

MIGRANT WORKERS---OEO EMPLOYEES APPEAL TRESPASS CONVICTIONS

State v. Shack (Superior Court,
Appellate Division, Docket No.
A-275-70) by Max B. Rothman and
Peter K. Shack, Camden Regional
Legal Services.

Like Peper v. Cedarbrook Farms, Inc. noted above, this case seeks to establish access and visitation rights at migrant labor camps. As explained in 23 State Clearing House Report 10 (October, 1970), the antipoverty workers in this case were actually arrested for trespassing, which distinguishes the case from Peper. The defendants were convicted in the Deerfield Township Municipal Court, and their conviction was affirmed by the Cumberland County Court. This appeal to the Appellate Division followed. In their appellate brief, the defendants contend that they have constitutional rights of assembly and association at the labor camp, that the Supremacy Clause demands that the trespass statute yield to the Congressional mandate expressed in the Economic Opportunity Act, and that migrant farm workers are tenants at will and as such are entitled to visitors.

The State Office of Legal Services has submitted an amicus curiae brief, noted in 24 State Clearing House Report 2 (November, 1970),

Brief.