



# The Commonwealth of Massachusetts

## Office of Campaign & Political Finance

One Ashburton Place, Boston 02108  
727-8352

Dennis J. Duffin  
Director

AO-87-06

June 25, 1987

Mr. Bruce Garlow  
Box 178  
Housatonic, MA 02136

Dear Mr. Garlow:

This is in response to your recent request for an advisory opinion concerning the application of M.G.L.c.55 to your activities.

You wish to know whether, as a person employed for compensation by the Commonwealth, you may raise funds on behalf of the Berkshire Advisory Council of the Massachusetts Commission Against Discrimination.

You state that the Massachusetts Commission Against Discrimination is the state civil rights agency charged with investigating and resolving discrimination complaints in the areas of housing, employment, education, public accommodations and credit. You state further that the role of the Berkshire Advisory Council is to primarily assist in the filing of complaints and to serve as an educational and outreach group. You state that any funds you raise will be used to further the education of the public on discrimination matters and laws and may include the production of anti-discrimination curricula for use in area schools.

You are a person "employed for compensation" by the commonwealth. Section 13 of chapter 55 provides that, "No person employed for compensation, other than an elected officer, by the commonwealth or any county, city or town shall directly or indirectly solicit or receive any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee, or for any political purpose whatever, but this section shall not prevent such persons from being members of political organizations or committees."

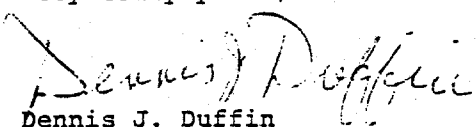
Therefore, persons such as yourself may not, directly or indirectly, solicit or receive anything of value for the political campaign purpose of any candidate for public office or of any political committee, or for any political purpose whatever. (emphasis supplied) Since the organization in question is clearly not a candidate for public office,

nor a political committee, as that term is used in c.55, the issue presented is whether it is "political".

Based on the information you have presented, it is my opinion that the activities of the Berkshire Advisory Council of the Massachusetts Commission Against Discrimination are more humanitarian, rather than political, in nature. Therefore, the prohibition contained in Section 13 would not apply to fundraising activities on behalf of the Council. The facts presented here are substantially similar to those presented in AO-86-03, relative to the question of an appointed public employee fundraising on behalf of Oxfam America and AO-85-17 relative to fundraising on behalf of Amnesty International. I concluded in that opinion, as I have here, that fundraising activities on behalf of an organization which focuses primarily on humanitarian, rather than political causes, is not prohibited by Section 13.

This opinion has been rendered solely on the basis of materials and facts presented by you. No independent investigation of the organization has been conducted.

Very truly yours,

  
Dennis J. Duffin  
Director

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