



**American
Red Cross**

Our Federal Charter

How The American Red Cross Achieved its Current Role

The relationship between the American Red Cross and the federal government is unique. We are an independent entity that is organized and exists as a nonprofit, tax-exempt, charitable institution pursuant to a charter granted to us by the United States Congress. Unlike other congressionally chartered organizations, the Red Cross maintains a special relationship with the federal government.

Our Relationship with the Federal Government

We have the legal status of “a federal instrumentality,” due to our charter requirements to carry out responsibilities delegated to us by the federal government. Among these responsibilities are:

- to fulfill the provisions of the Geneva Conventions, to which the United States is a signatory, assigned to national societies for the protection of victims of conflict,
- to provide family communications and other forms of support to the U.S. military, and
- to maintain a system of domestic and international disaster relief, including mandated responsibilities under the National Response Framework coordinated by the Federal Emergency Management Agency (FEMA).

Despite this close relationship with the federal government, the American Red Cross is not a federal agency, nor do we receive federal funding on a regular basis to carry out our services and programs. We receive our financial support from voluntary public contributions and from cost-recovery charges for some of our services, such as the provision of blood and blood products and health and safety training courses. Under limited circumstances, however, it sometimes becomes necessary for us to seek appropriations for certain programs when the funding requirements are beyond that supported by the charitable public. At times, federal and state government agencies also contract with the Red Cross and provide material aid and assistance to support the Red Cross in fulfillment of specific instances of our charter obligations.

Early Organization

American Red Cross founder, Clara Barton, first learned about the Geneva Convention and the Red Cross Movement—then protecting only the injured on battlefields—during travel in Europe (1869-1873) where she briefly served as a Red Cross volunteer during the Franco-Prussian War (1870). After returning to the United States, she initiated a concerted effort to gain U.S. ratification of the Geneva Convention. In 1878, armed with a letter from Gustave Moynier, president of the International Committee of the Red Cross, she met with President Rutherford B. Hayes. He referred her to the State Department but she was unsuccessful. In 1881 she once again took up her campaign with Hayes' successor, President James Garfield, who seemed more supportive, but he was assassinated before Barton could gain any momentum.

Undeterred, Barton focused her attention on forming an American Red Cross organization. On May 12, 1881, a group of fifteen met to discuss the issue at the home of Sen. Omar D. Conger (R.-Mich.), a Barton friend and Red Cross advocate. A second meeting on May 16 resulted in appointment of a committee to draw up a constitution modeled on one for the American Association for the Relief of the Misery on Battle Fields—an earlier organization (1866-1872) that had promoted U.S. support of the Geneva Convention. Barton convened a third meeting in her own Washington quarters on May 21, where a constitution was presented and adopted creating what was then called the American Association of the Red Cross. Although it is unclear how many attended that meeting, the constitution eventually bore 51 signatures. It identified the new organization as national in scope with five objectives:

- to secure the adoption of the Geneva Convention by the United States,
- to obtain for itself recognition from the United States government,
- to “organize a system of national relief and apply the same in mitigating the sufferings caused by war, pestilence, famine and other calamities,”
- to collect and diffuse information on such matters as relief, sanitary science, and hospital services.
- to cooperate with other national societies of the Red Cross.

It established the offices of a president, several vice-presidents, a secretary and treasurer, plus an executive board and a “board for consultation” consisting of the U.S. president and other government officials

At a meeting in Washington on June 9, the new association held elections, selecting Clara Barton as its president. On July 1, it submitted articles for incorporation to the District of Columbia. Following closely

the language of the constitution, the articles were officially received by the District on October 1, 1881, and recorded on October 7, 1881 by the Recorder of Deeds, who happened, at the time, to be the abolitionist and Barton acquaintance, Frederick Douglass.

In December 1881, Garfield's successor, Chester Arthur, surprised the new American Red Cross by calling for ratification of the Geneva Convention in his first message to Congress. On March 1, 1882, he signed the Convention and the Senate approved it on March 16. Six days later, the Red Cross drew up a new constitution that eliminated the section calling for U.S. ratification of the Convention. We retained the same officers but created a Central Committee of three (consisting of the Red Cross president, secretary, and treasurer) to replace the executive board as the "working force" of the Red Cross and added an advisory board of 11 members.

Throughout this period, the Red Cross sought to obtain a congressional charter. Lacking sufficient support in Congress, however, the Association submitted new articles of incorporation to the District of Columbia in 1893. They contained only one significant change. The organization was renamed the American National Red Cross to emphasize our national scope and to distinguish us from a growing number of local Red Cross societies bearing various ties, if any, to the national organization. (This remains the full legal name of the organization although "National" is commonly omitted when the organization is referred to in non-legal contexts.)

Obtaining a Congressional Charter

During the late 1890s several bills were introduced in Congress calling for federal incorporation of the American Red Cross and for protection of the Red Cross insignia (a requirement of all signatories to the Geneva Convention). None were successful, however, until 1900. After lengthy and heated debate, mostly over commercial use of the red cross emblem, then quite popular, Congress finally granted the American Red Cross its first federal charter. Acknowledging the Geneva Convention and America's ratification of it, the charter established the American National Red Cross as the agency to "carry out the purposes" of the Convention in the United States:

- "To furnish volunteer aid to the sick and wounded of armies in time of war."
- "To perform all the duties" required of a national society in accordance with the Convention.
- "To succeed to all the rights and property" of the foregoing Red Cross corporation of the District of Columbia.
- "To act in matters of voluntary relief and in accordance with the military and naval authorities as a medium of communication between the people of the United States . . . and their armies . . ."
- To "carry on a system of national and international relief in time of peace and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other great national calamities." (This was the so-called "American Amendment" calling for peacetime disaster relief that had put Barton at odds with some European Red Cross leaders who wished to limit services to armed conflict.)
- To devise means for preventing disasters and "to promote measures of humanity and welfare of mankind."

The charter granted full legal standing to the organization and protected our right to use the red cross emblem while setting fines and punishment for misuse of the emblem and for false representation of the organization. It called for the Red Cross to submit annually to Congress a full financial report and accounting of our proceedings. The charter identified 55 Red Cross supporters as Incorporators. They became the nucleus of the Board of Incorporators, a group that played a role in governance of the organization until the mid-twentieth century.

One of the reasons driving Congress to grant a charter in 1900 was concern over the way the organization conducted its business. While Clara Barton remained highly popular in the public eye, some closely associated with the organization viewed her personal management style with concern. In particular, they considered her financial record-keeping sloppy and incomplete. The charter attempted to insure more

systematic governance and greater fiscal responsibility. However, in the view of a growing number of people, some of whom had been staunch Barton supporters in the past, more radical steps needed to be taken. Led by Mabel T. Boardman (a member of the Red Cross since 1900 and a powerful force within it for the next 44 years), a group was organized, dubbed the “remonstrants,” that openly opposed Barton. They took their concerns to President Theodore Roosevelt and to the Congress. Barton and her remaining followers put up a strong fight—at one point expelling remonstrants from the organization and at another declaring Barton “president for life”—but in the end the opposition prevailed. Faced with a congressional investigation, Barton resigned from the Red Cross on May 14, 1904. An interim committee was set up to run the organization and to work with Congress on creating a revised Red Cross charter.

Congress issued a new charter in 1905. Its major innovation was the creation of a Central Committee as the governing body of the Red Cross. Initially, this committee was to consist of 18 members, six of whom were selected by the Incorporators. The U.S. president appointed the other 12 and assigned one to be committee chairman and principal officer of the organization. The charter also called for the establishment of state and territorial societies which, once their number reached six, would select six Central Committee members, while the Incorporators and president would each select six others. The charter called for formation of an executive committee, composed of seven Central Committee members, including the chairman, to run the organization between meetings of the full committee. The charter required the Red Cross to submit an annual report “of its proceedings for the preceding year, including a full, complete, and itemized report of receipts and expenditures of whatever kind” to the Secretary of War for audit by the War Department and subsequent submission to Congress. The new charter also stiffened the rules relative to use of the red cross symbol by entities other than the Red Cross.

In 1892, she organized assistance for Russians suffering from famine by shipping them 500 railroad cars of Iowa cornmeal and flour. After a hurricane and tidal wave left over 5,000 dead on the Sea Islands of South Carolina in 1893, Barton’s Red Cross labored for 10 months helping the predominantly African-American population recover and reestablish their agricultural economy. In 1896, Barton directed relief operations on behalf of victims of unrest in Turkey and Armenia, the sole woman and only Red Cross advocate the Turkish government allowed to intervene. During her last relief operation, in 1900, Barton distributed over \$120,000 in financial assistance and supplies to survivors of the hurricane and tidal wave that struck Galveston, Texas, and caused more than 6,000 deaths.

Although Henry Dunant had suggested in 1864 that Red Cross societies provide disaster relief as well as wartime services, Barton became its strongest advocate in the years that followed. During the Third

International Red Cross Conference in Geneva in 1884, the American Red Cross proposed an amendment to the Geneva Treaty calling for expansion of Red Cross relief to include victims of natural disasters. Although some national societies were dubious, the resolution passed and became known as the “American Amendment” to the Geneva Treaty of 1864. Because of work like this in support of the global Red Cross network, several countries honored Barton with decorations, such as the German Iron Cross for her relief work in the Franco-Prussian War and the Silver Cross of Imperial Russia for the supplies provided during the famine of 1892.

The American Red Cross moved in a new direction near the end of Barton’s tenure as head of the organization when we delivered supplies and services to Cuba during the Spanish-American War. Recipients of Red Cross aid included members of the American armed forces, prisoners of war, and Cuban refugees. This was the first time that the American Red Cross provided assistance to American armed forces and civilians during wartime.



The Congressional Charter

“To continue and carry on a system of national and international relief in time of peace and apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other great national calamities, and to devise and carry on measures for preventing the same.”

Amendments to the 1905 Charter

The 1905 charter underwent several amendments. The first four made minor changes.

The first amendment (June 23, 1910) expanded the protection of the red cross emblem from fraudulent use while grandfathering in usage deemed lawful prior to January 5, 1905. It also created a board of nine trustees, elected by the Incorporators, to manage and control the Red Cross Endowment Fund.

The second amendment (December 10, 1912) moved the date of the organization's annual meeting later into the month of December, to better accommodate the schedules of Incorporators.

The third amendment (February 27, 1917) shifted the date the annual report was due to the War Department from January 1 to "as soon as practical after the first day of July," reflecting adoption by the Red Cross of a July 1-June 30 fiscal year. It had operated earlier on the basis of the calendar year.

The fourth amendment (March 3, 1921) expanded the number of members of the executive committee from seven to nine, while maintaining a quorum of five as established by the 1905 charter.

The fifth amendment, passed by Congress on May 8, 1947, represented a major change in the structure of the Red Cross. Reflecting the wishes of community chapters to increase their influence and following the recommendations of an internal committee that reviewed the governance of the Red Cross, the 1947 amendment did away with both the Central Committee and the Board of Incorporators. In their place, a 50-member Board of Governors was created. Eight members were to be appointed by the president of the United States, including one to serve as board president and principal officer of the corporation. The remaining presidential appointees were to be officials of the federal government "whose positions and interests are such as to qualify them to contribute toward the accomplishment of Red Cross programs and objectives." Thirty governors were to be elected for three-year terms by the chapters, one-third being elected each year at the corporation's annual meeting, designated as the national convention. The twelve remaining governors were to be elected by the Board of Governors for three-year terms as members-at-large. An executive committee was also created, consisting of not less than eleven Governors, to exercise the powers of the Board when it was not in session.

The subsequent three amendments were enacted over a span of fifty years.

The sixth amendment (June 25, 1948) removed the section of the charter regarding false and fraudulent misrepresentation of the Red Cross and misuse of the Red Cross emblem and placed those provisions, somewhat amended, in the United States criminal code.

The seventh amendment (July 17, 1953) updated language in reference to the military (“War Department” became “Department of Defense,” “Secretary of War” was changed to “Secretary of Defense,” and “Army and Navy” became “Armed Forces”).

The eighth amendment (August 12, 1998) was a recodification of the charter and part of a larger effort to revise Title 36 of the United States Code covering “Patriotic and National Observances, Ceremonies, and Organizations.” (Title 36 includes 95 nonprofit organizations with the Red Cross alone designated as a “treaty obligation organization” because of the responsibilities assigned to it under the U.S. treaty obligations of the Geneva Conventions.) The amendment reordered some components of the charter and modernized the language. It made no substantive changes although it added a provision that consolidated a series of laws concerning federal ownership and Red Cross use and maintenance of the buildings and grounds on Red Cross Square.

The most recent amendment to the charter was approved by congress and signed into law on May 11, 2007 after the Board of Governors conducted a comprehensive review and recommended sweeping changes to American Red Cross governance. The most significant reforms include:

- Downsize the 50-member Red Cross Board to between 12 and 20 members by 2012, and create a Red Cross Advisory Council whose members are appointed by the President of the United States from principal officers of the executive departments and senior officers of the Armed Forces.
- Clarify the role of the Board to focus solely on governance and strategic oversight.
- Eliminate the three categories of board members and establish a single category of membership; the selection of members is accomplished through the Governance and Board Development Committee’s recommendation to the full Board with final approval by delegates of the chapters and blood services regions at the annual meeting of the American Red Cross.
- Establish a new Office of the Ombudsman that provides annual reports to Congress.

In addition to the charter, Congress has enacted legislation over the years concerning Red Cross programs and services. (These statutes deal with the organization’s service to the U.S. military, provision and support of relief activities, the regulation of biomedical services, and the appropriation and use of Red Cross property.) Started in 1943 by Franklin Roosevelt, each March, the U.S. President issues a proclamation calling upon the American public to support the Red Cross through the donation of blood, volunteer time, and money. The charter remains, however, the organic document of the Red Cross and, as such, formally recognizes the close association of our organization with the American people and their government.

For more information on this and other historical topics, see:

- *Foster Rhea Dulles, The American Red Cross. New York: Harper and Brothers, 1950. A general history of the ARC from its beginnings to mid-century. Out of print but in most libraries.*
- *Patrick F. Gilbo, The American Red Cross: The First Century. New York: Harper and Row, 1981. An illustrated history of the first century of the ARC, 1881-1981. Out of print but in most libraries.*