

1 THE CHAIRMAN: Delegate Mitchell.

2 DELEGATE MITCHELL: In the Belle case, in an
3 appendix to the decision, the Supreme Court, in the con-
4 ccurring opinions of Justices Goldberg, Warren and Douglas,
5 appended a list of the defendants -- rather the private
6 proprietors in these public accomodations who had dis-
7 criminated, and in only one case was there a purely pri-
8 vate and non-corporate proprietor of a public accomoda-
9 tion. In all the rest of the cases that had flooded into
10 the Court after the student movement of 1960 to open up
11 places of public accomodation, all corporations, the Hot
12 Shoppes, the various restaurant chains and the ten cent
13 stores and the like, so that I would say it depends upon
14 the facts and circumstances of the case as to whether
15 corporate charter is involved.

16 If the corporation performs a service to the
17 general public and intends to profit from the general
18 public, and if it in fact admits members of the general
19 public who are white but excludes Negro citizens or Jewish
20 citizens, or Polish citizens or Indians or what not, then,
21 therefore, that action would fall under protection of the