

1 for years there has been this language. "No person shall,
2 because of race, color, creed or religion, be subjected
3 to any discrimination in his civil rights by any other
4 person or by any firm, corporation or institution or by
5 the state or any agency or subdivision of the state."

6 Now, we believe that, as the courts have inter-
7 preted, state action includes all of the language there,
8 the words "by the state".

9 THE CHAIRMAN: Delegate Hostetter.

10 DELEGATE HOSTETTER: Which Constitution of the
11 state of New York was this?

12 THE CHAIRMAN: Delegate Mitchell.

13 DELEGATE MITCHELL: This was the old New York
14 Constitution -- well, the present New York Constitution,
15 because the new Constitution failed of passage.

16 THE CHAIRMAN: Delegate Hostetter.

17 DELEGATE HOSTETTER: And the date of that
18 was what, if you know?

19 THE CHAIRMAN: Delegate Mitchell.

20 DELEGATE MITCHELL: I think I don't have it. It
21 is 1938.