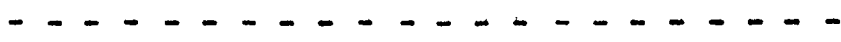


THE CONGRESSIONAL FRONT
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THE EMBLEM OF THE GREEK RED CROSS

In the year of 1864, when the Civil War was still raging, representatives of certain nations gathered at Geneva Switzerland to approve a treaty to aid the distressed and wounded in time of war and to do humanitarian service. The organization which grew from this action was to be designated by the emblem of the Greek Red Cross on a white background and thus the Red Cross was born. The United States however was not represented at that meeting and was therefore not a party to the treaty. It was not until June of 1900 that the organization founded by Clara Barton as the American Red Cross was incorporated by an Act of Congress. In 1905, that act was amended whereby the use of the Red Cross emblem was prohibited for commercial and other purposes except by those persons and firms who had used it prior to that time.

A NEW PROHIBITION

In April 1944, the U.S. Senate passed a bill which gave to the American National Red Cross, and to the Army and Navy sanitary and hospital authorities, the exclusive right to use the Red Cross emblem on a white background and made it unlawful to use it for any other purpose under fine and imprisonment. It's use by those who had been using it as a trademark was permitted in some cases until July 1947 and in other cases until July 1953 but in no case beyond that time. That bill is now pending before the Foreign Affairs Committee of the House and has developed some interesting facts which complicate the situation.

SOME EARLIER USERS.

Remembering that the American Red Cross was not incorporated by Congress until 1900, it now develops that in the period from 1872 to 1900 dozens of firms used the Red Cross symbol, virtually all of whom are no longer in existence. It also develops that a small canning plant in Maryland which has been in operation continuously since 1876, used the Red Cross emblem. In 1872, John Canepa started a macaroni factory in Chicago and adopted the Red Cross as a trade mark because it was the ensign of the province of Genoa in Italy from whence he came. In 1879, Seabury and Johnson, predecessors of the Johnson and Johnson plant which manufactures surgical dressings and other supplies began use of the Red Cross as a trade mark and have used it continuously.

EFFECT OF THE NEW PROPOSAL

To those firms who for nearly three quarters of a century have used the Red Cross symbol as a trade mark, the pending proposal would mean that after a given date, it's use would have to be discontinued. There arises therefore some fine questions concerning the property rights which these firms have in such a trade mark where it was in use before it was prohibited by earlier enactment of the Congress. There comes into question, the Constitutional provision which forbids the taking of private property without due process of law. There arises the question of whether this is a property right and whether or not it can be taken away by act of Congress. There arises the further question of whether or not, if this measure were enacted into law, it would be incumbent on Congress to provide compensation for the losses which such firms might sustain. The meeting which took place in Geneva Switzerland 80 years ago, has suddenly produced a puzzler for the American Congress in 1944.