

John I. CRAPO
10 AGASSIZ STREET
CAMBRIDGE, MASS. 02140.

July 20, 1972

The Honorable Members of the
Cambridge City Council
City Hall, Cambridge, Mass 02139

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CAMBRIDGE, MASS.

Dear Councillors:

This is to invite your attention to my letter of July 11, 1972 to Secretary of State John F. X. Davoren, a copy of which I enclose herein, and his reply of July 15, 1972, a copy of which I enclose herein, which I received today.

Mr. Davoren tells me in his reply to my request for a ruling on Section 35 of Chapter 56 of the Massachusetts General Laws, as far as it concerns ^{the City of} Cambridge - that he is not empowered to give such legal opinions.

He, Mr. Davoren, recommends that I convey

my request for legal opinions on said matter to some City official, requesting he or she to request a ruling from the City Solicitor of Cambridge who is required by Law to give such rulings when requested by City official(s).

Therefore, as the City Council is ^{scheduled to meet} ~~meeting~~ tonight, I request this letter and attachments be referred to it, be read before it, and that the City Council direct the City Solicitor to give it, and me a ruling on Section 35, Chapts 56, Massachusetts General Laws to ascertain whether, ^{or not} in fact, violation of the same have been committed by the Cambridge Civic Association ^{- Republican City Committee - Common State -} endorsed City Councillors and School Committee Members.

Yours respectfully,

Sincerely,

John F. Crapo.



The Commonwealth of Massachusetts

Office of the Secretary

State House, Boston 02133

John F. X. Davoren

Secretary of the Commonwealth

July 15, 1972

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CAMBRIDGE, MASS.

Mr. John J. Crapo
Suite 30
10 Agassiz Street
Cambridge, Massachusetts 02140

Dear Mr. Crapo:

The question raised in your letter as to whether there has been a violation of Section 35 of Chapter 56 of the General Laws does not appear to be one which could properly be decided by this office.

As you no doubt know, the office of the Secretary is a recording office and is not empowered to give legal opinions of the type which you desire.

I would, however, point out that the Statutes provide that a person holding a public office is not "corruptly" to use official authority during an election.

This word in the section might well have legal weight in the answer.

I would recommend that the question be asked of some officer empowered to give legal opinions.

The city solicitor of Cambridge while he is not required to render legal opinions to citizens, must render them to city officials.

Perhaps if you were to make inquiry of some city official, he might in turn request an answer from the city solicitor.

As for this office I regret that we do not possess the power to render a legal opinion in such a matter as this.

Very truly yours,

John Davoren
JOHN F.X. DAVOREN
Secretary of the Commonwealth

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10 Agassiz Street
Cambridge, Massachusetts 02140

RECEIVED

July 9, 1972

JUL 11 1972

From JFD
Hon. John F.X. Davoren
Secretary of the Commonwealth
State House
Boston, Massachusetts 02133

SECRETARY'S OFFICE

Dear Sir:

This is to communicate with you and ask for your advice in your capacity of Chief Elections Officer of the Commonwealth of Massachusetts, regarding the section of State Law pertaining to the "Promising of public appointments for political action."

This statute, Sec. 35, Chapter 56 says: "No person holding a public office or in nomination for or seeking nomination or appointment to an office shall corruptly use or promise to use, directly or indirectly, any official authority or influence to confer upon any person, or to aid a person to obtain an office or public employment upon the consideration or condition that the vote, political action of any person shall be given or used in behalf of a candidate, officer or party, or upon any other corrupt condition or consideration."

A violation of any provision of the statute shall be punished by a fine from \$100.00 to \$1,000.00, and even arrest under certain circumstances, apparently for each violation and for each offender found guilty by a court of law.

There is some question in the City of Cambridge whether that this statute may have been violated by ^{SOME OF} the Cambridge Civic Association-Cambridge Republican City Committee-Common State endorsed City Councillors and School Committeemen who were elected last November, many of whom were elected on the campaign pledge to fire School Superintendent Frank J. Frisoli, City Manager John H. Corcoran and appoint C.C.A. approved replacements for these gentlemen and to elect a C.C.A. Mayor, and Vice-Chairmen to the City Council and School Committee, etc., and subsequently acting on these pledges.

I would appreciate a legal opinion from you as to whether the above actions in fact constitute violations of the above quoted statute, and, if so, in the domain of what public official is charged with the enforcement of said statute.

With best regards, I am

continued
Yours truly and high esteem,

John J. Crapo
John J. Crapo

CAMBRIDGE, MASS.

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OFFICE OF CITY CLERK

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From John J. Grapo-That City Council focus
their attention to his letter of July 11,
1972 to the Secretary of the State.

(July 20, 1972)