

Now, I also point out that leaders of the profession of optometry, a Dr. Gordon Heath, who is a professor at the Indiana State University, the same as Dr. Hofstetter, and a Dr. Wylie from Ohio State University, both of whom were witnesses for the New York State Optometric Society in *Sterling v. Regents*, testified that as long as optometrists sold eyeglasses they could not be regarded as professionals.

Now, let me turn to *Sterling*. *Sterling* has been engaged in the business of selling eyeglasses for fifty years. They employ licensed optometrists. They employ perhaps 35 licensed optometrists. They have eleven establishments in New York City and two here in the District of Columbia.

In the case of *People v. Sterling*, Judge Tilzer of the Supreme Court of the State of New York and the Appellate Division of the Court of Appeals affirming his decision, stated that in the fifty years of commercial optometry in the State of New York there was no proof of any injury to the public.

In the most recent case, *Sterling v. Regents*, the New York State Optometric Society said at the outset they would prove injury to the public. Quite the contrary. There was proof in that case that they employed three Burns detectives. They told them to falsely state that they had symptoms of pathology when they visited the establishments of *Sterling* and others similarly situated on some 21 cases. One detective visited seven establishments and in six he was told he did not need eyeglasses and wasn't sold eyeglasses. In the case of others, they were given eyeglasses.

The New York State Optometric Society has those eyeglasses; they had the opportunity to neutralize the lenses to determine whether or not those prescriptions were fair, accurate and suitable to the patient. There was not one shred of evidence that any single one of those prescriptions were inaccurate or inappropriate. As a matter of fact, one of the detectives, after he discontinued his services for the Optometric Society, on his own purchased a pair of glasses from *Sterling* and was perfectly satisfied with the quality of the prescription and the lense. So that in that case the most recent instance where the situation has been submitted to the crucible of truth, namely a trial, again the New York State Optometric Society was unable to provide proof of a single instance of improper prescription, even though they used paid investigators to seek out the evidence.

Now, with regard to the corruptibility—I will finish up as quickly as I can.

Mr. SISK. I am simply going to have to cut you off. You have gone 25 minutes and that is about twice as much as anyone else has had.

Mr. STEIN. I just have one or two more points I want to make. This question of the corruptibility of employed optometrists. A survey was made by the New York State Optometric Society which shows that a considerable number of privately practicing optometrists had once worked for commercial establishments. I believe they did not publish those figures, but I believe it ran perhaps as high as 40 or 50 per cent. There was no evidence that those persons had been corrupted.

With regard to an optometrist being corrupted if he works in a store, or retail establishment, I have here a photograph of the front of Marvin Berlin's place of business. It shows very obviously he works in