of impeccable academic pedigree — is a rare econometric excursion into the real world. (It is not known whether the abyss he discovered there drove Kaysen into the comparatively saner region of foreign affairs; at any rate, he is now on President Kennedy's personal staff as an adviser on international problems.)

The three economists started with the 1949 models, simply because data was available for that year. For each succeeding year, they computed the additional cost of increasing the average over-all length (from 200.8 inches in 1949 to a peak of 210.4 in 1959 and now back to 201.7 in 1961), the weight (3,290 pounds in the base year to 3,671 pounds in 1959 to 3,303 pounds in 1961) and horsepower (104 in 1949 to 217 in 1958 to 163 last year).* Then they added up the cost of the automatic features, the retooling, the extra advertising and the increased average gas consumption.

Just to rub it in, the trio figured that if the 1949 auto's specifications had been continued through the 1950s, retaining only the useful improvements that have taken place, gasoline consumption would have dropped from 16.4 miles per gallon to 18.0 miles per gallon by 1959. Instead, it rose to 14.3 miles per gallon.

Economists who have been arguing that the Consumer Price Index presents an exaggerated picture of price increases because it ignores the fact that the quality of goods is improving can chew on this one for a bit.

Moreover, all these figures are underestimates of the social cost of model changes. The Fisher-Griliches-Kaysen team figures there is an additional $7.1 billion of extra cost for future excessive gas consumption built into the existing stock of cars. Then, too, they make no estimate of what the bigger, more powerful machines have added to our annual tolls for parking, damage to life and limb and the like.

In classical economics, the consumer is king. So, Fisher-Griliches-Kaysen concluded that up until recent years, consumers got largely what they wanted from Detroit. All the costs except retooling and advertising were visible in the package, and these invisibles amounted only to about a fifth of the extra burden. Of course, classical economics also assumes competition among sellers and buyers. The theory doesn't pay much attention to oligopoly, the situation of the auto industry with production concentrated among a Big Two and a Fraction.

Skeptics of orthodox doctrine are likely to argue that consumers don't have much real choice when there are so few competitors. The follow-the-leader price principle of concentrated industries is matched by the limited range of model choice offered auto buyers.

As sound economists, Fisher, Griliches and Kaysen are careful to say:

> We wish to avoid having this study taken as an indictment of the automobile companies. We are rather in the position of one who observes another man drinking various kinds of liquor. We do not blame the bartender for anything save that he occasionally gives the man more than he asks for of some expensive drink; nor do we question the man's right to drink; nor do we distinguished between "good" liquors and "bad." We do however present the bar bill.

But as men of feeling, even the economists could not resist adding: "And indeed the automobile-consuming public has been on quite a toot, to judge from the size of the bill."

*The retrenchments in average size, weight and horsepower for 1961 are accounted for principally by the compacts; without them, Detroit would probably still be marching toward the Gargantuan.

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***VIRGINIA JUSTICE:***

# If You Can't Get the Law, Get the Lawyer.. *by Glenn Scott*

*Norfolk, Va.*

ONE AFTERNOON last fall, three deputies from the Norfolk City Sergeant's office appeared at the cheerless offices of a local Negro law firm, Jordan, Dawley and Holt. The deputies bore a writ of attachment issued by the Norfolk Circuit Court clerk at the request of the Virginia General Assembly Committee on Offenses Against the Administration of Justice.

The writ called upon Holt to turn over all papers "used as a means for violating the common and statutory laws of Virginia which prohibit champerty, maintenance, barratry, running and capping, and the promotion or support of litigation by those who are not parties thereto." Specifically, the committee wanted records and correspondence relating to the Congress of Racial Equality, Southern Christian Leadership Conference, Inc., Virginia Christian Leadership Conference and certain Negro "improvement associations" in the state's larger cities.

It was clearly inevitable that the Committee on Offenses Against the Administration of Justice should one day meet up with the firm of Jordan, Dawley and Holt. The committee is one of the belated instruments of defense against the NAACP with which Virginia armed herself during the extraordinary session of the General Assembly in the spring of 1956. This was the session which forged the late, largely unlamented "massive resistance" to racial desegregation of state public schools. The "massive resistance" collapsed with the reopening, in 1959, of schools in Norfolk, Charlottesville and Warren County by federal court order. But the committee, comprised of mem-

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bers of the House of Delegates and the State Senate, lingers on.

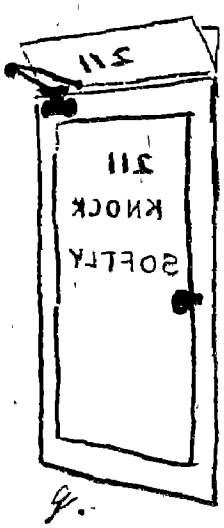
Delegate James M. Thomson of Alexandria, chairman of one of the two committees which preceded the present body, had no doubts about the General Assembly's wishes. Referring to the NAACP, he said his committee could perhaps "bust that organization wide open." It hasn't. Attempts to force the NAACP to reveal its members and contributors have come to nothing. All Negro attorneys who have attracted the committee's scrutiny are still in business. However, the committee's search for sources of racial litigation has not been altogether fruitless. In December, 1959, it reported that "the great majority" of plaintiffs in school-segregation cases in Warren County, Prince Edward County (where all public schools are still closed) and Floyd County "testified that they had never been consulted concerning the commencement of any school litigation or consulted as to its conduct after suit was commenced, and that they had never known they were plaintiffs in any such litigation until that information reached them from outside sources. . . "

Late last year the U.S. Supreme Court heard arguments on whether Virginia can forbid the NAACP from providing Negro civil-rights plaintiffs with free legal services by its own attorneys and whether NAACP attorneys who render them are guilty of malpractice.

AND that brings us back to Jordan, Dawley and Holt. All three are relative late-comers to the civil-rights battlefield. All are young: Alabama-born, Chicago-reared Holt, a graduate of Howard University Law School, is thirty-three; Dawley, a University of Michigan Law School graduate, is thirty-seven; Joseph A. Jordan, Jr., a graduate of Brooklyn Law School, is thirty-eight, a World War II paraplegic and, like Dawley, a native Norfolkian.

The trio's frequent skirmishes, in court and in politics, have brought them into repeated conflict with "old guard" Negro leaders who were in the forefront of the assault against racial barriers in the schools.

Dawley made a futile political bid in 1957 as a lone Negro candidate for one of Norfolk's six House of Delegates seats. Friction between the old guard and the newcomers reached general public attention two years later when Holt was expelled from the all-Negro Twin City Bar Association for allegedly breaching a confidence in an article he wrote for a Negro newspaper. Holt reported that four members of the Twin City Bar had opposed endorsing Jordan's 1957 candidacy for the House of Delegates. Two of them were locally prominent attorneys for the NAACP. Last March the legal firm again got into trouble with NAACP when it represented dissident members of the




local branch who were seeking to set aside the election of a branch president who, they thought, lacked militancy. The election was set aside — but the same man, endorsed by the national NAACP leadership, won the new election.

BUT IF Jordan, Dawley and Holt have been an irritant to what they at times considered "Uncle Tom" elements of the Negro community, they have proved no less uppity to white folks. So far, in Virginia, they have been involved in thirty-five cases challenging racial segregation and discrimination, either as plaintiffs, defendants or lawyers.

Holt also bobbed up on nation-wide TV after the first sit-ins at Southern five-and-dime lunch counters. As a CORE instructor (he was once a field secretary for the organization), he demonstrated to a class of potential sit-inners how to react passively to the actions of white Southerners outraged at the sight of Negroes sipping Cokes and munching hamburgers alongside whites.

Jordan, the paraplegic World War II veteran, weekly rolls his wheelchair into Norfolk's City Council chamber, where he sits as a self-styled "eighth member" of the seven-man body. In June, 1960, after receiving only 3,700 votes in the councilmanic race, Jordan pledged he would nevertheless represent the city's Negro population by regular attendance at council sessions. That there is no Negro councilman, says Jordan, is "Norfolk's continuing unsolved indignity. The responsibility for this situation is to be laid squarely at the doorstep of so-called moderate Negro leadership."

Jordan's contributions as the "eighth councilman" have included, among other things, an imaginative proposal that the city build an underwater aquarium and restaurant in Norfolk's civic center ("Imagine dining below the Elizabeth River and watching the ships and sea life go by") and a threat to seek an injunction against the council if it proceeds with a plan to build a museum-and-memorial to General Douglas MacArthur without asking for competitive bids.

CONSIDERING their flamboyant methods of operation, the only surprise is that the Committee on Offenses Against the Administration of Justice did not find time for Jordan, Dawley and Holt before last fall.

Confronted by the demand for their records and correspondence, Dawley and Holt huddled in an office for several minutes, then politely refused to honor the writ. The deputies, aware of the limits of their power, equally politely declined to press the matter. Holt then less politely ordered the committee's counsel, urbane William H. King of Richmond, and a committee investigator from the premises.

Rather than hole up and await the committee's next move, the three attorneys counterattacked in Norfolk's U.S. District Court, asking that the committee be enjoined from "further unlawful action to harass and intimidate" them as "part of a conspiracy to preserve racial segregation and prevent black men from opposing it." And they asked that the committee

chairman, State Senator Joseph C. Hutcheson of Lawrenceville, and counsel King, be prosecuted for violating civil-rights laws.

The committee, in turn, asked for dismissal of the suit, alleging principally a lack of jurisdiction by the federal court. Then it summoned the trio to appear before it—whereupon Jordan, Dawley and Holt obtained a temporary order restraining the committee from issuing further subpoenas and attachments against them. They refused to answer the committee's questions when they arrived in Richmond to represent clients who had participated in suits to integrate cemeteries, swimming pools, golf courses and libraries in Lynchburg, Petersburg and Hopewell. The committee threatened Holt with contempt proceedings in state courts and Holt threatened the committee with contempt proceedings in federal courts.

The request for an injunction and the committee's motion to dismiss it came before U.S. District Judge Walter E. Hoffman on October 23. Hoffman, who had written the memorable opinion reopening Virginia's schools and dealing a crucial blow to "massive resistance," listened to Holt's arguments, but remained unconvinced that the federal court had jurisdiction. He criticized Holt's preparation of the case, but at the same time expressed displeasure with the committee, which agreed to keep hands off the trio until the current dispute is settled.

The American Civil Liberties Union, concerned that the committee's move against the lawyers impinges on the attorney-client relationship, is supporting the trio's action against the Virginia committee. The National Lawyers Guild filed an *amicus curiae* brief on behalf of the plaintiffs. Civil-rights advocates are concerned, too, at the adverse effects successful committee action could have on the Negro's quest for first-class citizenship. Other Southern states have committees comparable to that on Offenses Against the Administration of Justice. Only Negro lawyers — or so it seems — take Southern civil-rights cases. Other lawyers identified with the vanguard of Negro "direct actionists" will take note of the federal court's action.

But if the ACLU is worried about the possible invasion of the lawyer-client relationship by the committee's foray, neither the white Norfolk-Portsmouth Bar Associations nor the Virginia State Bar Association have evinced like fears. Their members appear to be more disturbed by what they regard as a dangerous—if not treasonous—capriciousness of the U.S. Supreme Court than with the troubles of three free-wheeling Negro attorneys who, on top of all their other troubles, are short of funds with which to fight their case.

At the October hearing, Judge Hoffman told the plaintiffs and the defendants that he was aware that the outcome of the clash is of great importance to each. He could have added that it is of importance to a good many others in the troubled South.

Holt is confident of eventual victory.

"We'll win," he said. "It's just a question of in which court."

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# FLIGHT FROM DOOMSDAY . . *by Grant A. Flint*

SOME Americans, more realistic or less heroic than the rest of us, are now convinced that all-out thermonuclear war is an imminent certainty rather than a dangerous possibility. They believe that peace demonstrations, petitions, letters to government officials and other peace tactics have proved hopelessly ineffectual, that disarmament is no more than wishful thinking. They believe there remains only one realistic course of action — escape.

Most of these escapees will be gone before the spring rains come. They are selling their possessions, leaving behind friends, relatives, jobs, fleeing the sight of their neighbors' bomb-shelter tombs. They are emigrating to the South Pacific and other far-away places, where they believe the odds for survival will be more favorable.

A Greek Orthodox group is preparing to go to Brazil; the Simon Society will go to Rangatira Island, approximately 480 miles southeast of Wellington, New Zealand; a Quaker group of seven families from California has relocated in the isolated Lardean Valley in British Columbia; a group of sixty will flee from Iowa to the east coast of Mexico early next year. The "X" group (which desires anonymity) is completing its selection of 150 members; single men will emigrate to an island near Australia in February or April, single women and families will follow when houses have been constructed.

These are a few of the participants in the survival-through-escape movement, a phenomenon which has had rapid growth in the past few months. It is difficult to estimate accurately their number. Most of the groups are attempting to keep their activities secret. They believe exposure would bring outside interference, disrupting their plans and upsetting the delicate process of selecting members suitable for life in a survival colony. No one knows how many groups are forming — nor how many Americans are now *beginning* to think about flight from Doomsday.

During three months' membership in a group emigrating to the South Pacific, and a subsequent lengthy study of the general movement, I met directly with, or heard reliable reports of, nearly 1,200 Americans who are planning escape from the bomb and about 500 more who have already fled. Considering the secrecy surrounding the escapees' activities and the mushrooming growth of the

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*GRANT A. FLINT, a California writer, spent many months in direct contact with persons planning to "escape" nuclear war.*