

fails to penalize such injury, oppression, threats or intimidation when committed by a single individual, which not infrequently occurs. This should be corrected.

Second: The word "citizen" now appearing in the statute should be changed to "person" and the words "right or privilege secured to him by the Constitution" should be changed to "right, privilege or immunity secured or protected by the Constitution." The purpose of the suggested changes is to protect more completely the interests guaranteed to all persons by the 14th and 15th Amendments.

Third: The penalty in ordinary cases should be left as it is, a misdemeanor, but more substantial penalties should be provided for unlawful conduct prohibited by this statute which results in maiming or death.

The amendment of Section 242 of Title 18 would be so extraordinarily complicated that I do not recommend that it be attempted at the present time. In the case of Screws vs. U.S. 325 U.S. 91 the statute was upheld by a closely divided court only because of the construction placed by the court upon the word "willfully" as it appears in the statute. Yet it is the construction placed upon that word by the Supreme Court that causes the most serious practical difficulties in enforcement and other amendments would be of little avail without changing the word "willfully." However, to make the change would seriously jeopardize once more the constitutionality of the entire statute. Consequently, it is recommended that amendments should not be attempted at the present time.

