



CIVIL RIGHTS---STATE VAGRANCY STATUTE DECLARED UNCONSTITUTIONAL

Karp v. Collins, (United States District Court,
District of New Jersey, Civil Action No. 756-69)
Decided March 12, 1970 by Emerson Darnell, Esquire,
of Mount Holly, New Jersey.

This suit arose out of the operation of a coffee house near Fort Dix, New Jersey. It was instituted by Emerson Darnell, Esquire, of Mount Holly, New Jersey on behalf of two civilians and two soldiers stationed at Fort Dix.

The suit, brought as a class action before a three-judge Federal Court, named as defendants the Commanding General of Fort Dix, certain military personnel there, the Superintendent of the New Jersey State Police, a number of state troopers, and the Attorney General of New Jersey.

The Complaint sought damages and an injunction against alleged acts of harassment in violation of the plaintiffs' constitutional rights, and a declaration of unconstitutionality and an injunction against the enforcement of N.J.S. 2A:170-1 (failure to give a good account) and N.J.S. 2A:170-29(1) (utterance of loud, offensive, profane, or indecent language).

The Court, in an opinion by Circuit Judge Abraham L. Freedman, struck down N.J.S. 2A:170-1. It found that despite the restricted construction which the New Jersey Supreme Court had given the statute in State v. Zito, 54 N. J. 206 (1969), N.J.S. 2A:170-1 was unconstitutionally vague and failed to define with constitutional clarity the point at which a person crossed the boundary between thought and criminal conduct. N.J.S. 2A:170-29(1) was found not to be unconstitutional on its face.

Opinion.

