

MIGRANT WORKERS---OEO EMPLOYEES APPEAL TRESPASS CONVICTIONS

State v. Shack (Superior Court, Appellate Division, Docket No. AM-369-69, Filed August 25, 1970) by Max B. Rothman, Peter K. Shack, and Christian B. Peper, Camden Regional Legal Services.

This case raises in State court the issues raised in Federal court in Peper v. Cedarbrook Farms, Inc., noted above. Here the defendants, a Legal Services attorney and a SCOPE antipoverty field worker, were arrested by a trooper of the New Jersey State Police, and convicted in Deerfield Township Municipal Court (Cumberland County) of violating N.J.S.A. 2A:170-31, the trespass statute. Defendants' arrests and convictions arose out of a visit which they made to a migrant labor camp. The Legal Services attorney had gone there to visit a client; the field worker had gone at the request of a Cumberland County Health Department official to bring a migrant worker to the emergency room of Bridgeton Hospital to have numerous stitches removed.

The defendants now are attempting to appeal their convictions directly to the Appellate Division under Rule 2:2-3(b). In their brief in support of their motion for leave to appeal, the defendants contend (1) that the trespass statute must yield under the Supremacy clause to the directives of Congress expressed in the Economic Opportunity Act, (2) that migrant workers are tenants at will during the term of their employment and as such are entitled to visitors at the labor camps, and (3) that the defendants and migrant workers have constitutional rights of assembly and association.

The State Office of Legal Services has submitted to the Appellate Division an amicus curiae brief, noted on page 1 of this report, which demonstrates the grave statewide importance of the case.

Brief.

