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PERSONALITY TESTS AND CONSTITUTIONAL RIGHTS .

by

( Edmund W. Woodbury )

Bachelor of Arts )

( A Thesis Submitted in Partial  
Fulfillment of the Requirements for  
the Master of Arts Degree )

( Faculty of Government and Public Affairs  
in the Graduate School  
Southern Illinois University  
Edwardsville (Campus )  
( June, 1969 ) )

SOUTHERN ILLINOIS UNIVERSITY

The Graduate School

May 19, 1969

I HEREBY RECOMMEND THAT THE THESIS PREPARED UNDER MY SUPERVISION

BY

Edmund W. Woodbury

ENTITLED

Personality Tests and  
Constitutional Rights

BE ACCEPTED IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE

DEGREE OF

Master of Arts

James R. Kern  
Thesis Director

John W. Ellsworth  
Faculty Chairman

## TABLE OF CONTENTS

Chapter	Page
I. INTRODUCTION . . . . . Hypothesis Methodology	1
II. BACKGROUND OF PERSONALITY TESTS. . . . . Introduction Description of the Tests Summary of Current Practice	9
III. FIELD STUDY OF PRACTICES AND ATTITUDES . . . . . Summary Data on Organizations Data on Employees: User and Non-User Organizations Conclusion and Comments	18
IV. VALIDITY AND RELIABILITY OF PERSONALITY TESTS. . . . . Premises and Studies Expert Comments	61
V. LEGAL ISSUES INVOLVED WITH PERSONALITY TESTS AND TESTING. . . . . Right of Privacy Substantive Legal Rights	72
VI. ETHICS OF PERSONALITY TESTING. . . . .	91
VII. OTHER RELATED PRACTICES OF MIND PROBING THROUGH TECHNOLOGICAL INNOVATIONS. . . . .	97
VIII. SUMMARY AND CONCLUSION . . . . .	101
APPENDIX. . . . .	106
BIBLIOGRAPHY. . . . .	127

## CHAPTER I

### INTRODUCTION

Organizations--public and private--have sought means of improving their methods of selecting personnel, making promotions, and weeding out those considered to be unfit. In recent years the use of personality tests by personnel departments--particularly those in private business--has mushroomed. While information concerning the reliance by state, county, and municipal governments upon personality tests is not available, the Federal government makes limited use of the tests.

Widespread utilization of personality testing raises serious questions about both the validity of the tests and the moral and legal right to subject employees or prospective employees to such probing personal questions of a potentially damaging nature.

What are personality tests? Personality tests are those tests which on the basis of inquiring into an individual's interests, attitudes, opinions, beliefs, personal practices, and values attempt from the answers to measure that individual's personality. The intent of such measurement is to determine the individual's social adjustment, psychological balance, suitability for jobs and so forth. Many of the questions on personality tests are of an exceedingly personal nature. Questions asked often deal with such intimate matters as the test subject's views on and habits of religion,

politics, family life, and sex. On many of the tests the individual is penalized for supposedly lying.

Use of personality tests has raised a storm of sharp conflicts. Issues involved are the individual's privilege to remain silent on potentially damaging personal information versus the state or organization's right to know data felt to be valuable for its well-being and welfare.

Of key importance also is the individual's coerced testing by an instrument of unproven validity and reliability versus the organization's lack of hesitancy in risking use of such an instrument although often the results of the tests are a significant discriminatory determinant for the individual concerning whether or not he is employed.

While use of the tests is often lumped under the critical standards of right of privacy, the tests involve other Constitutional principles: unreasonable search and seizure, coerced self-incrimination and interrogation, and politico-religious freedom.

The purpose of this paper is to examine personality testing in light of traditional American legal and ethical values; to test by field study the attitudes of business and management on both obtaining intimate information on employees and revealing such information about themselves, and to test also employee feeling on revealing intimate information; and to review the validity, reliability, ethics, and legality of personality testing.

### Hypothesis

It is the summary hypothesis of this paper that:

Personality testing is an extra-legal investigatory activity of doubtful validity and reliability, conducted pragmatically by its users and viewed almost universally without ethical considerations in which the individual has few of the commonly accepted legal and Constitutional protections against self-incrimination, coerced interrogation and confession, guilt by association, unreasonable search and seizure, and infringement of politico-religious freedom.

From the results of this study it is also suggested that the following are true:

- 1) Personality testing is at present a pseudo-science.
- 2) Personality testing is substantial evidence that a sizeable area of an individual's life is yet unprotected by traditional legal and Constitutional guarantees.
- 3) Courts have inadequately dealt with modern methods of mind probing.
- 4) Once an individual is "abnormally" identified or labeled he can be economically ostracized and blacklisted from employment.
- 5) Even those giving personality tests are reluctant to divulge complete information about themselves. What is good for the goose is not necessarily good for the gander. Management officials are eager to know personal data about employees but reluctant to reveal personal data about themselves.
- 6) Corporate managers using personality tests believe that the "end justifies the means."

7) Job applicants express virtually no objection to personality tests to their potential employers.

8) Management likes, as much as possible, to assert an authoritarian position over job applicants and employees while at the same time management objects to being subjected to a similar authoritarian control.

9) Firms that do not use personality tests do so for pragmatic rather than ethical reasons.

#### Methodology

In addition to a review of current documents and writings, the methodology in this study principally utilized two questionnaires to interview personnel managers and employees of the largest, homebased corporations within St. Louis and St. Louis County for the purpose of obtaining objective information about the attitudes towards personality testing and attitudes towards the concept of relevant Constitutional rights such as right of privacy and so forth. Homebased firms only were deliberately selected in order that answers and reactions would, to the best degree possible, be representative of real and actual policy for the company involved. Officers and employees of one governmental organization were also interviewed.

The method utilized to gain information in the field study was the interview. Management and employees (where possible) were interviewed personally with a questionnaire. The employer questionnaire (see Appendix, Questionnaire for Employers) consisted of 30 objective questions answerable largely by a 'yes' or 'no'; 10 open-ended questions answerable by comments--brief or extended; and (Parts III



and IV--used when applicable for those who both used and endorsed personality tests without qualification), 4 hypothetical questions (Part III), and 33 personal questions (19 True or False, 6 Yes or No, 7 requiring specific information)--Part IV. The employee questionnaire (see Appendix, Questionnaire for Employees) was made up of 20 objective questions answerable largely by a 'yes' or 'no'; and, for employees who had both taken personality tests and endorsed the concept of personality testing without restriction, the same 4 hypothetical and 33 personal questions asked in the employer questionnaire. Such a questionnaire, as constructed, becomes a unique tool: a "split level" questionnaire--a term which will be explained later.

The field study and its results were not intended to determine authoritatively and definitively the thinking of the St. Louis business and governmental world on personality tests. However, it does represent a rather concrete representation of big business practices and attitudes in St. Louis.

The top personnel officers were sought in each firm. If there was a vice president in charge of personnel he was interviewed, and if not, the director of personnel was contacted. Two employees from five candidates requested for each job classification (executive, professional, clerical, and base level--factory, patrolman, etc.) were interviewed. Because of the provocative nature of some of the questions on the questionnaire, personnel officials were asked for the names of employee interview candidates prior to the actual interview. It was realized that contacting and obtaining information from the employees would be difficult due to management's reluctance

at the conclusion of its questionnaire interview. As it turned out, few employees were interviewed due to the almost complete refusal of firms to allow interviewing of their employees. Firms flatly refused other interviews.

The purpose of the employer questionnaire was to elicit objective data from personnel officers on the personality testing program of major locally headquartered corporations; to ask personal data from these same individuals to test their own "threshold of reluctance" in revealing intimate information about themselves; to determine, as well as possible, the impact of personality tests to employment decisions; and to determine what limits an individual will draw in giving information about himself.<sup>1</sup>

The questionnaire was designed and constructed to test whether, as far as management is concerned, "what's good for the goose, is good for the gander." Is a firm that uses personality testing truly a real believer in the concept of baring a man's soul? Or is there a glaring inconsistency in management's complete willingness to subject employees and job applicants to the tests but reluctance in being subjected to the same procedure?

In addition to being asked objective questions about their testing program, employment and personnel officials are asked on the personal questions intimate data on their politics, family, religion, income, and sex. These questions are either taken from selected

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<sup>1</sup>The final part of the questionnaire was designed to test whether if the material asked on personality exams was innocent and harmless, employers who opposed any restrictions on personality exams would quite willingly answer any type personality test question put to them.

personality tests or, as on sex, from those questions asked National Security job applicants and commonly given on lie detector tests. (see Appendix, Questionnaire, Part IV). In any case these questions deal with material that could easily be incorporated into a personality exam.

The field study utilizes a "split level" questionnaire. By "split level," is meant a questionnaire which is divided between, on the one hand, matter-of-fact objective, informational questions and, on the other hand, highly personal questions. The subject being questioned probably finds himself forced to present a different image of himself within the confines of a single test. The test, therefore, has potential shock value with the best chance of eliciting actual information and reactions. Questions in the last part of the test become increasingly personal so some index is provided in identifying an individual's "privacy threshold."

The employee questionnaire (see Appendix, Questionnaire for Employees) was an extension of the employer study: a study of employee attitudes toward personality testing. It seemed advisable to obtain information and attitudes from both employees as well as management by attempting to interview employees as well as employers.

The purpose of the questionnaire was to discover among employees who had taken personality tests whether they had taken the tests voluntarily (were they given a choice?), their attitudes about the validity of the tests (was the value of the test assumed?), and, for all employees, whether employed in firms that did or did not use personality tests, to find out employee attitude about the right of

management to require the tests (is it ethical in the minds of workers for employers to require job applicants and employees to take personality tests?). Those endorsing the tests would be asked personal questions identical to those asked employers who had taken the same position. It was realized that asking employees questions would present a different situation than would exist in a job-seeking situation. For the employee in this study there would be no forced incentive to answer--no job would be at stake.

Prior to being interviewed himself, the vice president in charge of personnel would be asked to furnish the names of five executive employees, five professional employees, five clerical employees, and (where applicable) five factory or base level employees. The interviewer would then select two out of the five employees in each classification to be interviewed. While this selection procedure was the only one practical for the situation, it does create a built-in bias for the company position since naturally the more faithful employees to the organization would probably be suggested by management.

## CHAPTER II

### BACKGROUND OF PERSONALITY TESTS

Not considering legal, moral, and ethical considerations it would be fine for a personnel administrator if a test existed which, other factors being equal, could infallibly spot the right man for the right job in an agency or organization on the basis of a so-called measurement of personality. While apparently no such claim has yet been made, many administrators--at least in private business--apparently hold this belief, fostered by the extravagant claims of test manufacturers.

The usefulness of personality testing is surrounded with controversy, and the Federal government in general does not yet use personality tests to the extent that private business now does. Testing practice in the Federal government varies from agency to agency. With the exception of so-called security sensitive agencies outside the Civil Service which commonly use them, use of personality tests on an employee or job applicant is discretionary and generally permitted only under special, limited circumstances.

To determine whether personality testing would serve a useful purpose in the selection of personnel two principal factors would have to be considered: 1) are the tests valid and reliable, and 2) is use of tests morally or ethically justifiable? Since there is sufficient negative evidence on both points, the Federal

government in the sensitive spotlight of public attention and criticism has not instituted widespread use of the tests.<sup>1</sup> The questions of validity and ethics of personality testing will be examined in following chapters.

A variety of question and answer tests is used in the area of personality testing. Development of such tests in earnest began in 1935,<sup>2</sup> and by 1962 there were estimated to be five hundred personality tests.<sup>3</sup> Most well known and controversial of these is the Minnesota Multiphasic Personality Inventory which is supposed to measure a person's personality profile on nine scales such as depression, hysteria, psychopathic deviate, masculinity-femininity, paranoia, and schizophrenia. Over thirty years old, it has been widely used. Other prominent tests include the Mooney Problem Check List, Edwards Personal Preference Schedule, Otis Employment Test, Washburne S-A Inventory, Minnesota Personality Scale, Strong Vocational Interest Blank, and the Bernreuter Personality Inventory. These tests by no means exhaust the plethora of testing instruments to which individuals are subjected.

#### Description of the Tests

Objections are made to the questions asked on personality tests as to their validity, relevance, scoreability, reliability, and

<sup>1</sup>U. S., Congress, Senate, Committee on the Judiciary, Subcommittee on Constitutional Rights, Hearings, Psychological Testing Procedures and the Rights of Federal Employees, 89th Congress, First Session, 1965, p. 202.

<sup>2</sup>Frank S. Freeman, Theory and Practice of Psychological Testing, (3rd ed., New York, 1962), p. 555.

<sup>3</sup>John O. Crites and Donald E. Super, Appraising Vocational Fitness, (New York, 1962), pp. 518-519.

moral justification. Moral, ethical, and legal criticisms will be dealt with in following chapters. Some of the questions asked (True or False) on the Minnesota Multiphasic Personality Inventory include the following:

- Once in a while I think of things too bad to talk about.
- My sex life is satisfactory.
- Evil spirits possess me at times.
- I have never been in trouble because of my sex behavior.
- I am very strongly attracted by members of my own sex.
- I believe women should have as much sexual freedom as men.
- I believe in a life hereafter.
- I feel sure there is only one true religion.
- I am a special agent of God.
- Christ performed miracles.
- I pray several times a week.
- I read the Bible several times a week.<sup>4</sup>

In the Mooney Problem Check List the individual being tested is to underline problems that trouble him and to circle those which trouble him most of the time. Included are the following:

- Afraid of being found out.
- Sometimes dishonest.
- Having unusual sex desires.
- Bothered by sexual thoughts or dreams.
- Worried about the effects of masturbation.
- Sexual needs unsatisfied.
- Sexually attracted to someone of my own sex.<sup>5</sup>

The Edwards Personal Preference Schedule has pairs of statements. The person being tested is either to select the one he likes the best if he likes both or if he likes neither, the one he likes the least. Sample questions include:

- A. I get so angry that I feel like throwing and breaking things.
- B. I like to avoid responsibilities and obligations.

<sup>4</sup>U. S., Congress, op. cit., p. 202.

<sup>5</sup>Ibid., pp. 507-508.

- A. I like to accomplish something of great significance.  
 B. I like to kiss attractive persons of the opposite sex.
- A. I like to talk about my achievements.  
 B. I like to listen to or tell jokes in which sex plays a major part.
- A. I feel that I am inferior to others in most respects.  
 B. I like to avoid responsibilities and obligations.<sup>6</sup>

The Otis Employment Test includes the following incomplete statements which the individual being tested is to complete in several sentences or less:

- I love \_\_\_\_\_  
 -I hate \_\_\_\_\_  
 -I feel ashamed when \_\_\_\_\_  
 -I become disgusted with \_\_\_\_\_  
 -I tell lies when \_\_\_\_\_  
 -God is \_\_\_\_\_<sup>7</sup>

On the Personnel Institute's "Ess-ay Inventory" the test taker is supposed to mark statements on a scale from "CT" (Certainly True) to "CF" (Certainly False), and the statements include the following:

The things that wealthy businessmen want the government to do are usually good for the country as a whole.

Our country should use armed force if necessary to protect the property of its citizens in Latin American countries.<sup>8</sup>

The Washburne S-A Inventory asks among other things this question:

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<sup>9</sup>

The Minnesota Personality Scale (MPS) includes the following politically colored questions to which the respondent is asked to mark

<sup>6</sup>Ibid., pp. 508-509.

<sup>7</sup>Ibid., p. 509.

<sup>8</sup>Martin Gross, The Brain Watchers (New York, 1962), p. 194.

<sup>9</sup>Ibid., p. 20.



Strongly Agree, Agree, Undecided, Disagree, or Strongly Disagree:

People should not patronize stores that are being picketed by labor unions.

The government ought to guarantee a living to those who can't find work.

Most great fortunes are made honestly.<sup>10</sup>

The Strong Vocations Interest Blank asks the test taker to mark L (Like), I (Indifferent), or D (Dislike) to such items as the following:

Army officer	<u>American Magazine</u>
bookkeeping	<u>New Republic</u>
hunting	rough-house initiations
taking long walks	foreigners
snakes	conservative people <sup>11</sup>

Examples of the questions asked on the Bernreuter Personality Inventory are the following to which the test subject is to answer Yes or No:

Do you prefer to associate with people who are younger than you?

Have books been more entertaining to you than companions?

Do you usually prefer spending an evening alone?

Are you usually considered to be indifferent to the opposite sex?<sup>12</sup>

<sup>10</sup>Ibid., p. 193.

<sup>11</sup>Ibid., p. 33.

<sup>12</sup>Ibid., p. 17.

Summary of Current Practice

## Federal Government

As was stated earlier the Federal government does not use personality tests to anywhere near the extent that private business does. In regard to U. S. Civil Service Commission policy on personality tests, John W. Macy, Jr., Chairman of the U. S. Civil Service Commission immediately prior to the current Nixon administration, stated that:

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.<sup>13</sup>

While the U. S. Civil Service Commission does not administer personality tests to all candidates for government employment, it does sanction use by individual agencies of the tests by psychiatrists or psychologists for possible use on: 1) candidates for employment with some history of psychiatric illness; 2) current government employees suspected of having some emotional disability; and 3) disability retirement cases involving a question of mental illness. Even this narrow and specialized use is hotly debated-- and has come under sharp criticism. The tests are attacked as pseudo-medical quackery having no true medical validity on the one hand,<sup>14</sup> and, on the other hand, employees have protested the nature

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<sup>13</sup>U. S., Congress, op. cit., p. 202.

<sup>14</sup>Ibid., pp. 442-494.

and character on many of the questions asked on the tests which are potentially self-incriminating and felt to be an invasion of privacy.<sup>15</sup>

As a result of employee objection, the State Department, which follows a policy on personality testing similar to that of the Civil Service, withdrew from use the Minnesota Multiphasic Personality Inventory--a test heavily loaded with controversial questions.<sup>16</sup> On other tests the employee to be tested is told that he may omit answering any question he wishes "without prejudice."

Outside of security and intelligence agencies and the military, the only known Federal agencies that make general use of personality tests are the Peace Corps, which administers personality tests to all candidates for its program of volunteer foreign service, the Federal Aviation Agency, and the Bonneville Power Administration. For the Peace Corps, the MMPI, or Minnesota Multiphasic Personality Inventory, is used, and those being tested are expected to complete the test without omitting questions.

Opinions of Federal officials on the subject of personality tests is equivocal. The then Chairman John W. Macy, Jr. of the U. S. Civil Service Commission states that:

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.

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<sup>15</sup>Ibid., pp. 494-509.

<sup>16</sup>Ibid., pp. 6-12.

- 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 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.<sup>17</sup>

On the other hand, as pointed out earlier, Macy permits use of personality tests by a psychiatrist or psychologist "in connection with medical determination for employment or fitness for duty."<sup>18</sup> However, Sargent Shriver, speaking then as Director of the Peace Corps, staunchly defends the universal usage of personality tests in the Peace Corps selection process:

On a completed project basis, only 8 percent of all volunteers have failed to complete their service for reasons related to 'personal adjustment.' Fewer than seven-tenths of 1 percent have returned because of psychiatric difficulties.<sup>19</sup>

But most Federal officials are sensitive and defensive in discussing personality tests as illustrated by the testimony before the Senate Subcommittee on Constitutional Rights in 1965.<sup>20</sup>

#### Private Employment

Precise figures on the use of personality tests in business are unavailable although A. F. Westin found through a questionnaire survey that about half of the corporations contacted used them.<sup>21</sup> In a

<sup>17</sup>Ibid., p. 202.

<sup>18</sup>Idem.

<sup>19</sup>Ibid., p. 138.

<sup>20</sup>Ibid., pp. 4-30, 180-196, 201-216, 220-233.

<sup>21</sup>A. F. Westin, Privacy and Freedom (New York, 1967), p. 136.

recent national survey conducted by the Bureau of Business Research of the University of Texas, 56 percent of those answering the query used some form of personality or "interest" test.<sup>22</sup> Listed by Martin Gross among the users of personality tests were the following leading American enterprises: Westinghouse; Sears, Roebuck; Pan American World Airways; Johnson and Johnson; Tidewater Oil; Long Island Lighting; Standard Oil of New Jersey; Benton and Bowles Advertising; U. S. Rubber; American Machine and Foundry; Republic Steel; International Business Machines; International Telephone and Telegraph; Borden Company; Lever Brothers; Carnation Company; Burlington Industries; Hartford Fire Insurance; and even Fanny Farmer Candy Shops.<sup>23</sup>

It would be hazardous to guess the number of Americans subjected to personality exams, but the figure would easily be in the millions. For these millions, successfully completing a personality exam is a prerequisite to obtaining a job or getting a promotion.

#### Other

Use of personality tests in educational institutions is common, also. Thousands and thousands of school children and college students are subjected to these tests annually. Usually parental consent is not even sought. Occasionally, as Vance Packard records, controversies have broken out when students are asked, for example, to "tell a story about Blackie [a dog]" and parents find their children are being measured for such items as "penis envy."<sup>24</sup>

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<sup>22</sup>Gross, op. cit., p. 6.

<sup>23</sup>Ibid., p. 7.

<sup>24</sup>Vance Packard, The Naked Society (New York, 1964), pp. 141-143.

## CHAPTER III

### FIELD STUDY OF PRACTICES AND ATTITUDES

#### Summary

From the results of the field research conducted, it would appear that business, at least in the St. Louis area, sees no moral issue involved in use of personality tests. While only half of the organizations studied utilized the tests, even those not using the tests generally had no objection to the tests other than their lack of usefulness. The whole idea of personality testing is viewed pragmatically and, almost without exception, there is an absence of ethical concern.

Among those interviewed there was unanimous opposition to any legal regulation of the methods of personnel selection. Prohibition of the use of personality tests was opposed by both users and non-users alike. Even legal control of the nature of the questions asked on personality tests was rejected although two employers expressed misgivings about certain types of questions asked.

Other than personality tests as a method of personal inquiry into the lives of job applicants and employees, all firms made use at least on some individuals of credit or security investigations. None stated that lie detectors were used.

Employers do exhibit discomfort at certain scars in job applicants' records. While all firms would hire those who had been

arrested and most would hire those who had been mentally ill, it was generally indicated that such individuals would be considered last for employment. Uncomfortable feelings were particularly expressed about those with any history of mental illness. Employers in other words do seem to be sensitive about the 'type' of employee they hire.

Verified from the field study was the fact that while users of personality tests endorse an instrument for extraction of personal information from employees and employees to be, these same individuals are reluctant about answering certain personal questions about themselves and revealing intimate data on themselves. Employers can justify their use of personality tests, and employees can dismiss the tests as no bother. However, as was discovered in this study, neither employer nor employee is completely insensitive to the privacy principles that such tests involve.

As expected, certain replies to selected questions would eliminate a job applicant from consideration for employment, despite statements of test makers to the contrary. In other words, there are "right" and "wrong" answers on personality tests. Certain test questions are definitely incriminatory.

Confidentiality of test results and information was not guaranteed. None of the organizations studied who used the tests destroyed or had destroyed the completed tests. One major firm even passed on employee test data to firms inquiring about the individual as a prospective employee.

Employee data are not extensive enough to present any firm conclusions, but if a limited sample is any indicator, the lower level employee has more misgivings about personality testing. If he, on the other hand, approves of the tests, he readily divulges personal information about himself. This is in contrast to executive employees and personnel vice-presidents who exhibited reluctance in answering certain questions.

While not proved from the data, it could be theorized that lower level employees, structured in more submissive roles, both feel greater insecurities about conditions of employment such as personality tests and, on the other hand, when questioned even about most intimate subjects, feel compelled to answer.

#### Data on Organizations

##### User Employers

In the use of personality tests, the six firms studied divided evenly--three were users of personality tests and three were not, at least currently. The one public agency studied--a county police department--was also a user of personality tests.

Of the 3 firms using personality tests, one, "C", used the tests only infrequently, in counseling situations which were ostensibly unrelated to hiring-firing or promotion situations. The other two--A and B--used the tests on job applicants: A for executive and professional positions and B for professional positions--salesmen--only. Firm A, but not B, also used personality tests for promotion purposes and different job assignments. Firm A which used an outside



testing agency did not know the names of the tests used on its employees and job applicants while B used principally the Edwards preference and the Guilford Zimmerman plus some "special ones." Firm C used the Kuder Preference Test, Strong Vocational Interest Test, and the Thurstone Test.

All three firms had been using personality tests for some time-- 8 or more, 35, and 10 to 15 years respectively. Both firms A and B would not state that they turned down anybody on the basis of their test scores alone. B said taking the test was "compulsory" while A and C said it was "voluntary"--"always" according to A. For A, the job applicant or employee is told that he may decline taking the test if he chooses, but B does not give the individual this option. The employee in firm C is also told he may decline taking the test. Neither of the three firms tells the job applicant or employee that he may omit answering certain questions on the test.

None of the three firms has ever had a job applicant or employee refuse to take a personality test, and A never has had any objections to the questions asked on the tests. B has had objections to particular questions asked on the tests although they are "one out of 10,000. . . (someone) says the questions are silly, but the great majority don't comment." Firm C stated that some employees express comments saying the forced choices required in answering test questions were felt to be too difficult.

A has an outside agency conduct and evaluate the tests while B and C do their own testing and evaluating. Neither of the personnel individuals interviewed had submitted to a personality test as a

condition of his own employment with the firm; although A had had to take tests subsequently in connection with promotions and B had taken the tests for his own amusement. Both claimed they answered all questions truthfully.

When asked whether the firm retained the completed tests of a job applicant or employee or whether it was destroyed, A replied that a "verbal interpretation" of the test was retained although only the testing agency actually had the exam. C stated that only the score was kept, not the test. Data for the following items is lacking from B due to a missing page in his interview questionnaire.

Both A and C said that only the personnel department had access to an individual's test score or interpretation although C admitted that if someone outside the department asked, he was given a verbal interpretation of the test. Both A and C indicated that the test score or interpretation was put in the employee's permanent files.

A and C indicated that they discuss the test results with the test subject, or rather in A's case, its testing agency does.

C had deleted the use of particular tests "in certain areas" while A did not know whether any of the tests used by its testing agency had been changed, added, or deleted.

The three users of personality tests present a virtually solid phalanx both in ethically justifying the use of personality tests and in opposing any legal restrictions either on the giving of the tests or on the nature of the questions asked in the tests. Four questions--20, 21, 22, and 23--were asked all organizations interviewed in this survey regarding the ethics and possible legal

restriction of personality tests. Question number 20 asked, "Do you feel the subjection of a job applicant (or employee) to taking a personality test is morally justifiable?" A and B, as almost with every other organization--user or non-user, replied that "Yes" it is morally justifiable. C held that personality tests were not morally justifiable in employment situations or at least not for pragmatic reasons--"a waste of time." However, C felt that "for what we're doing they are all right."

Question 21 asked, "Would you favor a law banning the use of personality tests for employment?" "No" was answered by A, B, and C--as was the reply of every organization queried in the survey.

"No" was also the uniform answer of A, B, and C to the question 22, "Would you favor a law banning the use of personality tests for internal corporate personnel decisions?"

Key question 23 asked organizations, "Would you favor a law restricting the nature of questions asked on personality tests?", and again the replies from businesses and the one governmental department indicated, without exception, opposition to such a legal restriction. For users of personality tests this question and the morality question--number 21--were trigger questions to those additional questions asked in Part IV and V of the questionnaire.

Questions 24 through 28 on Part I of the questionnaire were also asked of all organizations. They dealt with other employer practices in investigating job applicants and employees and employer attitudes towards those who might previously have failed a personality test, those under psychiatric care, those previously hospitalized for

mental illness, and those who had been arrested. A, B, and C all denied using lie detector tests on job applicants, but all three used at least to some extent security checks or credit investigations on prospective employees. A emphasized that its retail credit checks were made usually on "lower level employees."

A and C stated that they would hire an individual if they knew he had made failing scores on personality tests administered to him earlier in life, or in the case of A it was stated that such an event "would not knock out" an individual from consideration. B, on the other hand, would not hire such a job applicant, at least "all other things being equal."

A and B indicated that they would hire a job applicant if he were under psychiatric care, but they added somewhat contradictory reservations. A felt that this situation was "not in itself enough to rule out" a job applicant, and B said that such an individual would be hired "sometimes. . .it would depend on the diagnosis." C refused to give a "yes" or "no" but stated that it "would depend."

All three organizations said that they would hire an individual job applicant if he had been previously hospitalized for mental illness. B emphasized, however, that he would "have to consider the job and the man." When asked if they would hire an applicant who had been hospitalized several times, the answers showed more reluctance. A answered "don't know," B replied "Yes," but it would be "less likely. . .we would want to investigate," and C stated that it would depend on the situation.

A and B were questioned on whether they had "ever hired both those who passed and failed their personality tests and later

compared their job performance" (question 29). A said "no," but B claimed that his firm had. The question was non-applicable to C who did not use the tests in job applicant situations.

In Part II--Open-ended questions--the first four questions were asked of all employers--both users and non-users of personality tests. Question 1 asked, "Why does or doesn't your firm use personality tests?" A replied that the tests are "expensive and I don't feel they are necessary for everyone, but they are used to help find out the potential of a man." B stated that the tests were used "in part because they have diagnostic value." C, in contradiction to A and B, said that personality tests for job applicants were not needed and that he "can't imagine a case" for them. His use of the tests was that, in a situation where one could fire, transfer, or counsel a problem employee, it was better to use the tests in seeking to help the individual.

Question 2 asked, "Do you believe that the personality tests that you use (or could use) are valid and reliable?" "Why?" A, B, and C stated that the tests were valid and reliable. A justified this belief on his "own experience" of testing on himself and on other individuals he knew. He felt there was a correlation between the test and future performance. B qualified his answer by saying that the tests have "some validity and some reliability. . .[it is] just one factor in five. . .a little straw in the wind." C felt the tests were standardized by test manufacturers on control groups. He added that those tested had already been talked to and that he felt that he knew the problem at hand "pretty well." The test was used, therefore, to confirm his feeling.

A, B, and C had no ethical qualms about giving personality tests to job applicants and employees. Question 3 was: "Do you believe it is ethically justifiable to use personality tests on job applicants (and employees)?" "Why?" A quickly replied, "Why not?" and the matter was dismissed by B who said that there were "no ethics involved." C said it was justifiable because it was "helpful."

Employers were asked in question 4, "Do you feel that personality testing is an invasion of privacy to the job applicant or employee?" "Why?" It was felt by users of tests that privacy was either not invaded, was expected to be invaded, or was not the issue involved. A said that privacy was not invaded by the tests "if properly given. . .by a trained expert who has a good reputation." B flatly replied that such personality tests were "part of getting a job. . .like a woman taking off her clothes in front of a physician." C gave a "qualified yes" saying that this was true with some tests but that in a counseling situation privacy was not at issue since it was hoped the employee would be as frank as possible since the testing was intended to be to his advantage.

Questions 5 through 8 on Part II of the questionnaire were asked only of the users of personality tests and dealt with test validity and lying, confidentiality of test results, attitude towards those failing the test, and the employer's view of a test score. A, B, and C all were unsure whether test subjects lied on tests. A stated that "[we] don't know. . .have to rely on the tester." Feeling there was some protection built into the test, he added that "there are indicators on tests." B stated about lying, "we don't [know] . . .but

questions are selected and only those felt to be significant are chosen." This indicated that many questions were asked, but only certain replies were used computing the subject's score. C also indicated about lying that "[we] don't know" but added that since the test situation was not one in which a job was at stake the atmosphere of mutual help minimized lying.

A varied picture was presented of the confidentiality of completed exams and test scores. A stated that the "exam was kept by the agency, and as for the score or report: only the personnel director and the director of planning and development, as well as officers of the firm, have access to them." B declared, however, that the exams "are on file in the sales manager and vice president's office and the results are passed on to other firms when the employee moves on." C said that all personnel files were "kept under lock and key" and that "only the personnel staff and divisional managers" have access to the information.

Not much concern was expressed by employers for those who might "fail" a personality test. Employers using the test were asked, "What should an applicant do who fails the personality test?"(7) and, as sub-questions, "Who do you feel should hire him?"(7a) and lastly, a hypothetical question, "If such an individual cannot obtain a job because of his scores on such tests, do you feel he should be a recipient of Government welfare?"(7b). To number 7, A replied that it "wouldn't fire employees" because of the tests although certainly their prospects for advancement would be limited. As for who should hire one who fails tests, A merely said "others. . . [the

individual applying for a job will improve because he] gets a better understanding from the test." About Government welfare for those barred from jobs because of their personality test scores, A casually declared "[I] never thought about this." B expressed apparent indifference. To question 7, on the future of those that fail the tests, B's reply was "if [the individual's] good enough in other things, he will get a job." Who should hire him? (7a) B: "anyone." On the question of possible Government welfare, B stated "no. . . [it is] just unfortunate; he should get a job working with his hands." C thought question 7 and its sub-parts "too hypothetical." There was "no neat answer. . . some were simply unemployable," but C thought, however, that an individual should do "some real looking into himself," implying that he could make a better score the next time around. C would not like Government aid to test failures.

Users of personality tests were asked the problem question: "What does a certain score, such as X percentile, percentage or profile, mean to you in evaluating a job applicant (or employee)?" This question attempted to hit at what factors are actually being measured and what is a desirable or undesirable score. The answers given by A, B, and C were rather general and not precise, failing to provide any in depth insights into management standards. A merely stated that it had a "salesman profile" based on a "study of values," but that for management, it had no profile. B said that it did not use percentiles but instead had its own scale from "Top (name of firm)" to "Unacceptable." C set its own limits, not following any guidelines. Middle range scores were "OK," but the "extremely high or extremely low" scores were carefully examined.



Questions 9 and 10 were asked of all employers--users and non-users of personality tests--and dealt with an inquiry into the rationale behind employer security practices. Employers were asked: "Why does or doesn't your firm use lie detector tests on job applicants (or employees)?" None used them, according to replies. Stating a strongly critical position in contrast to its position on personality tests, A declared that use of such tests would be "insulting the people we're hiring. . . [it] indicates lack of confidence." B put forth an answer mixed of morality and pragmatism: "Why would we? . . . We would really start invading things then. We don't think they are essential." C's answer was strictly utilitarian: "[Lie detector tests] are not felt to be necessary. You only use what you have to."

The last question in Part II inquired, "Why do you or don't you run security checks or credit investigations on prospective employees?" A sub-question asked about such investigations on employees. Users, as well as non-users, of personality tests universally practiced such personal investigations. A said that "it is done in a small number of cases; we are confident of most employees, but we might run one on clerks." A said such investigations "might" be run on employees. B declared that a security investigation was an "attempt to get a complete picture on an individual. . . used when needed for key jobs." According to B they were not run on employees. C stated that such investigations were made on "out of town applicants such as salesmen because we don't know them. . . we know the neighborhoods around here." Investigations were made on employees, but they were "very rare," such as in a "wage garnishing" case.

Users of personality tests, only, were asked the questions in Part III of the questionnaire. These questions were taken from personality exams and were asked employers to determine a) whether it is correct to say "there are no right or wrong answers" on the exams, and b) whether the particular reply by a test subject to a certain question can disqualify him from consideration for employment. A and B were given Part III, but C was not since C did not use the tests in an employment or promotion, job assignment, etc. situation.

A and B were asked, "Would you hire a job applicant who answered TRUE to the following questions?" The questions and their responses by A and B are as follows:

1. "I am a special agent of God."

A and B: "Don't know." A: "would depend on other answers" and B: "wouldn't reject, but [such a response] sends up a red flag."

2. "I am very strongly attracted by members of my own sex."

A and B: "No." A: "very unlikely."

3. "I lack self-confidence."

A: "Yes" and B: "No." A: "I might" and B: "not for sales position."

4. "I daydream frequently."

A: "Yes" and B: "No." A added: "[such an answer] would be cause for a real careful look."

Part III definitely showed that questions on personality tests can be self-incriminating and can serve to bar applicants from employment.

Users of personality tests who both endorsed the ethics of the tests (question 20) and opposed restrictions on the nature of the

questions asked on the tests (question 23) were asked Part IV of the questionnaire, a section containing personality test questions and other questions of a personal nature dealing with politics, family, religion, income, and sex. The purpose, as explained earlier, was to test the willingness or reluctance of confirmed users of personality tests to answer the type of questions asked of job applicants and/or employees on personality tests. Furthermore it was to test whether those endorsing an instrument probing matters of a personal nature would themselves balk at answering questions of an intimate personal nature. In part the procedure used here in the field study was intended to find out whether certain employers were merely insensitive to or unconcerned about inquiries of a personal nature or whether in fact they represented a double standard when considering themselves as opposed to job applicants or employees. Some of the questions, though not phrased as personality test questions, were questions of a type asked in lie detector exams by such governmental agencies as the National Security Agency and even by private firms.

Having qualified under the standards established, the questions were asked of A and B but not of C since 1) C used the tests in a situation unrelated to employment, job placement, promotion, etc.; 2) C was critical of the use of tests in such situations.

Questions and their subject matter were intended to be of a gradually increasing degree of intimacy section by section in Part IV of the questionnaire. The first section--politics--dealt with politically colored questions. The questions, all true or false except the first one, and their responses are as follows:

1. Who did you vote for in the last Presidential election:

Johnson \_\_\_\_\_ Goldwater II Didn't vote \_\_\_\_\_ Refused \_\_\_\_\_

2. (T & F) Most people are poor because of their own fault.

True \_\_\_\_\_ False II Don't know \_\_\_\_\_ Refused \_\_\_\_\_

3. I am dissatisfied with the way our country is governed.

True II False \_\_\_\_\_ Sometimes \_\_\_\_\_ Refused \_\_\_\_\_

4. I have received unemployment compensation at some point during my life.

True \_\_\_\_\_ False II Refused \_\_\_\_\_

5. I think Lincoln was greater than Washington.

B replied "True," but A stated: "this is the type of question I object to. . .they were both great--hard to answer."

6. I have held 'leftist' views at one time in my life.

B replied "False," but A did not answer directly but said, "This is a when did you stop beating your wife question."

7. I presently belong to some 'right wing' organizations.

True \_\_\_\_\_ False II Refused \_\_\_\_\_

The second group of questions pertained to the test subject's family and family life. With the exception of the first question, the inquiries were "True or False" statements.

8. Are you married?

Yes II No \_\_\_\_\_ Other \_\_\_\_\_ Refused \_\_\_\_\_

9. My home as a child was less peaceful and quiet than that of most people.

False II

10. I was frequently punished as a child by my parents.

False II

11. I love my father more than my mother.

False I(B) Refused I(A)

12. I have an unhappy home life.

False II

13. I never quarrel with my wife.

False II

14. I am disappointed with the progress my children are making in school.

True I(A) False I(B)

15. I get less understanding at home than elsewhere.

False II

The third group of questions dealt with religion and religious beliefs and practices. The True-False questions and their answers are as follows:

16. I don't believe in a life hereafter.

False II

17. I don't attend church as much as I should.

True I(B) False I(A)

18. I pray several times a week.

True II

19. I read the Bible several times a week.

False II

20. Religion is a waste of time for me.

False II

21. I believe there is just one true religion.

False I(B) A: "I don't know what is meant by religion."

On the above True-False questions, most of which were taken from the Minnesota Multiphasic Inventory, the employers exhibited, with some exceptions, little reluctance in answering although the questions probed into personal matters. On several of the questions, A, like many job applicants, had difficulty answering. Employers were then asked more direct questions and on more sensitive subjects. Five questions were asked on the subject's income and financial status. On these subjects A and B balked.

Concerning income, there was a general refusal to give information despite the almost universal practice by employers of inquiring about the past income of a job applicant and often additional financial data. Question 22 asked, "Approximately how much gross income did you earn last year?" A replied "over \$25,000," and B first said "\$50,000" but subsequently requested that his answer be erased. He testily stated that such information could be used for blackmail purposes against him. Both A and B would give no comment to the question: "What is the approximate current value of your assets?" Question 24 inquired, "What approximate percentage of your assets are the results of inherited wealth?" A stated: "substantial," and B said "none." Employers using and endorsing personality tests without restriction were asked in question 25, "If you were to sell your home now, how much would you ask for it?" A replied "\$50,000," but B answered "no comment." Both A and B gave "no comment" as the reply to question 26 which asked, "How much state and federal income tax did you pay last year?"

Users of personality tests who unqualifiedly endorsed them were asked seven personal questions on sex. Questions of this sort are

common in some types of personnel screening--often asked with subject attached to a polygraph machine. While the subject of course was free to lie, the questions were intended to discover the employers reaction to intimate personal questions--involving the issue of intimate personal inquiry that these same employers had endorsed for use on job applicants and employees. The response was one of refusal to answer by B and an apparently straightforward response with two objections by A.

Question 27 asked, "Did you masturbate during your adolescent years?" A answered, "I object. . .I know figures show that this is common, but I object." B heatedly replied, "It is a question that is asked on personality tests, but I don't think I'll answer it." B went on to say, "If the remaining questions are of the same character, we're wasting our time. . .For security reasons I would not want to tell."

The remaining questions were asked then only of A. A answered "No" to questions 28 and 29, "Did you and your wife disagree on the number of children you wanted?" and "Did you ever engage in premarital sexual relations?" A refused to answer question 30 which inquired, "How often a month do you have sexual intercourse with your wife?" "No" was given to questions 31, 32, and 33: "Since marriage have you had sexual intercourse with anyone other than your wife?," "Have you ever engaged in homosexual activities?," and "Are you a homosexual?"

The study undertaken clearly indicated that while employers will unqualifiedly endorse an instrument of personal inquiry and will

oppose restrictions on the nature of questions asked on the exams, they themselves will be less than candid on personal and intimate questions directed to them. In personal inquiry related to a job situation, the employee, therefore, is in an inferior, defensive, and potentially damaging position because a job--his job or job-to-be--is at stake. Either to reveal or withhold information can be damaging to the employee or job applicant. Rather than showing that employers were insensitive to personal matters, the study seemed to show that as far as they were concerned certain items involved a trespass on right of privacy for themselves but as far as seeing the same issue for job applicants and employees they were insensitive. Clearly a double standard exists.

One governmental organization (D) was interviewed, and it turned out to be a user of personality tests. The unit studied was a law enforcement body, and the employer interviewed was the superintendent.

Applicants for patrolman, only, are given personality tests which are administered by the county civil service personnel agency. Thus applicants for clerical positions are not subjected to the tests. Once a member of the force, the patrolman does not have to take the tests again for promotion, different job assignments, or health reasons.

The test given is the Guilford-Martin along with an oral interview, and this screening procedure has been used ever since July, 1955, or the beginning of the agency. The superintendent revealed that there were applicants turned down on the basis of their test scores. Taking the test is compulsory; the job applicant is neither



told that he may decline taking the test nor that he may omit answering certain questions on the test.

However, no job applicant has ever refused to take the test or in the words of the employer, "not to my knowledge." None has ever objected to answering any particular question on the test.

The employer neither had to take a personality test as a condition of his original employment with the agency nor has he had to take tests subsequently.

The completed test of a job applicant is retained, but by the Civil Service personnel agency. Access to the test and its completed questions is solely in the hands of the Department of Personnel of Civil Service and not in the law enforcement agency itself. The completed exam is not put in the employee's personnel file.

The applicant is informed that he failed the personality test if this occurs.

There have been changes in the particular tests given through the years although the actual changes could not be recalled.

The employer was then asked the general legal and ethical questions asked of all those interviewed in the field survey. "Do you feel the subjection of a job applicant (or employee) to taking a personality test is morally justifiable?" He answered "Yes." "Would you favor a law banning the use of personality tests for employment?" The reply: "No." "Would you favor a law banning the use of personality tests for internal corporate personnel decisions?" This was also answered "No."

However, on the second of the two key trigger questions, the employer equivocated. "Would you favor a law restricting the nature

of questions asked on personality tests?" The superintendent answered that "I can't give a hard 'yes' or 'no'. . . I do object to some questions." With this answer he was consequently not asked the personality test questions and intimacy indicator questions of Part IV of the questionnaire.

His agency did not use lie detector tests on job applicants or employees, but it did run security checks on prospective employees. The superintendent would hire those who had made failing scores on personality tests but would not hire an applicant under psychiatric care or one who had ever been hospitalized for mental illness.

His agency had never run a validity test of hiring both those who had passed and failed their personality tests and later comparing their performance.

The superintendent of the law enforcement agency was then asked the open-ended comment questions. When asked why his organization used personality tests, he replied, "Our work requires a certain type of personality; for example, our men are at times berated by citizens and they have to be not bothered." He felt the tests were both valid and reliable. He stated: "The test shows certain personality traits that will contribute to being a good officer." These traits were not listed.

Asked if he thought it was ethical and justifiable to use the tests, he answered "Yes" and gave as a justification the pragmatic point that they were "needed for getting the right policemen."

But questioned whether or not he felt personality testing was an invasion of privacy to the job applicant or employee, he

equivocated saying that "to a certain degree it might but an employee has to be a certain personality tenor."

About lying on test questions, he felt that the tests "are so arranged that the applicant can't get to it."

What should an applicant do who fails the personality tests? The superintendent replied merely that such an individual "just isn't cut out for police work." If the individual could not obtain a job elsewhere because of his personality test score? The employer answered: "He could make a living somewhere even if it were digging ditches."

On lie detector tests, employer D stated: "This is the real intrusion on a man's privacy." He remarked that St. Louis had once done this with unfortunate results. Asked why he ran security or credit checks, he remarked, "Police work is one of a critical nature. A policeman must be able to retain and not divulge confidential information. He can't be a dead beat." Checks are not run on employees but only on job applicants.

Although D did not meet the conditions for being asked the personality test and personal questions in Part IV, he was asked the hypothetical questions in Part III. He would not hire any job applicant who replied 'yes' to any of the four questions in Part III ("I am a special agent of God," etc.).

D was an example of a governmental body although by the nature of its work not necessarily a typical one. It did exhibit some consciousness of the issue of "informational intimacy" in contrast to private employers A and B although it also felt personality tests as such were a justifiable personnel selection instrument.

## Non-User Employers

Three firms interviewed (E, F, and G) were non-users of personality tests. As the study shows, however, their reasons for not using the tests are pragmatic rather than ethical. Legal restrictions on the use of personality tests were opposed by this group, also.

E had experimentally given personality tests at one time or another to all job applicant classifications and stated that some of its individual plants and offices might still do so. F at one time--about 8 to 10 years ago--had given the tests to some employee candidates for salesman. Neither firm could remember the names of the tests given although E did state that the MMPI was one of the tests. G stated that the tests had never been used by his firm.

When asked about their opinions on the tests and testing, two of the employers were evasive. In reply to the question, "Do you feel the subjection of a job applicant (or employee) to taking a personality test is morally justifiable?" E said "Yes," and F stated, "I can't answer; I'm not aware of the tests," and G claimed that he had "no knowledge of the tests."

Two opposed a law that would ban the use of personality tests for employment, and G merely stated "No opinion." Asked about whether they favored a law banning the use of personality tests for internal corporate decisions, E and F answered "No" while G flatly stated that there should be "no laws limiting business."

None of the respondents strongly supported a law restricting the nature of questions asked on personality tests (question 23--

trigger question for users of personality tests). E said "Possibly." F said "Don't know," and G said "No."

All three of the firms claimed that they did not use lie detector tests on job applicants or employees, but all three admitted that they ran security checks or credit investigations on at least some prospective employees.

Two firms (F and G) said they would hire an individual if they knew he made failing scores on personality tests administered earlier in life, but E answered "Perhaps" stating that "it would have to be considered, when and under what circumstances."

Two of the firms (E and G) would not hire a job applicant if he were under psychiatric care while one (F) "Didn't know." The same firms (E and G) would not hire those previously hospitalized for mental illness, but F said that it would, even if the applicant had been hospitalized several times.

Asked about applicants with arrest records, E stated that it would "have to know the circumstances. . .if it was serious, no." F stated that it would hire such individuals even if the person had several arrests. E said that an individual with several arrests would be ruled out.

Non-users of personality tests were asked the applicable open-ended questions which were also directed at personality test users. Question 1 inquired, "Why (does or) doesn't your firm use personality tests?" E replied: "We've never been able to determine their real validity." F answered: "I don't like them. . .no one has pressed me into using them. . .they're controversial, and I am not convinced of

their worth." G stated: "I never felt the need for them. Most of our employees come right out of high school. After three years we know everything about them."

Employers were asked in question 2, "Do you believe that the personality tests that you (use or) could use are valid and reliable?" "Why?" E as stated above did not think so. F declared, "I haven't seen one yet. . .the salesman who failed the test turned out to be the best." G's reply was, "I can't answer; I don't know."

"Do you believe it is ethically justifiable to use personality tests on job applicants (and employees)?" "Why?", question 3 asked. One answer was affirmative, and the two others were equivocal. E stated that "there is nothing wrong with it." F replied, "This is not an ethical question, but the questions are stupid. . .who cares about bed wetting as long as he [baseball player] can do the job." G said, "In our business 'no,' but other businesses should be able to. . .they might be of a different type and of help to them."

Employers were then asked more specifically, "Do you feel personality testing is an invasion of privacy to the job applicant or employee?" "Why?" E admitted that "some of them are." F said, "It is not an invasion of privacy to ask whether one goes to church, but to ask whether one is Catholic, Protestant, or Jew is, as are sex questions." G simply stated, "It is," in contrast to his earlier comments.

Non-users of personality tests were asked their reasons for or opinions about other job applicant and employee investigative practices. To the inquiry, "Why does or doesn't your firm use lie

detector tests on job applicant (or employees)?" E responded: "We never found them to be necessary to obtain good people" and F said merely, "I disapprove of them." On this question and the next, G was inadvertently missed.

Question 10 asked, "Why do you or don't you run security checks or credit investigations on prospective employees?" The replies were oblique and not directly to the point. E stated that this was done in plants because "lower employees are more liable to have a bad record. . .on a higher level we don't do it." F explained that "sometimes it is done because of the nature of the job. . .you wouldn't want anyone as a chauffeur for Mr. \_\_\_\_\_ [name of principal owner]." On employees, however, F stated that this was not done, and E declared that it was "done as required."

As outlined earlier, even the non-users of personality tests exhibited on the whole a basically pragmatic rather than ethical approach to the issue of personality testing.

#### Data on Employees: User and Non-User Organizations

This study sought to interview different levels of employees and to obtain their attitudes towards personality tests. Data obtained are limited since most firms declined to have their employees interviewed. Reasons usually given were that such practices would be disruptive, cause union-management friction, and would be too costly in terms of lost working time to the firm. Nevertheless, employees of two organizations were interviewed--the public organization which was a user and E which was a non-user of the tests. After being asked their name, title, age, number of years with firm, and number

of years in present position, employees were asked a series of questions depending upon whether they had taken a personality test as a condition of their employment. Employees were divided into four classes: executive, professional, clerical, and worker or base level employee (factory worker, patrolman, etc.).

After the routine data questions, the next question asked was, "Did you take a personality test as one of the conditions of your employment?" Of the two executives of the user organization, one replied "Yes" and the other, "No." Both clerical employees replied "No," but both patrolmen (base level employee) replied "Yes." No "professional" employees were available for interviewing (the organization had only one anyway).

The executive (manager of professional employment in one of E's divisions) of the non-user firm answered "No." It was to turn out that during his employment with E the executive did indeed take a personality test. Because of his answers to questions on the questionnaire, he was later asked the personal questions, and his reaction to them was evidently so strong he lodged a protest with his corporate superiors. The result was that firm E terminated the scheduled interviews with other employees.

Question 3 inquired, "Have you since becoming an employee ever taken a personality test in connection with a possible promotion, different job assignment or health reasons?" Executives, clerical employees, and patrolmen of the user organization all answered "No." Surprisingly the executive of the non-user firm answered "Yes," and when asked whether for promotion, different job assignment, or health reasons, he replied "guidance."



As determined by the answers given to the previous questions, one of the two executives and the two patrolmen of the user organization and the executive of the non-user organization were asked the following set of questions:

- 4) Did you believe that the test was capable of making a true evaluation of your personality?

User--

Executive: "Don't know"

Patrolman: "No," "No."

Non-user--

Executive: "Yes--with other tests included"

- 5) Did you object, though silently, to taking the test?

User--

Executive: "No"

Patrolman: "No," "No."

Non-user--

Executive: "No"

- 6) Did you voice objections about your being required to take the test(s)?

User--

Executive: "No"

Patrolman: "No," "No."

Non-user--

Executive: "No"

- 7) Did you object to particular questions asked on the personality test(s)?

User--

Executive: "No"

Patrolman: "No," "No."

Non-user--

Executive: "No"

- 8) Did you voice your objections about your being asked particular questions on the personality tests?

User--

Executive: "No"

Patrolman: "No," "No."

Non-user--

Executive: "No"

- 9) Did you answer all the questions truthfully?

User--

Executive: "Yes"

Patrolman: "Yes," "No."

Non-user--

Executive: "Yes"

- 10) Were you informed that you passed the personality test?

User--

Executive: "Yes"

Patrolman: "No," "No."

Non-user--

Executive: "Yes"

- 11) Were you informed of the particular score you made on the personality exam?

User--

Executive: "No"

Patrolman: "No," "No."

Non-user--

Executive: "Yes. . .I was told that I was capable of being promoted X number of levels."

- 12) Have you heard other employees talk critically about the personality test(s)?

User--

Executive: "No"

Patrolman: "No," "No."

Non-user--

Executive: "Can't recall"

- 13) Have you heard other employees make joking remarks about the test(s)?

User--

Executive: "No"

Patrolman: "Yes," "No."

Non-user--

Executive: "Can't recall"

Following question 13 several questions were asked of all employees whether or not they had ever taken a personality test in connection with their employment. These questions were designed to elicit the employee's opinion of personality testing and additionally to find out if other either mind probing or investigative practices had ever been conducted on the employee.

- 14) Do you feel the subjection of a job applicant (or employee) to taking a personality test is morally justifiable?

## User--

Executive: "Yes," "Yes"

Clerical: "Yes," "Yes and no"

Patrolman: "Yes, no morality involved," "Yes"

## Non-user--

Executive: "Yes, for certain positions"

- 15) Do you feel that personality testing is an invasion of privacy to the job applicant or employee?

## User--

Executive: "No," "Depends on depth, utilization, and evaluation of"

Clerical: "No," "Sort of"

Patrolman: "No," "No"

## Non-user--

Executive: "Yes. . .somewhat"

- 16) Would you favor a law banning the use of personality tests for employment?

## User--

Executive: "No," "No"

Clerical: "No," "Uncertain"

Patrolman: "No," "No"

## Non-user--

Executive: "No"

- 17) Would you favor a law banning the use of personality tests for internal corporate personnel decisions?

## User--

Executive: "No," "No"

Clerical: "No," "No"

Patrolman: "No," "No"

Non-user--

Executive: "No"

- 18) Would you favor a law restricting the nature of questions asked on personality tests?

User--

Executive: "No," "Not qualified to answer"

Clerical: "Yes," "Yes"

Patrolman: "Yes. . .in some areas questions are not related to fitness of job," "No"

Non-user--

Executive: "No"

Employees who answered "No" to this last question, who endorsed the moral principle of testing (question 14), and who had taken the tests themselves in connection with their employment would be asked the personal questions of Part IV. This included a patrolman from the user organization and the executive from the supposed "non-user" firm.

The two final general questions were as follows:

- 19) Have you ever been required to take a lie detector test with this firm?

User--

Executive: "Yes," "No"

Clerical: "No," "No"

Patrolman: "No," "No"

Non-user--

Executive: "No"

- 20) Has a security investigation or credit investigation ever been made on you either at the time you were hired or afterwards?

User--

Executive: "Yes," "Yes"

Clerical: "Yes," "Yes"

Patrolman: "Yes," "Yes"

Non-user--

Executive: "No"

Those employees who had taken a personality test in connection with employment and endorsed personality testing although not necessarily opposing legal limits on the questions asked were asked the hypothetical questions in Part II. Part II asked, "If you were an employer, would you hire a job applicant who answered TRUE to the following questions:" The intention of the questions was to ascertain whether certain answers would incriminate or blacklist a job applicant not only in the judgment of employers, but employees also. There were four statements that a job applicant supposedly answered TRUE as on a True-False test.

- 1) I am a special agent of God.

User--

Executive: "No"

Patrolman: "Yes. . .not alone," "No"

Non-user--

Executive: "Yes. . .have to qualify who you're hiring for"

2) I am strongly attracted by members of my own sex.

User--

Executive: "No. . .definitely"

Patrolman: "No," "No"

Non-user--

Executive: "Yes. . .would have to be other data"

3) I lack self-confidence.

User--

Executive: "No"

Patrolman: "No," "No"

Non-user--

Executive: "Don't know. . .requires more information"

4) I daydream frequently.

User--

Executive: "Don't know. . .would have to explore in oral  
interview"

Patrolman: "Don't know," "Yes. . .don't know, would not  
knock out on this alone"

Non-user--

Executive: "Yes. . .except for more information it wouldn't  
bother me"

Employee response to these hypothetical questions indicated with the exception of the non-user executive that indeed, as employers, individuals would eliminate other individuals for employment consideration on the basis of their answers to certain personality test questions.

The strongest supporters of personality testing among employees were asked the questions in Part III--Personal questions (Part IV--Employer's Questionnaire). To be asked these questions an employee had to have taken a personality test in connection with his employment, have endorsed the ethics of personality testing, and have opposed any legal restrictions on the type of questions asked on the test. There were two such employees--the executive of the non-user firm and a patrolman from the user organization. Questions asked were the same personality test questions (mostly True and False questions) and other personal questions asked employers earlier taking a similar ethical stand in regard to personality tests.

The questions and their replies are as follows:

Politics--

- 1) Who did you vote for in the last Presidential election?

User--

Patrolman: "Goldwater"

Non-user--

Executive: "No comment"

- 2) (True or False) Most people are poor because of their own fault.

User--

Patrolman: "False"

Non-user--

Executive: "False"

- 3) I am dissatisfied with the way our country is governed.

User--

Patrolman: "False"



Non-user--

Executive: "True"

- 4) I have received unemployment compensation at some point during my life.

User--

Patrolman: "False"

Non-user--

Executive: "False"

- 5) I think Lincoln was greater than Washington.

User--

Patrolman: "False"

Non-user--

Executive: Refused. . ."question definition of greater"

- 6) I have held 'leftist' views at one time in my life.

User--

Patrolman: "False"

Non-user--

Executive: "False"

- 7) I presently belong to some 'right wing' organizations.

User--

Patrolman: "False"

Non-user--

Executive: "False"

Family--

- 8) Are you married?

User--

Patrolman: "Yes"

Non-user--

Executive: "Yes"

- 9) My home as a child was less peaceful and quiet than that of most other people.

User--

Patrolman: "False"

Non-user--

Executive: "False"

- 10) I was frequently punished as a child by my parents.

User--

Patrolman: "False"

Non-user--

Executive: "False"

- 11) I loved my father more than my mother.

User--

Patrolman: "False"

Non-user--

Executive: Refused - "Define love"

- 12) I have an unhappy home life.

User--

Patrolman: "False"

Non-user--

Executive: "False"

- 13) I never quarrel with my wife.

User--

Patrolman: "False"

Non-user--

Executive: "False"

- 14) I am disappointed with the progress my children are making in school.

User--

Patrolman: "False"

Non-user--

Executive: "True. . .collectively"

- 15) I get less understanding at home than elsewhere.

User--

Patrolman: "False"

Non-user--

Executive: "False"

Religion--

- 16) I don't believe in a life hereafter.

User--

Patrolman: "False"

Non-user--

Executive: "False"

- 17) I don't attend church as much as I should.

User--

Patrolman: "False"

Non-user--

Executive: "False"

- 18) I pray several times a week.

User--

Patrolman: "True"

Non-user--

Executive: "True"

19) I read the Bible several times a week.

User--

Patrolman: "False"

Non-user--

Executive: "False"

20) Religion is a waste of time for me.

User--

Patrolman: "False"

Non-user--

Executive: "False"

21) I believe there is just one true religion.

User--

Patrolman: "False"

Non-user--

Executive: "False. . .define religion"

Income--

22) Approximately how much gross income did you earn last year?

User--

Patrolman: "\$8,000"

Non-user--

Executive: "No comment"

With the exception of two questions, the executive answered this and all the following questions by "No comment." In contrast, the patrolman matter-of-factly answered each.

23) What is the approximate current value of your assets?

User--

Patrolman: "No idea"

Non-user--

Executive: "No comment"

- 24) What approximate percentage of your assets are the result of inherited wealth?

User--

Patrolman: "None"

Non-user--

Executive: "No comment"

- 25) If you were to sell your home now, how much would you ask for it?

User--

Patrolman: "\$17,000"

Non-user--

Executive: "No comment"

- 26) How much state and federal income tax did you pay last year?

User--

Patrolman: "About \$500"

Non-user--

Executive: "Don't recall"

Sex--

- 27) Did you masturbate during your adolescent years?

User--

Patrolman: "Yes"

Non-user--

Executive: "No comment"

28) Did you and your wife disagree on the number of children you wanted?

User--

Patrolman: "No"

Non-user--

Executive: "No comment"

29) Did you ever engage in premarital sexual relations?

User--

Patrolman: "Yes"

Non-user--

Executive: "No comment"

30) How often a month do you have sexual intercourse with your wife?

User--

Patrolman: (with blush) "No idea"

Non-user--

Executive: "No comment"

31) Since marriage have you had sexual intercourse with anyone other than your wife?

User--

Patrolman: "No"

Non-user--

Executive: "No comment"

32) Have you ever engaged in homosexual activities?

User--

Patrolman: "No"

Non-user--

Executive: "No comment"

33) Are you a homosexual?

User--

Patrolman: "No"

Non-user--

Executive: "No comment"

#### Conclusion and Comments

Most important among the findings of the field study were:

1) personality testing is not viewed in the light of ethical, much less legal, considerations; 2) most individuals resist features of personal inquiry as conducted on personality tests but those so doing feel such inquiry is nevertheless justifiable on others; 3) personality testing is conducted or not conducted for pragmatic reasons; 4) certain answers given on personality exams can be damaging; 5) a job applicant or employee who takes a personality test is undergoing a risk that is not altogether calculated.

The practice of businesses subjecting their job applicants and employees to unrestricted personal inquiry places the wage seeking individual in an awkward, embarrassing, if not, for some, helpless situation for employment or advancement. That this practice by business may seem callous does not indicate, as the study has shown, that businessmen are themselves insensitive to matters of an intimate nature.

Despite this, however, employers apparently want to retain complete control over the right to ask their job applicants and employees anything. This indicates the decidedly inferior position job applicants and employees occupy even in modern, so-called free

society. Viewed in terms of its legal implications this situation now characteristic of contemporary society will be discussed in Chapter 5.



## CHAPTER IV

### VALIDITY AND RELIABILITY OF PERSONALITY TESTS

This chapter will examine the validity and reliability of personality tests. Serious doubt, as will be shown, is cast upon the worth of personality tests. Even if the questions themselves have intrinsic significance--which is strongly disputed, the questions invite cheating--the giving of answers thought to be favorable or socially acceptable. That personality can even be measured is questioned. The value of so-called measured personality indices for predicting job success has apparently been refuted by many studies.

Personality tests fall into two categories: 1) projective tests which require a subject to interpret a picture or scene, such as the Rorschach Inkblot test, and 2) question and answer or so-called paper and pencil tests. By far the most commonly used are the latter group of tests which are simpler and cheaper to score and which can be given to groups of individuals.

Conflicting views are expressed by psychologists and testing experts concerning the validity-reliability of personality tests. Among those psychologists who believe in the validity and utility of personality tests there is an admission that the tests are only one limited source of information for evaluating an individual. But even these limited claims receive withering criticism and refutation from other psychologists and specialists.

Taking this favorable but guarded approach to personality tests is Dr. Arthur H. Brayfield, Executive Officer of the American Psychological Association, who states that "personality tests may justifiably be used as an aid--and I emphasize an aid--to personnel decisions (under two conditions):

First, in most instances, such tests must be supervised by a qualified psychologist.

Second, in most instances, such test data must constitute only one of the sources of evaluative data. The test information must be integrated with other sources and types of data.<sup>1</sup>

Stating more specifically the purpose and effective value of personality tests, Dr. Brayfield concedes interestingly enough that tests aid only 5 to 15 percent in decision-making:

Most of us live in circumstances where decisions have to be made and actions have to be taken. The thing that the psychologist in a technical sense would want to say about personality measurement appropriately used is that it adds some increment, maybe 5 percent, 15 percent, or increase in the accuracy of the unaided, naked human judgment.<sup>2</sup>

Taking a similar position that personality tests can give some aid in personnel selection, Dr. Margaret Ives, Chief Psychologist at St. Elizabeth's Hospital, says,

I believe that psychological tests when selected and administered by properly qualified professional persons, adequately trained in their selection, use and interpretation can offer information very useful to those ultimately responsible for selection.<sup>3</sup>

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<sup>1</sup>U. S., Congress, Senate, Committee on the Judiciary, Subcommittee on Constitutional Rights, Hearings, Psychological Testing Procedures and the Rights of Federal Employees, 89th Congress, First Session, 1965, p. 63.

<sup>2</sup>Ibid., p. 79.

<sup>3</sup>Ibid., p. 81.

But like Dr. Brayfield, she indicates a qualified judgment as to the perfection of the tests:

The paper and pencil, question and answer personality tests. . . are screening devices, at best, which may pick those who should be given a complete psychological examination and psychiatric interview.<sup>4</sup>

(W)hile we do not have a perfect instrument which we can use without other information we do have a better selection when we use psychological tests.<sup>5</sup>

A rather devastating case is made against the validity-reliability and usefulness of personality tests for predictive purposes on personnel. The Federal government has had unfortunate luck with such tests in the past. For example, personality tests were worthless in World War II in predicting performance of Air Force cadets or flying officers.<sup>6</sup> On a test given to OSS personnel which was supposed to measure "emotional stability" the correlation between the test results and actual performance was 0.08 or virtually no correlation.<sup>7</sup> Tests given to soldiers in World War II proved to be a failure in predicting emotional breakdowns.<sup>8</sup>

In a symposium held in 1966 by the industrial psychologist section of the Illinois Psychological Association--an organization certainly friendly to the concept of psychological testing, a validity study by Edwin E. Ghiselli was held out in defense of

<sup>4</sup>Ibid., p. 82.

<sup>5</sup>Ibid., p. 88.

<sup>6</sup>Ibid., pp. 34-35.

<sup>7</sup>Ibid.

<sup>8</sup>Ibid., p. 37.

personality tests. What the study--a supposed summary of all previous validity studies on psychological tests--showed was that personality (and interest) tests performed slightly more favorably than "intellective ability" (aptitude) tests in job performance prediction. However, the highest correlation figure achieved between scores on personality tests and job performance standards was a mere .29 on one type of job and the lowest was .16 on another job type. Interest tests ranged, on Ghiselli's study, from .31 to .22.<sup>9</sup>

Basic to the problem of personality tests may be the fact that psychologists do not even agree on a definition for 'personality.'<sup>10</sup> If it is granted that it is possible to measure personality, which is in itself disputed, the problem becomes what formula or personality characteristics match certain jobs or occupations. As Donald E. Super and John O. Crites point out in their book, Appraising Vocational Fitness:

Although it has been assumed that there should be linear correlations between certain personality traits and adjustment in some occupations--for example, social dominance and selling, submissiveness and bookkeeping, introversion and research or writing--such relationships have in fact been found in very few occupations.<sup>11</sup>

Lee J. Cronbach in his book, Essentials of Psychological Testing, states that personality "inventories have had rather little success

<sup>9</sup>Leroy N. Vernon, "Privacy and the Personality Inventory," Symposium: "Invasion of Privacy--New Dimensions in Appraisal and Employment," Illinois Psychological Association, Industrial Section, p. 38. (Mimeographed).

<sup>10</sup>John O. Crites and Donald E. Super, Appraising Vocational Fitness, (New York, 1962), pp. 514-515.

<sup>11</sup>Ibid., pp. 516-517.

in predicting employee performance."<sup>12</sup> Even for clinical or medical purposes the record of the tests is not good. Paul Horst points out in his book, Psychological Measurement and Prediction, that the "treatment of mental illness in both public and private institutions has not utilized the techniques of psychological measurement with a demonstrably remarkable degree of effectiveness."<sup>13</sup>

Personality testing suffers from some basic problems. G. W. Allport writes that, "At the level of personality it cannot be said with certainty that the same symptoms in two people indicate the same traits. All mental tests fail to allow sufficiently for an individual interpretation of cause and effect sequences."<sup>14</sup> Frank S. Freeman in his book, Theory and Practice of Psychological Testing, says, "The fact that attitudes and overt behavior need not correspond makes validation, in the usual sense, a near impossibility."<sup>15</sup> Paul Horst explains why psychological testing has not been successful in mental illness, "First, there has been inadequate research on the mechanisms and the identification of abnormal behavior; second, there has not been adequate research on the development of instruments for measuring such behavior."<sup>16</sup> On personality tests, more basic research is necessary, says Freeman, to improve reliability, validity, criteria

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<sup>12</sup>Lee J. Cronbach, Essentials of Psychological Testing, (2nd ed., New York, 1960), p. 485.

<sup>13</sup>Paul Horst, Psychological Measurement and Prediction, (Belmont California, 1966), p. 12.

<sup>14</sup>In Anne Anastasi, Psychological Testing, (2nd ed., New York, 1961), p. 522.

<sup>15</sup>Frank S. Freeman, Theory and Practice of Psychological Testing, (3rd ed., New York, 1962), p. 605.

<sup>16</sup>Horst, op. cit., p. 13.

of validation, and the uniform meaning of items on the tests.<sup>17</sup> Anastasi sums up the status and position of personality tests by saying that, "All the available types of personality tests present serious difficulties, both practical and theoretical. . .personality testing lags far behind aptitude testing in its positive accomplishments."<sup>18</sup>

Prominent experts take sharp issue with the validity of personality tests. Dr. John Dollard, Professor of Psychology at Yale University, says:

The hard nosed among academic psychologists have deplored the mushrooming use of unproved personality tests, but their disapproval has not restrained the promoters among psychologists from making a considerable business out of selling such tests.

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. If not known to be reliable and valid, personality tests should be resolutely avoided because they can do much harm.<sup>19</sup>

Dr. Karl U. Smith, Professor of Industrial Psychology at the University of Wisconsin, writes:

Four major premises underlie the psychological testing field and testing movement: a) that testing is scientifically founded; b) that intelligence and personality tests have predictive significance; c) that personality tests have medical significance and can be used to specify the medical status of an individual; d) that objective data can be assembled to substantiate the medical, educational,

<sup>17</sup>Freeman, op. cit., p. 578.

<sup>18</sup>Anastasi, op. cit., p. 18.

<sup>19</sup>U. S., Congress, op. cit., p. 33.

industrial, and governmental use of tests. Our systems studies of testing, extending back over the past 20 years, have yielded evidence indicating that all of these premises are false.<sup>20</sup>

Dr. Henry S. Dyer, Vice President of the nonprofit Educational Testing Services in New Jersey, which does research on tests, states:

I take a dim view of personality tests and I think the general public is being much too frequently taken in by the numbo-jumbo that goes with them. The inventories, the projective tests--all of them--are scarcely beyond the tea leaf reading stage.<sup>21</sup>

Famed psychiatrist Dr. Karl Menninger, of the Menninger Clinic of Topeka, Kansas, feels that "Pencil-and-paper tests, with answers put down by the individual himself and added up on a number of scales do not impress me as very useful."<sup>22</sup>

Others have attacked the validity of personality tests.

Martin Gross, author of The Brain Watchers, declares:

There has never been a single successful validated experiment which indicated that a personality test predicted emotional behavior or that personality scores and mental health have been correlated. Such claims are often made by the men who make the tests but are not sustained in later studies.<sup>23</sup>

Even Dr. Arthur Brayfield, cited earlier, when asked about the use of personality tests such as the MMPI to identify the potentially most effective members of an occupational group, had to admit, "There is very little evidence for the utility of the MMPI in that specific situation. It has been used only in a handful of research

<sup>20</sup>Ibid., p. 443.

<sup>21</sup>Ibid., p. 33.

<sup>22</sup>Ibid., p. 103.

<sup>23</sup>Ibid., p. 33.

investigations in a particular industrial setting for a particular job."<sup>24</sup> On projective tests such as the Rorschach, which many psychologists and psychiatrists prefer because of the direct personal confrontation with the subject being tested, Gross says:

The statistical research work that has been done on projective tests, indicates that even the theory may be wrong. Dr. Hans Eysenck, head of the Institute of Psychology, University of London, spent years studying the projective tests, and he states there is absolutely no proof that projective tests can measure human personality. Others have shown that the same psychologist, using the same test on the same person over a period of time, does not get the same picture on hour or two apart, and it is interpreted different by the tester. Evidence shows that these projective tests are absolutely guess-work and have no objective validity, and very low reliability.<sup>25</sup>

Gross sums up by stating that, "A large group--I might say the most respected and academic group--believes that personality testing is closer to alchemy and to other nonsciences than it is to the truth."<sup>26</sup>

Cheating is a universal problem with personality testing. While the test subject is told that 'there are no right or wrong' answers, it is obvious that a 'yes' answer to the question, "Do you daydream frequently?" is a decided mark against him by a prospective employer.<sup>27</sup> Some tests such as the MMPI are supposed to have built in lie scores based upon such questions as, "Once in awhile I feel useless." Since everyone is thought to feel this way sometimes, a false answer will indicate supposedly that the test subject is lying.

<sup>24</sup>Ibid., p. 77.

<sup>25</sup>Ibid., p. 49.

<sup>26</sup>Ibid., p. 32.

<sup>27</sup>Supra, pp. 30, 39.



Of course the canny test-taker can spot these questions. However, Dr. Forrest L. Vance of the American Psychological Association minimizes the cheating problem by saying, "My own reaction is one of somewhat constant amazement at the frankness and willingness of people to talk about themselves very openly and in most trying circumstances. . . People are remarkably honest."<sup>28</sup> But the other side of this coin is the misfortune that such an honest person may suffer because of his honesty. As Martin Gross points out:

I have a feeling that, by and large, people who score badly on this type of question-and-answer test are people who tend to be self-critical, honest, or naive. I do not think people should be penalized for those virtues. I do not think we should put a premium on chicanery on tests.<sup>29</sup>

William H. Whyte, Jr. in his classic work, The Organization Man, included an appendix section on how to cheat on personality tests. Critical of personality tests used in business personnel selection, Whyte decries the premium put on normalcy and mediocrity sought after by business in test results. Whyte recommends the following pointers to the test-taker:

(Y)our safety lies in getting a score somewhere between the 40th and 60th percentiles, which is to say, you should try to answer as if you were like everybody else is supposed to be. This is not always too easy to figure out, of course. . . When in doubt, however, there are two general rules you can follow: 1) When asked for word associations or comments about the world, give the most conventional, run-of-the-mill, pedestrian answer possible. 2) To settle on the most beneficial answer to any question, repeat to yourself:

<sup>28</sup>Ibid., p. 71.

<sup>29</sup>Ibid., p. 49.

- a) I loved my father and my mother, but my father a little bit more.
- b) I like things pretty well the way they are.
- c) I never worry much about anything.
- d) I don't care for books or music much.
- e) I love my wife and children.
- f) I don't let them get in the way of company work.<sup>30</sup>

If such substantial criticism can be made against the validity of personality tests, why then are they so commonly used--particularly in private business. The theory--mistaken or not--is put in its standard form by Cronbach and Gleser:

Our society continually confronts people with decisions for which they have inadequate information. It is for this reason that psychological and educational tests exist. . .The personnel manager wishes to know whom to hire.<sup>31</sup>

By now, however, one would think that personality testing would be receiving a lot of second looks by personnel managers. But Professor Karl U. Smith suggests another more basic motive for why the tests are used:

Personality testing is popular in industry not because of the scientific validity of the methods used, nor because of high-level refinement of the devices as enlightened human relations procedures. Rather, the managements of large industries have found in these procedures, perhaps unwittingly, various techniques to crystallize and strengthen management authority over both individual workers and unions. The personality testing situation has provided the means for industrial management to achieve some quasi-medical authority over workers who are individualistic and assertive in social adjustment. The test can be used as a persisting vehicle of propaganda to define the

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<sup>30</sup>William H. Whyte, Jr., The Organization Man, (New York, 1956), p. 405.

<sup>31</sup>Lee J. Cronbach and Goldine C. Gleser, Psychological Tests and Personnel Decisions, (Urbana, 1965), p. 1.

social climate in specific industries and of industry in general. It can be used to demonstrate conformity principles and to induce loyalty and affiliation.<sup>32</sup>

Meanwhile, apparently, confusion reigns among the psychological testers. Cronbach sums up the situation:

The discouraging results for even the best available inventories can be explained in two rather different ways. The defender of the inventory will argue that the evidence is on the whole favorable; the critic will argue that the inventory is inefficient either in principle or because of poor design. The defender can argue that the criteria used in validation and in scale construction are themselves invalid, and indeed, that a test which predicts diagnosis perfectly would be far from a true picture of personality. The diagnosis of maladjustment is controversial at best. Psychiatrists disagree as to what categories should be used and disagree in their classification of individuals. Clinical staffs have such marked biases toward the use of certain diagnoses that it has been said, only half jokingly, that whether a patient is called psychotic or neurotic depends as much on the hospital he enters as on his symptoms.<sup>33</sup>

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<sup>32</sup>U. S., Congress, op. cit., p. 493.

<sup>33</sup>Cronbach, op. cit., pp. 482-483.

## CHAPTER V

### LEGAL ISSUES INVOLVED WITH PERSONALITY TESTS AND TESTING

Personality testing is most commonly criticized for being an invasion of privacy although such testing is directly related to more substantive legal freedoms such as unreasonable search and seizure, coerced confession and self-incrimination, guilt by association, and politico-religious discrimination. The surface issue of privacy will be discussed followed by the more ominous legal implications of personality testing.

What are an individual's rights to privacy and how far is he protected from invasion of those rights? Compulsory submission to personality tests as a condition of employment is considered by many to be an insidious example of invasion of individual privacy. To state that in a balancing of interests the Government's right to know outweighs the individual's right to privacy does not settle the issue. As Justice Frankfurter put it:

It does not at all follow that because the Constitution does not guarantee a right to public employment (the Government) may resort to any scheme for keeping people out of such employment. . . To describe public employment as a privilege does not meet the problem.<sup>1</sup>

Justice Louis Brandeis wrote eloquently on the right of individual privacy in foreshadowing as early as 1928 the practice of personality testing:

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<sup>1</sup>Garner v. Board of Public Works, 341 U. S. 716, 724, 725 (1951), (Separate opinion).

Advances in the psychic and related sciences may bring means of exploring unexpressed beliefs, thoughts, and emotion. . . Can it be that the Constitution affords no protection against such invasion of individual security? . . . The makers of our Constitution. . . 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 most valued by civilized man. To protect that right, every individual unjustifiable intrusion by the Government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the fourth amendment.<sup>2</sup>

In dismissing considerations of privacy, personality testing besides being defended as a valid medical practice is sometimes defended on the grounds that it "can help the individual." However, Brandeis' comments in the same opinion touch this point too when he says that, "Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent. . . The greatest dangers to liberty lurk in the insidious encroachment by men of zeal, well meaning but without understanding."<sup>3</sup> That the results of personality testing can be kept as confidential medical information is branded as a "myth" by Representative Cronelius E. Gallagher of the House Government Operations Committee who says, "If a person has been improperly evaluated, the notations in such files haunt him for the rest of his life."<sup>4</sup>

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<sup>2</sup>Olmstead v. United States, 227 U. S. 438, 470 (1928), (Dissent).

<sup>3</sup>Idem.

<sup>4</sup>U. S., Congress, Senate, Committee on the Judiciary, Subcommittee on Constitutional Rights, Hearings, Psychological Testing Procedures and the Rights of Federal Employees, 89th Congress, First Session, 1965, p. 535.

The logic of psychological testing has even been attacked in which a Peace Corps volunteer and a C.I.A. secretary are tested but all the top officials such as the President, Cabinet, and Congressmen are exempted. Obviously it is the so-called "little guy" who must endure the invasion of privacy and suffer the consequences of any personality testing. But to permit this indicates a warped reasoning and set of values to some. As Professor Monroe H. Freedman, of the George Washington University Law School, says:

It seems to me. . . that we have gotten our values badly skewed, when we can be more concerned with screening out an occasional psychologically inadequate employee than we are with the gross affronts to personal dignity that are perpetrated against large numbers of other citizens in the process.<sup>5</sup>

Personality testing is compared to the practices of a totalitarian rather than a democratic society by Professor Freedman:

If one ideal distinguishes the open society from the totalitarian, it is a recognition that things of the mind and the emotions are inviolably personal. The analogy sometimes suggested between detection of a dangerous physical disease and detection of dangerous ideas, attitudes, or personality traits is a common justification for the oppressions of totalitarian governments. If that analogy is sound, the most cherished ideals of Western civilization--freedom of speech, religion, and association, the privilege against self-incrimination, the sanctity of the individual--all these are false.<sup>6</sup>

But the right of privacy is not an absolute; nor have the courts in the past clearly considered it to be even a fundamental freedom. Perhaps, however, the Supreme Court's majority opinion of 1965 in

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<sup>5</sup>Ibid., p. 174.

<sup>6</sup>Ibid., p. 531.

Griswold v. Connecticut,<sup>7</sup> elevates the right of privacy to a new eminence with other constitutional protections of liberty. Nevertheless, whether personality testing is an unjustifiable invasion of privacy has not been determined by the courts.

That the organization and its interests--in this case the Federal government and private business--must always be paramount to the individual is no longer recognized by the courts. Federal employees enjoy many legal rights and protections, and even employees in private business although often insecure, unless members of a union, have gained in many cases certain limited rights. But the role of personality testing on individuals is yet undefined by legislation or by the courts.

The closest the Courts have come in dealing with a case involving a test is Motorola, Inc. v. Illinois Fair Employment Practices Commission.<sup>8</sup> The case involved an aptitude rather than a personality test, however. The firm was charged with falsely recording a job applicant's test score for the purpose of racial discrimination. While the Illinois State Supreme Court on appeal found insufficient evidence for the charge, it did assume the fairness of the test. Said Mr. Justice Schaefer speaking for the Court, "Conversely, if Myrant failed the test, the record would not establish an unfair employment practice with respect to him. He would have been refused employment for a reason applicable to all who fared as he did on the

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<sup>7</sup>381 U. S. 479.

<sup>8</sup>215 N. E. 2d 286, (1966).

examination."<sup>9</sup> While aptitude tests have apparently been vindicated here, we do not have a case involving personality tests.

Most legal protections exist in a situation in which the individual risks a fine or imprisonment, where a statute has been violated, and in which a trial is or can occur or in which property is involved. By the nature of law as rules, codes, and court decisions, legal protection for the broad--often barely tangible--freedoms of speech, press, religion, opportunity is much less precise than for procedural and factual questions such as property rights and values, court processes, and so forth. The rights of opportunity and the rights to be psychologically different are not spelled out, yet they have great economic and social importance.<sup>10</sup>

Unlike racial and religious employment rights, the right of employment on the basis of a different personality test score has not been established. But use of personal information about the individual extracted from him through a personality test can cause certain persons potentially great economic and social damage.

Personality tests are most easily discussed in terms of the right of privacy. While Griswold v. Connecticut<sup>11</sup> has established, though vaguely, that there is a right of privacy protected by the Constitution, privacy as a concept is fluid and amorphous. Privacy lacks concreteness, and one's desire for it, and right to it, varies often with the time, place, and situation.

<sup>9</sup>Ibid., p. 291.

<sup>10</sup>David Riesman, et al., The Lonely Crowd, (New York, 1955), pp. 19-48, 239-251, 275-293; William H. Whyte, Jr., The Organization Man, (New York, 1956), pp. 171-201.

<sup>11</sup>381 U. S. 479 (1965).



Justice Douglas in the Griswold opinion gives force to the idea, however, that the Constitution protects individuals in many situations not now explicitly covered by law. Says Douglas: ". . . Specific guarantees in the Bill of Rights have penumbras, formed by emanations from those guarantees that help give them life and substance. . . Various guarantees create zones of privacy."<sup>12</sup> As sources of protection of privacy Douglas cites the Third amendment's forbidding the quartering of soldiers in any house without consent, the Fourth amendment's protection of the right against unreasonable search and seizure, the Fifth amendment's barring forced self-incrimination, and the Ninth amendment's protection of other or future rights. These rights, Douglas implies, have expanded meaning beyond their immediate words as written in the Constitution.<sup>13</sup>

Former Justice Goldberg in a concurring opinion in Griswold states that privacy is one of the freedoms whose source of protection comes from the Ninth amendment and as a fundamental freedom is applicable to the states as the Fourteenth amendment has made several of the first eight amendments binding on the states.<sup>14</sup> This view of the Ninth amendment if universally accepted would open the door to the protection of many now extra-legal rights involved in such activities as features of business and job seeking. It is a view, however, which at this time is novel.

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<sup>12</sup>Ibid., p. 484.

<sup>13</sup>Idem.

<sup>14</sup>381 U. S. 479, 486.

While all individuals, and even animals, need privacy, as A. F. Westin thoroughly documents in his book, Privacy and Freedom,<sup>15</sup> privacy cannot easily or satisfactorily be measured in standard units for many situations. Protection of the right of privacy by law must necessarily at this time be tenuous and difficult and rely most heavily upon the relationship of privacy to other more established Constitutional rights.

That a violation of privacy is embarrassing, annoying, and distressful can be understood, but the really pernicious aspect of violation of privacy is the damaging uses to which private information about an individual can be put. To the extent that some intrusion of privacy will reveal--accurately or inaccurately--data, either from the present or the past, that can hurt an individual, that action serves as a source of potential perpetual injury to the individual. Use of such information can haunt the individual through the years. That privacy per se was violated is much less important than the nature and purpose of the trespass.

It could be said that certain intrusions of privacy are merited and any resulting injury to the individual is only justifiable. Such an example might be a person who commits a crime and who attempts to conceal this from the world. It is in the interest of society to know this personal information. However, substantive sins or crimes are dealt with by intricate legal machinery involving such rights for the accused as due process and the rights against self-incrimination and unreasonable search and seizure. For lesser offenses such

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<sup>15</sup>Alan F. Westin, Privacy and Freedom, (New York, 1967), pp. 8-11.

as minor misbehavior, eccentricities, and foibles, society might better operate on a basis of "forgive and forget." Unless minor details of information are forgotten about individuals, all persons become subject to at least embarrassment, if not injury.

Rather than merely the issue of privacy, personality tests more easily and significantly relate to the more substantive legal concepts of self-incrimination, unreasonable search and seizure, coerced confession, guilt by association, and religio-political freedom.

Personality tests seek to elicit information from an individual for the purpose of making a decision on him, and the manner and composition of the tests is intended to discover and present a picture of the individual that is not evident, or at least not obvious, to the test taker. Naturally this picture can be favorable or unfavorable to the test subject and when a job is at stake the test instrument becomes highly significant. The test is devised to extract information voluntarily for purposes that are not necessarily understood by the test taker and at the same time do not necessarily have the consent of the test subject. But the test is usually given in a situation where refusal to take it or to answer certain of its questions is injurious to the individual, so the test as commonly used is compulsory rather than voluntary.

A personality test can become an instrument of possibly unreasonable search and seizure for the purpose of extracting what amounts to a coerced confession of a possibly self-incriminating nature. This is true when a test seeks information the implications

of which are not fully understood by the test subject or information that the individual would not normally divulge.

While it might be held that no one actually forces a person to take a personality test--that the job applicant or employee can exercise his choice, such independence of thinking would seriously limit an individual's job opportunities. Obviously the realities of working and eating do not give the individual unlimited freedom of choice in a nation where about one half of its corporations use personality tests.<sup>16</sup>

What do the Courts have to say about the use of psychology to obtain confessions? The Courts have firmly held that use of psychological pressures to induce a confession is not permissible, see Leyra v. Denno.<sup>17</sup>

To enter one's premises without consent or without a search warrant for the purpose of obtaining evidence--unreasonable search and seizure--is forbidden by the Constitution. To enter one's psyche for the purpose of obtaining evidence whether accurate or inaccurate could be interpreted as analogous as entering one's home or office to gather information. Both should be guarded by legal protections although at the present it seems the house, apartment, and office are afforded protection, but the mind is left at the mercy of the psychological probers. In the legal process certain procedures have to be observed in connection with a search and seizure. In some aspects a person's residence, office, and so forth is given more legal

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<sup>16</sup>Supra, pp. 16-17.

<sup>17</sup>347 U. S. 556 (1954).

protection than the individual's person although the search for information through testing observes none of the legal barriers and technicalities of either.

In the legal world a search warrant must be obtained before an individual's premises may be inspected for suspected evidence. The search warrant according to the courts cannot be freely given. While officers may want such warrant, the decision to grant the warrant must be from inferences made by a "neutral and detached magistrate."<sup>18</sup> Unlike the test giver operating on any of a number of whims, the officer according to legal rules may not under the Fourth amendment "properly issue a warrant to search a private dwelling unless he can find probable cause therefor from facts or circumstances presented to him under oath or affirmation. Mere affirmance of belief or suspicion is not enough."<sup>19</sup>

Emphasizing the importance placed upon the protection against unreasonable search and seizure, the Supreme Court in 1914 in the Weeks case stated that evidence secured by illegal searches must be barred from use in federal trials.<sup>20</sup> After first rejecting a similar formula for application to the states in Wolf v. Colorado,<sup>21</sup> the Supreme Court in 1961 excluded in Mapp v. Ohio,<sup>22</sup> all evidence--in state as well as federal courts--obtained through unreasonable search and seizure. These Court decisions lent much greater weight to prior

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<sup>18</sup>Aguilar v. Texas, 378 U. S. 108, 115.

<sup>19</sup>Nathanson v. United States, 290 U. S. 41, 47.

<sup>20</sup>Weeks v. United States, 232 U. S. 383.

<sup>21</sup>338 U. S. 25 (1949).

<sup>22</sup>367 U. S. 643.

sources of redress for the wronged citizen. Common law had offered only the opportunity of seeking damages against the wrongfully searching officer.<sup>23</sup>

Undermining this vigilant position to unauthorized evidence gathering, however, is the Supreme Court's 1928 decision in Olmstead v. United States<sup>24</sup> in which it apparently established that a search must consist of an actual trespass and a seizure must be of something material.<sup>25</sup> Thus wiretapping according to the Court was not forbidden.

Other searches and seizures have not been forbidden by the Courts. Probably most notable of these and one perhaps somewhat analogous to current personality testing is that an officer can, without a warrant, search things under the immediate physical control of the prisoner, Harris v. United States.<sup>26</sup> However, the casual citizen--the one usually taking a personality test--does not, or should not, occupy quite the same status as a prisoner.

Concerning other searches of the individual's physical person, the Courts have been equivocal. The Supreme Court in Rochin v. California rejected use of a stomach pump to retrieve morphine capsules from a protesting captive. However, in Breithaupt v. Abram<sup>28</sup>

<sup>23</sup>Paul A. Freund, et al., Constitutional Law (Boston, 1961), p. 1167.

<sup>24</sup>277 U. S. 438.

<sup>25</sup>George W. Spicer, The Supreme Court and Fundamental Freedoms (New York, 1967), p. 32.

<sup>26</sup>331 U. S. 145 (1947).

<sup>27</sup>347 U. S. 128 (1952).

<sup>28</sup>352 U. S. 432 (1957).

the Court permitted extraction of a blood sample from an unconscious truck driver. Similarly in a California case, Schmerber v. California,<sup>29</sup> a blood sample was allowed as admissible evidence despite the objection of the accused and his counsel.

Unreasonable search and seizure and self-incrimination are related--the Fifth and the Fourth amendments reinforce each other. As an individual may unreasonably be forced by personal economic pressures to take a personality test, he may incriminate himself and suffer damage by his work on the test. In Boyd v. United States,<sup>30</sup> the Court felt that "seizure of a man's books and papers to be used as evidence against him was not substantially different from compelling him to be a witness against himself."<sup>31</sup>

The record of the Courts shows that a fairly strong parallel could be drawn between existing legal protections for the individual against unreasonable search and seizure and the application of these principles against the process of personality testing. It is, however, analogous rather than written into law or ruled upon yet by the Courts. Personality tests can be self-incriminatory, as the field study illustrated. Questions are asked, as listed earlier, which can label the test subject as a deviate, to say nothing of being a socially undesirable and unemployable individual according to current societal norms.

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<sup>29</sup>34 L W 4586 (1966).

<sup>30</sup>116 U. S. 616 (1886).

<sup>31</sup>Spicer, op. cit., pp. 32-33.

Legally the Courts have said that an individual arrested for a felony must be informed of his legal right to counsel; but for lesser crimes while he does not have to be informed of his rights, he still has the privilege of legal counsel and the right to remain silent. To remain silent on personality test questions is incriminatory to the individual, however, without any legal sanction protecting the right to decline answering questions on tests used for employment purposes. To abstain from answering certain questions, in addition to creating suspicion concerning the refusal to answer the material asked, also skews the profile made of the individual on the basis of all the answered questions on the test. To avoid uncomfortable questions the test taker may create for himself an even more uncomfortable and disagreeable situation.

No warning is given that certain replies to the questions asked can type the test taker as psychotic, neurotic, deviant, or otherwise supposedly unemployable. No warning is given that the individual can be labeled as anyone of a number of personality types which in the preconceived mind of the employers is suitable for at most only certain, but no other, employment positions.

Legal protections against self-incrimination are quite explicit. As stated in a note in Murphy v. The Waterfront Commission of New York Harbor,<sup>32</sup> the Government "may not use compulsion to elicit self-incriminatory statements, see, e.g. Counselman v. Hitchcock, (142 U. S. 547 [1892] ). . .and may not permit the use in a criminal trial of

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<sup>32</sup>378 U. S. 52 (1964).



self-incriminating statements elicited by compulsion, see, e.g. Haynes v. Washington, (373 U. S. 503 [1963])."<sup>33</sup>

In Jackson v. Denno,<sup>34</sup> the Court stated that a defendant given the drug scopolamine had a right to object to the use of his confession and have a fair hearing on the issue of its voluntariness. The Court said that the defendant was deprived of due process if his confession was involuntary, despite whether it was true or not,<sup>35</sup> and moreover, even if there was ample additional evidence aside from the confession to convict.<sup>36</sup> Analogous to this would be that a job seeker made to take a personality test which by the use of psychological questions cast unfavorable light on the subject, would be entitled to the job even though independent investigation proved all the information true.

The relatively recent case of Murphy, as well as Rogers v. Richmond,<sup>37</sup> provides us with some rich background in the thinking of the Supreme Court in treating the issue of self-incrimination. In Murphy, former Dean Erwin Griswold was cited by Justice Goldberg: "The privilege against self-incrimination registers an important advance in the development of our liberty--'one of the great landmarks in man's struggle to make himself civilized.'" (Griswold, The Fifth

<sup>33</sup>378 U. S. 52, 55 (1964).

<sup>34</sup>378 U. S. 368 (1964).

<sup>35</sup>Rogers v. Richmond, 365 U. S. 534 (1961).

<sup>36</sup>Malinski v. New York, 324 U. S. 401 (1945); Stroble v. California, 343 U. S. 181 (1952); Payne v. Arkansas, 356 U. S. 560 (1958).

<sup>37</sup>365 U. S. 534.

Amendment Today (1955), 7), Ullmann v. United States, 350 U. S. 422, 426."<sup>38</sup> The Court stated:

The privilege against self-incrimination reflects many of our fundamental values and most noble aspirations. . . our respect for the inviolability of the human personality and the right of each individual 'to a private enclave where he may lead a private life,' United States v. Grunewald, 253 F. 2d. 556, 581-582 (Frank, J., dissenting), Rev'd 353 U. S. 391, our distrust of self-deprecatory statements; and our realization that the privilege, while sometimes 'a shelter to the guilty,' is often 'a protection to the innocent,' Quinn v. United States, 349 U. S. 155, 162."<sup>39</sup>

The late Justice Frankfurter cogently states the rationale behind Fifth amendment protections against self-incrimination:

. . .Our decisions under that Amendment have made clear that convictions following the admission into evidence of confessions which are involuntary, i.e. the product of coercion, either physical or psychological, cannot stand. This is so, not because such confessions are unlikely to be true but because the methods used to extract them offend an underlying principle in the enforcement of our criminal law: that ours is an accusatorial and not an inquisitorial system--a system in which the state must establish guilt by evidence independently and freely secured and may not by coercion prove its charge against an accused out of his own mouth."<sup>40</sup>

The theory and practice of personality testing is almost completely in contradiction to Justice Frankfurter's statement of the law.

The problem here as it applies to personality tests is that while theoretically Court decisions would forbid personality testing, the tests are given in an arena of business which at the current time largely enjoys the absence of any sanctions on its activities of judging and discarding employees and job applicants.

<sup>38</sup>378 U. S. 52, 55 (1964).

<sup>39</sup>Idem.

<sup>40</sup>Rogers v. Richmond, 365 U. S. 534, 540 (1961).

Personality tests incriminate with guilt by association. By labeling or mislabeling an individual as such and such personality type the test can effectively bar the individual from employment opportunities. The tests by their questions associate undesirable or even deviant personality with the respondent's liking or disliking of certain literature, sports, historical figures, and so forth. For example, to like an artist over a businessman, a book over football is to identify the test taker on one of the exams as effeminate--and by further inference, abnormal. A whole range of undesirable personality traits can be associated to the individual by his casual responses to questions given hidden meaning by the test makers, e.g. (T or F) I think Lincoln was greater than Washington.

The Court has rejected guilt by association, however. In De Jonge v. Oregon,<sup>41</sup> while concerned with an actual meeting or assembly, expressed the principle that individuals could not be branded as criminals merely for association with a controversial group with divergent ideas; only illegal actions could be punished. N.A.A.C.P. v. Alabama<sup>42</sup> stated that freedom of association and privacy were interdependently related. Speaking for the Court, Justice Harlan said, "Inviolability of privacy in group association may in many circumstances be indispensable to preservation of freedom of association, particularly where a group espouses dissident beliefs."<sup>43</sup> Yet the very existence of personality tests depends upon

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<sup>41</sup>299 U. S. 353 (1937).

<sup>42</sup>357 U. S. 449 (1958).

<sup>43</sup>Ibid., p. 462.

making associational inferences and judgments on the individual-- and into matters usually of a most private nature.

On certain tests, e.g. Minnesota Multiphasic Personality Inventory, the rights of religious freedom are encroached upon because test subjects are asked questions of religious belief. Others have politically-based questions. Since in the minds of the psychological test makers certain politico-religious views are considered unhealthy and undesirable, the test discriminates against those who hold dogmatic and fundamentalist beliefs. However, laws are almost universal in banning religious tests for general employment. The Civil Rights Act of 1964, if enforced, bans such practices.

Several cases are applicable on religious tests and inquiry. In Torcase v. Watkins,<sup>44</sup> the Court struck down a religious test for public office. Reaching back to cases where the permissibility of certain religious views were being studied, the Court adopted a broadly tolerant position. This is quite unlike the premises made on religion in personality tests. Said the Court:

It was the purpose of the freeexercise clause of the First Amendment to allow everyone under the jurisdiction of the United States to hold such beliefs respecting his relation to the Deity and his obligations thereunder as meet the approval of his judgment and conscience and to express his beliefs in such form as he may think proper, so long as there is no injury to the rights of others. (Davis v. Beason and Watson v. Jones.)<sup>45</sup>

Of course the premise of certain personality test creators is that

<sup>44</sup>374 U. S. 264.

<sup>45</sup>133 Wall. 333 (1890); 13 Wall. 679 (1871).

belief--mere belief--in such a fundamentalist position as, "I believe there is only one true religion," is injurious to others.

While the testers would not single out one question to judge an individual, they would give the test subject negative points for replies indicating, for example, a fundamentalist view of religion. A so-called configuration of these replies would indicate to the tester that supposedly the test subject was incapable of flexible adaptation to his environment. While this is a novel and interesting hypothesis, it, nevertheless, penalizes the Roman Catholics, the largest single religious denomination in the country, to say nothing of the Jehovah's Witnesses, Free Methodists, Nazarenes, and so forth.

Justice Jackson stated the preeminent legal position the Court takes on religious and political tests and the like: "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion or other matters of opinion or force citizens to confess by word or act their faith therein," West Virginia State Board of Education v. Barnette.<sup>46</sup> It goes without saying that the whole intent, mechanics, and content of personality tests is in contradiction to Justice Jackson's statement.

It can be seen that personality testing when used for employment purposes can be and often is in direct violation of legal principles given protection in the Courts for those accused of crime but

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<sup>46</sup>319 U. S. 624, 642 (1943).

apparently not yet for John Doe citizen seeking a job or job promotion. It could be said that it is really not the tests, themselves, which are pernicious but their misuse by individuals. While there is some truth in this, it remains that tests ask such questions as, "I am strongly attracted to members of my own sex--True or False." To reply in the affirmative and thus apparently admit homosexual tendencies, unless overlooked or ignored by an employer giving the tests, would be definitely detrimental to the job applicant. The Federal government, for example, will hire no known homosexual, and organizations interviewed in the field study generally expressed the same position.<sup>47</sup> The professional independent psychologist, on the other hand, might keep individual replies confidential, but undoubtedly his general evaluation of the test subject would be derogatory.

That a low score on a personality test has not yet meant imprisonment is a fatuous argument. To the extent that an individual cannot get a job, or must accept a job that is inferior, or is capriciously denied a merited promotion, that individual suffers injury. It is an injury incurred not by his own lack of ability or training but by his subjection to a test which attempts to measure and judge those qualities generally held fundamental by the Courts.

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<sup>47</sup>Supra, pp. 30, 39.

## CHAPTER VI

### ETHICS OF PERSONALITY TESTING

Whether it is morally right or wrong to use personality tests in personnel decisions appears to depend on one's concept of man. Ethically it boils down to a question of whether organizational values or individual values are given priority. If in the eyes of the administrator man is an object to be manipulated and, if possible, stripped bare in the alleged interest of organizational objectives, then personality testing seems justified according to this system of ethical values. Taking this view, the end justifies the means-- that is, if we grant that personality tests measure what they purport to measure. If, on the other hand, man is considered to be a creature of essential dignity who should be judged on his performance and recommendations, not subjected to possibly profitably revealing but humiliating invasions of privacy, then the tests are morally wrong. Of course, many individuals would not object to such tests. This absence of objection might not exist because job applicants agree with the tests, or because they are insensitive, but because such individuals resign themselves to being tested if they hope to get a job.

Many of the questions on personality tests are of a personal nature dealing with religion, family relationships, politics, and

sex. In the minds of many, to ask such questions--particularly as a condition of employment--is patently offensive.<sup>1</sup>

Rarely does a personnel manager performing his job think in terms of ethics, or put another way, the personnel manager equates ethics with doing the best job for his employer and maximizing organizational objectives. He is only incidentally concerned, if at all, with an individual employee or job applicant's rights or interests except as they might affect the organization. That in the course of making decisions he may seriously hurt or injure some individuals is of little importance to him because "he seeks the policy that will work best 'on the average' over many decisions about admission or job assignment or therapy."<sup>2</sup> Ethics, then, to the personnel man, is primarily a pragmatic consideration of "Does it work?" If he is convinced--rightly or wrongly--that personality tests will help him in his selection and evaluation of employees, he will use them unless he is prohibited from doing so.

To a psychiatrist or psychologist there is no ethical conflict here because he sees the use of personality tests to probe the mind as no different than a physician making a physical exam for rectal cancer. Intimate questions must be asked, the psychiatrist or psychologist feels. Defending such practice, Dr. Howard Rome, President of the American Psychiatric Association, writes:

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<sup>1</sup>Alan F. Westin, Privacy and Freedom, (New York, 1967), pp. 242-268.

<sup>2</sup>Lee J. Cronbach and Goldine C. Gleser, Psychological Tests and Personnel Decisions, (Urbana, 1965), p. 8.



As consultants, psychiatrists and psychologists, we are artisans who use certain procedures and techniques which have been designed to do the best job possible of obtaining information on which critical decisions are to be made as to the mental health of subjects whom they examine. The "tools" which have been devised to do this job are questions of various sorts. If they are altered so as to delete inquiry into matters of personal belief and feeling, their value will be superficial and of dubious worth.<sup>3</sup>

Comparing a personality exam with a physical exam of course does not recognize two vital differences: 1) the physical exam has a concrete proven objectivity that is lacking in a personality exam, and 2) matters of belief, values, and attitudes are within a sphere that in traditional democratic theory at least are offered constitutional protection. Analogous to the distinction between a compulsory physical exam and a compulsory personality exam could perhaps be the Court's distinction on self-incrimination between compulsory fingerprinting which is permitted and coerced confessions which are disallowed. However, it should be emphasized that the issue of the constitutionality of psychological testing has not yet come before the Supreme Court. It would be somewhat difficult to make a legal issue out of personality testing, in fact, because the employee or job applicant would have a hard time proving that his refusal to take such a test was the basis on which he was dismissed, demoted, or failed being hired. If he took the test and such action ensued, he would also have a difficult time establishing that the results on

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<sup>3</sup>U. S., Congress, Senate, Committee on the Judiciary, Subcommittee on Constitutional Rights, Hearings, Psychological Testing Procedures and the Rights of Federal Employees, 89th Congress, First Session, 1965, p. 92.

the test were responsible since test results are almost always withheld from the employee.

Even the proponents of psychological testing admit the great dangers that an individual is exposed to by the tests. Dr. Margaret Ives concedes that:

Inept testing may result in neglect of personality assets, or, conversely, misinterpretation of exaggeration of pathology, sometimes with serious damage to the applicant's reputation or career.<sup>4</sup>

Dr. Zigmund M. Lebensohn, Chairman of the Committee on Public Information of the American Psychiatric Association, states:

The trouble is, of course, that in our present stage of development, the tests can be, and no doubt are, frequently given by persons who are inadequately trained to administer and interpret them. Some tests are more reliable than others. The wrong tests can be given to the wrong person. The results can be misinterpreted. Excessive reliance can be placed on a single test result. Thus an injustice could be done. . . The safeguards provided by the medical setting are often lacking in the personnel office of a Government agency.<sup>5</sup>

The fact that psychiatric terms lack specific meaning and are interpreted differently by different persons can have unfortunate results for the test taker. As Dr. Karl Memminger puts it:

I have some misgivings about the fact that the conclusions of such tests are often phrased and worded in ways that sound menacing and ominous to nonprofessional persons.

Supposing the conclusion is that the person has schizoid trends. What does that mean? That would mean to me that he is like 50 million other Americans. But it means to

<sup>4</sup>Ibid., p. 82.

<sup>5</sup>Ibid., p. 92.

the personnel committee that this is a very doubtful person, likely to be putting firecrackers in the boss's tea pretty soon.<sup>6</sup>

The false identification of a normal individual as deviant is common on psychological tests, and psychologists admit and accept this. Such an occurrence is called a "false positive."

Martin Gross discusses the implications to the individual of this:

In the testing world he is merely a common error of such group determined tests as the MMPI. But to a nation concerned with individuals and their rights, he is one of millions of people who may be falsely judged and penalized because of the new extra-legal concept of punishing the innocent, not for any anti-social behavior, but for the variance of his test score from a ridiculous group "norm."<sup>7</sup>

A personality test puts an individual in a unique position where traditional sources of aid are lacking. As Gross points out:

To the citizen in and out of Government, this so-called medical diagnosis--which is really pseudo-scientific testing--is a dangerous extra-legal situation. He is confounded because he cannot go to his lawyer. He cannot go to anyone for help. Yet a determination is being made on his mind and his psyche by a psychologist operating in a situation which affords no protection of any kind for the individual.<sup>8</sup>

Personality testing is prevalent although, as even the psychologists admit, it has its dangers. These dangers are compounded when the tests are given, as they usually are, by personnel managers employed by companies and not by independent trained experts. While it is not fashionable in this day of relative morality to discuss the ethics of business or governmental behavior, it remains that

<sup>6</sup>Ibid., p. 105.

<sup>7</sup>Ibid., p. 38.

<sup>8</sup>Idem.

many thoughtful citizens are concerned by the use of the personality test as an instrument of personnel selection.

## CHAPTER VII

### OTHER RELATED PRACTICES OF MIND PROBING THROUGH TECHNOLOGICAL INNOVATIONS

Personality testing is by no means the only method which the information seeker can use in his search for personal data on the individual. There exist a plethora of eavesdropping devices such as sophisticated wiretap apparatuses, electronic monitors such as telescopic directional microphones, closed circuit TV, and miniature radio transmitters. In the search for hidden facts from the individual, electronically, the lie detector or polygraph is used and, chemically, truth serum, commonly sodium pentathol, is given to the subject under examination. Additionally, the much more common security and credit investigation and medical and insurance exams are run on a vast proportion of the population. The computer is now available to be used to assemble a vast assortment of personal details concerning millions of individual Americans.

The significance of this is that Americans find it hard to escape the close, often hostile, scrutiny of their innermost secrets and the most intimate details of their daily lives. It is as if a sinister blackmailer could threaten every individual. The result of this defenseless society for the individual would be one of nagging suspicion, painful self-consciousness, and a loss of traditional American energetic spontaneity.

The Courts have spoken on some of the practices of modern eavesdropping and investigation although the record at present is not clear and unequivocal on the protection of constitutional freedoms. Often, competing interests such as law enforcement have served to blunt actions taken against the probers.

On wiretapping--extensively practiced--the Courts have served largely to narrow but not to prohibit public use of this form of eavesdropping. Privately conducted wiretapping goes on, however, with hardly any limits.<sup>1</sup>

The Courts have hardly had time to keep abreast of electronic eavesdropping. It seems that almost daily more ingenious devices are created to eavesdrop. Microphones and antennas in the form of buttons, pins, and so forth make it possible for an individual to monitor almost any conversation he wishes.<sup>2</sup>

While evidence obtained through lie detector tests is inadmissible in the Courts, this legal censure has not deterred the use of lie detectors in private industry where they flourish, and even in government in some of the security agencies. The lie detector or polygraph is of highly doubtful validity though obviously it has "scare" impact for its subject. The person taking the lie detector

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<sup>1</sup>See Alan F. Westin, Privacy and Freedom (New York, 1967), pp. 69-89, 90-132, 172-210, 340-344; Vance Packard, The Naked Society (New York, 1964), pp. 308-315; Myron Brenton, The Privacy Invaders (New York, 1964), pp. 117-137.

<sup>2</sup>See Westin, op. cit., pp. 69-89, 90-132, 172-210; Packard, op. cit., pp. 29-43; Brenton, op. cit., pp. 117-137, 151-186.

test probably assumes the ability of the machine to tell lies and usually the pressured subject divulges all information asked of him.<sup>3</sup>

Truth serums are by no means reliable at the present time although it can be expected that research will greatly perfect existing truth chemicals. Existing drugs while getting a subject to talk more freely also produce unreliable, and often fanciful, testimony. Yet chemicals pose additional threats to the autonomy of the individual in this Modern Age. While disallowed by the Courts for evidence in trials, they can be used by the private business world.<sup>4</sup>

Despite a practice which is just somewhat short of universal, use of security and credit investigations subject individuals to examinations the findings of which--often erroneously based--can haunt and injure them for years. Both government and the private sectors widely conduct these investigations, but those most visible in operation are those run by private firms and credit agencies. The Courts have been silent on this practice, and no guidelines have been laid down establishing a legal code of ethics governing inquiry into other persons' lives by this field study manner.

The size and scope of one such investigative agency, The Retail Credit Company, is given by Vance Packard. The firm, which conducts credit investigation, has 6000 full time "inspectors," 1500 offices in every state and Canadian province, and 38,000 client accounts.

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<sup>3</sup>See Westin, op. cit., pp. 211-241; Packard, op. cit., pp. 56-72; Brenton, op. cit., pp. 91-116.

<sup>4</sup>See Packard, op. cit., pp. 290-295.

It makes 90,000 investigations each working day.<sup>5</sup> Altogether there are credit files on more than 42,000,000 Americans.<sup>6</sup>

As has been shown, the individual is confronted on many sides by instruments, devices, and practices which subject him to surveillance and to varying degrees undermine his privacy. Almost all of these investigative innovations were unknown to our Founding Fathers. They, like personality testing, deserve to be watched and their impact on modern society and government assessed now and in the future. All investigation and eavesdropping, like personality testing, tends to create the possibility of an atmosphere for citizens of inhibition, timidity, fear, and suspicion.

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<sup>5</sup>Packard, op. cit., p. 6.

<sup>6</sup>Ibid., p. 9; see Brenton, op. cit., pp. 25-43, 45-58.



## CHAPTER VIII

### SUMMARY AND CONCLUSIONS

To summarize would be to repeat the thesis given at the beginning of this paper: Personality testing is an extra-legal investigatory activity of doubtful validity and reliability conducted pragmatically by its users and viewed almost universally without ethical considerations, in which the individual has few of the commonly accepted legal and constitutional protections against self-incrimination, coerced interrogation and confession, guilt by association, unreasonable search and seizure, and infringement of politico-religious freedom.

The field study in Chapter III showed the extra-legal activity of testing; the pragmatic view taken towards it by its users (and non-users); and the absence of ethical feelings towards personality testing. The field study showed that personality tests were given credence by their users and apparently were used in making personnel decisions. Questions on the tests could be damaging to the individual.

Rather than dealing with inconsequential material, the test questions have high impact. Questions were not answered by users of personality tests even though they, themselves, opposed any legal restrictions on the nature of the questions asked on personality tests. Current business practice thus sanctions use of an instrument of unrestricted potency, but in so doing exhibits a clear double

standard. The employee or job applicant is in a definitely inferior and hazardous position.

The protections that an individual would enjoy in the legal--but not testing--world were discussed in Chapter V. While in both the legal arena and in the situation of a job applicant being personality tested something of value is at stake, only in the legal setting does the individual have firmly defined rights such as those against self-incrimination, unreasonable search and seizure, and politico-religious freedom.

This thesis also showed in Chapter IV that considerable doubt is cast upon the validity and reliability of personality tests while apparently not discouraging their use. Even among the backers of personality tests it is admitted that the tests can give only limited information for evaluation of an individual. The status of the personality test would in its most favorable light be considered only experimental.

The ethics of personality testing were discussed in Chapter VI, and it was pointed out that personality testing has the potential for personal injury that often is either not considered or ignored by its users. Concern is felt by many citizens.

Other mind probing and investigative practices were briefly mentioned in Chapter VII to illustrate that in contemporary society the individual is faced with activities similar in scope to personality testing. A watchful posture was suggested.

At the beginning of this paper a number of summary points were made. While space has not permitted in each case a thorough documentation of all items, the research in this paper suggests their truth.

Listed again they are:

- 1) Personality testing is at present a pseudo-science.
- 2) Personality testing is substantial evidence that a sizeable area of an individual's life is yet unprotected by traditional legal and constitutional guarantees.
- 3) Courts have inadequately dealt with modern methods of mind probing.
- 4) Once an individual is "abnormally" identified or labeled he can be economically ostracized and black-listed from employment. (This indicated the harmful potential of the tests although no evidence at the present shows that this is an existing condition.)
- 5) Even those giving and endorsing personality tests are reluctant to divulge complete information about themselves. (What is good for the goose is not necessarily good for the gander. Management officials are eager to know personal data about employees and employees-to-be but reluctant to reveal personal data about themselves.) This was confirmed by the field study.
- 6) Corporate management using personality tests believe that the "end justifies the means." (The field study showed that most would not even make this apology.)
- 7) There is virtually no objection to personality tests voiced by job applicants to their employers.
- 8) Management likes, as much as possible, to assert an authoritarian position over job applicants and employees while at the same time management objects to being subjected to a similar authoritarian control. (The field study indicated this.)

9) Firms that do not use personality tests refrain for pragmatic rather than ethical reasons. (This was born out by the field study.)

As personality testing affects individual liberty and security in an economic world it is greatly significant as a question of modern government in the Technological and Computer Age. It is one example of how the individual and his status is threatened in so-called free society.

Personality testers would appear to carry a heavy burden of proof in establishing that they have even a limited place in public administration or in private business. Considering validity and reliability studies, their use by security sensitive agencies would lead one to question whether personnel for such agencies is being rationally selected. It could be plausibly said that personality testing should be conducted only in special problem medical cases under stringent safeguards, but the value of the tests and their dangers at this time do not even appear justifiable to warrant their use for this purpose. If it is admitted that personality testing is in its "infancy,"<sup>1</sup> should administrators and psychologists be permitted to experiment on individuals whose livelihood and careers are at stake?

But while widespread use of personality testing in the Federal government has perhaps been checked by the unfavorable publicity that has resulted from the issue,<sup>2</sup> personality testing still goes on

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<sup>1</sup>Anne Anastasi, Psychological Testing (New York, 1961), p. 16.

<sup>2</sup>U. S., Congress, Senate, Committee on the Judiciary, Subcommittee on Constitutional Rights, Hearings, Psychological Testing Procedures and the Rights of Federal Employees, 89th Congress, First Session, 1965, pp. 515-535.

in society and will continue to flourish as long as administrators believe that such tests can neatly wrap up their personnel problems. Indeed as science--rightly or wrongly understood--becomes increasingly more dazzling and attractive to administrators seeking guaranteed formulas for success and as the test companies successively promote newer tests claimed to be sure-fire panaceas for personnel selection and evaluation, personality testing in administration will undoubtedly expand. As time passes this crucial controversy will probably--but by no means inevitably--become involved in the courts.

Meanwhile, the individual appears to be increasingly at the mercy of mind-probing methods whose consequences for him at best are whimsical and, at worst, are professionally damaging and injurious.

APPENDIX

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QUESTIONNAIRE  
FOR EMPLOYERS

Introduction:

My name is Ted Woodbury. I am writing an M.A. thesis at Southern Illinois University on Personality Tests and Constitutional Rights. As part of my field research, I would like to interview you --the personnel officer of this firm.

The questionnaire is divided into four parts--objective questions, opinion questions, hypothetical questions, and some questions about yourself. There are no right or wrong answers. If you wish, you and your firm may remain anonymous.

Do you wish to have you and your firm identified? \_\_\_\_\_ Or do you prefer that you and your firm not be identified? \_\_\_\_\_

Name of firm \_\_\_\_\_

Part I - Objective Questions

\* 1. WHAT IS:

YOUR AGE \_\_\_\_\_

YOUR TITLE \_\_\_\_\_

THE NUMBER OF YEARS YOU HAVE BEEN WITH THE FIRM? \_\_\_\_\_

THE NUMBER OF YEARS YOU HAVE BEEN IN YOUR PRESENT POSITION? \_\_\_\_\_

\* 2. DO YOU GIVE PERSONALITY TESTS TO JOB APPLICANTS?

Yes \_\_\_\_\_ No \_\_\_\_\_ Refused \_\_\_\_\_

a) If "Yes,"

Job applicant classifications:

Executive\_\_\_\_\_

Professional\_\_\_\_\_

Clerical\_\_\_\_\_

Factory\_\_\_\_\_

b) If "No,"

Have you ever in the past given personality tests to job applicants?

Yes\_\_\_\_\_ No\_\_\_\_\_ Refused\_\_\_\_\_

(1) If "Yes,"

Job applicant classifications:

Executive\_\_\_\_\_

Professional\_\_\_\_\_

Clerical\_\_\_\_\_

Factory\_\_\_\_\_

\* 3. DO YOU GIVE PERSONALITY TESTS TO EMPLOYEES FOR PROMOTION, DIFFERENT JOB ASSIGNMENTS, OR HEALTH REASONS?

Yes\_\_\_\_\_ No\_\_\_\_\_ Refused\_\_\_\_\_

a) If "Yes,"

Promotion\_\_\_\_\_

Different job assignment\_\_\_\_\_

Health reasons\_\_\_\_\_

b) If "No,"

Have you ever in the past given personality tests to employees for promotion, different job assignments, or health reasons?

Yes\_\_\_\_\_ No\_\_\_\_\_ Refused\_\_\_\_\_

(1) If "Yes,"

Promotion\_\_\_\_\_

Different job assignment\_\_\_\_\_



Health reasons\_\_\_\_\_

4. What are the names of the personality test or tests that you administer?

a) If 2b or 3b is answered "Yes,"

What were the names of the tests that you once used?

5. What year did you begin using personality tests?

a) If 2b or 3b is answered "Yes,"

What year did you cease giving personality tests?

6. Are there job applicants that you turn down on the basis of their personality test scores?

Yes\_\_\_\_\_ No\_\_\_\_\_ Refused\_\_\_\_\_

a) If #6 is answered "No,"

Is the failing test score a factor in their being turned down?

Yes\_\_\_\_\_ No\_\_\_\_\_ Refused\_\_\_\_\_

7. Is taking the test compulsory or voluntary for job applicants and/or employees?

Compulsory\_\_\_\_\_ Voluntary\_\_\_\_\_ Refused\_\_\_\_\_

8. Is a job applicant (or employee) told that he may decline taking the test if he chooses?

Yes\_\_\_\_\_ No\_\_\_\_\_ Refused\_\_\_\_\_

9. Is a job applicant (or employee) told that he may omit answering certain questions on the test?

Yes\_\_\_\_\_ No\_\_\_\_\_ Refused\_\_\_\_\_

10. Has a job applicant (or employee) ever refused to take the personality test?

Yes \_\_\_\_\_ No \_\_\_\_\_ Refused \_\_\_\_\_

a) If #10 is "Yes,"

How many times has this occurred? \_\_\_\_\_

How many of these job applicants were hired? \_\_\_\_\_

If an employee, how many of these employees were subsequently discharged? \_\_\_\_\_

11. Has a job applicant (or employee) ever objected to answering any particular questions on the personality test(s)?

Yes \_\_\_\_\_ No \_\_\_\_\_ Refused \_\_\_\_\_

12. Does your firm evaluate the test or does some outside agency handle the evaluation?

Own firm \_\_\_\_\_ Outside agency \_\_\_\_\_ Refused \_\_\_\_\_

13. Did you take (a) personality test(s) as a condition of your employment?

Yes \_\_\_\_\_ No \_\_\_\_\_ Can't recall \_\_\_\_\_ Refused \_\_\_\_\_

14. Have you taken personality tests since becoming an employee for promotions, job assignment, or health reasons?

Yes \_\_\_\_\_ No \_\_\_\_\_ Can't recall \_\_\_\_\_ Refused \_\_\_\_\_

a) If "Yes,"

Promotions \_\_\_\_\_ Job assignment \_\_\_\_\_ Health reasons \_\_\_\_\_

15. Did you answer all the questions truthfully?

Yes \_\_\_\_\_ No \_\_\_\_\_ Can't recall \_\_\_\_\_ Other \_\_\_\_\_ Refused \_\_\_\_\_

16. Do you retain the completed test of a job applicant (or employee) or do you destroy it?

Retain \_\_\_\_\_ Destroy \_\_\_\_\_ Other \_\_\_\_\_

17. Who has access to an employee's (or job applicant's) completed test?

a) Is the completed exam put in the employee's personnel file?

Yes \_\_\_\_\_ No \_\_\_\_\_ Other \_\_\_\_\_ Refused \_\_\_\_\_

18. Is the job applicant (or employee) informed that he failed the personality test if this occurs?

Yes \_\_\_\_\_ No \_\_\_\_\_ Sometimes \_\_\_\_\_ Refused \_\_\_\_\_

19. Have you changed, added, or deleted the particular tests that you have given?

Yes \_\_\_\_\_ No \_\_\_\_\_ Don't know \_\_\_\_\_ Refused \_\_\_\_\_

a) If "Yes,"

Changed \_\_\_\_\_ The change: \_\_\_\_\_

Added \_\_\_\_\_ The addition: \_\_\_\_\_

Deleted \_\_\_\_\_ The deletion: \_\_\_\_\_

**NOTE:** Users of personality tests who answer "Yes" to question #20 and "No" to #23 must answer questions in Part IV.

#\* 20. DO YOU FEEL THE SUBJECTION OF A JOB APPLICANT (OR EMPLOYEE) TO TAKING A PERSONALITY TEST IS MORALLY JUSTIFIABLE?

Yes \_\_\_\_\_ No \_\_\_\_\_ Other \_\_\_\_\_ Refused \_\_\_\_\_

\* 21. WOULD YOU FAVOR A LAW BANNING THE USE OF PERSONALITY TESTS FOR EMPLOYMENT?

Yes \_\_\_\_\_ No \_\_\_\_\_ No opinion \_\_\_\_\_ Refused \_\_\_\_\_

\* 22. WOULD YOU FAVOR A LAW BANNING THE USE OF PERSONALITY TESTS FOR INTERNAL CORPORATE PERSONNEL DECISIONS?

Yes \_\_\_\_\_ No \_\_\_\_\_ No opinion \_\_\_\_\_ Refused \_\_\_\_\_

#\* 23. WOULD YOU FAVOR A LAW RESTRICTING THE NATURE OF QUESTIONS ASKED ON PERSONALITY TESTS?

Yes \_\_\_\_\_ No \_\_\_\_\_ No opinion \_\_\_\_\_ Refused \_\_\_\_\_

- \* 24. DOES THIS FIRM EVER USE LIE DETECTOR TESTS ON JOB APPLICANTS OR EMPLOYEES?

Yes \_\_\_\_\_ No \_\_\_\_\_ Refused \_\_\_\_\_

- \* 25. DOES THIS FIRM RUN SECURITY CHECKS OR CREDIT INVESTIGATIONS ON PROSPECTIVE EMPLOYEES?

Yes \_\_\_\_\_ No \_\_\_\_\_ Refused \_\_\_\_\_

- \* 26. WOULD YOU HIRE AN INDIVIDUAL IF YOU KNEW THAT HE HAD MADE FAILING SCORES ON PERSONALITY TESTS ADMINISTERED TO HIM EARLIER IN LIFE?

Yes \_\_\_\_\_ No \_\_\_\_\_ Don't know \_\_\_\_\_ Perhaps \_\_\_\_\_ Refused \_\_\_\_\_

- \* 27. WOULD YOU HIRE AN INDIVIDUAL JOB APPLICANT IF HE WERE UNDER PSYCHIATRIC CARE?

Yes \_\_\_\_\_ No \_\_\_\_\_ Don't know \_\_\_\_\_ Refused \_\_\_\_\_

- \* 28. WOULD YOU HIRE AN INDIVIDUAL JOB APPLICANT IF HE HAD BEEN PREVIOUSLY HOSPITALIZED FOR MENTAL ILLNESS?

Yes \_\_\_\_\_ No \_\_\_\_\_ Don't know \_\_\_\_\_ Refused \_\_\_\_\_

a) If "Yes,"

Would you hire an individual job applicant even if he had been hospitalized several times for mental illness?

Yes \_\_\_\_\_ No \_\_\_\_\_ Don't know \_\_\_\_\_ Refused \_\_\_\_\_

29. Have you ever hired both those who passed and failed the personality test(s) and later compared their job performance?

Yes \_\_\_\_\_ No \_\_\_\_\_ Refused \_\_\_\_\_

- \* 30. WOULD YOU HIRE AN INDIVIDUAL JOB APPLICANT IF HE HAD BEEN PREVIOUSLY ARRESTED?

Yes \_\_\_\_\_ No \_\_\_\_\_ Don't know \_\_\_\_\_ Refused \_\_\_\_\_

a) If "Yes,"

Would you hire an individual job applicant if he had been arrested several times?

Yes \_\_\_\_\_ No \_\_\_\_\_ Don't know \_\_\_\_\_ Refused \_\_\_\_\_

## Part II - Open Ended Questions

- \* 1. WHY DOES OR DOESN'T YOUR FIRM USE PERSONALITY TESTS?
  
- \* 2. DO YOU BELIEVE THAT THE PERSONALITY TESTS THAT YOU USE (OR COULD USE) ARE VALID AND RELIABLE? \_\_\_\_\_ WHY?
  
- \* 3. DO YOU BELIEVE IT IS ETHICALLY JUSTIFIABLE TO USE PERSONALITY TESTS ON JOB APPLICANTS (AND EMPLOYEES)? \_\_\_\_\_ WHY?
  
- \* 4. DO YOU FEEL THAT PERSONALITY TESTING IS AN INVASION OF PRIVACY TO THE JOB APPLICANT OR EMPLOYEE? \_\_\_\_\_ WHY?
  
- 5. How do you know that job applicants (or employees) may not lie on the questions asked on the personality test(s)?
  
- 6. What provision do you make for keeping employees' test scores or exams confidential?
  
- 7. What should an applicant do who fails the personality test?
  - a) Who do you feel should hire him?
  - b) If such an individual cannot obtain a job because of his scores on such tests, do you feel he should be a recipient of Government welfare?

8. What does a certain score, such as X percentile, percentage or profile, mean to you in evaluating a job applicant (or employee)?
- \* 9. WHY DOES OR DOESN'T YOUR FIRM USE LIE DETECTOR TESTS ON JOB APPLICANTS (OR EMPLOYEES)?
- \* 10. WHY DO YOU OR DON'T YOU RUN SECURITY CHECKS OR CREDIT INVESTIGATIONS ON PROSPECTIVE EMPLOYEES?

a) Employees?

## Part III - Hypothetical Questions

Would you hire a job applicant who answered TRUE to the following questions:

1. I am a special agent of God.

Yes \_\_\_\_\_ No \_\_\_\_\_ Don't know \_\_\_\_\_ Refused \_\_\_\_\_

2. I am very strongly attracted by members of my own sex.

Yes \_\_\_\_\_ No \_\_\_\_\_ Don't know \_\_\_\_\_ Refused \_\_\_\_\_

3. I lack self-confidence.

Yes \_\_\_\_\_ No \_\_\_\_\_ Don't know \_\_\_\_\_ Refused \_\_\_\_\_

4. I daydream frequently.

Yes \_\_\_\_\_ No \_\_\_\_\_ Don't know \_\_\_\_\_ Refused \_\_\_\_\_

## Part IV - Personal Questions (Employers)

(To be asked of employers who use personality tests and who have answered "Yes" to question #20 and "No" to question #23.)

## Politics

1. Who did you vote for in the last Presidential election?

Johnson \_\_\_\_\_ Goldwater \_\_\_\_\_ Didn't vote \_\_\_\_\_ Refused \_\_\_\_\_

2. (T & F) Most people are poor because of their own fault.

True \_\_\_\_\_ False \_\_\_\_\_ Don't know \_\_\_\_\_ Refused \_\_\_\_\_

3. (T & F) I am dissatisfied with the way our country is governed.

True \_\_\_\_\_ False \_\_\_\_\_ Sometimes \_\_\_\_\_ Refused \_\_\_\_\_

4. (T & F) I have received unemployment compensation at some point during my life.

True \_\_\_\_\_ False \_\_\_\_\_ Refused \_\_\_\_\_

5. (T & F) I think Lincoln was greater than Washington.

True \_\_\_\_\_ False \_\_\_\_\_ Refused \_\_\_\_\_

6. (T & F) I have held 'leftist' views at one time in my life.

True \_\_\_\_\_ False \_\_\_\_\_ Refused \_\_\_\_\_

7. (T & F) I presently belong to some 'right wing' organizations.

True \_\_\_\_\_ False \_\_\_\_\_ Refused \_\_\_\_\_

## Family

8. Are you married?

Yes \_\_\_\_\_ No \_\_\_\_\_ Other \_\_\_\_\_ Refused \_\_\_\_\_

9. (T & F) My home as a child was less peaceful and quiet than that of most other people.

True \_\_\_\_\_ False \_\_\_\_\_ Refused \_\_\_\_\_

10. (T & F) I was frequently punished as a child by my parents.

True \_\_\_\_\_ False \_\_\_\_\_ Refused \_\_\_\_\_



11. (T & F) I loved my father more than my mother.

True\_\_\_\_\_ False\_\_\_\_\_ Refused\_\_\_\_\_

12. (T & F) I have an unhappy home life.

True\_\_\_\_\_ False\_\_\_\_\_ Refused\_\_\_\_\_

13. (T & F) I never quarrel with my wife.

True\_\_\_\_\_ False\_\_\_\_\_ Refused\_\_\_\_\_

14. (T & F) I am disappointed with the progress my children are making in school.

True\_\_\_\_\_ False\_\_\_\_\_ Refused\_\_\_\_\_

15. (T & F) I get less understanding at home than elsewhere.

True\_\_\_\_\_ False\_\_\_\_\_ Refused\_\_\_\_\_

#### Religion

16. (T & F) I don't believe in a life hereafter.

True\_\_\_\_\_ False\_\_\_\_\_ Refused\_\_\_\_\_

17. (T & F) I don't attend church as much as I should.

True\_\_\_\_\_ False\_\_\_\_\_ Refused\_\_\_\_\_

18. (T & F) I pray several times a week.

True\_\_\_\_\_ False\_\_\_\_\_ Refused\_\_\_\_\_

19. (T & F) I read the Bible several times a week.

True\_\_\_\_\_ False\_\_\_\_\_ Refused\_\_\_\_\_

20. (T & F) Religion is a waste of time for me.

True\_\_\_\_\_ False\_\_\_\_\_ Refused\_\_\_\_\_

21. (T & F) I believe there is just one true religion.

True\_\_\_\_\_ False\_\_\_\_\_ Refused\_\_\_\_\_

#### Income

22. Approximately how much gross income did you earn last year?

23. What is the approximate current value of your assets?
24. What approximate percentage of your assets are the result of inherited wealth?
25. If you were to sell your home now, how much would you ask for it?
26. How much state and federal income tax did you pay last year?

## Sex

27. Did you masturbate during your adolescent years?  
Yes \_\_\_\_\_ No \_\_\_\_\_ Refused \_\_\_\_\_
28. Did you and your wife disagree on the number of children you wanted?  
Yes \_\_\_\_\_ No \_\_\_\_\_ Refused \_\_\_\_\_ NA \_\_\_\_\_
29. Did you ever engage in premarital sexual relations?  
Yes \_\_\_\_\_ No \_\_\_\_\_ Refused \_\_\_\_\_
30. How often a month do you have sexual intercourse with your wife?  
\_\_\_\_\_ NA \_\_\_\_\_ Refused \_\_\_\_\_
31. Since marriage have you had sexual intercourse with anyone other than your wife?  
Yes \_\_\_\_\_ No \_\_\_\_\_ Refused \_\_\_\_\_ NA \_\_\_\_\_
32. Have you ever engaged in homosexual activities?  
Yes \_\_\_\_\_ No \_\_\_\_\_ Refused \_\_\_\_\_
33. Are you a homosexual?  
Yes \_\_\_\_\_ No \_\_\_\_\_ Refused \_\_\_\_\_

QUESTIONNAIRE FOR EMPLOYEES

Introduction:

My name is Ted Woodbury. I am writing an M.A. thesis at Southern Illinois University on Personality Tests and Constitutional Rights. As part of my field research, I would like to interview you--an employee of this firm.

The questionnaire is divided into three parts: objective or fact questions, hypothetical questions, and some questions about yourself. There are no right or wrong answers. If you wish, you may remain anonymous.

Do you wish to be identified by name?\_\_\_\_\_ Or do you prefer not to be identified?\_\_\_\_\_

Name of firm\_\_\_\_\_

Part I - Objective Questions

\* 1. WHAT IS YOUR:

NAME\_\_\_\_\_

TITLE\_\_\_\_\_

AGE\_\_\_\_\_

NUMBER OF YEARS WITH THE FIRM\_\_\_\_\_

NUMBER OF YEARS IN YOUR PRESENT POSITION\_\_\_\_\_

\* 2. DID YOU TAKE A PERSONALITY TEST AS ONE OF THE CONDITIONS OF YOUR EMPLOYMENT?

Yes\_\_\_\_\_ No\_\_\_\_\_ Can't recall\_\_\_\_\_ Refused\_\_\_\_\_

- \* 3. HAVE YOU SINCE BECOMING AN EMPLOYEE EVER TAKEN A PERSONALITY TEST IN CONNECTION WITH A POSSIBLE PROMOTION, DIFFERENT JOB ASSIGNMENT, OR HEALTH REASONS?

Yes \_\_\_\_\_ No \_\_\_\_\_ Can't recall \_\_\_\_\_ Refused \_\_\_\_\_

a) If "Yes,"

Promotion \_\_\_\_\_

Different job assignment \_\_\_\_\_

Health reasons \_\_\_\_\_

4. Did you believe that the test was capable of making a true evaluation of your personality?

Yes \_\_\_\_\_ No \_\_\_\_\_ Don't know \_\_\_\_\_ Refused \_\_\_\_\_

5. Did you object, though silently, to taking the test?

Yes \_\_\_\_\_ No \_\_\_\_\_ Other \_\_\_\_\_ Refused \_\_\_\_\_

6. Did you voice objections about your being required to take the test(s)?

Yes \_\_\_\_\_ No \_\_\_\_\_ Other \_\_\_\_\_ Can't recall \_\_\_\_\_

Refused \_\_\_\_\_

7. Did you object to particular questions asked on the personality test(s)?

Yes \_\_\_\_\_ No \_\_\_\_\_ Other \_\_\_\_\_ Can't recall \_\_\_\_\_

Refused \_\_\_\_\_

8. Did you voice your objections about your being asked particular questions on the personality test(s)?

Yes \_\_\_\_\_ No \_\_\_\_\_ Other \_\_\_\_\_ Can't recall \_\_\_\_\_

Refused \_\_\_\_\_

9. Did you answer all the questions truthfully?

Yes \_\_\_\_\_ No \_\_\_\_\_ Other \_\_\_\_\_ Can't recall \_\_\_\_\_

Refused \_\_\_\_\_

10. Were you informed that you passed the personality test?

Yes \_\_\_\_\_ No \_\_\_\_\_ Can't recall \_\_\_\_\_ Refused \_\_\_\_\_

11. Were you informed of the particular score you made on the personality exam?

Yes \_\_\_\_\_ No \_\_\_\_\_ Can't recall \_\_\_\_\_ Refused \_\_\_\_\_

12. Have you heard other employees talk critically about the personality test(s)?

Yes \_\_\_\_\_ No \_\_\_\_\_ Other \_\_\_\_\_ Can't recall \_\_\_\_\_

Refused \_\_\_\_\_

13. Have you heard other employees make joking remarks about the test(s)?

Yes \_\_\_\_\_ No \_\_\_\_\_ Other \_\_\_\_\_ Can't recall \_\_\_\_\_

Refused \_\_\_\_\_

#\* 14. DO YOU FEEL THE SUBJECTION OF A JOB APPLICANT (OR EMPLOYEE) TO TAKING A PERSONALITY TEST IS MORALLY JUSTIFIABLE?

Yes \_\_\_\_\_ No \_\_\_\_\_ Other \_\_\_\_\_ Refused \_\_\_\_\_

\* 15. DO YOU FEEL THAT PERSONALITY TESTING IS AN INVASION OF PRIVACY TO THE JOB APPLICANT OR EMPLOYEE?

Yes \_\_\_\_\_ No \_\_\_\_\_ No opinion \_\_\_\_\_ Other \_\_\_\_\_

Refused \_\_\_\_\_

\* 16. WOULD YOU FAVOR A LAW BANNING THE USE OF PERSONALITY TESTS FOR EMPLOYMENT?

Yes \_\_\_\_\_ No \_\_\_\_\_ No opinion \_\_\_\_\_ Other \_\_\_\_\_

Refused \_\_\_\_\_

\* 17. WOULD YOU FAVOR A LAW BANNING THE USE OF PERSONALITY TESTS FOR INTERNAL CORPORATE PERSONNEL DECISIONS?

Yes \_\_\_\_\_ No \_\_\_\_\_ No opinion \_\_\_\_\_ Other \_\_\_\_\_

Refused \_\_\_\_\_

#\* 18. WOULD YOU FAVOR A LAW RESTRICTING THE NATURE OF QUESTIONS  
ASKED ON PERSONALITY TESTS?

Yes \_\_\_\_\_ No \_\_\_\_\_ No opinion \_\_\_\_\_ Other \_\_\_\_\_

Refused \_\_\_\_\_

\* 19. HAVE YOU EVER BEEN REQUIRED TO TAKE A LIE DETECTOR TEST WITH  
THIS FIRM?

Yes \_\_\_\_\_ No \_\_\_\_\_ Refused \_\_\_\_\_

\* 20. HAS A SECURITY INVESTIGATION OR CREDIT INVESTIGATION EVER  
BEEN MADE ON YOU EITHER AT THE TIME YOU WERE HIRED OR  
AFTERWARDS?

Yes \_\_\_\_\_ No \_\_\_\_\_ Don't know \_\_\_\_\_ Refused \_\_\_\_\_

## Part II - Hypothetical Questions

If you were an employer, would you hire a job applicant who answered TRUE to the following questions:

1. I am a special agent of God.

Yes \_\_\_\_\_ No \_\_\_\_\_ Don't know \_\_\_\_\_ Refused \_\_\_\_\_

2. I am strongly attracted by members of my own sex.

Yes \_\_\_\_\_ No \_\_\_\_\_ Don't know \_\_\_\_\_ Refused \_\_\_\_\_

3. I lack self-confidence.

Yes \_\_\_\_\_ No \_\_\_\_\_ Don't know \_\_\_\_\_ Refused \_\_\_\_\_

4. I daydream frequently.

Yes \_\_\_\_\_ No \_\_\_\_\_ Don't know \_\_\_\_\_ Refused \_\_\_\_\_

## Part III - Personal Questions (Employees)

(To be asked of employees of firms using personality tests who have answered "Yes" to question #14 and "No" to question #18.)

## Politics

1. Who did you vote for in the last Presidential election?

Johnson\_\_\_\_\_Goldwater\_\_\_\_\_Didn't vote\_\_\_\_\_Refused\_\_\_\_\_

2. (T & F) Most people are poor because of their own fault.

True\_\_\_\_\_False\_\_\_\_\_Don't know\_\_\_\_\_Refused\_\_\_\_\_

3. (T & F) I am dissatisfied with the way our country is governed.

True\_\_\_\_\_False\_\_\_\_\_Sometimes\_\_\_\_\_Refused\_\_\_\_\_

4. (T & F) I have received unemployment compensation at some point during my life.

True\_\_\_\_\_False\_\_\_\_\_Refused\_\_\_\_\_

5. (T & F) I think Lincoln was greater than Washington.

True\_\_\_\_\_False\_\_\_\_\_Refused\_\_\_\_\_

6. (T & F) I have held 'leftist' views at one time in my life.

True\_\_\_\_\_False\_\_\_\_\_Refused\_\_\_\_\_

7. (T & F) I presently belong to some 'right wing' organizations.

True\_\_\_\_\_False\_\_\_\_\_Refused\_\_\_\_\_

## Family

8. Are you married?

Yes\_\_\_\_\_No\_\_\_\_\_Other\_\_\_\_\_Refused\_\_\_\_\_

9. (T & F) My home as a child was less peaceful and quiet than that of most other people.

True\_\_\_\_\_False\_\_\_\_\_Refused\_\_\_\_\_

10. (T & F) I was frequently punished as a child by my parents.

True\_\_\_\_\_False\_\_\_\_\_Refused\_\_\_\_\_



11. (T & F) I loved my father more than my mother.

True \_\_\_\_\_ False \_\_\_\_\_ Refused \_\_\_\_\_

12. (T & F) I have an unhappy home life.

True \_\_\_\_\_ False \_\_\_\_\_ Refused \_\_\_\_\_

13. (T & F) I never quarrel with my wife.

True \_\_\_\_\_ False \_\_\_\_\_ Refused \_\_\_\_\_ NA \_\_\_\_\_

14. (T & F) I am disappointed with the progress my children are making in school.

True \_\_\_\_\_ False \_\_\_\_\_ Refused \_\_\_\_\_ NA \_\_\_\_\_

15. (T & F) I get less understanding at home than elsewhere.

True \_\_\_\_\_ False \_\_\_\_\_ Refused \_\_\_\_\_

#### Religion

16. (T & F) I don't believe in a life hereafter.

True \_\_\_\_\_ False \_\_\_\_\_ Refused \_\_\_\_\_

17. (T & F) I don't attend church as much as I should.

True \_\_\_\_\_ False \_\_\_\_\_ Refused \_\_\_\_\_

18. (T & F) I pray several times a week.

True \_\_\_\_\_ False \_\_\_\_\_ Refused \_\_\_\_\_

19. (T & F) I read the Bible several times a week.

True \_\_\_\_\_ False \_\_\_\_\_ Refused \_\_\_\_\_

20. (T & F) Religion is a waste of time for me.

True \_\_\_\_\_ False \_\_\_\_\_ Refused \_\_\_\_\_

21. (T & F) I believe there is just one true religion.

True \_\_\_\_\_ False \_\_\_\_\_ Refused \_\_\_\_\_

#### Income

22. Approximately how much gross income did you earn last year?

23. What is the approximate current value of your assets?
24. What approximate percentage of your assets are the result of inherited wealth?
25. If you were to sell your home now, how much would you ask for it?
26. How much state and federal income tax did you pay last year?

## Sex

27. Did you masturbate during your adolescent years?  
Yes \_\_\_\_\_ No \_\_\_\_\_ Refused \_\_\_\_\_
28. Did you and your wife disagree on the number of children you wanted?  
Yes \_\_\_\_\_ No \_\_\_\_\_ Refused \_\_\_\_\_ NA \_\_\_\_\_
29. Did you ever engage in premarital sexual relations?  
Yes \_\_\_\_\_ No \_\_\_\_\_ Refused \_\_\_\_\_
30. How often a month do you have sexual intercourse with your wife?  
\_\_\_\_\_ NA \_\_\_\_\_ Refused \_\_\_\_\_
31. Since marriage have you had sexual intercourse with anyone other than your wife?  
Yes \_\_\_\_\_ No \_\_\_\_\_ Refused \_\_\_\_\_ NA \_\_\_\_\_
32. Have you ever engaged in homosexual activities?  
Yes \_\_\_\_\_ No \_\_\_\_\_ Refused \_\_\_\_\_
33. Are you a homosexual?  
Yes \_\_\_\_\_ No \_\_\_\_\_ Refused \_\_\_\_\_

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Vita

Graduate School  
Southern Illinois University

Name Edmund W. Woodbury Date of Birth August 14, 1936

Local Address General Studies Division

Southern Illinois University

Edwardsville, Illinois 62025

Home Address Box 22

Godfrey, Illinois 62035

Colleges or Universities Attended, the Years attended, the degree earned, and the Major Field:

Wesleyan University 1955-59 B. A. Government

Special honors or awards:

Wesleyan Regional Scholarship  
Elks' National "Most Valuable Student" Award Scholarship  
Parker Prize for Public Speaking

Thesis Title:

Personality Tests and Constitutional Rights  
Adviser: James R. Kerr

Articles published:

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