

CHAPTER VI

ORGANIZATION AND FINANCES OF ANTI-CRUELTY SOCIETIES

A careful survey of the annual reports since 1910 of the leading anti-cruelty societies shows that there has been no significant change in the general form of their organization from that described by Professor McCrea in 1910:

In the organization and management of societies for the prevention of cruelty to animals, there is substantial uniformity of outline. The early New York model with its English prototype has been pretty closely followed. With the exception of a few States, in which there is a larger element of public participation in management than in the majority, the organizations are private corporations, exercising delegated police powers. The earlier societies were created by special charter, conferring upon the charter members all of the rights, franchises and powers of a corporation, usually with some specific limitation as to the value of real estate that might be held. The objects and powers of the society were set forth in the charters. Among these powers were usually included the right to appoint and employ agents, to purchase, print, publish, and circulate literature fitted to promote the objects of the society, and to erect and maintain fountains and other conveniences for the comfort of dumb creation. Power to regulate the internal management through the election of officers and the adoption of a proper code of by-laws is likewise conveyed in such charters; and the regular local police are required, as occasion demands, to aid the society, its officers, members and agents, in the enforcement

of any laws that may be in force for the protection of dumb animals. Provision is not infrequently added that fines, in whole or in part, collected through the instrumentality of a society for violation of the law (*sic*), shall go to the society involved.

More recently, societies have been quite regularly incorporated under the provisions of general law. The organization and powers in these cases remain the same in general outline as in the earlier instances of creation by special charter.

Under the general grant of powers, thus conveyed by charter or act of incorporation, by-laws, or a constitution and by-laws, are adopted. These prescribe more minutely details of organization and the manner of conducting a society's business. The constitution usually covers such items as the following: the grades of membership, with fees to be received from each grade; provision for officers and directors, with a statement of qualifications for such and of the method of their election; the manner of formation and powers of an executive committee, in whose hands rests the real governing and appointing power within the society; and further provision for periodical meetings (usually annual) of the society.

By-laws deal with more detailed, formal matters connected with the conduct of the society's affairs. These usually prescribe: the times of meeting of the board of directors and of the executive committee; the order of business at such meetings; the appointment of special committees dealing with particular lines of activity; the duties of the various officers, and of the various committees; and the method of amending the by-laws.¹

There can be no question that the most important item in the development of the anti-cruelty society is the growth of its membership. The main financial reliance of a society for animal protection is the private contributor. In the

¹McCrea, *op. cit.*, pp. 16-18.

statistics appended to the 1922 *Annual Report* of the American Humane Association, the most important single item of income for the humane societies of the United States was their income from dues and donations, \$841,072.34 for the year—this out of a total income of \$3,329,820.11.¹ It must be remembered in connection with these figures that it is the large societies in the cities that enjoy income from investments and property. The overwhelming majority of small societies are absolutely dependent upon their income from membership dues and on donations by members and friends.

Moreover, an extended membership signifies that many more people in the community are interested and personally active in the work of the society. Growth of membership is cumulative, as each new member is at once a new advertisement of the society and an added link between it and its community. It is no exaggeration, therefore, to measure the success of a young anti-cruelty organization by the expansion of its membership list.

Of the quality of the types of membership of different societies, Professor McCrea says:

Membership arrangements have been differentiated to meet widely varying possibilities, and the element of flattery involved in the personal mention of a classified membership list, infinitesimal though it may be, is exploited to the utmost. There is an element of truth in the characterization of the annual report of a humane society as "a few pages of statistics, several half-tone cuts and a copy of the Social Register." The backbone of the membership of every society is of course the roll of active members, each of whom pays an annual fee ranging from one to five dollars. Beyond this it would take a considerable list to exhaust prevailing variations of forms of membership. In addition to a not infre-

¹ *American Humane Association, 46th Ann. Rpt.*, p. 62.

quent list of honorary members, the other most commonly found grades of membership are the following: life members, with a single initial fee usually of \$100; associate members, with a small annual fee; junior members, made up of young people, with a small annual fee for which the receipt is likely to take the form of a badge or button.¹

In the growth of the society and the obtaining of new members, publicity plays a most important role. As the secretary of one very active society writes, "The failure of so many S. P. C. A.s is caused by not keeping their labors before the public. *We believe that we can sell charity the same as merchandise and we are doing it every day.* The public will support a well-going society every time."

An established institution with all societies is the published annual report, appearing usually in pamphlet form, but sometimes in the local newspaper or, as has been the case with the Massachusetts and Los Angeles S. P. C. A.s, in a humane magazine published by the society. These annual reports vary from brief financial statements to folios containing the entire history of the society and of its surrounding community.

But after all, the annual report has only a limited circulation and most societies have discovered that much greater publicity is to be gained through the local newspapers. There is much news value in some of the semi-routine activities of an anti-cruelty society, and newspapers are only too willing to give space to them. Larger organizations such as the New York, the Boston, and the Chicago societies, have departments or staff members whose duty it is to advertise the activities of the society. The American Humane Education Society established a press bureau at Palo Alto, California in 1910 to give publicity to the activities of the western societies, and in 1917 the decision was made to

¹McCrea, *op. cit.*, pp. 25-26.

start an official humane press bureau with headquarters at Boston.¹

Some societies consider the paid advertisement placed in the local newspapers a good investment. In 1916 the Western Pennsylvania Humane Society adopted the policy of placing once a week in each of seven English and one German dailies of Pittsburgh, a half-inch advertisement soliciting reports to the Society of all cases of cruelty to animals, to children, and to aged persons. The total cost of this advertising proved to be \$265 for the year. The result was a decided enlargement of the Society's work and the addition of a number of new members who confessed that their interest was aroused by these advertisements.²

This same society considers the printed circular a valuable form of publicity. In 1918 as the result of mailing two thousand printed appeals for financial help to people believed to be in sympathy with the aims of the organization, \$4,150.00 was obtained.³

As has been pointed out, the main sources of income for most societies are the membership fee and the personal donation. Nevertheless, these must always be uncertain, even in the most carefully managed and most progressive societies. Therefore, all the successful anti-cruelty organizations have endeavored to build up endowments. The American Humane Association has encouraged this and its president has time and again in the annual conferences and in the *National Humane Review* emphasized the importance of an endowment for every society, in 1917 pointing out that three quarters of the support of the largest and most

¹ *American Humane Education Society, Annual Reports for 1911 and 1918.*

² *Western Pennsylvania Humane Society, 42nd Ann. Rpt. (1916), p. 16.*

³ *Western Pennsylvania Humane Society, 45th Ann. Rpt. (1919), p. 7.*

successful humane societies came from their endowment funds.¹

Very often a society finds it necessary to spend in excess of its income in the course of a year; the American S. P. C. A. for example, is authorized to permit its expenses to exceed its income up to \$25,000 in any one year.² The continuation of such a policy for any considerable length of time, except under extraordinary circumstances, would prove disastrous. There are many organizations which, like the Connecticut Humane Society, make it a point to invest in their entirety all bequests received by the Society.³ The importance of a well-invested endowment may best be realized when it is stated that the income of the American S. P. C. A. in 1922 from interest on investments and income from leased property was \$30,576 out of a total net income for the year of \$66,646.73,⁴ and that during the same year the Massachusetts S. P. C. A. received as interest on invested funds and deposits \$31,211.91 out of a total income for the year of \$191,332.88 which included bequests amounting to \$64,977.70.⁵

Throughout the period under consideration, serious controversy has raged over the question as to whether it is advantageous for anticruelty societies to receive the fines for the cases they prosecute. The receiving of fines by a society is closely linked with its exercise of police power. Both questions have been thoroughly discussed by Mr. Hubbard in his study on the societies of New York State under the heading, "Should humane societies perform police duty, and should they receive fines in payment therefor?" His

¹ *National Humane Review*, vol. v, p. 91.

² *Vide supra*, p. 30.

³ *Vide supra*, p. 39.

⁴ *Amer. S. P. C. A., 57th Ann. Rpt.* (1922), p. 24.

⁵ *Mass. S. P. C. A., Ann. Rpt.* for year ending March, 1922, p. 12.

conclusions as quoted below are as valid today as they were in 1915.

The proper enforcement of laws for the prevention of cruelty to animals demands a body of men who give their whole time to this one thing. So if it is to be done by the regular police force, it would have to be through the creation of a special squad. This would necessitate an addition to the force, so it would not be of any economic advantage. In any case the city must hire the work done. It might well be a good investment for the city to provide such a special squad of policemen: the more prevention that is provided, the better. But that is not to say that the special police power at present vested in the agents of humane societies should be taken from them. . . . Their effectiveness would be quickly diminished. Certainly if there is need for special agents to help in stamping out cruelty to animals, they should enjoy the power of peace officers.¹

The need for such assistance has been recognized by the laws of this state for a good many years, and the need is not less today.² This is no reflection on the police force. The agents are the specialists who are needed continually on the field, even though they be supplemented by a squad from the city's police force. . . .

It is in fact difficult to see how cruelty to animals can be effectively prevented in the city or in the country unless the societies, through their agents, participate immediately in the arrest and prosecution of offenders.

This brings us to the second question. If it is necessary and proper to delegate these public duties to private societies, should the city pay the societies for their services? If so, what form should the compensation take? It hardly seems necessary to debate the first of these queries. Taxpayers do not as a rule object to paying a reasonable price

¹ They do at present in twenty-one states; *cf.* appendix i.

² Written in 1915, but quite true at present (1923).

for value received; and the proposition that the society which incurs expense to serve the public should be reimbursed therefor is essentially fair. But how should it be done? This is the crux of the whole situation.

The system of allowing fines to accrue to the society which prosecutes violations has had a pretty general vogue. That it is liable to abuse is unquestionable, and that it has been abused in many places is unquestioned. . . . The charge has been made by certain horse owners that the agents of the societies in New York City make a practice of arresting without cause and inducing pleas of guilty for the sake of getting fines. It is also alleged that in one society at least an agent's fines must exceed his salary if he would hold his position. It is admitted that there have been instances of grafting agents: but these sweeping indictments of the societies' policy are strenuously denied. As a matter of fact, it is difficult to discover evidences of any general or extended abuse of the system in New York City. . . .

While the fine may be an additional incentive to make arrests and while the number of arrests made may bear some relation to the degree of the society's dependence upon fines as a source of revenue, the arrests actually made in this city are not such as to constitute an abuse of privilege, . . . nor are the magistrates in the habit of imposing excessive fines for the sake of enriching the societies.¹

In California in 1913 the policy of giving fines to the prosecuting society came to an issue. As has been pointed out, the state of California in the early part of the past decade was infested with numerous wild-cat anti-cruelty societies, whose activities were as much distasteful to genuinely established humane organizations as they were to the public authorities with whom they came into conflict.²

¹Hubbard, *Prevention of Cruelty to Animals in New York State*, pp. 49-55.

²*Vide supra*, p. 46.

The actions of these societies brought criticism on the entire anti-cruelty movement. In 1913, on the initiative of the State Humane Association of California, a bill was introduced to remove the incentive for unfair practices by providing that anti-cruelty fines be paid into the public treasury instead of to the societies bringing prosecution; in return, bona-fide societies should receive allowances from the city or county.¹ It became law as an emergency measure on May 30th,² and provided that societies might be paid a sum not exceeding \$500 per calendar month from the city or county general funds by the board of supervisors or other governing bodies thereof. The emergency declared by the legislature was explained in Section 2 of the amendatory act:

Section 607e of the Civil Code permits societies organized for the prevention of cruelty to animals to make arrests, carry on prosecutions and collect fines, and under the provisions of this section numerous societies have been organized and are being operated in such a manner as to be a menace to the public peace and safety. Arrests are being made and property seized without prosecution of the charges made; citizens are being forced to pay tribute to outlaw societies to escape prosecution, and police officers are urging the immediate withdrawal of the right of these societies to collect fines because of their greatly increased activity in these practices pending a time when this bill may become law.³

The California societies are not fully satisfied with the situation created by this law. In 1916 the secretary of the California State Humane Association complained that the city and county boards did not voluntarily appropriate

¹ *National Humane Review*, vol. i, p. 66.

² *Cal. Sess. Laws*, 1913, p. 638.

³ *Vide* Hubbard, *Prevention of Cruelty to Animals in the States of Ill., Col. and Cal.*, p. 91.

money for the societies as contemplated by the act of 1913; that when made, the amount of the appropriation was subject to the whims of the politicians; and that not a few of the societies found themselves reduced to the most venal sort of lobbying to be able to continue their existence.¹ The situation has not been altered since then. Very few societies are able to secure any allowance from the county treasurers. Possibly three societies out of twenty-five receive from \$100 to \$150 a month.² The State Humane Association presented a bill in the 1923 legislature providing that the county supervisors must pay a minimum of \$50 and not more than \$500 a month to humane societies in their county, but the bill, though passing both houses, was vetoed by the governor.

Apart from fines as results of prosecutions, there are two types of aid which is being extended to anti-cruelty work from the public purse. In one case, purely private corporations are being paid for special public work that they perform. Such, for instance, are those societies for the prevention of cruelty to animals that contract with their cities to operate the public dog pounds and enforce dog-license laws, and receive in turn a certain fixed sum or a percentage of receipts. They do the work because they do it better than the city or any other private contractor would do. This certainly seems a legitimate and proper work for an anti-cruelty society to do, and public sentiment seems to approve of the arrangement. An analogous relation is found where societies for the prevention of cruelty to children are paid for caring for children, either in courts or in their shelters, or where humane officers are paid for probation or other special work. In these instances, the

¹ *National Humane Review*, vol. iv, p. 54.

² Manuscript letter of Nov. 17, 1923 from the secretary of the State Humane Association of California.

integrity of the humane society as a strictly private corporation is not invaded. It elects its own directors, and manages its own affairs.¹

The other case where public moneys are expended for humane work is illustrated by such arrangements as the present California law providing for city and county appropriations, the provisions for the distribution of the Ohio "sheep fund",² and the recent Pennsylvania ordinance authorizing the boards of county commissioners to appropriate money, if they see proper, for the support of local humane societies of two years legitimate and active service.³

Public support of the first type is well-nigh universal. In nearly every town where there is an active anti-cruelty society or animal-rescue league, the pound work of the town has been placed in the hands of the society. In smaller towns a fixed appropriation is often made to cover the expenses of the pound. In the larger cities the plan is usually followed of allowing the S. P. C. A. to administer the licensing of dogs and to retain the fees to cover the expenses of the pound work and other specified activities. In New York City the American S. P. C. A. performs this duty. The fees collected are to cover the costs of shelters and the humane disposition of animals in New York, Brooklyn and Richmond. Rarely does the total of fees collected cover these expenses; in 1922 the total income from dog-license fees was \$165,722.00, whereas the costs of the shelter and disposition of animals were \$167,760.64.⁴

The right to receive such fees has been confirmed in the case of the American S. P. C. A. by a United States Supreme

¹ Cf. *A. H. A.*, 35th Ann. Rpt. (1911), p. 8.

² *Vide infra*, p. 185.

³ *Pa. Sess. Laws*, 1921, ch. 80. *Vide* the account of this act in *Western Pennsylvania Humane Society*, 47th Ann. Rpt. (1921).

⁴ *Amer. S. P. C. A.*, 57th Ann. Rpt. (1922), p. 24.

Court decision of December 6, 1920,¹ which reads in part as follows:

When the State chooses to entrust the work incident to such licenses and the collection of fees to a corporation created by it for the express purpose of aiding in law enforcement, and in good faith appropriates the funds so collected for payment of expenses fairly incurred and which is compensation for the valuable services rendered, there is no infringement of any right guaranteed to the individual by the Federal Constitution. Such action does not amount to the taking of one man's property and giving it to another, nor does it deprive dog owners of liberty without due process of law.

The advantages of the second type of support by grants from public funds are open to controversy. The various charges that are brought against it may be summarized in the statement that it forces the society to lobby and engage in political activities to whatever extent it is dependent upon such funds. The fate of the California societies has already been pointed out. No instance, however, has come to light where a society has had an opportunity to receive such public moneys and has declined it. A questionnaire on this matter sent to thirty-four representative societies in 1920 elicited the following results:

Number of societies receiving no public funds	12
Number of societies entirely supported by public funds	1
Number of societies partly supported by public funds	20
Number expressing belief that societies should receive public funds	25
Number believing that they should not	7
Number believing that it would destroy initiative	6
Number believing that it would not	21 ²

¹ *Lillian Nicchia v. the People of the State of New York*, 254 U. S., 258.

² *A. H. A.*, 44th Ann. Rpt., p. 10.