



The Commonwealth of Massachusetts

Office of the Secretary

55 Ac. I

State House, Boston 02133

John F. N. Larson

Secretary of the Commonwealth

June 14, 1974

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PERSONAL & CONFIDENTIAL

Gentlemen:

In reply to your letter of April 4, 1974 in which you pose several questions on behalf of the Friends to Promote Attorney General Robert H. Quinn, I shall answer your questions in the order they were presented in your letter.

"Are contributions by labor organizations to political committees organized under Ch. 55 or to a candidate prohibited under Ch. 55?"

This office is well-aware of the decision of our Massachusetts Supreme Judicial Court in the case of *Bowe v. Commonwealth* 320 Mass. 230 and, of course, this decision carries some weight in our decision with regard to your question. Having checked with the authors of Chapter 1173 of the Acts of 1973, which very substantially amended Chapter 55 of the Massachusetts General Laws, I am also aware that they did consider the question of contributions on the part of labor unions, however, they did not, in their wisdom, impose any specific limitations regarding labor organizations. They did specifically impose in Chapter 55, Section 6, a maximum contribution of \$1,000.00 on the part of any individual; in Chapter 55, Section 7, a maximum cash contribution of \$100.00 in a calendar year; and in Chapter 55, Section 7, a prohibition against business corporations from making any type of contributions to a candidate or political committee. Plainly, since the legislative authors of the bill considered unions as contributors to candidates and political committees and did not see fit to impose any limitations in this regard, thus the conclusion must be drawn that they intended that labor unions would have the right to contribute to candidates and to political committees.

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"Are contributions by labor organizations to political committees organized under Ch. 55 or to a candidate restricted in dollar amount by Ch. 55, Section 6?"

The above reasoning would be valid as regards this questions with respect to a limitation of the total amount which a labor union may give to a candidate or a political committee. It is clear that if the legislature had so chosen, it could have imposed dollar limitations on the amount which a labor organization could contribute to a candidate or non-elected political committee. Since they have not done this with regard to contributions by labor organizations, the conclusion must be drawn that unions may exceed the \$1,000.00 maximum contribution. The legislature did impose a maximum contribution of \$1,000.00 in Chapter 55, Section 7, with regard to an individual's contribution.

"If a labor organization makes a cash contribution to a political committee organized under Ch. 55 or to a candidate, does the labor organization, by virtue of such contribution, become a 'political committee' as defined by Section 1 of Ch. 55, so that it is required to comply with the organizational, filing, and other requirements contained in Ch. 55 governing 'political committees'?"

It would seem that a labor organization does not become a candidate or a political committee within the meaning of Chapter 55 simply by making a contribution, for the making of such a contribution is merely incidental to the main reason for the existence of the labor organization. To require that all organizations which make a contribution to a candidate or a political committee become a non-elected political committee might also mean that the Women's Bowling Club of North Somerville--which might purchase a \$15.00 ticket to a candidate's fund-raising event once in ten years--would be forced to become a non-elected political committee, thus under Chapter 55, Section 16, such organizations would be mandated to fill-out all of the reports necessary to be filed by a non-elected political committee and would also be mandated to disclose the complete financial situation of their organization. It is our opinion, the legislature did not intend this act to have such an effect as to make it unreasonable and cumbersome.

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In recent discussions with the authors of the recent amendments to Chapter 55, it was indicated to this office that the "public's right to know" would be obviously fulfilled as a result of the disclosure of such contributions by labor organizations on the part of the candidate or the non-elected political committee, and it was also indicated that the legislature's intent was not to mandate the formation of non-elected political committees by such labor organizations.

I trust this sufficiently answers your request for my interpretive ruling on certain sections of Chapter 55 of the Massachusetts General Laws.

Very truly yours,
JOHN F. X. DAVOREN
Secretary of the Commonwealth

By:
John J. McGlynn
Supervisor of Public Records

JJM/mjb