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## Collateral Action When Cyrus Bass Lawsuit against AMA was Front and Center

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In 1964, Cyrus Bass, a Chicago optometrist, filed a lawsuit against the American Medical Association (AMA) and nine Chicago ophthalmologists alleging that the defendants had conspired against members of the profession of optometry and in the restraint of trade and commerce in the dispensing of eyeglasses. In previous issues of *Hindsight* there have been articles on this extraordinary and momentous event.<sup>1-3</sup> However, a personal behind-the-scenes correspondence exchange between Dr. Jack Runniger with principals of CBS Television for some language used in its popular "60 Minutes" broadcast were never reported.

The TV program, "60 Minutes," was one of the nation's most watched news broadcasts in the 1960s and its sterling reports and investigative reporting were taken as gospel by extremely large audiences. Runniger was a private practice optometrist in Rome, Georgia and a member of the American Optometric Association's Committee on Public Information. The American Optometric Association (AOA) had not issued any public comments on the Bass lawsuit but, as we learned much later on, it had officially been in contact with the United States Department of Justice in an effort to adjudicate the conflict with the AMA.

The "60 Minutes" broadcast the last Sunday in October, 1969 tackled the Bass lawsuit straight on. The lawsuit had been lingering in the court system for nearly five years with opposing attorneys filing motions and counter motions. No one can be sure what precipitated the producers of "60 Minutes" to get involved but they did. Popular newscaster Harry Reasoner moderated the TV segment. I feel sure that he, and his associates, were unaware that their references to the profession of optometry were surely not complimentary and, in fact, demeaning.

Dr. Runniger, who has always enjoyed a nice-guy persona, had been a strong advocate for the profession of optometry. And he has a way with words, being the author of many serious and many not-so-serious columns. Using his personal stationery, because he was not authorized to speak publicly for the AOA, Jack Runniger wrote to Harry Reasoner making the case for a fairer treatment in referencing optometrists. This is what he wrote:

October 30, 1969

Mr. Harry Reasoner  
60 Minutes  
c/o CBS Television  
New York, New York

Dear Mr. Reasoner:

The contents of 60 Minutes' Eyeglasses segment was basically fair.

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However, you did unwittingly strike optometrists three low blows:

1 - Using Cyrus Bass as the only spokesman for Optometry is like making Joe Pyne the spokesman for all Broadcasters.

2 - You stated that optometrists call themselves doctors "but are not medical doctors". True, but neither are dentists, for example. We do receive the O.D. (Doctor of Optometry) degree after a minimum of six years study at optometric colleges in many leading universities.

3 - You were unfair to many ophthalmologists as well as optometrists by implying that we dispense glasses only because of the profit motive. Most of us dispense our own prescriptions chiefly because we want to be certain that the glasses are made accurately and fitted correctly. The "profit" in the glasses goes for the time necessary for measuring, checking, fitting and servicing them.

We're not all mercenary. Honest!

Best regard,  
/s/  
Jack Runniger, O.D.

I feel sure that Dr. Runniger did not expect a reply to his letter but he wanted to relay his feelings to the television network and maybe, just maybe, next time the producer would know better. And it did work.

At least it drew a lengthy response from Andy Rooney who was the producer of the Bass lawsuit segment on 60 Minutes. Rooney, as most may know, went on to become a staple on CBS as a reporter and was acclaimed by many for his weekly cogent talks on a number of matters. Here is Rooney's response, dated November 5, 1969. It was written on official CBS stationery:

Dear Dr. Runniger:

Thank you for your basically fair comments about our eyeglass piece on 60 MINUTES. Harry Reasoner has given your letter to me because I produced the segment for him.

It was not all we thought it should have been and if I had known it would have to be reduced to 15 minutes, I would not have attempted it. The final editing was out of my hands and made the piece, in my view, unfair to both optometrists and ophthalmologists.

Your "Joe Pyne" comment was funny. I understand exactly who and what Cyrus Bass was and I knew optometrists generally would object to having him represent them. The fact is, however, that he said some things succinctly and well. Forget

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you ever heard of Bass - the position all but a small handful of viewers was in - and consider what he said:

‘Ophthalmologists generally look upon optometrists as excess baggage so to speak. They don't consider optometrists qualified because they are their competitors. Opticians don't derive their income from optometrists and therefore would not look toward optometry with any favor. My fear is that optometry is a dying profession. There's a prevailing concept among people that optometrists will generally try to oversell, or try to sell more glasses than is actually indicated. In answering that question, I would say that there is dishonesty in all walks of life. That an honest man will not do what an honest man doesn't do -- a dishonest man will do what a dishonest man does. So I wouldn't say that it's specifically unique for optometry to try to sell more, it is true for medicine. Many patients are being treated for diseases they don't have.’

Can you really quarrel with that?

It was not our conclusion that ophthalmologists and optometrists sell glasses to make money. One ophthalmologist we interviewed made that statement about other ophthalmologists.

I must disagree with you about use of the term "doctor." There are no legal restrictions to its use but the word has gained its stature from its association with the medical profession. If your letterhead read "Jack Runniger, O.D." and other people chose to call you "doctor", I would have no objection. But when you call yourself "Dr. Jack Runniger" I think you are intentionally borrowing some of the meaning which the medical profession has given the word and are therefore being just the tiniest bit deceptive.

I hope the abbreviated form of the report has not done you and your basically honorable, and certainly improving, profession any harm.

Sincerely,

/s/

Andrew A. Rooney

Jack Runniger told me that he felt his comparison to Joe Pyne may have been the magic key that got both Reasoner and Rooney to read and respond to his letter. Pyne was a showman who deliberately insulted people he was interviewing. He was not a serious newsman respected by his fellow journalists.

"60 Minutes" in those early years reserved a short segment, about four or five minutes, near the end of each broadcast to read and comment on a few of the letters that the producer had received about the previous week's show. On the week following the Bass broadcast, about half of the "Letters" segment was devoted to comments on the Runniger letter.

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## References

1. Bennett I. The lawsuit of optometrist Cyrus Bass versus the AMA. *Hindsight: J Optom Hist* 2012;43:2-4.
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3. Bennett I. More on the Cyrus Bass lawsuit: correcting an error and adding more information. *Hindsight: J Optom Hist* 2013;44:3-4.

## For additional information on the Bass lawsuit, see:

1. Bennett I. The 1954 American Optometric Association Seattle Resolution and medical reaction to it. *Hindsight: J Optom Hist* 2011;42:102-105.
2. Bass C. Report to the Optometric Profession (brochure), 1966.
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5. Classé JD. *Legal Aspects of Optometry*. Boston: Butterworths, 1989: 17-18.
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7. Proceedings, 47th Annual Meeting. International Association of Board of Examiners in Optometry, June 20-22, 1966.