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*Adm - 12.1.
(proposed notice)*


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DD/ST# 3317-68

23 AUG 1968

MEMORANDUM FOR: Executive Director-Comptroller
Deputy Director for Science and Technology
Deputy Director for Plans
Deputy Director for Intelligence
Inspector General
General Counsel

25X1A

SUBJECT : Proposed  20-360, Disqualification for Engaging
in Riots and Civil Disorders (Job 5194-BTW)

For your information, attached is an advance copy of a
headquarters notice prepared as requested by the Civil Service
Commission to notify all employees of the provisions of Public
Law 90-351.



25X1A

Attachment: As stated

cc: D/P
SSA-DDS

DD/3&7
FILE COPY

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GROUP 1
Excluded from automatic
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This Notice Expires 1 August 1969

PERSONNEL

HN 20-360

DISQUALIFICATION FOR
ENGAGING IN RIOTS AND CIVIL DISORDERS

1. The Civil Service Commission has requested that all agencies notify their employees of the following significant provisions of Public Law 90-351, Riots and Civil Disorders:

"(a) An individual convicted by any Federal, State, or Local court of competent jurisdiction of--

(1) inciting a riot or civil disorder;

(2) organizing, promoting, encouraging, or participating in a riot or civil disorder;

(3) aiding or abetting any person in committing any offense specified in subparagraph (1) or (2) above, or

(4) any offense determined by the Agency to have been committed in furtherance of, or while participating in, a riot or civil disorder;

shall, if the offense for which he is convicted is a felony, be ineligible to accept or hold any position in the Government of the United States or in the government of the District of Columbia for the five years immediately following the date upon which his conviction becomes final. Any such individual holding a position in the Government of the United States or the government of the District of Columbia on the date his conviction becomes final shall be removed from such position."

2. The following statutory definitions may be helpful:

a. Felony means any offense for which imprisonment is authorized for a term exceeding one year.

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b. Riot means a public disturbance involving (1) an act of violence by one or more persons part of an assemblage of three or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual or (2) a threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of three or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.

c. To incite a riot, or to organize, promote, encourage, participate in, or carry on a riot, includes, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written (1) advocacy of ideas or (2) expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any such act or acts.

d. Civil disorder means any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual.

3. When appropriate and in accordance with HHB 20-5, subparagraph 3c(2), the Agency may suspend an employee pending investigation of charges that he had engaged in a riot or civil disorder.

4. The provisions of this notice apply to acts committed after the date of enactment of the statute, 19 June 1968.

FOR THE DIRECTOR OF CENTRAL INTELLIGENCE:

R. L. BANNERMAN
Deputy Director
for Support

DISTRIBUTION: ALL EMPLOYEES

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