which you assure me that no psychological questionnaires or personality tests are used for employment or promotion in the U.S. Department of Labor.

I note, however, that such tests were used last summer in connection with the so-called CAUSE project (Counselor Adviser University Summer Education) to select youth counselors for training to serve in the youth opportunities program. I understand that the testing was financed and directed by the U.S. Department of Labor.

As you know, I have been greatly distressed by Federal participation in the conduct of such tests and am hopeful that all agencies of Government will adopt written prohibitions against them in their programs. The Honorable Henry S. Reuss of Wisconsin also has been greatly concerned about this matter, especially in how the CAUSE tests were applied in his home State.

As I informed you in my letter of May 12, the House Committee on Government Operations is engaged in an investigation of matters related to invasion of privacy by Federal agencies. One of the items under current inquiry is the use of psychological questionnaires or personality tests under Federal auspices.

As chairman of this special inquiry, I am inviting you to designate an appropriate policy official of the U.S. Department of Labor to testify on this matter at a public hearing Friday, June 4, 1965. The hearing will begin at 10 a.m., in hearing room 2203 of the Rayburn Office Building.

It would be helpful if that official could discuss in detail the justification for such tests, their cost, and whether the Department intends to utilize them again. Information also will be sought on the specific matter of their use in Wisconsin. We also would like to know what consideration was given, if any, to the invasion of privacy aspect before they were approved.

Your staff may communicate with Mr. Norman G. Cornish, Chief of Special Inquiry, room 2157, Rayburn Office Building, telephone Government Code 180, extension 4050 or 5050, concerning any additional details relating to the hearing. It would be appreciated if 50 copies of the prepared testimony could be made available to the subcommittee by June 3, 1965.

I am enclosing a copy of a statement which appeared in the Congressional Record of Monday, May 17, 1965, which I thought you might find to be of interest on this matter.

With kind regards.

Sincerely yours,

CORNELIUS E. GALLAGHER,
Chairman, Special Subcommittee on Invasion of Privacy.

Mr. REUSS. Mr. Werts, I would like to now refer you to the 1964 test, part II, the 158 true-false questions which you already referred to. I would like you to hand me the answers to these questions, so that we may know what answer produced what result in the efforts of these 21,000 young people to get a job with the Federal Government, thus when someone says, "I think Lincoln was greater than Washington," did that help him or hurt him in the test. Will you now hand me such a code?

Mr. WERTS. I don't have it, but I certainly will do it, if we have it, if it is available.

Mr. REUSS. Will you? And if it is not available, will you kindly take steps to immediately make it available, and present it to the subcommittee?

Mr. WERTS. Well, Mr. Congressman, as I understand this, I think this is a highly technical question which might be better dealt with when you have the experts here.

Mr. REUSS. But this committee is perfectly capable, Mr. Secretary, in evaluating and reading the results of this test. What we want to know is what is a good answer and what is a bad answer on some of these questions.

Mr. WERTS. Well, my only point is, Mr. Congressman, and I want to be a hundred percent cooperative with the committee, but I don't want to commit myself, or anyone else, to doing something we can't do. I just don't know.

Mr. REUSS. Why can't you do this? You marked 21,000 papers.

Mr. WERTS. Yes, I think I indicated earlier, however, that the tests that were given, the results of the tests have been destroyed.

Mr. REUSS. Just a minute. You didn't destroy the Rosetta stone, you didn't destroy the key. You told us a few moments ago that in the interest of privacy you destroyed the answers of the young people as to such questions as, "Do you worry much about sex?" and "I have been in trouble one or more times, because of my sex behavior," and I am glad you have destroyed those. But if you have destroyed the set of answers, the template, the stencil, this subcommittee certainly would want to know who destroyed it, when, how, and at whose orders?

Mr. WERTS. Mr. Congressman, I agree with the point you are making, that someone can indicate to you whether the answers to these questions, what impact they have on the selection of the candidate.

Mr. REUSS. I have been subjected to that for the last 8 months. Is it in order, Mr. Chairman, to ask you to issue a subpena duces tecum for the material? It seems to me this subcommittee really ought to know the answers to these questions.

Mr. GALLAGHER. The subcommittee does have the authority to issue a subpena and it will be done if necessary. I think what the Secretary is trying to point out, and perhaps I am interpreting this wrongly, is that you do not feel competent to testify to the technical values of this test, but you would be prepared to send up technical experts, who would be competent and qualified to do this. Is that correct?

Mr. WERTS. Exactly right, Mr. Chairman. And I would be very pleased to come along, to listen, and develop information that will be a basis for judgments we have to make later.

Mr. REUSS. We would like the technical experts, but why in the world can't we have the sheet of paper that tells us what the true and false answers are?

Mr. GALLAGHER. We want them, and we so advise you, and if there is any reluctance, we can probably do a little coaxing, with a subpena, to bring along the Rosetta stone of the 1964 tests.

Mr. HORTON. Would the gentleman yield at this point?

Mr. REUSS. Yes.

Mr. HORTON. I am not sure I understand your position in this, Mr. Werts. Is this testing procedure under your jurisdiction directly or are you someplace off in another role?

Mr. WERTS. My responsibilities include responsibility for personnel selection, appointments, promotions.

Mr. HORTON. Then you are the top man in the Department of Labor responsible for this, is that correct?

Mr. WERTS. Other than the Secretary, that is right.

Mr. HORTON. As I understand it, you don't have such an answer sheet, and you have never seen one.

Mr. WERTS. That is exactly right.

Mr. HORTON. How long had these tests been given prior to the time you discontinued them?

Mr. WERTS. The first time and only time was in 1964.

Mr. HORTON. So that year of 1964, these tests were given, and you did not see them?

Mr. WERTS. That is correct.

Mr. HORTON. And you, at this point, have never seen the answer sheet?

Mr. WERTS. That is correct.

Mr. HORTON. Have you seen the answer sheet on the CAUSE II questionnaire?

Mr. WERTS. These have not been given yet.

Mr. HORTON. But you have an answer sheet, don't you, or you don't know?

Mr. WERTS. If there is an answer sheet, I have not seen it.

Mr. HORTON. And you have authorized this to be given?

Mr. WERTS. That is correct.

Mr. HORTON. And you haven't seen the answer sheet, and you don't know whether there is one?

Mr. WERTS. As I indicated, I don't think it is a question of an answer sheet. What the process is here——

Mr. HORTON. What is the purpose of this, Mr. Werts?

Mr. WERTS. The purpose of this is to evaluate the knowledge and background and experience of the individual in relation to the kinds of background, experience, and knowledge which is that similar to successful counselors.

Mr. HORTON. How can you tell that without having the answer sheet and knowing what the answers are, and how they are going to be evaluated?

Mr. WERTS. I suspect we are having a problem here——

Mr. HORTON. Don't suspect.

Mr. WERTS. Or I am having a problem, I should say, of knowing what you mean by answer sheets.

Mr. HORTON. What is the preferred answer. Pick one out, question 62 on page 13, "How many accidents or injuries have you had in the last 5 years (a) None; (b) 1 to 2; (c) 3 to 4; (d) over 4."

Mr. WERTS. There is no preferred answer.

Mr. HORTON. How do you grade these?

Mr. WERTS. The computer makes a pattern of the multiple choices, and it has a certain diagram, and how does this diagram compare with successful counselors, that is all. There is no correct answer. They are all part of a total factor, and individual items have no significant impact. It is the total and the pattern and the relationship and how they compare with other people, who are successful counselors, and how they indicate what their experiences are.

Mr. HORTON. Are you satisfied, in your own opinion, that you have gone into this questionnaire fully?

Mr. WERTS. Well, I think it is pretty obvious from the points made by the committee that I have not.

Mr. HORTON. Then you are not satisfied with it now, are you?

Mr. WERTS. I would say, as you have said, I am not satisfied that we have investigated it, studied it, and reviewed it as carefully as we should.

Mr. HORTON. I yield back.

Mr. REUSS. To proceed, one of the things that first concerned me about this 1964 CAUSE test, Mr. Secretary, was that it was brought to my attention in my home city of Milwaukee that even though these youth counselors were to work very largely in poor areas, populated by minority groups, and even though in Milwaukee, where one of these tests was given, the Milwaukee Urban League, an organization devoted, among other things, to finding jobs for Negroes, went out and found 60 topnotch Negro university graduates to take this test—I should add parenthetically that one didn't need to be a university graduate, but these were—none of these 60 made the program. I think one passed, but didn't enter the program.

Naturally, I have been unable to get from the Department of Labor any figures on how many Negroes took the test, out of the 21,993 people who took it, but since these were in American cities which contained very large Negro populations, including some like Washington, which contain a majority of Negroes, it is perfectly obvious that a large number took the test, yet the Department of Labor does tell me that of those selected for training, of the 1,904 who were selected for the training procedure, only 8 percent were nonwhites. This seems to me very strange, and I now refer you to a statement of your presentation this morning, where you are referring to this new procedure you have adopted, and you say,

> This procedure has not been used before in a Federal program and should result in a much more favorable balance of ethnic and minority groups, who understand and have experienced conditions of deprivation.

Translated into English, that means we are going to stop using questions that discriminate against Negroes, doesn't it?

Mr. WERTS. No, sir, it does not say that.

Mr. REUSS. What does it say?

Mr. WERTS. It says that we are going to use a test that will insure full oportunity to the ethnic and minority group candidates.

Mr. REUSS. Let me ask you this: In your test last year—let me call your attention to a couple of questions—No. 19: "I think Lincoln was greater than Washington." We had testimony yesterday that the proper answer to that question was that Washington was greater

than Lincoln and someone who thought Lincoln was greater than Washington flunked that question.

Mr. WERTS. May I ask——

Mr. REUSS. If the testimony yesterday was in error, incidentally, it is an easy matter for the Department of Labor, after 8 months, to produce what the proper answers were and tell this committee. But so far, since you won't tell and since we have had testimony, I assume that is true.

Now I am not a psychologist, but it does seem to me that a great many young Negro men and women might well think that Lincoln was greater than Washington, because among other things, Lincoln freed the slaves.

I find it quite shocking, frankly, that you included a question like that in your test whereby some 21,000 or 22,000 young Americans are told whether or not they can get these jobs in the poverty program, paying $4 or $5 or $6 or $7,000 a year.

Another question, No. 148, "My home as a child was less peaceful and quiet than those of most other people."

Now again I am not a sociologist, or psychologist, but the fact is that many Negroes in our society live in overcrowded slum or near-slum areas, and I am told yesterday by the witness that the flunking answer to that question was that, yes, your home was less peaceful and quiet.

Mr. WERTS. May I ask who—

Mr. REUSS. The witness yesterday? Yes, it was a man named Gross who has written a book about, among other things, the Minnesota Multiphasic Personality Inventory, which is a set of some 500 questions compiled largely by a study of 800 manic depressive schizophrenics, paranoids, and others, in Minnesota mental institutions, and which is apparently the test for which the Department of Labor paid the several thousand dollars which you indicated was paid to a commercial testing outfit for this test.

Now I had hoped that this sentence in your statement today, that you were going to try to achieve a just balance of ethnic and minority groups, was an analysis of the mistake you made, and a resolution to do better, and I am disturbed to hear you deny that it was. This is too bad, as far as I am concerned.

Let's turn now to the right to privacy, which I would emphasize is only a part of what this subcommittee is looking at. We are, of course, concerned about the right to privacy. But we are concerned also with the competence, efficiency, and justice of governmental employee selection methods. But let's look at the right to privacy, and which I believe your testimony was that you not only aren't violating it now, but you didn't violate it last year in the 1964 CAUSE test. Is that correct?

Mr. WERTS. Substantially that is correct.

Mr. REUSS. I call your attention again to certain questions in the 158 questions which you asked. Take question 118, "I have been in trouble one or more times because of my sex behavior."

I now refer you to the official U.S. Department of Labor publication, "Manpower Administration, Bureau of Employment Security, Selection of Applicants for Youth Opportunity Training Program," which purports to be a description of how you conducted last year's program.

Are you familiar with that document?

Mr. WERTS. I have seen it.

Mr. REUSS. I now ask you to turn to appendix M, which is the guidance for the markers of these exams, with particular reference to the 158 questions we have mentioned. I now shall read to you the bottom paragraph on that page of appendix M, criteria sheet No. 7:

> If there is any evidence of legal infraction, other than civil rights demonstrations and offenses, or mention of emotional illness, or indication of a severe handicap, confinement to wheelchair, deaf, blind, et cetera, the full rating should be done and the application then set aside for special consideration.

From this sentence it looks to me very much as if in addition to whatever other purposes you were using these 158 questions for, you were using them to get personal information about these people, and then for whatever purposes you wanted.

Now let's be perfectly clear, I want you to get all of the relevant personal information about your people, but your testimony this morning was that you did not, under the guise of these 158 true-false questions, seek to obtain this personal and private information. You may answer either now or later for the record how you square that with the mandate to your examiners, which I just read.

Mr. GALLAGHER. Will the gentleman yield before the Secretary answers the question?

Mr. REUSS. Yes.

Mr. GALLAGHER. The same question reappears in the new set of questions, under a different mask. Question 115 reads, "Have you ever served a term in prison or jail, or were on parole from prison or jail within 5 years. Yes, for participation in organized nonviolent civil rights demonstration; yes, for conviction for other reasons, or no."

So I think we worm our way back to this thing constantly. I really feel that this could be very detrimental to minority groups, the very groups that perhaps we are attempting to assist. It does not suppose at all that minority groups themselves perhaps could be trained as youth counselors, and if it does, then this sets up a discriminatory foundation. And I personally feel it is quite insulting to Negroes, the whole line of questioning in this new test because there are certainly an equal number of people who are Negro, and who can answer these questions without having to break it down into beatnik talk or find out as to how they stand on these situations. I just don't feel that social scientists have any special license to invade a person's privacy, merely under the guise of studying human behavior.

I yield back.

Mr. REUSS. Who, in the executive branch, authorized this group of 158 questions and decreed they should be put to the 21,993 young people who wished to serve their country?

Mr. WERTS. I don't have the specific name, but I have the individuals who are responsible. Whether they personally did it or not, I don't know. It would be the Administrator of the Bureau of Employment Security, and the person on his staff who is responsible for Project CAUSE.

Mr. REUSS. Will you give the names of those two people?

Mr. WERTS. Mr. Goodwin is the Administrator of the Bureau of Employment Security, and Mr. Harry Kranz is director of the unit that supervises the Project CAUSE.

Mr. REUSS. Who does Mr. Goodwin report to?

Mr. WERTS. He reports to the Manpower Administrator, who is Stanley Ruttenberg.

Mr. REUSS. Who does Mr. Ruttenberg report to?

Mr. WERTS. He reports to the Secretary, or the Under Secretary.

Mr. REUSS. You are not in this chain of command?

Mr. WERTS. No, sir.

Mr. REUSS. I have been informed by the Department of Labor and this will appear in the correspondence which I have filed with the committee, that 158 questions were designed to sort out and test the 21,993 applicants with respect to 5 human qualities—flexibility, responsibility, psychological-mindedness, socializationality, and tolerance. Would you tell us what "psychological-mindedness" means?

Mr. WERTS. I don't know what the writer had in mind, not having seen the whole correspondence.

Mr. REUSS. Well, you have as much as I had and as much as the examiners had, namely, the single word, "psychological-mindedness."

Mr. WERTS. I couldn't tell you what it means.

Mr. REUSS. What does "socializationality" mean?

Mr. WERTS. My guess would be someone who is—who has the ability to meet with people, and get along with them, interested in getting along with, meeting, and dealing with people.

Mr. REUSS. You would, I guess, be able, as I guess even I would be able, to make a guess as to what "flexibility," "responsibility," and "tolerance" would mean?

Mr. WERTS. Yes.

Mr. REUSS. So, only two of the five human quantities are beyond our grasp.

Mr. WERTS. Well, just one is beyond mine, I think, Mr. Congressman.

Mr. REUSS. Well, you are one up on me. Now, this money you spent on the test, what psychological testing service, outside of the Government, did you pay it to?

Mr. WERTS. The report indicates it was a royalty paid to the designers of the California Psychological Inventory.

Mr. REUSS. That is a profitmaking corporation, is it not?

Mr. WERTS. I couldn't tell you at this time.

Mr. REUSS. How much did you pay them?

Mr. WERTS. $750.

Mr. REUSS. I was further told that the way the designers of this test worked out who was flexible, responsible, tolerant, and those other two words, and who wasn't, was by giving a series of questions to two groups of people, one of which the master, whoever it is, had decided was a group of people who were flexible responsible, tolerant, and so on, and the other a group which the master had decided was inflexible, irresponsible, intolerant, and so on. This is what I am told by your Department. Do you have any reason to believe that is not in accord with the facts?

Mr. WERTS. I have no information on it, so I couldn't say.

Mr. REUSS. I will ask you this question and perhaps you can answer it. How did the master, whoever made up this test, decide, in the first place, who was flexible, responsible, tolerant, psychological-minded, and socializational, and who wasn't? Because it seems to me this whole thing is a feedback from what some person, unknown to us, had to decide about the human soul some years ago.

Mr. WERTS. I don't have the answer to that. I think that is a question which is appropriately presented so the experts.

Mr. GALLAGHER. Mr. Secretary, to get back to my earlier suggestion, would it suit your purpose, Mr. Reuss, if the Secretary did have his experts come up here on the technical aspects of this? Perhaps he is not competent to answer this.

Mr. REUSS. Obviously, the witness is not competent——

Mr. GALLAGHER. I mean to testify to the technical aspects of it.

Mr. REUSS. But what bothers me, though, is the fact that it seems here rather starkly revealed that policymakers don't seem to think it is their business to know what they are doing, and to ask this kind of question. I would hope, therefore, that the technicians could be accompanied by someone who is willing to say, "Yes, this is my responsibility; I was the man who picked the 158 questions, and here is how the answers were selected."

So I think, in addition to the other information I have requested, we should have that kind of a person, or at least speaking for myself, that is the kind of witness I had hoped, after 8 months, the Department was going to send up this morning, and I am waiting eagerly for such an appearance.

Mr. GALLAGHER. Would the Secretary be prepared to reevaluate not only this new questionnaire, but the whole policy pertaining to this type of thing, and accompany the experts when they do appear, the technicians, so that we can have not only a full explanation of the propriety of the questions asked, but the propriety of the policy itself? Would that be satisfactory?

Mr. REUSS. Yes, Mr. Chairman. I think we should see—we should first have the documents which we have requested, such as the answers to the 158 questions, so we know what answer, or what result an answer that "Lincoln was greater than Washington" produced.

Mr. GALLAGHER. Could that be provided in advance, Mr. Secretary?

Mr. WERTS. Yes.

Mr. HORTON. Mr. Chairman, could I ask a question at this point? I didn't have this before me before, and I wanted to ask a couple of questions about this CAUSE II.

Mr. GALLAGHER. I think we should have this as part of the record.

Mr. HORTON. First, I wanted to ask about the cost of this Project CAUSE II application questionnaire. Do you have some breakdown on the costs of that?

Mr. WERTS. We don't have it, but we will be glad to supply it.

(The material referred to above follows:)

ESTIMATED COST OF CAUSE II APPLICATION QUESTIONNAIRE

Following is an approximate breakout of the cost of producing and processing the application for Project CAUSE II:

Printing 75,000 copies	$15,810
Mailing of application to States, individuals	3,400
Processing by CEIR, Inc.—Machine programing and scoring time	2,000
Total	21,210

Mr. HORTON. I would like to know under what conditions this CAUSE II application questionnaire is supposed to be used.

Mr. WERTS. This is an application form which individuals may secure, and if they wish to apply for training under CAUSE II, they

will fill this out and return it to the appropriate people, and then this will be an indication that they are interested in applying for training under this program.

Mr. HORTON. Are you mailing these out broadside to any selected competitors, or is this a case of where someone applies to the Bureau and you send out this questionnaire and he sends in his answers?

Mr. WERTS. The State employment security agencies have these forms. They have been requested to distribute these applications to the local agencies, local offices, and other recruiting points so they are available to individuals who ask for them. The fact is that the project has been publicized and people are told in the publicity where to apply.

Mr. HORTON. How many of these have you caused to be prepared, and, of those, how many have been sent out?

Mr. WERTS. I am informed 75,000 copies have been printed.

Mr. HORTON. How many of these have been sent out?

Mr. WERTS. I would assume most of them would be distributed, except for working copies at headquarters.

Mr. HORTON. Is it safe to assume that they are now in the hands of applicants and being submitted?

Mr. WERTS. They are not in the hands of applicants as yet.

Mr. HORTON. Mr. Reuss made some mention of instructions to examiners which were used in the 1964 test. Do you have a similar instruction sheet, or instruction brochure to examiners for this one?

Mr. WERTS. I do not have it.

Mr. HORTON. Is there one?

Mr. WERTS. I am sure there must be.

Mr. HORTON. Can that be furnished to the committee?

Mr. WERTS. Right.

Mr. HORTON. Could that be furnished to the committee before you appear again?

Mr. WERTS. Yes, sir.

(The material referred to above follows:)

In reply refer
to AT

U. S. DEPARTMENT OF LABOR
Bureau of Employment Security
Washington, D. C. 20210

General Administration Letter No. 876
June 2, 1965

TO: ALL STATE EMPLOYMENT SECURITY AGENCIES

SUBJECT: Project CAUSE II Procedures for Application-Taking, Reference Mailings, Test Security, Test Administration, and Reporting

REFERENCES: GAL 866, 867, -10C Series No. 43 and 871

PURPOSE: To describe the specific procedures for taking applications, for filling out applicants' reference cards and Master Cards, for reporting tests received and returned, and for administering the CAUSE II test for applicants for training as Master Degree Counselors and as Counselor Trainees.

This letter outlines the administrative procedures for administering the CAUSE II selection process at the State and local level. A general over view of the selection process was described in GAL 871, which indicated that selection is to be based on an application designed for automatic data processing, a civil service type examination, and references. This letter specifies the directions for the use of these sources of information.

This letter does not apply to those States in which the selection for CAUSE will be carried out by the State's civil service or merit system, or in which the CAUSE II quota for the State will be met by people on appropriate State registers and for current employment service employees.

Selection for CAUSE II makes extensive use of automatic equipment which represents a considerable savings in cost, and which provides the only system by which large numbers of applicants may be screened by the small Selection Staff available to CAUSE II. To some extent, the use of automatic processing displaces some of the complexities of selection from the Selection Staff to the local offices. In the time available, hand screening is impossible, so that the success of the selection program must depend almost completely on the care the local office takes in insuring that the forms meet the requirements of the machines. Improper handling of the forms and/or failure to follow instructions may adversely affect the candidate's chances for selection.

APPLICATIONS

Applicants will answer the application questions on a special multiple choice answer form, printed on both sides, with one side printed in blue and labelled "Application Answer Sheet." The other side, printed green, is labelled "Test Answer Sheet," and is to be used for recording answers to the CAUSE II test (see below). Applicants are instructed, in the Application Questionnaire, to fill out the application side of the answer sheet, and then to take the answer sheet to their local employment service office between June 4 and 12. When the applicant reports, the local office should have him fill out cards for references, as described below, and a Master Card. At this time, the

local office may examine the Application Answer Sheet for completeness, and minimum qualifications for CAUSE II. If the applicant does not report before the time scheduled for the national CAUSE test, the following procedures should be carried out immediately following the testing:

1. Completeness. The Application Answer Sheet should be examined to insure that there is one choice marked for each of the 124 items, that there is no more than one choice marked for any item, and that there are no more than 124 items answered. The applicant may correct his answer sheet if he has marked more than one answer for an item, or if he has left out an item. Erasures are permitted, but they must be clean and thorough. Make sure applicant has used a soft pencil.

2. Name. Applicant's name, social security number, and address must be entered in the appropriate places on the answer sheet. If the applicant has no social security number, leave the space blank.

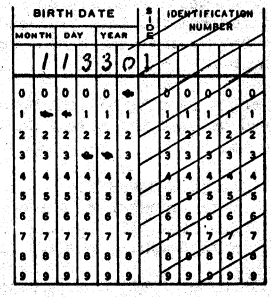
3. Condition of the Answer Sheet. The answer sheet may be folded, if it is a neat fold. If the answer sheet is torn or irregularly creased, it must be redone on a fresh sheet.

4. Minimum qualifications. All applicants for the Counselor Trainee and Master Degree Counselor levels must be citizens of the United States have attained at least a bachelor's degree (candidates will be classified by the data processing machines in the higher class, on the basis of other information contained in the application), and be at least 21 years of age. Citizenship is indicated by the applicant's response to question 3. To qualify, he must have marked choice D. Degree is indicated by his response to question 4, in which he must have marked any choice other than A. If he has marked choice E (professional or other degree), interview the applicant to make sure that he has at least a bachelor's degree. The answer sheets of applicants who do not qualify under these terms are to be retained by the local office, for forwarding to the CAUSE II Selection Office at a date to be announced later.

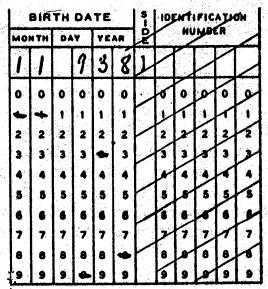
The applicant must enter his age on the Application Answer Sheet, in the "Birth Date" code box in the upper right corner of the page. In the two empty boxes under the word Month, have the applicant enter the number of the month of his birth. If the number is two digits, he should put the first digit in the first box, and the second in the second box. There should be no more than one digit per box. If the month is a one-digit number, it should be placed in the second box of the two (See the examples below). The applicant should enter the day of his birth in the two boxes under the word Day, again using the first box for the first digit and second for the second digit, or for a single-digit day. The third entry is the year of birth, to be entered in the two boxes under the heading Year (using only the last two digits of the year of birth). When these dates have been entered, and if the applicant is 21 years of age or older, have the applicant blacken in the spaces in the columns under the numbers he has entered, in the spaces matching the numbers he has entered into the boxes.

Examples:

An applicant born on January 13, 1930:



An applicant born on November 9, 1938:



The second step is to fill in the applicant's identification number, as described in the next section of this letter.

IDENTIFICATION NUMBER

Envelopes containing nine data processing cards are being distributed to State agencies for redistribution to local offices, in sufficient number to provide at least one envelope for each applicant. These envelopes contain prepunched and coded cards, as follows:

1. Four red-printed reference Answer Cards, containing space for the applicant to enter the names and addresses of his references, and identifying information about himself and his relationship to the reference.

2. Four yellow-bordered Comment Cards, on which the applicant is to enter his name and address.

3. One brown Master Card, containing space for the applicant to enter his name, address, and social security number, and space for other entries to be described below. This precoded card also bears a number in the upper left corner which becomes the applicant's CAUSE II Identification Number.

One Answer Card and one Comment Card will be sent to each of up to four references named, as described below. The Master Card is to be filled out and sent by the local office to:

Project CAUSE II
Data Processing Office
P.O. Box 8100
Philadelphia, Penna. 19101

After entering the applicant's date of birth on the Application Answer Sheet, give the applicant an envelope containing the nine cards. Have the applicant fill in the Master Card, printing clearly for easy legibility. In the box for social security number, the applicant should put one digit in each box.

When the Master Card has been filled in, have the applicant record for his future reference his Identification Number, which is printed in the upper left corner of the Master Card. He should use this number in all inquiries or correspondence concerning CAUSE II. It is this number which is to be entered in the "Identification Number" code box in the upper right corner of the Application Answer Sheet; its presence there becomes the means for the automatic machines to identify the individual who completed the application. Have the applicant enter his Identification Number in the five empty boxes under the heading "Identification Number" in the code box, one digit per box. The applicant should then blacken in the space in each column corresponding to the digit he has entered in the box at the head of the column. A soft pencil should be used.

Examples:

Identification Number 10572

BIRTH DATE						SIDE	IDENTIFICATION NUMBER				
MONTH		DAY		YEAR							
						1	1	0	5	7	2
0	0	0	0	0	0		0	0	0	0	0
1	1	1	1	1	1		1	1	1	1	1
2	2	2	2	2	2		2	2	2	2	2
3	3	3	3	3	3		3	3	3	3	3
4	4	4	4	4	4		4	4	4	4	4
5	5	5	5	5	5		5	5	5	5	5
6	6	6	6	6	6		6	6	6	6	6
7	7	7	7	7	7		7	7	7	7	7
8	8	8	8	8	8		8	8	8	8	8
9	9	9	9	9	9		9	9	9	9	9

Identification Number 81490

SIDE	IDENTIFICATION NUMBER				
2	8	1	4	9	0
	0	0	0	0	0
	1	1	1	1	1
	2	2	2	2	2
	3	3	3	3	3
	4	4	4	4	4
	5	5	5	5	5
	6	6	6	6	6
	7	7	7	7	7
	8	8	8	8	8
	9	9	9	9	9

When this has been done, the same entry of Identification Number should be made in the code box on the reverse side of the Answer Sheet. The reverse side, printed in green, is the Test Answer Sheet, and has space for the Identification Number in a code box in the upper right corner. Check to make sure that the numbers entered on each side of the sheet are identical to that on the Master Card.

The candidate should also blacken in the single space printed in the column headed "Side" on each side of the Answer Sheet. On the Application Answer Sheet side, this space corresponds to the "1" printed at the head of the column. On the Test Answer Sheet side, the space corresponds to the "2" printed at the head of the column. This step provides the scoring machine with an identification of the side being scored.

The instructions to the applicant in the Application Questionnaire suggest that he bring with him to his local employment service office any notes or comments he may wish to make to amplify, explain, modify, or extend any of his answers to the application questions. Such comments are to be made on the back of the Master Card at the time that the applicant fills it out. Be sure that the applicant identifies the application question number to which each comment applies.

If the applicant makes such entries on the back of the Master Card, he should signify this by blackening in the space for choice B in the answer space for item 125 on the Application Answer Sheet. If he makes no comments on the back of the Master Card, have him blacken in choice A for item 125. This step will make it possible for the automatic equipment to identify those applicants whose Master Cards must be individually studied.

Question 2 of the Application Questionnaire asks if the applicant's State of residence is different from the State indicated in his mailing address. If the answer to that question is choice B (Yes), have the applicant enter his permanent residence address on the bottom of the Master Card, so that if selected, the applicant can be assigned to the quota of the proper State.

The applicant should also enter his age at his last birthday in the space provided on the Master Card.

This completes the Master Card. At the end of each day, the local office should send the completed Master Cards on hand to the address indicated above.

REFERENCE CARDS

Be sure that the applicant fills out the reference Answer Cards and Comment Cards from the same envelope as the Master Card he has completed. All cards in the pack of nine are prepunched with the same identification number in machine-readable form, and if the reference cards filled out are from a pack other than that from which the candidate's Master Card came, and thus have a different Identification Number punched in them, the references for an applicant will be ascribed by the machines to some other applicant.

55-347 O - 66 - 11

In the Application Questionnaire, the applicant is instructed to take to the local office the following names and addresses:

a. His current or most recent employer, if any.

b. The employer before the current or most recent one, if any.

c. His college or university advisor, major professor, or department chairman.

d. A supervisor of his youth counseling-related practical work, if any, and if different from the above.

Thus the applicant should bring with him the names and addresses of from one to four references.

One red-printed reference Answer Card from the pack should be filled out for each of the above references. The applicant must be sure to fill in the information requested in blocks 1 and 2 of the Answer Card, in order to help identify himself to the person named as reference. He should write the reference's name and address clearly and legibly in the space provided.

If any of the Answer Cards in the pack are dirty or smudged with black, throw away the entire pack of nine, and use a fresh pack.

In filling out blocks 1 and 2 of the Answer Card, the applicant must make no marks anywhere in block 3. A stray line or writing will be sensed by the optical scanner and will be interpreted as a response to the questions about the applicant asked of the reference, and so scored.

The applicant should refrain from handling the Answer Card in such a way as to make finger marks in block 3. If possible, he should not touch the surface of that part of the card, on either front or back because of the sensitivity of the optical scanning equipment to skin oils and carbon. He may handle the card in the areas covered by blocks 1 and 2.

When the applicant has filled out as many of the four Answer Cards as he has appropriate references for, he should put his name and address on a like number of the yellow-bordered Comment Cards.

Either the local office staff or the applicant should then place one Answer-Card and one Comment Card in the pre-stuffed window envelopes which have been sent to State agencies for redistribution to local offices. Each of the pre-stuffed envelopes is for one reference. Therefore, the distribution should be four times the expected number of applicants (i.e., four times the number of test booklets distributed). These envelopes are distributed prestuffed with a letter and questionnaire addressed to the reference person and a return addressed franked envelope for the reference's use in returning his answers to the questionnaire. The applicant or the local office staff should place the Answer Card in the envelope so that the name and address of the reference appear in the window. The envelope should then be sealed and mailed at once to the reference, to give him as much time as possible to respond with his evaluations of the applicant.

The Answer and Comment Cards out of the pack which are unused by the applicant (i.e., by applicants who have less than the four kinds of references described above) should be immediately torn and discarded in the local office, so that they do not become confused with the unused complete packs of nine cards on hand. These left-over cards may not be used for any other applicant; they are already prepunched with an Identification Number which has been assigned to the applicant who filled out the Master Card belonging to the pack of nine from which these leftover cards came.

SUMMARY OF APPLICATION, MASTER CARD, AND REFERENCE CARD PROCEDURES

You will have received for redistribution to local offices the following materials: (a) one pack of nine cards containing a Master Card, four reference Answer Cards, and four reference Comment Cards for each expected applicant; and (b) four window envelopes prestuffed with a reference questionnaire and a return addressed envelope for each expected applicant (one for each of up to four references per applicant). These materials will be used as follows:

1. Application and Master Card
   a. Check number of answers per item (no more than one per item), number of items answered (no more than 124), and condition of sheet.
   b. Check eligibility (item 3, choice D; item 4, choice B, C, D, or E).
   c. Hold Answer Sheets of ineligible applicants for later return to Project CAUSE II Selection Office.
   d. Check age and have applicant enter date of birth in code box on Application Answer Sheet side.
   e. Assign pack of nine cards to applicant, and have him enter the Identification Number of the assigned Master Card in the code boxes on both sides of the Answer Sheet. Check the entered Identification Number against the number in upper left corner of the Master Card.
   f. Have applicant blacken in the answer space printed in the column headed "Side" in the code box.
   g. Have applicant fill in Master Card with name, address, social security number, and age at last birthday.
   h. If State of residence is different from State of mailing address (application question 2, choice B), have applicant write permanent address of legal residence on bottom of Master Card.
   i. If applicant has additional material to supplement his application answers, have him write it on the back of the Master Card, and mark choice B in the answer space for item 125 on the Application Answer Sheet. If he has no such material, have him mark choice A of item 125.

2. Reference Cards
   a. Have applicant fill out name and address of references on the red-printed Answer Cards, his name and address, the dates of his association with the reference, and his capacity or status at the time of his association.

b. Have applicant enter his name and address on the balck-printed Comment Card for each Answer Card he fills out.
c. Check to make sure that no marks or writing appear in Block 3 of the Answer Cards.
d. Place each filled-out Answer Card, together with a Comment Card, in a prestuffed window envelope containing preaddressed return envelope and a reference questionnaire, and send at once to the reference whose name and address appears in the window.
e. Destroy unused Answer and Comment Cards left over from packs in which the Master Card has been assigned to an applicant and filled out by him.
f. At the end of each day, send the completed Master Cards on hand to

Project CAUSE II
Data Processing Office
P.O. Box 8100
Philadelphia, Penna. 19101

3. A sample check-off sheet to cover the above items is attached to this letter. (See attachment 1)

TEST SECURITY

It is of utmost importance that test security be maintained, to preserve the utility and validity of the CAUSE II Selection Test, which may be adopted in part or in toto by several State civil service and merit systems. The following procedures have been developed to insure such security:

Each State agency will be sent a receipt form. The appropriate office of the State agency should sign the receipt, enter the date on which the tests arrived, identify his agency, and enter the actual number of tests received and their serial numbers. This receipt should be returned at once to:

Project CAUSE II
U. S. Department of Labor
Bureau of Employment Security
Washington, D. C. 20210

In addition to this receipt, the State agency will be sent a form in triplicate which is to be used as follows:

Copy 1. Item 1, identifying the number of test booklets and their serial numbers, and the local office addresses to which they were redistributed, should be filled out at the time of distribution to local offices. Copy 1 should then be detached and sent to the address above.
Copy 2. Copy 2 should be sent to the local offices along with the test booklets. The local office recipient should fill out item 2 on copy 2 upon receipt, and mail it to the above address.
Copy 3. Item 3 on the third copy is to be completed by the local office upon return of the booklets to CAUSE II, at the above address, when testing has been completed.

Samples of the above forms are attached. (See attachment 2.)

State agencies will be notified of missing booklets, and requested to take appropriate action to insure that all tests are returned to CAUSE II.

TEST ADMINISTRATION

Numbered CAUSE II test booklets are being distributed to State agencies for redistribution to local offices. All test booklets received must be kept under security.

National testing is scheduled for about June 12, 1965. The State agency may set the hour and place for testing. The test for administration time is 2-1/2 hours, exclusive of time used in filling out the reference cards and checking over the application forms. It is not a speed test; many applicants will complete the 110 items in less than the alloted time. But the full 2-1/2 hours should be allowed for slower applicants. The applicant will answer the test on the Test Answer Sheet side of the Application Answer Sheet. No more than one answer is permitted for each question, and there should be at least one answer for each question. The applicant should use a soft pencil, preferably a No. 2.

When applicants assemble to take the test at the date and hour fixed by the State agency, they should be seated so that they have room enough to work without being able to see each other's answer sheets. If there are more than 20 applicants, there should be one or more procters to help the test administrator, with one proctor for every additional 20 applicants. Thus, for 21 to 40 applicants, the administrator of the test should have one proctor to help him; for 41 to 60 applicants, he should have two proctors.

The test booklets should be distributed, one to each applicant, after all the applicants have been seated and are ready. In addition to the test booklet, each applicant should be supplied with a piece of scratch paper, and make sure that he has a soft pencil for marking his answers.

After the test booklets have been distributed, the following instructions should be read, loudly, clearly, and slowly, so that each applicant can hear the directions.

INSTRUCTIONS TO TEST APPLICANTS

"Applicants for both Counselor Trainee and Master Degree Counselor will take the same examination. You should keep this in mind since, for this reason, some of the questions may seem to you to be unusually difficult or unrelated to your knowledge and experience. All questions must be read and considered carefully, and you are to give the best answer you can to every item. This examination alone will not determine whether you are accepted for CAUSE II. Examination results are one factor in the selection process. Other factors that will be considered are your background of training and experience, as contained in your answers to the Application Questionnaire, and references provided by the people whose names you have supplied."
"Now open your test booklet and read the directions." (Allow sufficient time for the applicants to read the directions.)
"Do you have any questions?" (Answer any questions about procedures.)

"Mark your answers only on the Test Answer Sheet. Do scratch work on the blank paper which has been provided. But make no marks in the test booklet, or on the answer sheet, other than your answers. You will have 2-1/2 hours to complete the test. It is not a speed test, and you should have plenty of time to finish all the items."

Applicants who finish the test before the time limit may turn their Answer Sheets and test booklets in to the test administrator when they are finished. Their Answer Sheets may be inspected for completeness at that time. The administrator should be sure that the applicant has filled out the Master Card and the referenc cards before the applicant leaves, if the applicant had not already done so.

When the 2-1/2 hours are up, the following instructions should be given:

"Stop. The time is up for the test. I will now collect your Answer Sheets and test booklets. Those of you who have not yet filled out reference cards, Master Cards, and entered an Identification Number on your Answer Sheet will be asked to remain to complete these parts of the application process. Those who have completed all forms may leave when their test booklets and Answer Sheets have been collected."

As the Answer Sheets and test booklets are collected, making sure that every test is returned, the administrator should check to make sure that each applicant has filled out the Master Card and reference cards, and entered his Identification Number on the Answer Sheet, as described earlier in this letter. Those applicants who have not completed these materials should retain their Answer Sheets until the other applicants have had a chance to leave, at which time the administrator should distribute the 9-card packs, and give the instructions for filling out the code box on the Answer Sheet, and for filling out the cards, as described earlier in this letter.

The collected test answer sheets should be mailed, air special, immediately upon conclusion of the testing session to:

Project CAUSE II
P.O. Box 196
Fairless Hills, Penna. 19030

State agencies will be notified of the date to return test booklets in a later letter. Test booklets must be kept secure at all times until returned.

Rescissions: None

Sincerely yours,

Robert C. Goodwin

Robert C. Goodwin
Administrator

Attachments (2)
1. Check Sheet for Project CAUSE II Application Taking.
2. Youth Opportunity Program - Trainee Test Control Form.

Check Sheet for

CAUSE II Application Taking

Application, Master Card, Reference Cards

_____ No more than one answer per item.

_____ An answer for each item up to and including 124.

_____ Answer Sheet in good condition.

_____ Item 3 marked D.

_____ Item 4 marked B, C, D, or E.

_____ Applicant 21 years or older.

_____ Date of birth entered in code box on Application Answer Sheet. Appropriate spaces blacked in.

_____ Identification Number from Master Card entered in code box on Application Answer Sheet side.

_____ Identification Number entered in code box on Test Answer Sheet side.

_____ Answer space in code box column headed "Side" blacked in on <u>each</u> side of Answer Sheet.

_____ Master Card filled in with applicant's name, Social Security number, mailing address, age on last birthday.

_____ If state of residence different from mailing address, permanent address entered on bottom of Master Card.

_____ Comments written on back of Master Card (If yes, mark B for Item 125 on Application Answer Sheet. If no, mark A for Item 125.)

_____ Reference Answer Cards filled out.

_____ Reference Comment Cards filled out.

_____ Block 3 of Answer Cards kept free of marks.

_____ Each completed reference Answer Card and one Comment Card put in prestuffed envelope and mailed to reference.

_____ Unused reference cards destroyed.

_____ Application questionnaire turned in.

_____ Completed Master Cards mailed to:

Project CAUSE II
Data Processing Office
P.O. Box 8100
Phila., Penna. 19101

Selection Test

_____ Test booklet collected.

_____ Test Answer Sheet complete (one answer per item, 110 items answered.)

_____ Answer Sheet collected and mailed to:

Project CAUSE II
P.O. Box 196
Fairless Hills, Penna. 19030

U.S. DEPARTMENT OF LABOR
BUREAU OF EMPLOYMENT SECURITY
WASHINGTON, D. C.

Youth Opportunity Programs - Trainee Test Control Form

To be completed upon receipt of the Youth Opportunity Program Trainee Tests and returned to U.S. Department of Labor, Bureau of Employment Security, Project CAUSE II, Washington, D. C.

Serial Numbers of booklets received:

Numbers_____to_____Total

Signature_____ Title_____

Address_____ Date_____

COPY 1

U.S. DEPARTMENT OF LABOR
BUREAU OF EMPLOYMENT SECURITY
WASHINGTON, D. C.

Youth Opportunity Programs - Trainee Test Control Form

Item one to be completed by the State Office upon disbursement of test booklets to local offices.

1. a) Local office_____State_____Local Office No._____
   b) Serial numbers of booklets issued

   Numbers_____to_____Total_____

Signature_____ Title_____

Item two to be completed by the local office upon receipt of the Youth Opportunity Program Trainee Test.

2. Serial Number of booklets received:
   Numbers_____to_____Total_____

Item three to be completed by the local office upon return of test booklets and answer sheet to Washington.

3. Booklets and Answer Sheets Returned

   Serial Numbers of test booklets returned to Washington:
   Numbers_____to_____Total_____
   Number of completed multiple choice answer sheets sent _____
   Date completed answer sheets returned_____

Signature of Local Office Manager_____

Instructions

1) Forms must be in triplicate. Please insert carbon in triplicate form to insure all information is transferred to copies two and three.
2) Copy one, item one, is to be completed by the state office. Copy one is then detached and sent to U.S. Department of Labor, Bureau of Employment Security, Project CAUSE II, Washington, D. C.
3) Copy two, item two, is to be completed by the local office upon receipt of the test booklet. Copy two is then detached and sent to CAUSE II.
4) Copy three, item three, is to be completed by the local office upon return of the booklets to Washington. Copy three is then sent to CAUSE II.
5) ALL COPIES MUST BE SIGNED.

Mr. HORTON. Have you hired examiners for the purpose of giving this test?

Mr. WERTS. I don't know the answer, exactly. The test will be given in local employment offices.

Mr. HORTON. Who is going to "grade" the test? I don't know that that is the appropriate word, but who is going to grade it?

Mr. WERTS. Mr. Congressman, this again, is a question which could be more appropriately dealt with by the experts than myself.

Mr. HORTON. Aren't you concerned, as a policymaker, as to who is going to grade this?

Mr. WERTS. Yes, in the sense that we want to make sure it is in conformance with policy. But this, as indicated here, provides——

Mr. HORTON. The point I am trying to find out, are computers going to grade it, or individuals?

Mr. WERTS. This will be graded by the computer.

Mr. HORTON. The computer is going to come out with an answer and you pick people out of the computer, is that right?

Mr. WERTS. The computer will give several scores which will then be used as a part of the process of selection.

Mr. HORTON. What is the purpose of the instructions to examiners that you just mentioned, then?

Mr. WERTS. It has to do with how to administer the test, how to process the test.

Mr. HORTON. So it has nothing to do with the evaluation of the questionnaire?

Mr. WERTS. I could not say, because I have not seen it. But we will make it available.

Mr. HORTON. Mr. Werts, you tell us now you have not seen the instructions to the so-called examiners?

Mr. WERTS. I have not.

Mr. HORTON. But you are concerned about this right of privacy and the policy of the Department of not invading that right of privacy?

Mr. WERTS. That is 100 percent correct.

Mr. HORTON. You don't feel then these tests invade the right of privacy?

Mr. WERTS. Mr. Congressman, I think it would be fairer for me to say when I came I had one view; I may have a different one now, after the education I have had this morning with the committee.

Mr. HORTON. Thank you.

Mr. GALLAGHER. Well, I think this goes back to the original point the chairman made, that while it was not the intention of the Department to violate the privacy of the individual concerned—the net effect may well have been just that. And if this committee can serve any purpose at all, it is the hope that we can get the technicians together with the policymakers on this matter and remedy the situation.

Government social scientists try to justify their examination of human behavior on grounds that their work is an impersonal thing. And perhaps it is. But their study does not justify the very insidious invasions of privacy of the individuals who are subjected to this type of test.

So, Mr. Werts, on the basis that we have already agreed, we will meet again and you will bring your technical people. In the meantime please reevaluate your CAUSE II application, and furnish us with "the Rosetta stone." And please provide us with the cost on this

latter set of tests, and will you notify the committee when you are prepared and when you have gathered this information?

Mr. WERTS. I would be glad to do that, Mr. Chairman, and I would like, if I may, after the Congressman asks his questions, to make two points.

Mr. HORTON. Would you also be prepared to answer, the next time you return, whether or not there are any other questionnaires that are sent out by your Department–

Mr. WERTS. We will do so.

Mr. HORTON. And also have copies of those available, along with the answer sheets, or whatever information might accompany those questionnaires.

Mr. WERTS. We will do that, yes, sir.

I would like to make clear at this point in the record, some inferences were made that some effort on the part of the Department and the people running Project CAUSE to discriminate against minority groups——

Mr. REUSS. If I may interrupt you right there, since I was the person who raised this, you must be referring to me. And let me make it very clear that that is not what I said.

What I said, and what I repeat, is that I am sure the Department of Labor didn't have the slightest intention or desire to discriminate against minority groups, but by the result of this frivolous and ill-thoughtout use of a test which, on the basis of all I have heard, is at best worthless for this purpose, discrimination did in fact occur, as evidenced by the fact that in a program which takes place largely in the minority group areas of our cities, this test produced such a tiny percentage of minority group members who are to participate in that program.

So be sure to comment on that, but not on something I didn't say.

Mr. WERTS. I appreciate that.

But my point is that my knowledge is—and I think this can be supported—that this testing process was used to be sure that we did get minority groups into this program. And I think the material which the Bureau of Employment Security must have supplied you has an indication that I think 9 percent of the applicants who took the test were in the process—and as I have indicated, 8 percent of those selected were in minority groups. So, in terms of those who applied, the selection was pretty good.

Mr. REUSS. How many applied for selection?

Mr. WERTS. I understand 9 percent.

Mr. REUSS. No. How many of the 21,993 people who took the test were members of minority groups?

Mr. WERTS. An estimated 18 percent. And roughly 50 percent were selected.

Mr. REUSS. Well, in the first place, this is news to me. Because previously, as the record will establish, the Department of Labor has assured me they couldn't tell how many of the 21,000 who applied for the test were members of minority groups, because they didn't ask. And I accepted this.

Now you tell me of the 21,000 who took the test, 18 percent were nonwhites. You also tell me that 8 percent of those who were selected for training were nonwhites. It therefore seems to me that you have perhaps quite inadvertently proved my point, that the Negroes who

came through this test were diminished about 50 percent, about half, percentagewise, over other groups. If the test had operated fairly, 18 percent, not 8 percent of the Negroes, would have been selected for training.

Therefore, I ask you to do what you, to my regret, have not done—take a look at this test, see what the "Rosetta stone" tells you, find out about its method of application, find out how many of the manic-depressives, paranoiac, and other mentally ill in Minnesota were in fact members of minority groups; find out how many of various other groups that were thrown into the computer at one or another time in the last 25 years were members of minority groups.

If you do this, you may have a better answer to the question of why, as you now tell me, 18 percent Negroes applied but only 8 percent made the grade.

Mr. WERTS. Mr. Congressman, I will be very glad to review, as you have suggested. However, my limited mental processes here of handling mathematics would indicate that minority groups were dealt with equally well with other groups.

Mr. HORTON. Would the gentleman yield?

Mr. REUSS. I would like to yield in a second. But I would like my colleagues to check my arithmetic.

Mr. ROSENTHAL. You are absolutely right.

Mr. REUSS. If 18 percent Negroes applied out of the total who applied, and only 8 percent out of the total who made it were Negroes, it does seem to me that——

Mr. ROSENTHAL. They suffered twice as much as others who took it.

Mr. REUSS. That somehow or other they came out less well than white folks in this test. And since the point of the exercise was to provide people to exercise responsibility over young people in youth opportunity centers, in very largely Negro areas, this doesn't seem to me a result which should be quite the cause for congratulations, that the Department of Labor seems to think it is.

Mr. WERTS. Well, let me just add a comment to that.

Mr. REUSS. May I yield to my colleague?

Mr. GALLAGHER. Perhaps the Secretary would like to answer the question first.

Mr. WERTS. I think the Congressman is correct, that my limited computer up here has not worked properly on the percentages.

But I will still say very positively that this program and the testing process was intended to improve the opportunity of minority groups and ethnic groups to participate in this program.

(The following was later submitted by the Department of Labor for insertion in the record:)

NEGRO APPLICANTS FOR PROJECT CAUSE I

Since it is against policy to ask for a racial designation, the 18 percent figure is based on a sample of 100 applications that was taken and analyzed in order to give the Department some indication of overall racial origin.

Analysis of the applications for indexes of Negro origin revealed that 18 percent of the applicants were Negroes. During the first week of training, university faculties were asked to do a count of trainees by color. On this basis, it was determined that 169, or 9 percent, of the 1,885 trainees on campus at that time were Negroes.

Mr. REUSS. I will stipulate your intentions were of the best. What we are concerned with, however, is what methods you did use and what was the quality of elbow grease and brainpower you put into it.

Mr. HORTON. The question I wanted to ask, I thought I understood you to say that this test in 1964, that process was especially designed to favor minority groups. Is this the policy of the Department? And is this——

Mr. WERTS. I don't believe I said favor.

Mr. HORTON. What is the policy?

Mr. WERTS. The policy is to insure that the minority groups, the ethnic groups, have equal opportunities, and we eliminate the kinds of points, which I think the committee has made very effectively, which may tend to stand in the way of equal opportunity.

I would just like to make one final point, if I might.

Mr. GALLAGHER. Yes.

Mr. WERTS. I made reference to this earlier. I think the policy is clear and the intent is clear, but I am willing to admit, in terms of my own knowledge and experience here today with the committee, that the points of view expressed by the various members have proven very helpful in my education, and I can assure you that the privilege I have had of learning with you this morning will be used to advantage in the proper application of the Secretary's policy.

Mr. GALLAGHER. Thank you very much, Mr. Werts.

The witness is excused.

(Mr. Werts later submitted the following answers to questions which the special inquiry had posed during the preceding hearing:)

1. *Question.*—Why were personality tests given to applicants for CAUSE I and what benefits or problems came from the use of such a screening device?

Answer.—With the expected large number of applicants to CAUSE I, it was thought necessary to use some procedure which would permit selection from the pool of those who passed the cognitive test, since the number of training spaces available was smaller than the expected number who would pass the test. The selection procedures for CAUSE I included a civil service-type cognitive test with a passing point set at the 50th percentile of college graduated Employment Service interviewers. This assured that everyone above that point had sufficient abilities to successfully complete training and to perform well in a Youth Opportunity Center. It was thought that further selection should be geared toward identifying those applicants who would be able use their intelligence and knowledge appropriately and effectively in work with disadvantaged youth. How people use their abilities and knowledge is an aspect of personality. Therefore, scales were selected which were designed to measure the specific parts of personality which were considered to be relevant to the job.

As it turned out, there was no need for this additional selection device. Everyone who passed the cutoff score on the cognitive test received an invitation to accept training. Furthermore, the specific test was not successful in refining the selection of trainees from among those who had demonstrated sufficient intellectual ability.

2. *Question.*—Describe all tests and questionnaires that will be administered to CAUSE II applicants and trainees, and explain their use, purpose, and by whom they will be administered and evaluated.

Answer.—The CAUSE II selection procedures include a 110-item civil service-type cognitive test drafted by the Division of State Merit Systems of the Department of Health, Education, and Welfare, and a 124-item application questionnaire. A cutoff score has been established on the cognitive-type test. It is expected that all those who score above the cutoff level will have sufficient intelligence and knowledge to absorb the training successfully so as to perform in the youth opportunity program. Selection from among those who have passed this examination was on the basis of responses to an application questionnaire containing 124 items. These items are the result of an effort to convert a

traditional application format into a form amenable to machine processing, together with an effort to standardize the kinds of questions which are typically asked in job interviews.

In order to accomplish this, numbers were assigned to the various alternative responses so that when summed, the selection staff would have available a number which summarizes the information given by the applicant in the questionnaire. These numbers were assigned so that a high summary score was in the direction of indicating that the applicant had relevant experience, an interest in working with disadvantaged youth, intimate familiarity with the conditions of poverty, and a level of skill in understanding and responding as a counselor to case situations drawn from work with disadvantaged youth. Applicants were ranked from highest to lowest on the basis of these summaries of their responses and selected in that order by the CAUSE II selection staff.

At each training site, an assessment officer has been appointed by the university to monitor student progress through the training program. He will interview and observe trainees during their academic training, followup with trainees' supervisors during field training, and administer a vocational interest test to all trainees. This test will assist in guidance and provide research data both on the selection process and on the interest patterns of those who select youth counseling as a career. One other test, such an intelligence or achievement test, may be administered by assessment officers in order to assist in making a final recommendation regarding trainees' placement in youth counseling work.

All assessment officers have been informed of the firm policy in effect for CAUSE II that no tests may be used for an assessment of the personality characteristics of trainees without the specific advance approval of the Department of Labor.

It is the policy that approval will not be given for tests which would constitute an invasion of the trainee's privacy. Procedures have been established to insure that all access to assessments of trainee performance will be restricted to qualified professional educators, except for summary recommendations regarding the trainee's job placement, which will be communicated to prospective employing agencies upon written permission of the individual trainee.

3. *Question.*—There has been considerable discussion as to the correct answers to such questions as, "I think Lincoln was greater than Washington" and "My life at home was always pleasant." What are the correct answers to these questions which were used in CAUSE I? Please provide a technical explanation of how values were assigned to these and similar types.

Answer.—Criticism concerning the above-type questions is based mainly on the premise that a candidate is asked to reveal aspects of his personal sentiments and behavior that others do not have the right to inquire into. However, this criticism stems from a view of the items that is somewhat different from that of the psychologist. The psychologist is interested in neither the candidate's political or religious philosophy or his ability to get along with his parents; he simply uses the candidate's responses to these items as a means for comparing the candidate with other people whose characteristics and traits may have only indirect bearing upon the actual content of the items.

To be more specific, let us take the example of "I feel there is only one true religion." This item is one of many items used to come to some conclusions about that aspect of the subject's personality that the test authors refer to as "tolerance." They define "tolerance" as the possession of "permissive, accepting, and nonjudgmental social beliefs and attitude." It has been found through actual investigation that those persons found to be tolerant by independent means (i.e., by means involving the use of nontest materials) tend to answer the question about "one true religion" as false; therefore the item is included in the "tolerance" scale—not because it is correct but only because it showed an actual relationship to tolerance. If the test author had found the opposite relationship, the item would have been keyed as true, rather than false, for its inclusion in the tolerance scale.

With this explanation in mind, let us look at some of the other items that have been objected to. Several of them are used to determine the extent to which the candidate is strong on the personality dimension of "socialization"—i.e., his degree of social maturity, integrity, and rectitude. Some of these socialization items are: "I think Lincoln was greater than Washington," "My life at home was always very pleasant," "My table manners are not quite as good at home as when I am out in company," "The members of my family were always very close to each other," and "My home life was always happy." All of these are keyed for true; that is, true answers have tended to correlate with those who are high in socialization. Similarly, other items are keyed false for socialization. They

are: "I often feel as though I have done something wrong or wicked," "My parents have often disapproved of my friends," "I often go against my parents' wishes," and "I hardly ever get excited or thrilled." It should be noted that it is a preference for Lincoln, not for Washington, that earns credit for the candidate on the socialization scale. A preference for Washington over Lincoln might earn credit for the candidate on a different scale, defining some other trait which was not relevant to selection for counseling with disadvantaged youth.

The clearest example of this kind of use of items is in the following item, which credits the subject positively whether he answers true or false: "I think I am stricter about right and wrong than most people." If he indicates true, he is credited as high in socialization, because it has been found that those subjects who have been found to be socially mature—or "socialized"—tend to answer the item in this particular way. But if the subject answers false, he is still credited, but this time with flexibility, since those subjects rated as flexible tend to answer the item as false. Hence, the main concern is not how strict the subject is about right and wrong, but how flexible and/or socialized he is.

4. *Question.*—The Standard Form 57, Application for Federal Employment, elicits information relating to infractions of law. Why was that format considered inadequate for CAUSE II?

Answer.—The format of the form 57 is not compatible to machine scoring. Therefore, it was necessary to design the question so that it could be marked for optical scanning. Arrests for civil rights demonstrations were not to be considered as falling in the same class as other legal infractions.

5. *Question.*—How many of the 124 CAUSE II questions have been validated as truly well calculated to found judgment of inclusion or exclusion of trainees? On what basis and upon what data were they validated?

Answer.—The only questions in the application which function to exclude applicants were those dealing with the minimum qualifications for selection. These include citizenship, the possession of a bachelor's degree, and previous course work. In addition to the items which ascertained that the candidate met these minimum qualifications, there were 10 items included to obtain census-type data about the group of applicants. Two items are concerned with physical fitness and disabilities which might interfere with job performance. One item was concerned with language fluency which would provide a special qualification for applicants in some areas of the country.

Another large group of items on the application were those concerned with the quality and quantity of the applicant's educational and relevant job experience backgrounds. Eighteen items fell in this class. Twenty items of the application present colloquial vignettes drawn from case experience with disadvantaged youth. The applicant's responses to these items indicate his understanding of the communications of the client and his ability to respond appropriately as a counselor to those communications. These items are, in effect, a work sample of the kind of activities for which people are being selected. This kind of work sample has been used extensively in research on counselors and on therapists. Where used, the content of the items are specifically selected to be appropriate to the work setting in which the counselors are employed. These items are thus an adaptation of a standard procedure.

Another group of 20 items is designed to determine the extent of the applicant's familiarity with the values and conditions of disadvantaged populations. These items were constructed in ways similar to the procedures used in the construction of items for civil service tests. That is, a large pool of items was constructed, and these items submitted to experts for their judgments. Questionable items were disregarded. The experts selected for review of these items included people with direct involvement in various poverty programs relating to youth such as the Paterson Task Force for Community Action, Haryou-ACT, the New York School of Social Work, Office of Economic Opportunity, Washington Action for Youth, the New York City Youth Board, HEW juvenile delinquency programs, Urban League, the Department of Community Organization, and the University of Chicago School of Social Service Administration.

While objective data on this point are lacking, it is the prevailing judgment among professional workers in organizations specializing in work with disadvantaged populations that personal experience and familiarity with the disadvantaged is an important job qualification for such work.

6. *Question.*—How many of the 124 questions have not been so validated but are rather in a nature of experimental?

Answer.—The entire selection process, including its unique adaptation to automatic data processing, is experimental. While many questions used in the

selection process have been used before, and many are of the same form as questions which have been used before, their adaptation to the selection of trainees for Project CAUSE is necessarily experimental. The complete selection process will be evaluated and an item analysis conducted for an evaluation of the role each item played in predicting successful training and successful job performance.

In addition, after further review of the application questionnaire during the month of June, 19 questions were found to be of questionable validity and the answers discarded for purposes of selection.

7. *Question.*—Has the CAUSE II application questionnaire been used before as a screening device? For comparable applicants? With what results?

Answer.—The CAUSE II application questionnaire in its present form has not been used before as a screening device. Many of the items on the questionnaire were selected from a bibliography of questionnaire items developed by Standard Oil of Indiana and used by that firm and by others in various personnel selection programs. Other items are of a similar type, although different in content, from those used to screen and place counselors in academic counseling settings.

8. *Question.*—What kind of control group has taken this questionnaire? How was the group selected?

Answer.—Within the time available, pretesting of the application questionnaire was done with carefully selected sample populations chosen to reflect particular characteristics, as well as a smaller subgroup chosen for control purposes. Pretesting served two basic functions: (1) as a systems test for the computer program, and (2) as a means for making decisions on the cutoff score to be used with the cognitive test, which was also tested on the same populations. The populations used in the pretesting included master degree counselors at Ohio State University, a sample of white advanced undergraduates at Tuskegee Institute involved in a summer outreach project and another sample of Negro Tuskegee students in the same project; a sample of University of North Dakota students, all of whom were certified teachers preparing for Project Headstart training, and a group of University of Michigan graduate students studying applied psychology. These groups were selected in order to provide comparisons among people of equal educational levels but varying in involvement in antipoverty work.

9. *Question.*—How many persons were either "excluded" or not accepted for CAUSE II training solely because of their inadequate exposure to poverty or lack of personal familiarity with the problems of the disadvantaged? Give a breakdown by number and State.

Answer.—The items concerned with the candidates' familiarity with problems of the disadvantaged contributed 25 percent to the applicant's total ranking. As indicated above, no applicant was excluded on the basis of his application responses alone. Each applicant's total ranking, which determined the order of his selection, was based on four factors involved in the application, only one of these being his familiarity with poverty. Once the applicant's rank was established, selection was made down to the quota for that State in order of the ranks. In the majority of States, all applicants who passed the cognitive, civil service type test were offered invitations to training, without regard to rank based on application responses. However, until a complete analysis of the application items can be performed, it will not be possible to determine whether any applicants who were not selected might have been offered an invitation to training had their responses to this section of the application been different.

10. *Question.*—Provide an estimate of the number of minority applicants who were accepted for training in CAUSE II. If not currently available, how soon can this be provided?

Answer.—At the time of this testimony, 1,552 trainees have arrived on campus. Of this group, 299 are Negro, making up 19.3 percent of the total group. Another 40 of the 1,552 are Puerto Rican trainees at Catholic University in Puerto Rico. The survey of the number of Negroes selected and in training will be updated when the trainee population has been completed and will be available by July 25. Further breakdowns on minority group status with reference to other racial and/or ethnic and religious groupings is not contemplated.

The trainee group on which the figures are reported here is composed of trainees recruited nationally through the CAUSE II selection, and trainees selected by their States of residence from merit system registers in those States and from among the employees of the State employment services. It is our estimate that among those trainees who were nationally selected through the CAUSE II selection process, 25 to 30 percent are Negro. A definitive count of this group of trainees will be available on July 25.

11. *Question.*—Has the Civil Service Commission reviewed and commented on the CAUSE II Application Questionnaire?

Answer.—On June 4, 1965, the Department submitted a copy of the CAUSE II Application Questionnaire to the Civil Service Commission for comment. Commission representatives met with Department of Labor representatives and analyzed the various items contained in the document. Following a review of the basic purpose of the application questionnaire and a comparison of it with standardized civil service methods, the Commission sent the following letter to the Department:

"JULY 19, 1965.

"Mr. LEO R. WERTS,
"*Assistant Secretary for Administration,*
"*Office of the Administrative Assistant Secretary,*
"*U.S. Department of Labor,*
"*Washington, D.C.*

"DEAR MR. WERTS: This is in reply to your request for my comments on the Project CAUSE II Application Questionnaire, as suggested by the Special Inquiry of the House Committee on Government Operations. My staff has discussed in some detail with your representatives the use of this questionnaire in your program for selecting applicants for training as counselors.

"I have reviewed the questionnaire, and I see no serious problem of invasion of privacy, especially since the scoring plan deals only with the total score of the applicant on certain groups of items and the response of an applicant to a particular question is not singled out or identified. I understand that for various reasons, five questions have been eliminated from the scoring of the questionnaire.

"Our main reservation has to do with a set of 21 questions which were designed to help identify within the total group of applicants those who have been brought up in deprived circumstances or through experience have a firsthand knowledge of disadvantaged groups. In ordinary Federal personnel recruiting and examining, we would not consider it appropriate to attempt to identify members of a specific cultural subgroup and to give these applicants special consideration for selection, where there is no evidence that the members of this one subgroup are clearly better qualified for the work to be done. However, in the staff discussions, your representatives stressed that in the light of the purposes of the CAUSE II project, it seemed reasonable for an effort to be made to bring into training persons who are themselves drawn from underprivileged groups.

"We understand that, to meet your deadlines for beginning the training classes at various schools and after discussions had been held by Mr. Kranz of your Department with individual members of the special inquiry, the Department has carried out in the past few weeks the original scoring plan. This plan provided for using the set of 21 questions in determining the order in which applicants, otherwise qualified, should be invited to training. We have been informed that to fill the training quotas in most areas of the country, every eligible and available person has already been invited to training. Thus, it appears that the 21 questions have in fact had little impact on the opportunity of any particular eligible.

"However, our staffs agreed that this unexpected outcome does not eliminate the need for a full reappraisal of such a questionnaire before it should ever be used again. This reappraisal must include adequate research and pretesting to meet technical standards, and thorough review of each question in terms of possible invasion of privacy. Furthermore, the necessity for singling out a special cultural subgroup of applicants by this or any other appraisal device must be clearly justified. My staff will be available to consult with yours on these matters if and when further use of the device is planned.

"I am forwarding a copy of this letter to the special inquiry of the House Committee on Government Operations and returning for your files the keyed copy of the questionnaire in the enclosed confidential envelope.

"Sincerely yours,

"JOHN W. MACY, JR., *Chairman.*

NOTE.—Since the original meetings between the Civil Service Commission and the Department of Labor took place, a total of 19 out of 124 questions were eliminated from the scoring plan for purposes of selection. (See question No. 6.)

(The 19 questions excluded from the CAUSE selection are as follows:)

* * * * * * *

11. How many times have you been married?
A. Never
B. Once
C. Two or more times

* * * * * * *

21. Just before your teens, how did you "let off steam" when you got angry?
    A. By fighting.
    B. By kicking or throwing something.
    C. By cursing.
    D. By talking it over with someone.
    E. I didn't—I tried to hide my feelings.

* * * * * * *

55. Thinking about my most recent job, my course of studies at college
    A. directly prepared me for that job.
    B. had a substantial but indirect influence on my choice of job.
    C. had only the most general relation to my job.
    D. had no influence one way or the other.
    E. might have influenced me against my choice of job.
56. In relation to work in youth service activities, my experiences at college
    A. directly prepared me for this work.
    B. involved a substantial but indirect preparation for this work.
    C. had only the most general relation to this work.
    D. had no relationship one way or the other.
    E. might have influenced me against such work.
57. By the time you finished high school, how did you feel towards your life's occupation?
    A. Knew what I wanted in the way of a job and have not changed my mind.
    B. Thought I knew what I wanted but have since changed my mind.
    C. Had some idea of what I wanted to go into.
    D. Had little or no idea of what I wanted to go into because I was interested in many things.
    E. Had little or no idea what I wanted to go into because few things interested me.
58. Did you change your major while in college?
    A. Never
    B. Once
    C. Twice
    D. Three times
    E. More than three times
59. How many different jobs have you held during the last three non-student years?
    A. One
    B. Two
    C. Three
    D. Four or more
    E. I have not had three non-student years.
60. When you take a vacation, which do you prefer?
    A. Like to plan all the details in advance.
    B. Like to make general plans, but let the details take care of themselves.
    C. Like to take spontaneous trips and recreation.
    D. Never take a vacation, or just work or loaf around home.
    E. Have to spend vacation time working for extra money.
61. In the last five years, how many times have you been given a ticket for a moving violation while driving a motor vehicle?
    A. Have not driven a motor vehicle in the last 5 years.
    B. No tickets.
    C. 1 ticket.
    D. 2 to 3 tickets.
    E. 4 or more tickets.
62. How many accidents or injuries have you had in the last 5 years?
    A. None
    B. 1 to 2
    C. 3 to 4
    D. Over 4
63. How has your health and physical fitness been since the age of 18?
    A. Exceptionally good.
    B. Good, suffering few minor illnesses.
    C. About like the average persons.
    D. Somewhat of a handicap.
    E. Definitely a handicap.

64. How much time on the average, in the last five years, have you lost from work or studies because of illness?
A. Almost none.
B. Two or three days a year.
C. One to two weeks a year.
D. More than two weeks a year.

65. During the past five years:
A. I have been hospitalized for severe emotional or nervous problems, from which I am now fully recovered.
B. I have been hospitalized for severe emotional or nervous problems from which I have largely recovered.
C. I have been in office treatment for a nervous or emotional condition which has interfered with my work, and am now fully recovered.
D. I have been in office treatment for a nervous or emotional condition which has interfered with my work, and am now largely recovered.
E. None of the above.

66. Which of the following is designed to affect the social relationships between racial and ethnic groups?
A. Court decisions
B. Mass demonstrations—"The Movement"
C. Federal government operation of installations
D. Civil rights legislation
E. Executive decision

* * * * * * *

97. Which one of the following have you disliked most about the way you have been treated in any job you have held?
A. Poor personnel practices.
B. Lack of communication, and cooperation between staff.
C. Poor pay.
D. Lack of recognition.
E. Resistance to new ideas.

* * * * * * *

117. What have you done to try to keep healthy in the past year?
A. Visited the doctor regularly.
B. Got plenty of sleep, fresh air, and exercise.
C. Didn't over-eat.
D. Stopped worrying.
E. Nothing in particular.

* * * * * * *

120. Excluding military service, in comparison to Job Number 1, Job Number 2
A. Paid less.
B. Involved less responsibility.
C. Was less related to my interests.
D. Was about the same level or better in salary, responsibility, and interest.
E. I had no job before Number 1.

121. Excluding military service, in comparison with Job Number 2, Job Number 3:
A. Paid less.
B. Involved less responsibility.
C. Was less related to my interests.
D. Was at the same level or better in salary, responsibility and interest.
E. I had no job before job Number 2.

* * * * * * *

123. My current or most recent annual salary is:
A. Higher than my previous salary.
B. Equal to the salary on any previous job.
C. Less than the salary on a previous job.
D. No previous job.

12. *Question.*—What has the Department done to really implement its policy against invasion of privacy? What will be done to assure that officials take proper cognizance of their responsibility to guard against recurrences similar to last year's CAUSE I test?

Answer.—Following the hearings on June 4, 1965, a thorough review was made of all questionnaires and tests used to recruit, select, and promote Department of Labor employees. In no instance was anything found which can be used to measure the personal characteristics of individuals.

A review of all projects and programs employing non-Federal personnel whose salaries are principally paid out of Federal moneys administered by the Depart-

ment of Labor is currently underway. The Department is not aware that Federal funds are being used to carry out personality testing in any personnel program, but will take immediate prohibitive action if this is found to exist.

Although the present policy against invasions of privacy is considered adequate, the Department of Labor is further extending and implementing the enforcement both of this policy and the forthcoming new Civil Service Commission regulations. A Secretary's order is currently being drafted which prohibits the use of personality tests and related devices in filling positions within the Federal service and extends this prohibition into all other personnel areas subject to the Department's jurisdiction.

Mr. GALLAGHER. Mr. Charles Luce, Administrator, Bonneville Power Administration, Department of the Interior. Mr. Luce has another appointment on the Senate side, and we wish you would go as long as you can, and perhaps you can be recalled this afternoon.

(Whereupon Charles F. Luce was duly sworn.)

TESTIMONY OF CHARLES F. LUCE, ADMINISTRATOR, BONNEVILLE POWER ADMINISTRATION, DEPARTMENT OF THE INTERIOR

Mr. GALLAGHER. Please proceed.

Mr. LUCE. Thank you, Mr. Chairman and members of the committee.

My name is Charles Luce. I am the Administrator of the Bonneville Power Administration, which is an agency in the Department of the Interior. I have held this job for the last 4 years, prior to which I was in the private practice of law. I have provided to the staff of the committee a written statement, which I can either read or insert in the record and summarize as the committee would prefer.

Mr. GALLAGHER. Whatever you would prefer.

Mr. LUCE. I would suggest in the interest of time I should summarize it.

Mr. GALLAGHER. Yes. We will insert your prepared statement in the record.

(The statement of Mr. Luce appears on p. 178.)

Mr. LUCE. The Bonneville Power Administration, as I mentioned, is an agency of the Interior Department. Our headquarters, by law, are required to be in the Northwest, in the vicinity of Bonneville Dam. We are responsible for marketing power generated at Federal projects in the Columbia River, which is the greatest power river in North America.

At the present time we market power from 21 Federal dams, and there are 6 others under construction, from which we will market power.

The power system of Bonneville represents installed capacity of almost 7 million kilowatts of power, which is as large or larger than any privately owned utility in the United States. We have some $2 billion worth of capital invested in power facilities, including corps and bureau dams, and some 10,000 miles of high-voltage and extra-high-voltage transmission lines. Our management problems at Bonneville are in many ways similar to those of privately owned or publicly owned non-Federal utilities. We are not, though we are within the Interior Department, an ordinary Government agency, as regards our responsibilities and management problems.

For example, the Bonneville Administration supplies about 50 percent of all of the electric power used in Oregon, Washington, Idaho, and western Montana. We will soon be interconnected with Cali-

fornia and Arizona, and be sending tremendous quantities of power southward to the great metropolitan areas of the Pacific Southwest.

Because of the nature of our organization we are, of course, always anxious to improve efficiency, to improve our way of doing business. Our executives must deal with the executives of the top utilities in the West, as well as the manufacturers who provide the equipment that we have to purchase.

Our construction budget this year, I might say, is $100 million. Our gross annual receipts are running about $90 million, and they will soon go over $100 million, all of which goes into the U.S. Treasury.

About 2 years ago we took a look at the staffing problem that we were going to have in view of our very large construction program and we also at the same time took a look at the retirements problem we had. The Bonneville Power Administration was a depression-born agency, and a lot of our top people came into the agency during the late thirties and early forties.

When we made this so-called attrition study, we found that a very large number of our top employees were going to be retiring in the next 4 or 5 years. So the combination of the expanding construction program, plus the fact that we were going to lose a number of our key employees, caused us to look around for ways of improving our personnel selection policy in regard to promotions into these key jobs.

Now in many ways the problems that we have in selecting key personnel are similar to what Chairman Macy described to this committee as involved in the selection of an airport tower traffic supervisor, because if we have a chief operator, for example, who, in a stress situation, would go to pieces, he can throw whole cities into darkness. He can, by his mistakes kill men, linemen who are out on the line repairing lines. He can throw off aluminum plants, which constitute one-third of our sales, and freeze the pots at the plant. So it seemed to me we should examine what the private utilities were doing, and other public agencies, in the way of improving their personnel selection procedures and see if we couldn't learn something.

Consequently I talked to representatives of private utility companies, I talked to representatives of the public agencies, and I found that one thing they were doing that we weren't is what is called psychological testing.

Now a lot of this psychological testing, or the great majority of it, pertains to ascertaining aptitudes and interests and acheivements. It also, however, includes a component wherein you attempt to evaluate the temperament of the individual being tested, and it is these personality tests that are under consideration by the committee and considerable criticism. I had had some experience with the matter of personality testing in the private practice of law.

For example, for many years I served on the vestry of our church and I for several years was the senior warden of the church, during which time we had the job of selecting a new rector. I knew from that experience, as well as from trials of cases that I had had in private practice, that psychological testing was used in filling certain positions where emotional stability was an important qualification of the job. And so for example in the Episcopal Church, psychological testing is used for all candidates to the clergy. In fact the instructions from the church headquarters in New York recommend this, and

recommend certain of the personality tests that the committee has here, which have been mentioned this morning.

Mr. ROSENTHAL. Could I interrupt a second? How many men do you have in this highly responsible, sensitive position, that you referred to?

Mr. LUCE. Well, I would say about 50. We have tested for 29 positions only. I want to get into that. We don't have a mass testing program, such as was described earlier this morning.

Well, in any event, with this background, I felt we should take a look at psychological testing as an aid to our problem, not as an attempt to supplant our judgment, or to let computers or anyone else make the decisions that management has to make if it is going to do its job. So we retained two firms that specialize in this kind of counseling, one from Los Angeles and one from Pittsburgh. And in order to be sure that, as applied to the electric industry and applied particularly to our own situation, this testing would have meaningful results, we did this, before we decided to go into a larger program, we selected 10 employees, who had been with us for a substantial length of time, one of them in fact was about to retire, men whose strengths and weaknesses we knew, and we asked them to take the test. We didn't compel them, nobody is compelled to take the tests. And they did. And we were surprised, or "pleased," I suppose is the word, at the remarkable correlation between the results of the appraisals resulting from the tests and what we knew about the way these men performed on their jobs. This convinced me that for our operation, and for certain key positions, psychological testing would be worth using.

Now I emphasize not as a touchstone as to whether a candidate for promotion does or doesn't get the promotion, but as one factor that we would consider when we were filling a critical job.

Now as a lawyer I realized right away that there was an important question of privacy involved in these examinations—I suppose in all of the examinations, but particularly in those that involved the personality analysis. So we had the question of whether to hire a staff psychologist at Bonneville and try to do this ourselves, or to get outsiders. It was my conclusion that we should not have anybody in Bonneville administer or evaluate these tests, but rather to attempt to establish a doctor-patient relationship, with an independent consulting firm that was highly regarded among the profession. And so we went that route. We employed the two firms that I mentioned. We set up various safeguards for the privacy of our employees.

First of all, we provided that no Bonneville employee other than the man taking the test sees the answers. The answers are sealed and go to the consultant, the consultant evaluates the answers, then talks with the employee in a counseling way, following up leads that are suggested by the answers to the written questions. Then the consultant gives us a written appraisal of the candidate's qualifications for the job. I have a sample appraisal here, if the committee would like to see what one looks like. It is, of course, not related to any specific employee, because that would indeed, as the chairman pointed out, be invading privacy.

Then the consulting firm destroys the answers. So at no time are the answers ever seen by anybody in Bonneville, and they are destroyed after the evaluation is made. The evaluation is not put in

the personnel jacket of the employee. The evaluation is kept in the safe of my deputy administrator, whose office is across the hall from mine, separate and apart from the personnel jacket of the person who has been tested.

As I have mentioned, we do not do this on a mass production basis. Of the positions that have been filled in the last 2 years, since we instituted this program, we have tested less than 10 percent. We do not use it at all on new employees, we use it only on promotions into what I have referred to as the key jobs.

We have put out criteria to our top people who are making the employment selections, cautioning them not to go overboard on these tests, but rather to use them as one factor to be considered. We have found that they are particularly useful in further interviews and discussions with the employee. The costs of these tests have been inquired about by a letter the chairman sent to Secretary Udall. We have spent thus far approximately $15,000 in the testing program, about half of which was spent with the Los Angeles firm called Aptitude Testing for Industry and the other half with the Pittsburgh firm called Psychological Services of Pittsburgh.

In February of this year we consolidated our testing in one firm, namely the Pittsburgh firm. And we did not renew the contract with the Los Angeles firm.

Mr. GALLAGHER. Why?

Mr. LUCE. Well, there were several reasons we didn't. First of all, the Pittsburgh firm, we found, through its representing a number of other utilities and doing work for other utilities, could bring to us a broader experience that would be more helpful to our management and to our employees, in helping to get the right people in the right job.

Secondly, we had gone through the initial phase of testing, we had tested for more than half of the key positions in the agency. We concluded we only needed one consulting firm. There was no point in hiring two to do that job which one could do.

As I say in my statement, I don't think the Bonneville Power Administration will collapse if we cease making these tests. But we do think that they have been of considerable value. We think they are of value not only to management, but to our employees, as we use them, with the safeguards we have thrown around them.

I am aware that the Civil Service Commission has in the last week changed its regulations as regards these tests. Whereas formerly the tests were neither specifically permitted or forbidden, now they are specifically forbidden, except where the agency giving the test can convince the Civil Service Commission that there is sound medical reason to do so and that the particular test being employed is a relevant test, and has been proven by experience to be——

Mr. GALLAGHER. And it will be taken in a clinical situation, between doctor-patient, and will remain there, and not in an administrator's safe or deputy administrator's safe.

Mr. LUCE. Well, the answers are destroyed in our program, we get only the evaluation, Mr. Chairman. Of course, to the extent we continue using this kind of test, we will do so only in compliance with the regulations and subject to the restrictions of the Civil Service Commission.

That is a summary of my statement. Now I am supposed to be across the street at the Capitol in about 3 minutes. I would be most happy to come back this afternoon for questions.

Mr. GALLAGHER. All right. Could you return at 2 o'clock?
Mr. LUCE. Yes, sir.
Mr. GALLAGHER. Thank you very much.
(The prepared statement follows:)

STATEMENT OF CHARLES F. LUCE, ADMINISTRATOR, BONNEVILLE POWER ADMINISTRATION, DEPARTMENT OF THE INTERIOR

My name is Charles F. Luce, and I am Administrator of the Bonneville Power Administration. Like the members of your committee, I am a lawyer.

I appreciate the opportunity to appear before this committee to discuss our experience with what is popularly called psychological testing. In part, such testing seeks a professional appraisal of the personality or temperament of the person tested. By far the largest part of psychological tests, however, seeks to appraise achievements, interest, and aptitudes; for example, verbal comprehension, numerical reasoning, clerical speed and accuracy, space visualization, symbolic reasoning, fields of interest, etc.

I know this committee's concern that any testing program not constitute an unwarranted invasion of employees' right of privacy. I assure the committee that we share its concern. Before concluding my statement I will describe the safeguards we have established to prevent any unwarranted intrusion into the privacy of our employees.

The Bonneville Power Administration is a Federal agency whose official headquarters, by law, are required to be in the Pacific Northwest where all of its properties and operations are located.

It was established within the Department of the Interior by the Bonneville Project Act (50 Stat. 731) in 1937, to market power at wholesale from Bonneville Dam. Subsequent orders by Secretaries of the Interior extended BPA's marketing responsibility to include power from all Federal dams in the Columbia River Basin—21 existing and 6 under construction.

BPA today is one of the largest electric utility operations in the United States, with 6.7 million kilowatts of installed peaking capacity and an additional 2.66 million kilowatts under construction.

It has nearly 10,000 miles of high and extra high voltage transmission lines which, with associated generating projects, represents a plant investment of more than $2 billion. Its gross annual income is about $90 million, and soon will exceed $100 million.

Much of the economy of the Pacific Northwest depends on BPA's efficient and dependable operation; it supplies about 50 percent of all the electricity used in that great region.

Presently, BPA has about 2,700 employees, of whom 60–70 percent belong to unions. Since 1945, its hourly employees have been organized in craft unions that bargain collectively through the Columbia Power Trades Council.

It is vital that BPA have the best qualified personnel available, and the right man in the right job. BPA's top officials must be able to deal effectively with executives of the many private companies and public agencies with which it does business. An error in judgment by a single BPA substation operator can result in loss of life, damage and destruction of valuable property, or interruption of electric service to a major industry or geographic area.

In the case of aluminum plants, which constitute about one-third of our total loads, a service outage of even short duration causes potlines to "freeze" and results in damage which takes weeks to repair. Interruption of service to a city can be a minor disaster; traffic signals and elevators and home appliances stop working, causing confusion, fright, and economic hardship to citizens. Transmission system damage as high as $500,000 has resulted from a single operating error.

From a management standpoint, BPA is therefore not an ordinary Government agency. Its management problems, and methods of solving them, are much more akin to those of large privately and publicly owned electric utilities. We found that many utilities, investor owned and public, have used, and are using, psychological tests along with other types of tests as aids in selecting employees.

As a matter of fact, I first learned of psychological testing in conversations with executives of privately owned utilities, and with others who had experience with it in private industry. Among such utilities are Duquesne Light & Power, Connecticut Valley Electric Exchange, Ontario (Canada) Hydroelectric, Chelan County (Wash.) Public Utility District, Northern Indiana Public Service Co., Philadelphia Electric, and Washington Public Power Supply System. Attached

is a recent article from Electrical World (Mar. 22, 1965) which discusses use of psychological testing by the electric utility industry.

The authority for BPA to use tests is contained in the Federal Personnel Manual, chapter 335, subchapter 3, sections 3–5B and 3–6; and chapter 337, subchapter 1–4 and subchapter 3–3 A and B. Excerpts from these references are also attached. Within the past few days, these regulations have been amended. We will, of course, comply with the new regulations.

After BPA concluded, for reasons I will discuss shortly, that psychological testing would be a valuable adjunct to the testing provided by the Civil Service Commission, we employed two professional consulting firms—Aptitude Testing for Industry of Los Angeles, and Psychological Service of Pittsburgh.

Both organizations are highly reputable, as attested by the list of their clients, including Aluminum Co. of America, Jones & Laughlin Steel Corp., Mellon National Bank & Trust Co., Westinghouse Electric Corp., Western Hydraulics, Ltd. (Borg-Warner subsidiary) and the Garrett Corp.

BPA has employed these independent consultants primarily to evaluate present employees who are candidates for certain vacant positions or for special training opportunities. Positions for which we have asked the consultants to conduct tests include trainee power dispatcher, senior power dispatcher, head-system operations section, substation operations superintendent, chief substation operator, and certain key managerial positions.

For entry-type craft applicants and prospective management trainees, BPA uses standard tests that we ourselves administer, such as the Kuder preference record-vocational, manual dexterity tests, and the Civil Service Commission's general aptitude test.

For each position in the psychological testing program, BPA provides a job definition and qualifications statement. The consultant selected to conduct the testing for the position then determines the appropriate tests to make up the "test battery," including achievement, interest, aptitude, and personality tests. The tests which are being used are limited in distribution by the publisher and are under the control of the contractors.

Thus far, BPA has spent a total of about $15,000 with the two firms testing for a total of 29 vacant positions. Aptitude Testing for Industry has tested 58 employees at a cost of $150 each. Psychological Service of Pittsburgh has tested 47 employees on a basis of $25 per hour for professional time, $10 for technical service, and $6 for clerical service, if any is required.

The importance of psychological testing, we believe, should not be overemphasized. The appraisal based on such testing is not the primary factor in management decisions as to promotion or transfer. It is one of many elements considered by management. Others are confidential appraisals from supervisors and fellow employees, educational background, experience, seniority, past performance, and interviews.

A combination of three factors led Bonneville to try psychological testing as an aid in selecting key managerial and operational employees. First, we are constantly looking for ways to improve our efficiency. Government agencies are sometimes criticized for alleged unwillingness to try new ideas, to streamline their organizations, to give better service to the public at minimum cost.

The management of any bureaucracy, public or private, must constantly fight a tendency to preserve the status quo, to do things today in the same way as yesterday without asking whether there may be a better way.

There's an old joke in bureaucratic circles that if you never do anything, you won't be accused of making a mistake. At Bonneville we reject such a philosophy. We are ready to try new ideas that seem to have merit. If we make mistakes, we regard them as the price of progress.

A second, and more specific, circumstance that led us to explore better ways of testing for certain positions was that we discovered from an attrition study conducted in 1962, that some 300 employees would be eligible for retirement or retired by the end of 1967.

Over 50 of these were in positions of leadership at the middle management level and above. Further study indicated that well qualified replacements for the 50 officials were not clearly identifiable in the BPA staff.

The third circumstance was that during the very same period many key employees would be retiring, the Bonneville program would be greatly expanding. In the 4 years that I have been Administrator, our construction program has increased from less than $20 million to more than $100 million annually. Incidentally, we have only increased the number of employees during this period by about 340, or less than 15 percent.

With this background we chose the two reputable and well qualified consulting firms mentioned earlier. We then tested a group of 10 top BPA employees either for the positions they were then occupying, or for other top management positions. This trial run showed that, to a remarkable degree, the appraisals resulting from the tests corresponded with our knowledge of the abilities of the employees in their jobs.

Based upon these preliminary results, we entered into a limited test program. The consultants, incidentally, cautioned that the appraisals derived from the testing program were not 100-percent reliable. They advised that we not make personnel selections solely on the basis of these tests. We have followed their advice.

We began to use the tests in July of 1963, and have continued to use them to date. In February of this year, however, we did not renew the contract of one of the testing services, Aptitude Testing for Industry. By then we were satisfied that one firm could better serve our needs than two.

When we instituted the testing program, we specifically instructed our staff that the results were to be cautiously used. In a memorandum to division directors and area managers, the following criteria were established:

"Appraisal and development of employees for key positions.

"Expanding programs and the increased number of employees eligible for retirement point up the need for a program to select and develop employees for key positions. Greater use will be made of various appraisal techniques in identifying employees with potential for filling these positions.

"The Administration and its employees will mutually benefit from this program as maximum use will be made of each employee's skills and abilities and maximum opportunity will be provided each employee in developing his talents. Areas of weakness that need to be strengthened, such as lack of certain knowledge, can be pointed out to the employee. Outside study, detail to other positions, and similar training can be provided which will offer greater opportunity for employee advancement. Also, strengths of employees, which had not been previously recognized, will be identified.

"Appraisal techniques which will be used include analyses of experience and training, performance appraisals, interviews, and a test battery designed to measure aptitude, interest, and achievement. All of these sources will be used in obtaining more knowledge about the capabilities of employees. This information will assist the employees in choosing career goals, will identify the kinds of training and experience needed, and will permit us to do a better job of matching the abilities of employees with career opportunities in the Bonneville Power Administration.

"Initially, the program will be limited to developing replacement potential and selecting employees for key positions, expected to become vacant through retirement during the next few years. Results derived by use of these appraisal techniques will be discussed with employees. The information will continue to be confidential and will be available only to authorized personnel and employees involved.

"All of these methods of appraisal are now used. We are, however, endeavoring to expand and improve them. For this reason professional consulting firms will assist in developing the program. Employee groups will be consulted before any final program is adopted.

"In order that there be full awareness on the part of employees or supervisors, division directors and area managers are requested to review the content of this memorandum with them at staff meetings, or in some other appropriate manner.

"(Signed) CHARLES W. KINNEY,
"Deputy Administrator."

Next, I wish to advise the committee of the steps we have taken to guarantee the privacy, and individual dignity, that our employees are entitled to have respected:

1. Our decision to use independent consultants was based, in part, upon our belief there would be no chance of test answers falling into unauthorized hands. No one in Government, except the person taking the test, ever sees the test answers. If we had retained a staff psychologist to administer the tests and appraise the results, it would have been harder to guarantee this privacy.

2. The consultant furnishes us only with an appraisal of the employee based on the results of the tests. It is based upon the test and does not show answers to specific questions. It is seen only by the BPA staff members with authority to select the man or woman to fill the job, and, in a few cases, by the immediate

supervisor of the candidate for promotion. The appraisal is kept under lock in the office of the Deputy Administrator.

3. We do not test on a mass-production basis. Of 263 positions filled since we started this particular program, we have tested for only 29 positions. Of 125 categories of positions in our entire organization, we have tested in only 9 categories that we regard as critical to the successful operation of BPA. The consultant "tailor makes" the tests for each position, and interviews the applicants both before and after the examination. This costs more money, but it assures that each of our employees is treated as an individual and that, whether or not he is selected for the job he is competing for, he gets the benefit of friendly and helpful advice from the consultant as to areas in which he can improve himself.

4. We have advised our selecting officers that the appraisal should be considered along with all other pertinent information. It is not to be used as the sole selection factor.

With these safeguards, we believe it cannot fairly be said that our testing program infringes upon our employees' right of privacy in an unjustified way.

No one has a vested right to Federal employment, nor for that matter, to employment with a private firm. When a man or woman seeks new employment (or, as in our testing program, a promotion), he necessarily consents to divulging certain information which the employer otherwise would have no right to ask.

For example, an applicant for Federal employment must take a physical examination. For some individuals, this can be very embarrassing. Such an applicant, further, must consent to be fingerprinted; he must reveal whether he has received treatment for a mental disorder; he must divulge past arrests and convictions; he must tell whether he ever belonged to a subversive organization. He will be investigated by the FBI or Civil Service Commission. If he is the head of an agency, he may be required to disclose his property holdings and debts, as well as his wife's; and he may be required to dispose of certain properties involving a possible conflict of interest.

The Government, as a government, could not thus invade an ordinary citizen's privacy and individual liberty. To do so would be the grossest violation of constitutional rights. But the Government, as an employer, has not only the right but the duty to obtain this information, and thereby assure that Federal employees will be competent and trustworthy, as well as mentally and physically qualified to perform on the job.

The real question, then, is not whether our testing invades privacy. Any test, even a physical examination, does that. The question is whether the tests, as we administer them, produce relevant information that enables us to make more intelligent decisions in filling certain key jobs. We sincerely believe that they do enable us to make fairer and wiser decisions.

We believe, too, that Bonneville employees also benefit from psychological testing. We reduce the chance of putting a man or woman in a position where he or she would be unqualified and unhappy. We point out possible areas of strength and weakness so that the employees can better improve their skills and obtain advancement.

In essence, the objectives of our psychological testing program are to assist in identifying talents of employees, to place them in jobs where their best talents will be utilized, and to avoid placing them in jobs which require talents they do not possess. Psychological testing thus helps to minimize the "square peg in round hole" situations that probably exist in every large organization. A brilliant engineer is not necessarily a good executive. An expert accountant may not be able to fill a job that requires dealings with the public. An outstanding electrician may not have the temperament to be supervisor. A man or woman in the wrong job is neither happy nor efficient. He may develop anxieties and tensions that adversely affect his health, even shorten his life. Employees who work under his direction may also feel frustrated.

The relevancy of a test cannot, we believe, be determined by selecting individual questions from the test and considering them separate and apart from the rest of the test. We have chosen competent and reputable consultants to do the testing. We have sought, and received, assurances from them that they ask only questions which in their professional opinion are relevant to their making an intelligent appraisal of the applicant's qualifications for the position involved. We have not attempted to overrule their judgment, any more than a patient who has selected a good doctor, or a client who has retained a competent lawyer, attempts to interfere with their professional judgment.

We have considered, also, whether, despite the prerogative of an employer to obtain confidential information from his employees, there is something morally

wrong in testing to appraise an individual's mental and emotional qualifications to fill an important job. We are convinced that, as we administer such tests, they are perfectly proper and moral.

For many years I was a vestryman, and for several years senior warden of an Episcopal parish. The canons of our church required both physical and mental examination of candidates for the clergy. Other churches, I understand, test the mental qualifications of all persons entering the mission field. Surely, if there were a moral question involved in psychiatric or phychological testing, our churches would not require it for any positions.

One reason that some denominations have employed testing is that clergymen and missionaries must have certain emotional and mental qualities to survive nervous strains inherent in their work. The churches have not abjured the teachings of modern psychology; some, at least, have attempted to use this teaching to make more intelligent selections of men and women to carry on their work.

Finally, let me say that I do not think the Bonneville Power Administration would collapse if we discontinued our present testing program. But I think it would be a step backward, and a disservice to the cause of good public administration, if we were compelled to abandon the program because of misunderstanding, or because of the mistakes of others who have used testing programs carelessly or thoughtlessly. We are proud of the forward-looking personnel policies of Bonneville Power Administration. We are proud, too, of Bonneville employees—as able and dedicated a team as ever planned, built, and operated a great electrical enterprise. We will continue to do our best to stay in the vanguard of efficient, considerate, and conscientious public administration.

(Attachments to statement follows:)

ATTACHMENT NO. 1

[Electrical World, Mar. 22, 1965]

MANAGEMENT NEWSLETTER

Psychological testing has woven its way into the fabric of American industry. What's more, it has shifted its sights from selection of first level workers to higher level management. Why the psych test? One management association says simply: "To keep bad apples out of the barrel." Another source says it's because companies are more concerned with waste elimination and sustaining creativity. In addition, they are taking on larger commitments due to fringe benefits and payments for unemployment compensation payments. Another reason is the attention psychology has been getting in industrial management graduate schools. How do people feel about psych tests? Testing is in a curious position. It's held with too much contempt, or viewed with too much monistic reverence. The latter group considers testing a panacea for hiring, firing, promotion, transfer, and virtually every other personnel problem in industry. There is also a third group, which says the psych test can be of great help to management. But this group's rationale seems faint beneath all the shouting. It maintains that, like everything else, the psych test is innocent in itself. It's only when the idea of the "person" is lost that these tests become corrosive. Such a thing can easily happen, since the values of the testers and testmakers, who create a market for all this, are imbedded deeply into the validity of the tests. How should they be used? What's their value? That's the subject of this newsletter.

WHAT PSYCH TESTS MEAN TO MANAGEMENT

"I've been with the company for 15 years. I've been promoted three times and received a number of raises. On top of this I've worked hard and I think I've done a darn good job. You know me, you know my family, and you know what I can do. Why, all of a sudden, do I have to take one of those psychological tests? What's happened to your good judgment?"

So, another manager, in line for an executive position, readies himself for what has been dubbed "P" Day—probably the most critical time in the manager's corporate life—the day of the psychic probe.

Perhaps this manager is convinced his superiors have lost confidence in their decisionmaking abilities and have collectively sold out to scientism, which, among other less-than-brilliant achievements, has eroded empathy and many an

intuitive grasp on things. Feeling helpless he wonders: "Will the results of this psychological test haunt me for the rest of my working life?"

How many times daily the curtain has lifted on this quiet, and sometimes not so quiet, office drama is anyone's guesstimate, since there are no U.S. statistics on it—yet. What is known, however, is that the hotly debated use of psychological testing methods, from aptitude to personality tests, is "replacing baseball as the great American pastime," quips one humorist.

Originally, psychological tests were used by managers as a tool for weeding out unqualified beginners. They are, of course, still greatly used for this. Now, however, especially since the addition of personality tests, management painfully uses them on experienced managers, which is, "hoist by its own philosophy."

Apparently all this testing is no fad. Right now, interest is being shown in efforts to determine, biologically, how many useful years an applicant may have ahead of him. So, the scope of testing is due to broaden. Wryly comments William H. Whyte: "A dynamic would appear to be at work. The more people who are tested the more test results there are to correlate, and the more correlations, the surer are many testers of predicting success or failure, and thus the more reason there is for organizations to test more and more people." To what extent is psychological testing used in the United States today?

Most of the Nation's major corporations, as well as hundreds of smaller ones, will employ only applicants who have taken psychological tests. "Virtually every aspiring manager under the age of 30," comments one report, "has already gone through at least one testing of his personality at some stage during the past decade." In addition, many older managers and officers are now subject to testing when they're shooting for the high position.

The testing of individuals for beginning jobs is generally accepted today, says the National Industrial Conference Board. The evaluation of managers and officers is less generally accepted. There are several reasons for this, comments the board. "The evaluation of executives is a fairly recent development compared with employment testing, which is well over a generation old. Selecting young workers for clerical or production jobs is relatively easy. Appraising older men for one-of-a-kind positions is more difficult. Many norms are available for starting jobs," says NICB, "but there are few useful norms for top positions."

This is one reason why many firms have turned to using the outside psychological consultant. (Some 16 firms have even engaged the services of psychiatrists.) The psychological consultant usually charges $150 to $200 per "executive evaluation." This involves a full day of the individual's time. It means psychological testing (measures of reasoning, interests, and personality), an interview with the staff psychologist, and a discussion of the findings with the individual.

Several reasons may be cited for the increasing use of psychological consultants, says NICB. An organization that has made a number of poor appointments, or one that has suffered high executive turnover may feel the need for outside help. Also, if the man under consideration is already with the company, management may say: "It's true we have known and worked with this man for 15 years, but this very fact suggests we are too close to him to see him fairly and objectively.

"Furthermore, we have learned that a man who is effective at level B is not necessarily effective when moved in level A. Thus, we want a third-party view of our man (enter consultant) and a report on him in terms of the level A position for which we are considering him." An executive evaluation is also supposed to assess the individual's strong, as well as weak points, and serve as a guide to his subsequent development.

Testing is also used extensively in the electric utility industry (see table below). A recent study completed by John C. Arnell, director of personnel and industrial relations, Consolidated Edison Co. of New York, uncovered the following data: Of 63 large and small electric companies in all sections of the country, 90 percent utilize tests during preemployment; 65 percent find them useful during selection for promotion; 54 percent use tests during selections for transfers.

How 63 electric utilities use testing

Preemployment:	*Utilities*	Promotion:	*Utilities*
Achievement	38	Achievement	26
Aptitude	51	Aptitude	27
Interest	21	Interest	14
Personality	28	Personality	20
Combination	15	Combination	11
Intelligence	6	Intelligence	5
No testing program	6	No testing program	22

Aptitude, achievement, and personality tests, in that order, are the most popular, not only in the area of preemployment, but also for promotion and transfer. These are followed by interest and "combination" tests. Intelligence tests are utilized in all three selection areas but not to any great degree. What jobs are involved in the testing?

"For hiring-in jobs, tests are utilized for all except, in a few cases, they are given only for clerical positions such as typist and stenographer. For transfers and promotions, some utilities stated that all jobs are involved, while others restrict tests to skilled or professional occupations such as engineers, programers, and system operators." Who administers the tests?

This is in the hands of the personnel department in 63 percent of the areas. Sixteen companies (29 percent) indicated joint responsibility between personnel and the individual departments. Labor organizations are more apt to have specialists in their personnel departments to administer the testing programs. In this same light, two companies both relatively small as to the number of employees, says Arnell, hire the services of a consultant in one case to administer tests by himself, in the other to administer them in conjunction with personnel. What weight is given to these psychological tests?

Tests are employed as a "supplement" to other selection factors, say 68 percent of the utilities. However, 15 companies (27 percent) replied that tests are predominant for some jobs but are used as a supplement to others. Remarks Arnell: "Although those who reported using tests as a supplement are in the majority, quite a few * * * report that test scores are the major factor in the selection process. They indicate generally that failure to receive a passing grade on preemployment tests automatically disqualifies the applicant * * *."

"I ask this group: What prompted you to adopt this policy? Was it an easy way out? Could you prove that it's related to the requirements either of the job or your employee training program? If you can't prove this, haven't you ulled yourself into a false sense of security? To be realistic about testing, shouldn't you know why and how you are using tests and what they prove?"

This is one of the reasons why testing has been a controversial subject from the day they were first introduced into business—some companies use them with too much reverence, willing to believe too much about what tests can do for them. Individuals and companies have used tests improperly and have accepted test findings uncritically. Persons with inadequate training have been given responsibility for organizing testing programs. Test scores have been taken as final answers in making personnel decisions.

Other reasons for the fight over psychological testing are the violent feelings that are aroused by the criticism that testing is an invasion of privacy and therefore an unfair—if not immoral—practice, and the disparity of opinions within the psychological profession itself on what constitutes ethical testing and how it should be employed. How should testing be employed?

Psychological testing is not a scientific hiring method, says King Whitney, president, the Personnel Laboratory, Inc., Stamford, Conn. "The idea that test scores of themselves should determine who should be hired and who shouldn't is a rank absurdity. A man succeeds or fails on a job because of a host of factors and variables—only a certain number of which are revealed or measured by tests.

"So, I do not advise anyone to begin making use of psychological testing as an aid to selection because he thinks that tests will make decisions for him. He is doomed to disappointment, since he will sooner or later find that in a number of instances, tests will only raise more questions about a person, muddying the waters and making decisionmaking even more difficult.

"There is only one reason for using any form of psychological testing in your hiring procedure and that is because you want more insight into the intellectual and/or emotional makeup of an individual than you are likely to derive from your interviewing or reference checking alone. In other words, you don't want to rely entirely on surface impressions in making a decision to hire or not to hire, to promote or not to promote." What about weight?

The weight given test results in making decisions to hire or promote people will vary considerably, says Whitney. "Just like the weight you give to their previous experience, education, or personal mannerisms. One good reason for avoiding assigning a rigid weight to test results is the disparity that sometimes occurs between an analysis of a person on the basis of his test performance and the evaluation made through interviews and references."

What about the "invasion of privacy" howl that is being sent up over psychological testing? Management, the critics say, has no right to dig into and expose one's psyche. Aside from the fact that the howl may be sent up for the

wrong reason, "testing does represent something of an invasion of privacy," says Whitney. "The real question is: Does management have the right to invade privacy? I believe management does have this right and should have as long as prospective and present employees represent an investment. But I also believe management's right in this regard should be restricted to obtaining information which has a bearing on how a man is likely to perform a job * * *."

Removing the "cure-all" obsession from pyschological testing will not be an easy task. Its roots are buried deep in scientism. However, if it is not accomplished the practice of uncontrolled inquisitions into the psyche could spill over into U.S. life in general. Are the profits worth it?

CONSIDERING A TESTING PROGRAM? EIGHT POINTS TO KEEP IN MIND

1. Tests aren't designed to give a complete picture of a person—only those areas which are difficult or impossible to discern from other methods, such as interviews and reference checks. So, don't look on tests as panacea.
2. Tests can measure some things better than others. For example, intelligence can be "measured" better than motivation.
3. Tests a company uses itself should be obtained only from reputable test publishers. Tailormade tests are preferable to canned ones. If in doubt, contact: American Psychological Association.
4. Tests can be administered by outside testing service.[1] However, a company should make very sure the outside service understands demands of the company in general, and jobs for which they will be testing candidates in particular.
5. Tests must be given under proper conditions. This means surroundings should be quiet, well lighted and well ventilated. Time limits should be rigorously observed.
6. Test results for each person should be known to only a few top people in the company. The results should also be kept under lock and key. The information could be misused.
7. Tests are not infallible. If there's a disparity between test results and conclusions drawn from other evaluative techniques, don't assume tests are right. Dig deeper. More interviews, etc.
8. Test results should not be discussed with the person who took the test, unless there's certainty that the interviewer knows exactly how to handle it. If in doubt, get the aid of a qualified counselor.

ATTACHMENT NO. 2

FEDERAL PERSONNEL MANUAL

CHAPTER 335, SUBCHAPTER 3, SECTION 3–5b

Written test requirements: Promotion plans developed by agencies to cover position for which standards include a written test must include the written test requirement with the rating standards prescribed by the Commission. Agencies may also require written tests for promotion to other positions as a means of improving their promotion plans, or may add written tests in addition to those required by the Commission.

CHAPTER 335, SUBCHAPTER 3, SECTION 3–4

Ranking promotion candidates

The merit promotion program requires selection from among the best qualified candidates rather than selection of any qualified candidate. This requirement implies a ranking process more selective than the mere distinction between those eligible and those ineligible on the basis of the standards used. The term "ranking" may mean placing candidates in 1, 2, 3, order; or it may mean grouping them into two categories, qualified and well qualified; or into three categories, qualified, well qualified, and best qualified; or any other number of categories, depending on the number of candidates. Strict ranking order is not required within a category. Methods of ranking, referral, and selection should be designed

[1] Check reputation of these consultants with business and professional communities, with American Pyschological Association in Washington, D.C.

Source: Personnel Laboratory Inc., National Industrial Conference Board.

to make valid discriminations among candidates so as to bring a relatively small grouping of the best qualified candidates to the attention of the selecting official. Where the evaluation and ranking techniques bring a large number of candidates into the top group from which choice must be made, the situation should be reviewed to see if it is practicable to devise ranking methods that will make finer distinctions and relieve some of the selecting officer's burden. Conversely, ranking or grouping is of dubious value when there are only a few candidates (four or five, for example) since even the best selection techniques cannot make distinctions so exact that some final choice by the appointing officer is not desirable. Under the latter circumstances the evaluator can help the selecting officer by pointing out the strengths and weaknesses of each candidate.

CHAPTER 337, SUBCHAPTER 1–4

Examining methods

The methods used to evaluate qualifications are designed to measure the knowledge, skills, and abilities considered essential to successful performance on the job. Written tests, performance tests, evaluation of experience, education and training, vouchers, interviews, qualification questionnaires and investigations and interest questionnaires may be used separately or in combination to determine eligiblity for particular jobs. The examining methods for particular positions are reflected in the standards.

CHAPTER 337, SUBCHAPTER 3–3 A AND B

Use of commercial testing material

a. Optional use: An agency is not limited to the use of Commission tests in intraagency examinations and may obtain testing materials by other means, including buying them from commercial firms if this is permitted by the agency's budget and regulations. However, where the Commission specifies eligibility on a written test for qualification purposes, that test must be used.

b. Selection of tests: (1) Commercial tests must, however, be used with extreme caution. * * *; (2) Unless several forms or series of a commercial test are available, there may be an additional question as to fairness since answer keys as well as tests are for sale. * * *; (3) Dependable selection of tests for a position requires first a job analysis which reveals the factors most needed for success on a job. Second, tests must be selected which validly and reliably test these factors. Third, the test or battery of tests must be so scored that proper weight is given to the various parts and thus to the factors being tested. * * *

Mr. GALLAGHER. The subcommittee stands adjourned until 2 o'clock.

(Whereupon, at 12:20 p.m., the subcommittee was recessed, to reconvene at 2 p.m., this same day.)

AFTERNOON SESSION

Mr. GALLAGHER. The subcommittee will be in order.

Mr. Luce, can you pick up where you left off?

Mr. LUCE. Mr. Chairman, I had completed a verbal summary of my written statement, and I am prepared to answer the committee's questions.

Mr. GALLAGHER. Before we proceed, I would like Mr. Cornish to read into the record some of the questions from the tests which you give.

Mr. LUCE. Excuse me, Mr. Chairman, could he identify the test from which the questions are taken?

Mr. CORNISH. Surely. I understand, Mr. Luce, you have a file of the questions?

Mr. LUCE. No, sir; you have my file of questions. Oh excuse me, we have it back; yes.

Mr. HORTON. Mr. Chairman, has the witness identified what tests they give or what tests are given by their agency?

Mr. LUCE. Yes; Mr. Congressman, we gave a complete list of the test and the text of the tests themselves.

Mr. HORTON. I mean for the record.

Mr. LUCE. Oh, no; I have not. I could offer the listing for the record, or handle it however the committee wishes.

Mr. GALLAGHER. Fine. We would like to make this part of the record.

(The following correspondence was subsequently submitted to the subcommittee:)

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 28, 1965.

Hon. CORNELIUS E. GALLAGHER,
Committee on Government Operations,
House of Representatives, Washington, D.C.

DEAR MR. GALLAGHER: In your letter of May 12, 1965, you inquired concerning the use of written psychological questionnaires or personality tests on Government employees and applicants.

One of the bureaus of this Department, the Bonneville Power Administration, has used psychological-personality tests. This bureau has had contracts with 2 independent consulting firms to evaluate a total of 105 employees for 29 positions. It is in the process of this employee evaluation that the tests were used.

The Bonneville Power Administration has spent approximately $15,000 with Psychological Service of Pittsburgh and Psychological Services, Inc. ("Aptitude Testing for Industry"), of Los Angeles. The latter contract expired in February of this year. The tests used are limited in distribution by the publishers and are under the control of the two contractors. Hence, we are unable to furnish blank copies, as requested. The addresses of the two firms mentioned are:

Psychological Service of Pittsburgh, Hardy and Hayes Boulevard, Pittsburgh, Pa.

Psychological Services, Inc. ("Aptitude Testing for Industry"), 1800 Wilshire, Los Angeles, Calif.

There is enclosed a statement prepared by the Administrator, Bonneville Power Administration, regarding the use of these tests.

Sincerely yours,

D. OTIS BEASLEY,
Assistant Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
BONNEVILLE POWER ADMINISTRATION,
Portland, Oreg., May 18, 1965.

Memorandum.

To: Secretary of the Interior.
From: Bonneville Power Administrator.
Subject: BPA Personnel testing program.

We are pleased to provide you with information regarding the use of phychological tests by the Bonneville Power Administration. In order to place this in proper context we would like to first describe BPA, then discuss the agency's testing programs.

As you know, the Bonneville Power Administration was established by the Bonneville Project Act (50 Stat. 731) in 1937, to market power at wholesale from Bonneville Dam. Subsequent orders by Secretaries of the Interior extended BPA's marketing responsibility to include power from all Federal dams in the Columbia River Basin—21 existing and 6 under construction.

BPA today is one of the largest electric utility operations in the United States, with 6.7 million kilowatts of installed peaking capacity and an additional 2.66 million kilowatts under construction. It has nearly 10,000 miles of high- and extra-high-voltage transmission lines which, with associated generating projects, represents a plant investment of more than $2 billion. Its program and its plant investment will more than double in the next 10 years. It markets roughly half

the electric power sold in the Columbia basin, an area about three times the size of TVA. Much of the economy of the Pacific Northwest depends on BPA's efficient and dependable operation.

Presently BPA has about 2,700 employees. For many years its hourly employees have been organized in craft unions that bargain collectively through the Columbia Power Trades Council.

It is vital that BPA have the best qualified personnel available, and the right man in the right job. BPA's top officials must be able to deal effectively and fairly with the executives of many private companies with which it does business. An error in judgment by a single BPA substation operator can result in loss of life or interruption of electric service to a major industry or geographic area.

In the case of an aluminum plant, a service outage of even short duration causes pot lines to "freeze" and results in damage which takes weeks to repair. Interruption of service to a city is a minor disaster; traffic signals and elevators and home appliances stop working, causing confusion, freight, and economic hardship to citizens—for example, food spoilage in refrigerators and damage to electric motors. Furthermore, transmission system damage as high as $500,000 has resulted from a single operating error.

From a management standpoint, BPA therefore is unusual. Its management problems, and methods of solving them, are much more akin to those of large public- and investor-owned electric utilities. BPA has found that many utilities, public and investor owned, have used and are using psychological testing along with other types of tests, as aids in selecting key employees. Among utilities utilizing such testing are: Duquesne Light & Power, Connecticut Valley Electric Exchange, Ontario (Canada) Hydroelectric, Chelan County (Wash.) Public Utility District, Northern Indiana Public Service Co., Philadelphia Electric, and Washington Public Power Supply System. Attached is an article from Electrical World (Mar. 22, 1965) which discusses use of psychological testing by the electric utility industry.

After BPA concluded that psychological testing would be a valuable adjunct to the testing provided by the Civil Service Commission, we employed two professional consulting firms—Aptitude Testing for Industry, of Los Angeles, and Psychological Service of Pittsburgh. Both organizations are highly reputable, as attested by the list of their clients, including Aluminum Co. of America, Jones & Laughlin Steel Corp, Mellon National Bank & Trust Co., Westinghouse Electric Corp., Western Hydraulics, Ltd. (Borg-Warner subsidiary), and the Garrett Corp.

BPA has employed these independent consultants primarily to evaluate present employees who are being considered for filling vacancies or for special training opportunities. Positions involved include trainee power dispatcher, senior power dispatcher, head—system operations section, substation operations superintendent, chief substation operator, and certain key managerial positions. For entry-type craft applicants and prospective management trainees, BPA uses such tests as the Kuder preference record—vocational, manual dexterity tests, and the Civil Service Commission's general aptitude test.

Thus far, BPA has employed the 2 independent consultants to test a total of 105 employees for 29 positions. BPA has adopted criteria guidelines, copy attached, for the consultant and BPA staff personnel for the administration of tests. For each position in the testing program, BPA provides a job definition and qualifications statement. The consultant selected to conduct the testing for the position then determines the appropriate tests to make up the "test battery," including interest, ability, and personality tests. Aptitude Testing for Industry has told BPA that it has included the following tests in its test battery:

Watson-Glaser Critical Thinking Appraisal.
Allport-Vernon-Lindsey Study of Values.
Multiphasic Personality Inventory.
Guilford-Zimmerman Temperament Survey.
Kuder Preference Record.
Management Aptitude Inventory.
Supervisory Practices Test.

The tests that are being used are limited in distribution by the publisher and are under the control of the contractors.

No person in BPA ever sees the individual answers to test questions. When the tests are completed, they are sealed and sent to the consulting firm, which retains and does not return them. The completed tests are evaluated by qualified psychologists who are members of the American Psychological Association. A private "feedback" interview by a qualified representative of the testing firm

is provided to each employee who participates in the testing. This interview is intended to assist the employee better to know his strengths and weaknesses. BPA is provided with a written appraisal that is directly related to the job requirements. Only a select few officials of Bonneville ever see the appraisal, and it is kept under lock and key.

The importance of psychological testing, BPA believes, should not be overemphasized. This appraisal is not the primary factor in management decisions as to promotion or transfer. It is only one of several factors considered by management. Others included are confidential appraisals from supervisors and fellow employees, educational background, experience, seniority, past performance, and interviews.

Thus far, BPA has spent a total of about $15,000 with these two firms for testing. Aptitude Testing for Industry has tested 58 employees at a cost of $150 each. Psychological Service of Pittsburgh has tested 47 employees on a basis of $25 per hour for professional time, $10 for technical service, and $6 for clerical service, if any is required. The contract with Aptitude Testing for Industry expired February 25, 1965. For the sake of better coordination and direction and greater efficiency in the conduct of the program, BPA has now limited its independent consulting service to Psychological Service of Pittsburgh.

The authority for BPA to use tests is contained in the "Federal Personnel Manual," chapter 335, subchapter 3, sections 3–5B and 3–6; and chapter 337, subchapter 1–4 and subchapter 3–3A and 3–3B. Excerpts from these references are enclosed. In addition, BPA's various promotion plans provide for written or performance tests.

If you desire further information on this matter, please let us know.

CHARLES F. LUCE, *Administrator.*

CRITERIA FOR USE OF PSYCHOLOGICAL EVALUATION IN BPA

I. All psychological evaluation to be performed by well-qualified outside contractors:
  A. With experience and good reputation in the field.
  B. With responsible psychologist holding membership in the American Psychological Association.
II. Use in evaluation and selection:
  A. Voluntary participation. (If persons elect not to participate they will still be considered on the basis of other information available.)
  B. To be used for constructive purposes only. (Not to be basis for an adverse action.)
  C. To be used when appropriate for advancement, placement, and special assignments.
  D. Does not determine technical competence.
  E. Is only one part of total evaluation.
III. Interviews:
  A. A background interview will be conducted by the test psychologist with the employee prior to preparation of a final report.
  B. Each employee tested will receive a feedback interview from the psychologist who evaluated the test results.
  C. The feedback interview will include a review of strengths and weaknesses as outlined in the report.
IV. Proper safeguards for handling of test material and evaluations:
  A. Test answer sheets will not be reviewed by BPA at any time.
  B. Evaluation reports will be maintained by the Deputy Administrator in a locked file.
  C. Evaluation reports will only be used for constructive purposes.
V. Continuing evaluation of test validity:
  A. BPA and the contractor will review performance of employees tested and compare with the evaluation.

(An article from Electrical World, entitled "Management Newsletter," March 22, 1965, appears on p. 182.)

Mr. CORNISH. One of the tests, Mr. Chairman, is the Allport-Vernon-Lindsey Study of Values, which is listed here as the third

edition. And this is a test in which you state your preferences and the degree of preference for a statement in terms of either yes or no. I would like to cite a handful of examples from this particular test, to illustrate some of the questions which might raise an issue of invasion of privacy, or a question that they might be unrelated to the type of job being performed.

No. 2—and this is a yes or no answer—"Taking the Bible as a whole, one should regard it from the point of view of its beautiful mythology and literary style, rather than as a spiritual revelation."

No. 3, "Which of the following men do you think should be judged as contributing more to the progress of mankind, (*a*) Aristotle, (*b*) Abraham Lincoln."

Now this test also has a part 2, in which the person who answers it is asked to state or to designate which statement appeals to him most. And then the statement that appeals to him second best, third best, and least of all. An example of this is, No. 5, "If you lived in a small town, and had more than enough income for your needs, would you prefer to (*a*) apply it productively to assist commercial and industrial development; (*b*) help to advance the activities of local religious groups; (*c*) give it for the development of scientific research in your locality; (*d*) give it to the family welfare society."

The next test which has been identified as one of the ones which the Bonneville Power Administration gives to certain employees is the Edwards Personal Preference Schedule. This is a test in which you designate the answers by stating in terms of whether you may or may not like it. The proper way of answering would be designating that you like something best or that you dislike it least. And each question has two pairs of statements.

No. 19, "(*a*) I like to read books and plays in which sex plays a major part. (*b*) I like to be the center of attention in a group."

No. 142, "(*a*) I like to predict how my friends will act in various situations. (*b*) I like to participate in discussions about sex and sexual activities."

No. 159, "(*a*) I like to become sexually excited. (*b*) I like to accept the leadership of people I admire."

No. 209, "(*a*) I like to kiss attractive persons of the opposite sex. (*b*) I like to experiment and to try new things."

Mr. Chairman, in order to save time, I can put in the record some representative examples of the questions in the remaining tests, if that is agreeable.

Mr. GALLAGHER. Without objection the examples will be made a part of the record.

(The examples appear on pp. 218 and 345.)

Mr. GALLAGHER. Now, Mr. Luce, do you identify these tests as those tests that are part of your evaluation?

Mr. LUCE. I think they are. Congressman Horton has my list of them and I think the counsel for the committee has the original list, is that correct?

Mr. CORNISH. That is correct.

Mr. LUCE. It would help me if I had this list. Thank you.

Mr. CORNISH. I might say, Mr. Chairman, that the Minnesota Multiphasic Personality Inventory which we have discussed throughout these hearings is also one of the tests listed.

Mr. LUCE. That is correct. It is listed as being used only in exceptional cases.

Mr. GALLAGHER. But these tests that have been identified are the tests that we are now discussing in connection with the Bonneville Power Administration?

Mr. LUCE. They are two of the tests, Mr. Chairman, or excerpts from two of the tests.

Mr. GALLAGHER. Yes.

Mr. Romney?

Mr. ROMNEY. Mr. Luce, in your testimony this morning I recall that you stated something like this, "If we cease making these tests, the Bonneville Power Administration would, of course, not collapse." The Civil Service Commission has issued a policy statement clearly directed toward personality evaluation type tests. In view of that recent statement by the Commission, do you feel that it would be consistent with that policy to continue to administer or have a consultant administer tests of the type which we have just given examples from the four tests which I think have been mentioned either directly or indirectly by Mr. Cornish in citing specific examples of questions?

Mr. LUCE. According to my notes, Mr. Cornish mentioned two tests, is that correct?

Mr. CORNISH. No; I mentioned three tests, including the Minneapolis Multiphasic Personality Inventory. And the fourth one which I did not give examples from, in order to save time, was the Guilford Zimmerman Temperament Survey.

Mr. LUCE. What was the first one? That was not a personality test, as I recall.

Mr. CORNISH. That was a test which is described as a study of values.

Mr. LUCE. What is the title of it?

Mr. CORNISH. The Allport-Vernon-Lindsey Study of Values.

Mr. LUCE. Oh, it is just listed study of values here. Yes.

Well, to answer your question, Mr. Romney, I think as we administer these tests, and with the safeguards of privacy we have thrown around them and in the limited areas that we test, with the approval of the Civil Service Commission, under the criteria that they have enunciated, that this testing would still be proper.

Mr. ROMNEY. Have you taken steps to obtain the approval of the Commission with respect to these?

Mr. LUCE. No; but we will do that. The Commission's regulations are new, and were only made known to us, I think, about 3 days ago. We will, in due course, present the testing program that we have to the Civil Service Commission, because they have to be the final arbiters, as to whether it is consistent with criteria they have established.

Mr. ROMNEY. Let me quote from their policy statement:

> The Commission will consider proposals for the use of a particular personality test only when it has been shown by systematic research to have a direct value in making personnel decisions.

Are you prepared to present evidence of the systematic research which would validate these tests in your submission to the Commission?

Mr. LUCE. Yes; we will expect to do that.

Mr. ROMNEY. Do you have such evidence now?

Mr. LUCE. I am not a psychologist; I am a lawyer, but the tests that we have been using, as I understand it, are tests that have been developed through experience, or through research, if you want to call it that. The reason that we concentrated our testing in the Psychological Service in Pittsburgh, was that for 20 years they have been using various tests as they were developed in predicting the suitability of certain key employees in electric companies for jobs for which they are applying. Over this period, they have had the opportunity to take a backward look to see how their predictions, at the time the tests were given, squared with the results that developed when the man was placed in the job. It was on the basis of that experience with these tests that we felt this was an especially qualified firm.

Now in answer to your question of what submission we would make, we will have to request the consulting service to lay before the Civil Service Commission the research in detail that went into the preparation of their questions and into their analysis of the answers. It will then be up to the Civil Service Commission to determine whether it meets the criteria that you have just read.

Mr. GALLAGHER. I think 20 years is not a good argument, as a lawyer. For hundreds of years, people read the entrails of sheep and this has been proven rather unpredictable lately.

Mr. LUCE. I don't think that is a proper comparison, Mr. Chairman. These people aren't reading the entrails of sheep.

Mr. GALLAGHER. Well, they were the forecasters of their day. And on the testimony we have heard yesterday there is serious doubt cast on the reliability of the tests. Would not the entrails of sheep perhaps be more reliable, since the tests are not much better than the element of chance?

Mr. LUCE. We take a practical approach to this. We tested 10 people whose capabilities we knew. The testing indicated that the tests brought out the strengths, the weaknesses, of these people. Now to me that is the proof of the pudding, that is the practical proof.

Mr. ROMNEY. Mr. Luce, the recent civil service policy statement gives as one of the difficulties in the administering of tests of this type, the following' and I quote:

> In employment use, particularly, the test becomes a threatening and competitive device, which the applicant, consciously or otherwise is likely to distort in his favor.

You have cited an example of your justification in using these tests that 10 men were selected as guinea pigs to see how the particular personality tests would work out, and these were men who were already employed by the administration, many of them for some time apparently, some about to retire. Is it not true that these men, taking these tests, were not under any stress or competitive pressure when they took the tests?

Mr. LUCE. That is correct. However, we take as great a precaution as we can, Mr. Romney, to assure the people taking the test that they have full freedom of choice in the matter, and urge that they not try to outguess the tests. The testing consultant talks with them in advance and points out that the test is really to help them as much as it is management, because it doesn't do a man any good to get

into a supervisory position, if temperamentally it is going to tear him apart. So in only a very few instances, only one that I can recall, did a man actually try to outguess the test, by giving the answers he thought would best qualify him for the position. It turned out he guessed wrong.

Mr. ROMNEY. Was this one of the guinea pig men?

Mr. LUCE. Well, guinea pig is your term, not mine.

Mr. ROMNEY. I am sorry. I used this as a figure of speech.

Mr. LUCE. I don't think it is fair to our employees to call them that, Mr. Romney.

Mr. GALLAGHER. Regardless of what you call them, Mr. Luce, we have a feeling this was unfair and perhaps if we have to label these people, then the label is one the profession has given to people who have volunteered for these tests.

Mr. LUCE. I see. But this was wholly voluntary, they were honorable, fine employees and they were entirely willing to help us. They are part of the top management of the organization and we are always trying to improve this organization the best we can.

Mr. ROMNEY. But is it not true the psychological attitude of a person taking the test, knowing that a possible change of his assignment or grade is involved, would be different from the attitude of a person taking it merely to show theoretically what the results might be?

Mr. LUCE. Oh, it might be different. But I think our employees are honest, and I don't think they are going to fake answers to questions, whether they are in a competitive situation or not.

Mr. GALLAGHER. If you have a presumption of honesty, should you not also have a presumption of stability, sanity?

Mr. LUCE. I think you are dealing with two different problems.

Mr. GALLAGHER. Are we not dealing with some basic presumptions about our fellow human beings?

Mr. LUCE. Well, a man can have a temperament, I think the chairman would realize, where to be under a stress situation, where he has to make decisions and make them fast, which can affect the lives of other men, would make him uncomfortable. It might even shorten his life.

Mr. GALLAGHER. Yes.

Mr. LUCE. But a man applying for such a job might not himself realize that this promotion he was seeking was going to actually be something that he doesn't want. He is after the promotion because it involves more pay, or because his family may feel that it would be a good thing if he was promoted, and so forth. But it may not be the best thing for him.

Actually, we use these tests as much, as I said in my opening statement, as an employee consulting service, as we do for the benefit of management.

Mr. GALLAGHER. Well, you cite the stress factor as one that must be taken into consideration. We certainly agree. The President of the United States is under stress and strain, the Secretary of State, and there is a presumption on the part of the people in the country that they are stable, and we don't require them to take tests. So the stress factor is not or should not be the sole argument. It should be part of an argument.

Mr. LUCE. It is not the sole argument; it is only part of it. But as Chairman Macy pointed out yesterday, the Civil Service Commis-

sion would regard as proper this kind of testing of a man who was going to be in the tower of an airport directing traffic.

Mr. GALLAGHER. Therefore, he should be properly evaluated.

Mr. LUCE. Right. And that is what we are trying to do.

Mr. GALLAGHER. This special inquiry is concerned not only with the proper evaluation, but we are concerned with whether or not in the evaluation of these people their privacy is being violated and they are not being subjected to humiliation and indignity in having to take a test which throws up all sorts of things which should remain part of their private life.

Mr. ROMNEY. Mr. Luce, your statement—and I quote—is in part:

> The importance of psychological testing, we believe, should not be overemphasized. The appraisal based on such testing is not the primary factor in management decisions as to promotion or transfer. It is one of the many elements considered by management. Others are confidential appraisals from supervisors and fellow employees, educational background, experience, seniority, past performance, and interviews.

Mr. LUCE. That is correct.

Mr. ROMNEY. You are dealing in your cases with personnel already in the employment of the Agency, are you not?

Mr. LUCE. Right. We don't use this testing on initial employment.

Mr. ROMNEY. And most of them have been there for some time, is that not correct?

Mr. LUCE. Yes.

Mr. ROMNEY. So you have been in a position to observe their performance?

Mr. LUCE. Not necessarily in the position they are applying for.

On the white-collar side of the organization, we are largely a professional organization, principally engineers, a number of accountants, some lawyers, some economists.

Now a man might be an excellent and outstanding technical engineer. He might be the best in the organization. And we might know he is the best in the organization. But if he hasn't been in a supervisory role, we wouldn't necessarily know whether he would make a good supervisor or whether he would even be happy in that position.

Now, we might have some hunches about it, we might have guesses about it, but what we are doing with this testing, really, is to seek another aid in the selection. And one of the principal things that this testing does is aid us in the use of these other criteria.

For example, in interviews. Suppose, for example, that the answers to the test questions indicate that the man might not be happy in a supervisory position, this might create some stresses that would be distressing to him. Then, when we interview him, we go into that in particular detail. It is a guide to the interview.

Actually, all that these tests bring out could be done by interviewing alone, if you had the money and the time to have a man sit down and ask all of these questions, or most of these questions. But what the testing does is really to help the interviewer, later on, by giving him some indication of the man's personality, if we are talking about personality tests, or his aptitudes, if we are talking about that, or his interests, if we are talking about interests.

As I pointed out in my statement, about 70 or 80 percent of the testing we are doing is not personality tests; it is in the other areas, aptitude, interests and achievements.