citizens.[443] The important rule concerns the ability of a plaintiff to represent the constitutional rights of third parties not before the court.

Standing to Assert the Rights of Others.—Usually, one may assert only one's interest in the litigation and not challenge the constitutionality of a statute or a governmental action because it infringes the protectable rights of someone else.[444] In *Tileston v. Ullman*,[445] an early round in the attack on a state anti-contraceptive law, a doctor sued, charging that he was prevented from giving his patients needed birth control advice. The Court held that he had no standing; no right of his was infringed, and he could not represent the interests of his patients. There are several exceptions to the general rule, however, that make generalization misleading.

For instance, under circumstances where injured parties would be likely to be unable to assert their rights, many cases allow standing to third parties who can demonstrate a requisite degree of injury to themselves. Thus, in *Barrows v. Jackson*,[446] a white defendant who was being sued for damages for breach of a restrictive covenant directed against African Americans—and therefore able to show injury in liability for damages—was held to have standing to assert the rights of the class of persons whose constitutional rights were infringed.[447] Similarly, the Court has permitted defendants who have been convicted under state law—giving them the requisite injury—to assert the rights of those persons not before the Court whose rights would be adversely affected through enforcement of the law

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[443] United States v. Richardson, 418 U.S. 166, 173, 174–76 (1974); Duke Power Co. v. Carolina Environmental Study Group, 438 U.S. 59, 80 (1978); Allen v. Wright, 468 U.S. 737, 751 (1984). In United States v. SCRAP, 412 U.S. 669, 687–88 (1973), a congressional conferral case, the Court agreed that the interest asserted was one shared by all, but the Court has disparaged SCRAP, asserting that it "surely went to the very outer limit of the law," Whitmore v. Arkansas, 495 U.S. 149, 159 (1990).

[444] United States v. Raines, 362 U.S. 17, 21–23 (1960); Yazoo & M.V.R.R. v. Jackson Vinegar Co., 226 U.S. 217 (1912). *Cf.* Bender v. Williamsport Area School Dist., 475 U.S. 534 (1986).

[445] 318 U.S. 44 (1943). *See* Warth v. Seldin, 422 U.S. 490, 508–510 (1975) (challenged law did not adversely affect plaintiffs and did not adversely affect a relationship between them and persons they sought to represent).

[446] 346 U.S. 249 (1953).

[447] *See also* Buchanan v. Warley, 245 U.S. 60 (1917) (white plaintiff suing for specific performance of a contract to convey property to a black had standing to contest constitutionality of ordinance barring sale of property to "colored" people, inasmuch as black defendant was relying on ordinance as his defense); Sullivan v. Little Hunting Park, 396 U.S. 229 (1969) (white assignor of membership in discriminatory private club could raise rights of black assignee in seeking injunction against expulsion from club).