

Legal Guidelines

Title 18 USC, Section 241 reads as follows:

“If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any rights or privileges 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 not more than \$10,000 or imprisoned not more than ten years, or both; and if death results, they shall be subject to imprisonment for any term of years or for life.”

The elements of a violation of this Section are:

(1) Conspiracy by two or more persons.

(2) For the purpose of oppressing, threatening, or intimidating any citizen in the free exercise or enjoyment or past exercise of any rights or privileges secured to him by the Constitution or laws of the United States.

Violations of this section are a felony and punishable by a fine of not more than \$10,000 or imprisonment for not more than 10 years, except where a death results, violations in such cases are punishable by imprisonment for any term of years or for life.

Section 241 pertains to police officers acting under color of law, as well as to private citizens, but it differs from Section 242 in two major respects. First, Section 241 is applicable only to conspiracy involving two or more persons. Secondly, Section 241 pertains only to citizens of the United States, whereas Section 242 pertains to any inhabitants.

The county may assume responsibility for compensatory damages, but it is highly unlikely that any local government would be authorized to pay any part of a judgement or claim which is punitive.