

treat mental disease. We take the position that if they treat it, they should do so in consultation with a physician. That is the aim of our writing, and I think it is very clear.

Dr. MELTZER. May I comment on this? I think there are very tough issues wrapped up in this. I think, first of all, to counter what Dr. Legault said, we are not saying in this bill that we treat disease. The medical disclaimer part of the bill states that very clearly.

Second, in the Section 4(A) as we have it, we point out that when it is a medical problem it must be referred to a physician. This is taken care of. It is not an attempt to sneak in, in any way, as he tried to suggest.

One of the problems is the very compelling notion that when there is a disease, of course a physician is involved. I think that is true. From this, what in the world is a disease? The thing that bothers us about this section is that it is quite probable for any psychiatrist to come along and say, "That is a disease you are treating." By his definition of disease, disease can include almost anything. It is a very vague term.

For example, the Statistical and Diagnostic Manual of the American Psychiatric Association included as diseases such human problems as stuttering, nail-biting, sexual deviation, chronic misbehavior, immaturity, and criminality. All of these things can get a medical diagnosis and be called a disease.

I think all of us are just as much concerned that people not be identified as mentally ill and mentally diseased when there is no real disease there. This has done irreparable harm to patients in hospitals when this happens.

I think many times we are worried that psychiatrists are much too free in finding that a person has some deep mental illness or deep disease.

One example of this, if I might, was that FACT magazine was able to get over 2,000 psychiatrists to diagnose Barry Goldwater by mail and to claim he had some sort of mental illness. They came to the American Psychological Association, and the American Psychological Association refused to sell them names and addresses of psychologists and told them that any psychologist who tried to make a comment about this would be violating the ethical code of the American Psychological Association.

I think we have to be very careful that everything is not construed as a disease. I am afraid if this type of provision stays in here, any psychiatrist can say that a person who has misbehaved or is a criminal has some sort of medical disease. I think we have seen this in courts to an extreme extent, where every kind of behavior is claimed to be due to some sort of mental illness.

This section would, I think, give control over every psychologist by every psychiatrist, no matter what his philosophy is. This is the harm of that section.

Mr. SISK. We appreciate all your comments. I recognize there is some little difference of opinion. I am sure you are aware sometimes here on the Hill we have a difference of opinion.

I think we will move along. I shall recognize the gentleman from New Mexico or any of you gentlemen when you have questions on sections as we discuss them. Let us try to analyze the proposed amend-