

1 action by the state, all action, whatever the facts and
2 circumstances of the case before it indicate as far as
3 its influence upon the denial to a citizen of the equal
4 protection of the law.

5 THE CHAIRMAN: Delegate Hostetter.

6 DELEGATE HOSTETTER: From this point on I will
7 use the term "state action". I believe we understand
8 that, Delegate Mitchell.

9 It is my understanding that there have been
10 cases involving state action which have gone over into
11 the private sector.

12 I would like to ask you at this time what would
13 be meant by the term "private discrimination"?

14 THE CHAIRMAN: Delegate Mitchell.

15 DELEGATE MITCHELL: In the case of Shelley vs.
16 Kraemer, which was decided by the Supreme Court in 1948,
17 which involved racially restrictive covenants, the court
18 there interpreted state action to mean, as Justice Bradley
19 said in 1883, in the Civil Rights cases, judicial action
20 of the courts, and the Supreme Court said that while this
21 was a private agreement between a purchaser and a seller,