

from advertising than to preclude a druggist from advertising. They both fill prescriptions. For the above reasons we must dissent from any description of the practice of optometry in the bill as a profession, if it is intended to be likened to a learned profession such as medicine. Such references appear at page 1, line 9, Section 2; page 2, line 5, Section 2; pages 8-9, lines 20 to 24 and to 3, Section 7(a) (14) and (15) where the reference to professional is subtly taken for granted.

Dr. Chapman testified that all the states consider optometry a profession. That may be true in a sense, but the term is used very loosely in this connection. In many instances it was so described years ago at a time when the courts were upholding the state's rights to license optometrists possibly over the objection of some of the optometrists at the time.

But at the same time, corporations are permitted to practice optometry in the very states which describe optometry as a profession, such as in New York, for example. New York describes optometry as a profession, but it also permits corporations to practice optometry, showing the importance they attach to the term "profession."

Baseball playing is a profession; prize-fighting is a profession. By the same loose definition they are all licensed professionals and are doing very well. What is the test of a true profession?

Under the common law there were only three learned professions: divinity, the law and medicine, and testing whether there is a product for sale, whether there is a higher ethic in the marketplace, we say that so long as opticians sell eyeglasses optometry cannot be a true profession.

We note in this respect that two predecessors of H.R. 1283 which I think were introduced at the same time earlier this year, namely, H.R. 595 and H.R. 732, declared optometry a profession by fiat. They just said "We declare optometry to be a profession."

H.R. 1283 avoids getting into an argument about this by simply assuming optometry is a profession, but a rose by any other name is still a rose and so long as optometrists sell eyeglasses and earn 75 per cent of their income from such sales, optometry cannot be considered a profession.

Based on the above, one must conclude that this myopic bill should not be passed for the following reasons:

It will eliminate low-cost eye care for the general public and especially for those who need it most, the Negro or the working population of the District of Columbia, without any corresponding benefit.

It will reduce the number of competent persons available to provide eye care. It will drive all the optometric firms and corporations together with all their employees of all descriptions thereby creating unemployment and undermining the economic health of the District of Columbia.

Next, it will deprive employees of economic security, the right to union benefits and pensions, some of which are vested rights and in general the right to work, and will force them to leave the industry despite their training and license, all without due process, without a grandfather clause.

And next, the Congressional approval will be placed on a bad bill intended to serve as a model in all fifty states by the real sponsor and sole beneficiary, the American Optometric Association.

We know from our experience in New York with a similar measure that H.R. 1283 is what we call a corporate practice bill primarily