

Decisions

Hays Fellows gain practical experience in civil rights and civil liberties litigation under the supervision of the directors or other attorneys active in public interest advocacy. Some of the leading cases in the United States Supreme Court in which the directors and fellows have participated are:

Gideon v. Wainwright (1963), which established an accused's right to government-appointed counsel in all felony cases.

Lamont v. Postmaster General (1965), the first case striking down a federal statute under the First Amendment, invalidating a law restricting the freedom to read "Communist political propaganda".

United States v. Mississippi (1966), which advanced the right to vote free of racial discrimination.

In re Gault (1967), which first established due process rights for juveniles accused of delinquency.

See v. Seattle (1967), which protected commercial property from intrusions by administrative officials.

Levy v. Louisiana (1968), which first established the constitutional rights of children born to unmarried parents.

Flast v. Cohen (1968), which liberalized requirements for standing to sue in Establishment Clause cases.

Brandenburg v. Ohio (1969), which established a stricter First Amendment test for statutes that criminalized seditious speech.

LSCRRC v. Wadmond (1971), which challenged with partial success the political screening process of the New York State bar examination.

Tate v. Short (1971), which established new protection for indigent criminal defendants.

The Pentagon Papers case (1971), which rejected a prior restraint on newspapers that wished to publish a secret history of the Vietnam War.

United States v. Nixon (1974), which recognized the constitutional basis of presidential executive privilege but nevertheless required production of White House tapes.

Plyler v. Doe (1982), holding that children who are undocumented aliens may not be excluded from public schools.

Lynch v. Donnelly (1984), which upheld the constitutionality of a display of a Christmas Nativity Scene using public funds.

American Booksellers Ass'n. v. Hudnut (1986), rejecting an effort to define sexually explicit materials as a form of sex discrimination.

Oneida County v. Oneida Indian Nation (1986), which authorized an Indian tribe claiming a violation of its ancestral rights to land in New York State to sue in federal court.

Edwards v. Aguillard (1987), which invalidated a Louisiana law requiring the teaching of "creation science" whenever Darwinian evolution was taught in public schools.

United States v. Eichman (1990), which struck down a federal statute criminalizing flag desecration.

International Union, UAW v. Johnson Controls, Inc. (1991), which invalidated under Title VII a company policy that prohibited women but not men from working where they were exposed to lead poisoning.

Vacco v. Quill and Washington v. Glucksberg (1997), which rejected a federal constitutional right for terminally ill patients to physician assistance in dying but permitted states to recognize such a right.

INS v. St. Cyr (2001), which held that U.S. courts have habeas corpus jurisdiction to review challenges to certain deportation orders and that Congress did not intend 1996 amendments to apply retroactively.

Hoffman Plastic Compounds, Inc. v. NLRB (2002), which rejected the argument that an undocumented worker wrongfully discharged for union organizing is eligible for back pay under the National Labor Relations Act.

Rasul v. Bush/Al Odah v. U.S. (2004), which held U.S. courts have habeas corpus jurisdiction to review lawfulness of detention of alleged enemy combatants in custody at Guantanamo Bay Naval Base.

Rumsfeld v. Padilla (2004), which held that the proper respondent in habeas action is the immediate physical custodian of an individual and declined to reach the issue whether indefinite executive branch detention of alleged enemy combatant is unconstitutional.

Gonzales v. Oregon (2006), rejecting the Bush Administration's effort to use the federal Controlled Substances Act to preempt Oregon's Death with Dignity law.

FAIR v. Rumsfeld (2006), holding that Congress, through the Solomon Amendment, can force law schools to host military recruiters who violate law school rules against discrimination on the basis of sexual orientation.

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