To THE FIFTH ANNUAL CONFERENCE; NIAGARA MOVEMENT, SEA ISLE CITY, N. J.

In the First declaration made by this organization at Niagara, we declared an unceasing war against the denial of the suffrage and for civil rights. Since this first declaration we have at each succeeding meeting reaffirmed this determination and whenever we have had the opportunity we have not failed to carry out this declaration; and it is the belief of the department that we have just reason to be proud of the record we have made: for ours is the only organization of negroes that can boast of having actually carried our cause to the Supreme Court, prosecuted an action in the Federal Court and both with success. But this record, though it be the best, does not bring satisfaction, it inspires us to do more. It is true at the same time the recollection of how small it is when compared with the great deal there is to do and to be done, causes us to hesitate in sending the report at this conference.

During the past year the department has been unable to do anything owing to the lack of funds, except to offer advice and assistance in the preparation of briefs that have come to us.

Particular attention is called to the Carolina Case. In this case the question of the legality of the new Constitution of that state was raised in a new form and in a manner that we believe will put the question up to the court so it cannot so easily dodge it, as the court did in the Williams vs Mississippi and the Alabama Case. We had hoped to give counsel in that case such financial aid as would enable him to fully present the case, but the debt, long hanging over the department, prevented us from doing anything except advise and assist in the making of his brief.

During the past year too there has been three decisions handed down affecting our civil rights of far reaching importance: Chavis vs The Ry. Co., Gains et al vs Ry. Co., by the Interstate Commerce Commission and the Berea College case. The decision in the Chavis case was not unexpected, for as pointed out in our report to the Boston conference, the case was poorly tried below and the federal question scarcely raised, certainly it was not presented as the plaintiff relied upon it.

The Berea College case was a serious blow to our rights and yet a careful study of the case can but convince one that the doctrine of the dissenting opinion is unshaken, and we very earnestly urge that steps be taken to present the precise question raised in the dissenting opinion and that quickly too i.e. Can a State Imprison and Punish a Citizen for Educating the Colored and White races together in a private institution.

The Gains case: When one carefully examines the record, goes over the testi-
mony and the concessions of counsel for the Bishop, he is forced to ask, "When will the negro cease putting stumbling blocks in his own path?" The whole presentation of this case, as it appears from the cold letters of the record was a crying shame, that it was not less than a crime, but why find fault, upon whom is the blame, that the case was not properly prepared and therefore could not have been properly presented? For one I am not willing that the blame be put wholly upon the Bishops although it is true they should have seen to it that a sufficiently able array of lawyers of such skill and ability was secured to cope with the attorneys for the Railway and Pullman Co. and the good Bishops and the members of our race would have stood in a better position to have done this.

But has not the whole race been doing the same thing, neglecting to take proper steps to contest the question of our rights in the courts? Until the advent of the Niagara Movement the cases affecting these cherished rights, with but few exceptions, had been presented by counsel that did not have the questions at heart so that the principals involved have not been made the thing of all importance; and we feel that the race should take advantage of the means thus placed at its disposal and have the questions raised again.

Looking to the future we are not discouraged, indeed we have much reason for encouragement. The one thing we most need is a fund so we may prepare cases and present them under the best and most favorable conditions.

We have a splendid inducement to begin the raising of this fund. A lady of my acquaintance, who is fully able to do so, makes the offer to contribute fifty dollars to the starting of this fund as soon as we have raised one hundred dollars and here with your secretary of the department contributes ten dollars toward the one hundred dollars.

It is with much regret that I send this report instead of presenting it in person as was my intention but on the seventh day of this month there came to my knowledge that all preparations had been made to establish and open a separate school for Colored Children in one of the school districts of St. Paul; to do all I can to prevent this it is necessary that I remain here to attend the next meeting of the School Board, which meets on the 18th.

With assurance of my hearty interest and sincere wish for future prosperity and success,

I remain ever respectfully,

[Signature]

Sect. Legal Dept.