

TITLE 18 USC SECTION 241 – 2.8

Handout

CONSPIRACY AGAINST RIGHTS

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured -

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., Sec. 51 (Mar. 4, 1909, ch. 321, Sec. 19, 35 Stat. 1092).

Clause making conspirator ineligible to hold office was omitted as incongruous because it attaches ineligibility to hold office to a person who may be a private citizen and who was convicted of conspiracy to violate a specific statute. There seems to be no reason for imposing such a penalty in the case of one individual crime, in view of the fact that other crimes do not carry such a severe consequence. The experience of the Department of Justice is that this unusual penalty has been an obstacle to successful prosecutions for violations of the act.

Mandatory punishment provision was rephrased in the alternative.

Minor changes in phraseology were made

AMENDMENTS

1996 – Pub. L. 104-294, Sec. 607(a), substituted "any State, Territory, Commonwealth, Possession, or District" for "any State, Territory, or District" in first par.

Pub. L. 104-294, Sec. 604(b)(14)(A), repealed Pub. L. 103-322, Sec. 320103(a)(1). See 1994 Amendment note below.

1994 – Pub. L. 103-322, Sec. 330016(1)(L), substituted "They shall be fined under this title" for "They shall be fined not more than \$10,000" in third par.

Pub. L. 103-322, Sec. 320201(a), substituted "person in any State" for "inhabitant of any State" in first par.

Pub. L. 103-322, Sec. 320103(a)(2)-(4), in third par., substituted "results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both" for "results, they shall be subject to imprisonment for any term of years or for life".

Pub. L. 103-322, Sec. 320103(a)(1), which provided for amendment identical to Pub. L. 103-322, Sec. 330016(1)(L), above, was repealed by Pub. L. 104-294, Sec. 604(b)(14)(A).

Pub. L. 103-322, Sec. 60006(a), substituted ", or may be sentenced to death." for period at end of third par.

1988 – Pub. L. 100-690 struck out "of citizens" after "rights" in section catchline and substituted "inhabitant of any State, Territory, or District" for "citizen" in text.

1968 – Pub. L. 90-284 increased limitation on fines from \$5,000 to \$10,000 and provided for imprisonment for any term of years or for life when death results

TITLE 18 USC SECTION 242 – 2.8

Handout

DEPRIVATION OF RIGHTS UNDER COLOR OF LAW

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., Sec. 52 (Mar. 4, 1909, ch. 321, Sec. 20, 35 Stat. 1092).

Reference to persons causing or procuring was omitted as unnecessary in view of definition of "principal" in section 2 of this title.

A minor change was made in phraseology

AMENDMENTS

1996 – Pub. L. 104-294, Sec. 607(a), substituted "any State, Territory, Commonwealth, Possession, or District" for "any State, Territory, or District".

Pub. L. 104-294, Sec. 604(b)(14)(B), repealed Pub. L. 103-322, Sec. 320103(b)(1). See 1994 Amendment note below.

1994 – Pub. L. 103-322, Sec. 330016(1)(H), substituted "shall be fined under this title" for "shall be fined not more than \$1,000" after "citizens,".

Pub. L. 103-322, Sec. 320201(b), substituted "any person in any State" for "any inhabitant of any State" and "on account of such person" for "on account of such inhabitant".

Pub. L. 103-322, Sec. 320103(b)(2)-(5), substituted "bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both" for "bodily injury results shall be fined under this title or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life".

Pub. L. 103-322, Sec. 320103(b)(1), which provided for amendment identical to Pub. L. 103-322, Sec. 330016(1)(H), above, was repealed by Pub. L. 104-294, Sec. 604(b)(14)(B).

Pub. L. 103-322, Sec. 60006(b), inserted before period at end ", or may be sentenced to death".

1988 – Pub. L. 100-690 inserted "and if bodily injury results shall be fined under this title or imprisoned not more than ten years, or both;" after "or both;".

1968 – Pub. L. 90-284 provided for imprisonment for any term of years or for life when death results.

TITLE 18 USC SECTION 1983 – 2.8

Handout

CIVIL ACTION FOR DEPRIVATION OF RIGHTS

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

CODIFICATION

R.S. Sec. 1979 derived from act Apr. 20, 1871, ch. 22, Sec. 1, 17 Stat. 13.

Section was formerly classified to section 43 of Title 8, Aliens and Nationality.

AMENDMENTS

1996 – Pub. L. 104-317 inserted before period at end of first sentence ", except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable".

1979 – Pub. L. 96-170 inserted "or the District of Columbia" after "Territory", and provisions relating to Acts of Congress applicable solely to the District of Columbia.