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THE LAWYER'S ROLE IN CIVIL DISOBEDIENCE

LINDSEY COWEN*

INTRODUCTION

Civil disobedience is an emotion-ridden concept; individual responses to it cover the entire range of human reactions. Senator Sam J. Ervin, Jr., for example, has stated:

I make an affirmation which is subject to no exception or modification. The right of clergymen and civil rights agitators to disobey laws they deem unjust is exactly the same as the right of the arsonist, the burglar, the murderer, the rapist, and the thief to disobey the laws forbidding arson, burglary, murder, rape, and theft.¹

Such an approach has been labelled "plainly false,"² and indeed it appears that most persons who have written on the subject believe that under certain circumstances conduct that is illegal, and therefore punishable by the state, may nevertheless be morally justified.³ While there is disagreement on precisely what these circumstances are, most who accept the principle at all would agree with Dean Robert B. McKay that at the very least civil disobedience includes

the violation of law by nonviolent means where opposition to the law is based on a deeply held conviction that the law itself is in conflict with some higher principle. The violation must be open, not furtive, and any sanction imposed for violation of law must be accepted, not evaded.⁴

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¹ Address by Senator Sam J. Ervin, Jr., University of Georgia Law Day Exercises, May 7, 1966.

² Unpublished paper prepared by Dr. W.T. Blackstone, Professor of Philosophy and Head of the Department of Philosophy and Religion, University of Georgia, for delivery at the Annual Meeting of the Southern Political Science Association, Nov. 7-9, 1968.

³ The literature is voluminous. See, e.g., A. FORTAS, CONCERNING DISSENT AND CIVIL DISOBEDIENCE (1968); Allen, *Civil Disobedience and the Legal Order*, 36 U. CINN. L. REV. 1, 175 (1967); McKay, *Civil Disobedience: A New Credo?*, 2 GA. L. REV. 16 (1968); Note, *Civil Disobedience in the Civil Rights Movement: 10 What Extent Protected and Sanctioned?*, 16 W. RES. L. REV. 711 (1965). Less formal, but highly readable discussions include: Van Dusen, *Civil Disobedience: Destroyer of Democracy*, 55 A.B.A.J. 123 (1969); *Civil Disobedience*, 21 CORNELL L.F. 1 (1968); *A Center Symposium: Limits of Dissent*, 1 THE CENTER MAG. No. 7, at 3 (1968).

⁴ McKay, *supra* note 3, at 19.

There are, of course, great practical as well as theoretical difficulties in labeling certain types of illegal conduct as justified,⁵ but there is substantial precedent,⁶ and there is no reason to think that society will not be confronted with these difficulties for an indefinite time in the future. The lawyer inevitably will play a major role.

Will that role, or any part of it, be different than it otherwise would be because civil disobedience is involved? The answer requires examination of the lawyer's role as counselor, advocate, public official, and citizen.

THE LAWYER'S ROLE AS COUNSELOR AND ADVOCATE

The Attorney-Client Relationship

When a lawyer is approached by a prospective client who seeks legal assistance, he may already be so occupied with the work of other clients that he is obligated to refuse additional responsibilities.⁷ Under these circumstances, he is acting in the best tradition of the profession in limiting himself to that which he can effectively accomplish. But if he feels that he is in a position to accept another client, he must determine whether to accept this particular client. There is, first of all, the possibility of a conflict of interest, and if the possibility exists he must decline being retained; all doubts should be resolved against the proposed additional representation.⁸

⁵ No matter what it is called or how it is justified or rationalized, civil disobedience demeans democracy's process of social change and eventually destroys democracy itself. Civil disobedience is a counsel of despair and defeat, so undemocratic that it could bring about an authoritarian state.

Van Dusen, *supra* note 3, at 123.

⁶ Henry David Thoreau, in a sense the "father" of modern-day civil disobedience, once wrote:

Unjust laws exist: shall we be content to obey them, and obey them until we have succeeded, or shall we transgress them at once. . . . I do not hesitate to say, that those who call themselves Abolitionists should at once effectually withdraw their support, both in person and property, from the government of Massachusetts, and not wait 'til they constitute a majority of one, before they suffer the right to prevail through them. I think that it is enough if they have God on their side, without waiting for that other one. Moreover, any man more right than his neighbors constitutes a majority of one already.

H. THOREAU, *THE VARIORUM CIVIL DISOBEDIENCE* 39, 41 (Harding ed. 1967). See also note 3 *supra*.

⁷ The lawyer deciding whether to undertake a case must be able to judge objectively whether he is capable of handling it and whether he can assume its burdens without prejudice to previous commitments. . . .

Professional Responsibility: Report of the Joint Conference, 44 A.B.A.J. 1158, 1218 (1958).

⁸ ABA CANONS OF PROFESSIONAL ETHICS No. 6 [hereinafter cited as ABA CANONS].

Even if there is no conflict, there may be other valid reasons for refusing. The attorney-client relationship is a peculiarly personal one, and normally a lawyer has no specific obligation to represent any particular client.⁹ Nevertheless, the profession as a whole has a responsibility to provide legal services to those who need them,¹⁰ and this corporate responsibility ultimately rests with the individual attorney. Consequently, "a lawyer should not lightly decline proffered employment. The fulfillment of this objective requires acceptance by a lawyer of his share of tendered employment which may be unattractive both to him and to the bar generally."¹¹ The individual attorney must weight carefully his right to refuse employment against the right of a citizen to representation. The citizen who seeks legal advice must not be denied it, or even unnecessarily hampered in obtaining it.¹²

Once the attorney-client relationship is established by agreement, the lawyer's role as counselor or advocate, or perhaps both, comes into play.

The Lawyer as Counselor

In those situations where a client is concerned about a law he believes to be unjust or immoral, the lawyer should first consider its constitutionality. Depending upon the particular circumstances, this may be in effect no more than a formality, or it may require a major research effort. Whatever the circumstances, if, after due consideration, counsel deems the act to be clearly contrary to some provision of the state or federal constitution, he must advise his client to that effect;¹³ the client may then decide to act as though the statute were nonexistent.¹⁴ Regrettably, most issues of this sort do not permit legal judgments of unconstitutionality that are substantially without doubt; consequently, in many situations there is a real possibility that the lawyer's legal judgment may prove to be wrong

⁹ *Id.* No. 31.

¹⁰ "It is not only the right but the duty of the profession as a whole to utilize such methods as may be developed to bring the services of its members to those who need them, so long as this can be done ethically and with dignity." ABA COMM. ON PROFESSIONAL ETHICS, OPINIONS, No. 320 (1968). See ABA CODE OF PROFESSIONAL RESPONSIBILITY, Canon 2—Ethical Considerations ¶ 1, at 11 (Prelim. Draft 1969) [hereinafter cited as CODE OF PROFESSIONAL RESPONSIBILITY].

¹¹ CODE OF PROFESSIONAL RESPONSIBILITY, Canon 2—Ethical Considerations ¶ 26, at 17.

¹² *Id.* ¶¶ 1, 24 & 25, at 11, 17.

¹³ ABA CANONS No. 8; see also CODE OF PROFESSIONAL RESPONSIBILITY, Canon 7—Ethical Considerations ¶ 5, at 78.

¹⁴ "[A] legislative act, contrary to the constitution, is not law. . . ." *Marbury v. Madison*, 5 U.S. (1 Cranch) 87, 111 (1803).

even though professionally reasonable at the time given.¹⁶ He is obliged to give his best professional judgment and to counsel the client concerning the sanctions to be imposed should his judgment prove to be erroneous.¹⁶

The client, of course, may not be content to act upon his lawyer's opinion alone, particularly if the lawyer entertains substantial doubt about it. To remove such doubts, or for any of a number of reasons, the client may desire a definite ruling by a court; however, under our legal system, violation of the particular law, with the attendant risk of the imposition of sanctions, is necessary to obtain the ruling.¹⁷ The classic civil disobedient would not hesitate to disobey a law deemed unjust or immoral and thus initiate a legal challenge, because of the risk of punishment should the act be held constitutional.¹⁸ Indeed some believe that violation of a statute for the purpose of testing its constitutionality does not constitute an act of civil disobedience.¹⁹ But if the lawyer's judgment of unconstitutionality ultimately proves to be wrong, the result for the violator is the same as it would be for the "pure" civil disobedient.²⁰

The difficulties confronting the lawyer-counselor in advising on constitutional issues is well illustrated by the "flag-salute" cases of the early 1940's. The first of these to produce a definitive decision of the United States Supreme Court²¹ arose when two school children refused to obey a local school board regulation requiring the saluting of the national flag as part of daily school exercises. These children, ages 12 and 10, were members of a family affiliated with the Jehovah's Witnesses and refused to salute the flag because of their religious convictions. School officials ultimately expelled them for their noncompliance. Had their parents sought legal advice before the refusal to salute, counsel could have told them that the legal question was a difficult and unresolved one. There

¹⁶ The volume of reported cases may be the best evidence of the truth of the statement.

¹⁷ See note 13 *supra*.

¹⁸ See, e.g., *United Public Workers of America v. Mitchell*, 330 U.S. 74 (1946). There may be exceptional circumstances where such a risk need not be taken. See *Ex parte Young*, 209 U.S. 123 (1908). See generally H. M. HART & H. WECHSLER, *THE FEDERAL COURTS AND THE FEDERAL SYSTEM* 75 (1953).

¹⁹ The civil disobedient, by definition, is prepared to accept punishment. See text accompanying note 4 *supra*.

²⁰ See, e.g., A. FORTAS, *supra* note 3, at 16. Professor Harrop Freeman has been quoted as saying: "Some writers have said that if a dissenter is later protected or vindicated by the highest court, then no civil disobedience is involved. This I deny." *Civil Disobedience*, 21 *CORNELL L.F.* 1, 3 (1968).

²¹ See, e.g., *Walker v. Birmingham*, 388 U.S. 307 (1967). The situation is discussed in A. FORTAS, *supra* note 3, at 46.

²² *Minersville School Dist. v. Gobitis*, 310 U.S. 586 (1940).

were Supreme Court opinions that indicated that the school board regulation might be constitutional,²² but there were others indicating that it was not.²³ He would also have had to tell them that the courts were reluctant to render what appeared to them to be advisory opinions,²⁴ and that they might have to disregard the regulation and risk punitive action before a judicial determination could be had.²⁵ Whether he could then appropriately advise noncompliance with the regulation would depend on his best professional judgment as to the outcome. He might well consider the chances of success worth the risk.

After the Supreme Court decision in *Minersville School District v. Gobitis*,²⁶ holding that such a regulation was valid, counsel would be obliged to advise obedience thereafter, unless he had a reasonable legal basis for believing that the Court might be prepared to reverse itself, a step highly unlikely immediately after a definitive ruling. As a matter of fact, however, the reasonable basis was not long in forthcoming. In 1942, three Justices of the United States Supreme Court²⁷ who had joined in the majority opinion in *Gobitis* noted: "Since we joined in the opinion in the *Gobitis* case, we think this is an appropriate occasion to state that we now believe that it also was wrongly decided."²⁸ At this point the lawyer, consulted on the validity of such flag-salute regulations, could advise that in all probability they would no longer be held constitutional and could therefore be safely disregarded. At least he could counsel that since their constitutionality was in doubt, violation for the purpose of effecting a judicial test would be appropriate.

Of course the constitutionality of such regulations would make little difference to Jehovah's Witnesses in practice, since they are committed to disregard laws they deemed contrary to the laws of God as evidenced by the Bible. But when the opportunity for reversal of the *Gobitis* decision presented itself, they quite properly took advantage of it. The trial court sustained their position and restrained enforcement of a similar flag-

²² *Gabrielli v. Knickerbocker*, 306 U.S. 621 (1939); *Hering v. State Bd. of Educ.*, 303 U.S. 624 (1938); *Leoles v. Landers*, 302 U.S. 656 (1937).

²³ See *Pierce v. Society of Sisters*, 268 U.S. 510 (1925); *Meyer v. Nebraska*, 262 U.S. 390 (1923).

²⁴ For a general discussion of the problem, see H. M. HART & H. WECHSLER, *supra* note 17, at 75-81.

²⁵ See, e.g., *Griswold v. Connecticut*, 381 U.S. 479 (1965).

²⁶ 310 U.S. 586 (1940).

²⁷ Justices Black, Douglas, and Murphy.

²⁸ *Jones v. City of Opelika*, 316 U.S. 584, 623-24 (1942).

salute regulation.²⁹ The Supreme Court of the United States this time affirmed³⁰ on the ground that such regulations did violate the Constitution, saying: "The decision of this Court in *Minersville School District v. Gobitis* and the holdings of those few *per curiam* decisions which preceded and foreshadowed it are overruled"³¹

Occasionally it is suggested that the Supreme Court appears to be more willing today than in the past to reconsider precedent and to overturn it if such a result seems required by the Constitution.³² If this be true, a lawyer today may have sounder ground for counseling activity that he considers illegal, on the theory that only such activity can bring about a warranted judicial test. But a lawyer may decide, after careful consideration of all pertinent authorities, that the constitutionality of the allegedly unjust or immoral statute is beyond reasonable doubt. Under these circumstances, too, he would advise his client of the reasons for his judgment and, where appropriate, of the sanctions the client would risk if he violates the statute.³³ The critical question then would be

²⁹ *Barnette v. West Virginia State Bd. of Educ.*, 47 F. Supp. 251 (S.D.W. Va. 1942). In declining to follow the precedent decision of the United States Supreme Court, the court said:

Ordinarily we would feel constrained to follow an unreversed decision of the Supreme Court of the United States, whether we agreed with it or not. It is true that decisions are but evidences of the law and not the law itself; but the decisions of the Supreme Court must be accepted by the lower courts as binding upon them if any orderly administration of justice is to be attained. The developments with respect to the *Gobitis* case, however, are such that we do not feel that it is incumbent upon us to accept it as binding authority. Of the seven justices now members of the Supreme Court who participated in that decision, four have given public expression to the view that it is unsound, the present Chief Justice in his dissenting opinion rendered therein and three other justices in a special dissenting opinion in *Jones v. City of Opelika*. . . . The majority of the court in *Jones v. City of Opelika*, moreover, thought it worth while to distinguish the decision in the *Gobitis* case, instead of relying upon it as supporting authority. Under such circumstances and believing, as we do, that the flag salute here required is violative of religious liberty when required of persons holding the religious views of plaintiffs, we feel that we would be recreant to our duty as judges, if through a blind following of a decision which the Supreme Court itself has thus impaired as an authority, we should deny protection to rights which we regard as among the most sacred of those protected by constitutional guaranties.

Id. at 252-53.

³⁰ *West Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624 (1943).

³¹ *Id.* at 642.

³² See Lloyd, *The Supreme Court of the United States: Center of Conflict*, 17 SYRACUSE L. REV. 599 (1966).

³³ ABA CANONS NOS. 8 & 32; see also CODE OF PROFESSIONAL RESPONSIBILITY, Canon 7—Ethical Considerations ¶ 5, at 78.

whether he might properly advise his client to violate the law in order to call attention to it—a classic civil disobedience tactic. Under such circumstances, should he advise disobedience and should his judgment of constitutionality be correct, he might well be guilty of a crime himself and subject to punishment for his offense.³⁴ Conviction would also make him subject to discipline by the bar for unprofessional conduct.³⁵ It seems clear that his professional obligation is to counsel obedience.

After such advice, however, the client may nevertheless decide to violate the law. If the attorney is told of the decision, the duty to preserve the client's confidences is no longer effective, and the attorney has a positive duty to notify the appropriate authorities of the proposed violation.³⁶ The fact that it may be a case of civil disobedience does not change his obligation. Such action by counsel, however, should be of no concern to the true civil disobedient because one of the generally-recognized elements of civil disobedience is the desire for publicity concerning the alleged unjust or immoral law, and a willingness on the part of the civil disobedient to accept whatever punishment that may be imposed.³⁷

The lawyer's role, as indicated, is to provide a full legal analysis of the implications of the proposed violation; to advise against it if his conclusion is that the law is valid, even though unjust or immoral; and to notify the authorities if he has reason to believe that the violation will occur. The client's obligations to his own conscience are not a matter within the lawyer's professional concern.

The Lawyer as Advocate

When the lawyer is called upon to serve as advocate, he has an obligation to urge

any permissible construction of the law favorable to his client without regard to his professional opinion as to the likelihood that the construction will ultimately prevail. His conduct is within the bounds of the law if the position of his client is supported by the law or is supportable by a good faith argument for an extension, modification

³⁴ For a general discussion of parties to crime, see R. PERKINS, *CRIMINAL LAW* 55 (1957).

³⁵ ABA CANON No. 32; see also *CODE OF PROFESSIONAL RESPONSIBILITY*, Canon 1—Discip. R. 1-102, at 6; Note, *Disbarment: Nonprofessional Conduct Demonstrating Unfitness to Practice*, 43 *CORNELL L.Q.* 489 (1958).

³⁶ ABA CANON No. 37; see *CODE OF PROFESSIONAL RESPONSIBILITY*, Canon 5—Discip. R. 5-101(c)(3), at 55; *id.*, Canon 7—Ethical Considerations ¶ 4, at 78.

³⁷ See text accompanying note 4 *supra*.

or reversal of the law. However, a lawyer should not assert a position in litigation which is frivolous.⁸⁸

In other words, a client is entitled to have every position reasonably available to him under the law advanced in his behalf.⁸⁹ Matters of strategy may dictate choice, but a lawyer has broad discretion in making his argument. A civil disobedient, like other disobedients, can expect no more; but for publicity or other purposes he may wish to have an argument based upon his motivation presented at his trial. There is analogous precedent for this. A husband who kills his wife's lover may seek to defend on the ground that he is avenging his honor and her's, a defense of dubious legal validity but perhaps of some practical value. The father who steals food to feed his hungry children may find that, under the circumstances, a jury will refuse to convict him. So a civil disobedient might hope for an acquittal or a hung jury at the hands of jurors sympathetic with his cause, or he might be satisfied simply to have the alleged injustice or immorality of the particular law dramatized in the courtroom. In the end, the lawyer would have to decide whether to attempt such a defense; if he attempts it, the presiding judge would have to determine how far he would permit the advocate to go in this area. Theoretically, in such circumstances the alleged good motive should be deemed immaterial in determining the guilt or innocence of the accused.

The question of motivation could arise again at the time of the time of the imposition of sentence, after a guilty plea or a conviction of an act of civil disobedience. On occasion it has been suggested that the motives of a civil disobedient ought to be considered in mitigation. The argument is that a nonviolent act in violation of a statute deemed unjust or immoral, which was committed for the purpose of testing its validity or for the purpose of drawing attention to its unjustness, might well merit reduced or nominal punishment.

Of course, a judge who feels that acts of civil disobedience are of the same kind and degree as other illegal acts would not be swayed by any such argument in imposing sentence. Indeed, judges who might concede the existence of illegal, but nevertheless justified, acts might also refuse to consider motivation in ascertaining punishment on the grounds that one of the ingredients of the concept of civil disobedience is that the

⁸⁸ CODE OF PROFESSIONAL RESPONSIBILITY, Canon 7—Ethical Considerations ¶ 4, at 78.

⁸⁹ ABA CANONS No. 15.

civil disobedient expects to receive, and is willing to accept, the punishment provided for his act.

The advocate who seeks to argue the morality of his client's cause faces the possibility of having the argument rejected by the court. Nevertheless, there appears to be substantial support for its pertinence, at least on the issue of the sentence.⁴⁰

THE LAWYER'S ROLE AS A PUBLIC OFFICIAL

Historically, the lawyer has played a significant part in the government of our country.⁴¹ He is a natural leader, by education a policy maker; and frequently finds himself a member of a legislature, an official in an administrative agency, an executive officer in the government, or a judge.⁴²

As an elected official in the legislative or the executive branch of government, the lawyer, like his lay counterpart, has a formal obligation to work for the improvement of society. As an executive or administrative official he does this through the proposal of new legislation or the enlightened administration of existing laws. As a legislator he meets this responsibility by proposing and supporting laws designed to correct injustices and to provide increased opportunities for the individual realization of potential on the part of a greater number of citizens. His education and experience peculiarly equip him to identify problems in our legal and political structures and to contribute effectively to their solution.

As a judge, whether elected or appointed, his opportunities for creative work are more limited. The traditional role of the judicial officer is to apply existing law to ascertained facts and thereafter to render a judgment in accordance with the law.⁴³ In these more enlightened and realistic times, it is recognized that judges throughout our history have had, and continue to have, opportunities to guide the development of the law.⁴⁴ On those rare occasions when a judge has the opportunity to rule upon a new and novel question of common law,⁴⁵ his opportunity for creativity is at its height. More commonly, but still infrequently insofar as the total

⁴⁰ See Note, *Sentencing in Cases of Civil Disobedience*, 68 COLUM. L. REV. 1508, 1510 (1968).

⁴¹ H. EULAU & J. SPRAGUE, *LAWYERS IN POLITICS* 11 (1946).

⁴² *Id.* at 12.

⁴³ See 1 W. BLACKSTONE, *COMMENTARIES* 69 (1907). For a general discussion, see E. PATTERSON, *JURISPRUDENCE* 571 (1953).

⁴⁴ See B. CARDOZO, *THE NATURE OF THE JUDICIAL PROCESS* (1921); B. CARDOZO, *THE GROWTH OF THE LAW* (1924).

⁴⁵ See, e.g., *Pavesich v. New England Life Ins. Co.*, 122 Ga. 190, 50 S.E. 68 (1905).

volume of cases is concerned, he has the opportunity to develop new law by shifting emphasis and treating as controlling aspects of a case that theretofore have been considered to be of relatively minor importance.⁴⁶ This is neither the time nor the place to detail the limits of this awesome power, but within the relatively narrow confines in which it operates, a judge can act creatively in the interests of justice and morality. There is real danger that a judge in his proper concern for justice may exceed the bounds of his authority. Nevertheless, the conscientious judge should be constantly on the lookout for those situations in which he may appropriately act creatively.⁴⁷

THE CITIZEN-LAWYER

But it is beyond his roles as counselor, advocate, and public official that the lawyer has the opportunity to play his greatest role in the area of civil disobedience. The lawyer is an educated man. Most members of the bar, or at least most of those who have come to the bar in recent years, have had four years of undergraduate education and three years additional education in law school.⁴⁸ They meet and are engaged with a wide variety of people and with all types of human problems. They are by nature leaders. Lawyers have an obligation to use their expertise and talents outside the typical attorney-client relationship to bring about an improvement in the administration of justice and, more broadly, the legal system that has been created to make possible an improved life for us all.⁴⁹ Bar associations provide one vehicle for accomplishing these ends; there are many others including even casual conversations.⁵⁰

Because he is who he is, the citizen-lawyer has an obligation to consider most carefully any and all substantial allegations that particular laws are unjust or immoral. If he concludes that the charges are unfounded, then he surely has at least an informal obligation to seek to persuade those who feel aggrieved that they are wrong. If, on the other hand, he finds that their charges are well founded, he has a positive moral, and I believe, a professional obligation to work actively for the correction of

⁴⁶ See B. CARDOZO, *THE GROWTH OF THE LAW* 56 (1924).

⁴⁷ See note 44, *supra*.

⁴⁸ See generally V. COUNTRYMAN & T. FINMAN, *THE LAWYER IN MODERN SOCIETY* 642 (1966); AALS & LSAT COUNCIL, *LAW STUDY AND PRACTICE IN THE UNITED STATES, PRE-LAW HANDBOOK* 18 (1968).

⁴⁹ See CODE OF PROFESSIONAL RESPONSIBILITY, Canon 4—Ethical Considerations ¶ 2, at 50.

⁵⁰ See V. COUNTRYMAN & T. FINMAN, *supra* note 48, at 56.

the law.⁵¹ Pending such changes, he has the opportunity of using his particular talents for conciliation and arbitration in an attempt to achieve understanding and patience.

But what of the citizen-lawyer who feels compelled personally to challenge a law he deems unjust or immoral? Assuming that there is a type of disobedience that, although illegal and punishable, is nevertheless morally justified, does a citizen who happens to be a lawyer stand on the same footing as the nonlawyer? Theoretically, the answer may be Yes; realistically, it is No.

The lawyer, as a professional constantly working with and in the law, has a greater opportunity than does the layman to rectify allegedly unjust or immoral laws within the existing legal structure. Accordingly there may be fewer times when he is justified in resorting to civil disobedience. Nevertheless, there may come a time when there is no other feasible avenue open for him. One can conceive of a situation in which a Negro lawyer is denied his right to vote, either formally or informally, is refused admission to the local bar association, is constantly harrassed in his attempts to speak out concerning his points of view, or is discouraged from peaceable assembly to petition the government. There was a time in this country, not long past, when such conditions did obtain, and lawyers operating under such conditions were in fact civilly disobedient. Some would say their acts were justified even though illegal.

Only a few such limitations still exist. By and large, the citizen-lawyer, like other citizens regardless of race, creed, or color, has equal voting opportunities and the substantial protections of several Civil Rights Acts.⁵² The times, therefore, when civil disobedience may be justified for someone, grow fewer and fewer; for the lawyer, they may now be almost nonexistent. But as people continue to protest laws they deem unjust or immoral, the lawyer will continue to be called upon to play his role as counselor and advocate, and to work as a public official and leading citizen for the union of law and mortality and for equal justice and opportunity for all.

⁵¹ See ABA CANONS No. 29; CODE OF PROFESSIONAL RESPONSIBILITY, Canon 8.

⁵² See generally, Civil Rights Act of 1957, 5 U.S.C. § 295-1; 28 U.S.C. §§ 1343, 1861; 42 U.S.C. §§ 1971, 1975, 1995 (1964); Civil Rights Act of 1960, 18 U.S.C. §§ 837, 1074, 1509; 20 U.S.C. §§ 241, 640; 42 U.S.C. §§ 1971, 1974 (1964); Civil Rights Act of 1964, 28 U.S.C. § 1447(d); 42 U.S.C. §§ 1971, 1975(a)-(d), 2000 (1964).