

Opinion No. 57-239

September 24, 1957

BY: OPINION OF FRED M. STANDLEY, Attorney General Paul L. Billhymer, Assistant Attorney General

TO: Honorable Clinton P. Anderson, United State Senator, Federal Building, Albuquerque, New Mexico

QUESTION

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Under the provisions of Chapter 249, Laws of 1955, is it necessary for the American Red Cross to comply with such law by registering with the State Department of Public Welfare?

CONCLUSION

No.

OPINION

ANALYSIS

Your request asked this office to reconsider its ruling in Opinion No. 6316, dated November 9, 1955. In this opinion, this office determined that the American Red Cross was not exempt from the provisions of Chapter 249, Laws of 1955. This law provided for the registration of organizations which solicited funds from the general public in the State of New Mexico.

Your request for reconsideration submitted to this office extensive briefs concerning the applicability of such registration laws to the American Red Cross. We note that the Attorneys General of the States of Ohio, New York, Pennsylvania, North Carolina and Florida have reached the conclusion that the American Red Cross is not required to comply with solicitation acts much like the one in New Mexico. We note further that the Congress of the United States, in an Act approved July 10, 1957, Public Laws 8587, 85th Congress, First Session, specifically exempted the American Red Cross from the District of Columbia Charitable Solicitation Act.

After careful reconsideration of all applicable laws to the American Red Cross and paying particular attention to the nature of the organization, we conclude that the American Red Cross actually is a quasi-governmental agency of the United States, created for the purpose of carrying out treaty obligations and also national and

international relief from disasters, and thus would not be subject to the control of acts passed by the New Mexico Legislature.

We, therefore, specifically overrule Opinion No. 6316 and hold that the American Red Cross is not required to comply with the provisions of Chapter 249, Laws of 1955.