

On the contrary, such statutes must be deemed to prescribe only a minimum equivalency. The sentencing judge must impose a lesser jail term if it is adequate in the light of the total circumstances of the individual case.

Copies of the opinion, a State Office explanatory memorandum, and two memoranda from Edward B. McConnell, Administrative Director of the Courts, are available from the State Office.

2. TRESPASS CONVICTION OF LEGAL SERVICES ATTORNEY IS OVERTURNED---  
On May 11 the New Jersey Supreme Court in State v. Shack reversed the trespass convictions of a Legal Services attorney and an anti-poverty worker. As previously explained in 28 State Clearing House Report 1 (March, 1971), the two defendants had gone onto a migrant labor camp in the performance of their duties, and had been arrested for trespassing when they refused to leave. The defendants were represented by Max Rothman of Camden Regional Legal Services; Carl Lobel of the State Office of Legal Services appeared and filed an amicus curiae brief.

In its decision, written by Chief Justice Joseph Weintraub, the Court stated,

...[U]nder our State law the ownership of real property does not include the right to bar access to governmental services available to migrant workers and hence there was no trespass within the meaning of the penal statute...[W]e see no legitimate need for a right in the farmer to deny the worker the opportunity for aid available from federal, State, or local services, or from recognized charitable groups seeking to assist him. Hence representatives of these agencies and organizations may enter upon the premises to seek out the worker at his living quarters. So, too, the migrant worker must be allowed to receive visitors there of his own choice, so long as there is no behavior hurtful to others, and members of the press may not be denied reasonable access to workers who do not object to seeing them.

Copies of the opinion are available from the State Office.