Heart of Atlanta Motel, Inc. v. United States

379 U.S. 241 (1964)
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Vote: 9 (Black, Brennan, Clark, Douglas, Goldberg, Harlan, Stewart, Warren, White)
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OPINION OF THE COURT: Clark
CONCURRING OPINIONS: Black, Douglas, Goldberg

FACTS:

Title II of the 1964 Civil Rights Act in its original form prohibited discrimination on the basis of race, color, religion, or national origin by certain public accommodations that operated in or affected interstate commerce.

The accommodations specifically included were as follows:

1. Inns, hotels, motels, or other lodging facilities of five rooms or more. Because they served the traveling public, these facilities were considered part of interstate commerce by definition.
2. Restaurants and cafeterias, if they served interstate travelers or if a substantial portion of their food or other products had moved in interstate commerce.
3. Motion picture houses, if they presented films that had moved in interstate commerce.
4. Any facility physically located within any of the other covered accommodations, which included operations such as hotel shops and theater snack bars.

The Heart of Atlanta Motel was a 216-room facility in Atlanta, Georgia, owned by a group of investors led by Moreton Rolleston Jr. Located near the commercial center of the city, it had easy access to two interstate highways and two major state roads. The motel advertised for business in national publications and maintained more than fifty billboards and highway signs around the state. Both the government and the motel agreed that the facility met the act's definition of a public accommodation in interstate commerce.

The motel admitted that prior to the enactment of the civil rights law it practiced a policy of racial discrimination. Furthermore, it acknowledged that it intended to continue its policy of not serving African Americans. To secure its right to do so, the motel filed suit to have the 1964 Civil Rights Act declared unconstitutional.

ARGUMENTS:

For the appellant, Heart of Atlanta Motel, Inc.:

- The Court should not construe the Constitution in the way it thinks the framers of the Constitution, if living, would today. The Court should construe the Constitution in accord with the intentions of the framers at the time it was drawn and with the intentions of those who adopted it at the time.
- The framers' intentions were clear: to limit the powers of the federal government to those delegated in the Constitution with all others reserved to the states. If the Court allows this broad use of commerce power, there is no limit on Congress. It can regulate every person and every business as it sees fit.
- Congress has not even established any standards to determine if a motel is in or materially affects interstate commerce. It might just as well have confiscated all motels and nationalized them on the ground that they are in interstate commerce.

For the appellees, United States et al.:

- Based on the Court's decision in *NLRB v. Jones & Laughlin Steel Corporation*, Congress has the power to regulate local activities that might have a substantial and harmful effect on interstate commerce. Based on *Wickard v. Filburn*, the effect on commerce need not be determined solely by the effect on the parties to the litigation. Congress (and the Court) may consider whether the party's contribution, aggregated with others similarly situated, will have an adverse effect on commerce.
- As *Champion v. Ames* makes clear, Congress, in exercising its power to foster interstate commerce, may touch on subjects of social or moral wrong, in addition to their adverse economic effects.
- Congress's fact-finding shows that, under these precedents, Title II is a valid exercise of Congress's power to regulate interstate commerce. Discrimination in public accommodations imposes a burden on movement in interstate commerce, and discrimination in hotels and motels serving transient guests imposes burdens on interstate travel.
- Race discrimination is not only a social and moral issue but also a national and economic issue. Testimony shows that because African Americans may be forced to find lodging in places far removed from their route of travel due to discrimination by hotels, the number of persons engaging in interstate travel is diminished.

MR. JUSTICE CLARK DELIVERED THE OPINION OF THE COURT.

The Basis of Congressional Action.

While the Act as adopted carried no congressional findings the record of its passage through each house is replete with evidence of the burdens that discrimination by race or color places upon interstate commerce. This testimony

included the fact that our people have become increasingly mobile with millions of people of all races traveling from State to State; that Negroes in particular have been the subject of discrimination in transient accommodations, having to travel great distances to secure the same; that often they have been unable to obtain accommodations and have had to call upon friends to put them up overnight; and that these conditions had become so acute as to require the listing of available lodging for Negroes in a special guidebook which was itself "dramatic testimony to the difficulties" Negroes encounter in travel. These exclusionary practices were found to be nationwide, the Under Secretary of Commerce testifying that there is "no question that this discrimination in the North still exists to a large degree" and in the West and Midwest as well. This testimony indicated a qualitative as well as a quantitative effect on interstate travel by Negroes. The former was the obvious impairment of the Negro traveler's pleasure and convenience that resulted when he continually was uncertain of finding lodging. As for the latter, there was evidence that this uncertainty stemming from racial discrimination had the effect of discouraging travel on the part of a substantial portion of the Negro community. This was the conclusion not only of the Under Secretary of Commerce but also of the Administrator of the Federal Aviation Agency who wrote the Chairman of the Senate Commerce Committee that it was his "belief that air commerce is adversely affected by the denial to a substantial segment of the traveling public of adequate and desegregated public accommodations." We shall not burden this opinion with further details since the voluminous testimony presents overwhelming evidence that discrimination by hotels and motels impedes interstate travel.

The Power of Congress over Interstate Travel.

The power of Congress to deal with these obstructions depends on the meaning of the Commerce Clause. Its meaning was first enunciated 140 years ago by the great Chief Justice John Marshall in *Gibbons v. Ogden* (1824), in these words:

> "The subject to be regulated is commerce; and . . . to ascertain the extent of the power, it becomes necessary to settle the meaning of the word. The counsel for the appellee would limit it to traffic, to buying and selling, or the interchange of commodities . . . but it is something more: it is intercourse . . . between nations, and parts of nations, in all its branches, and is regulated by prescribing rules for carrying on that intercourse.
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> "To what commerce does this power extend? The constitution informs us, to commerce 'with foreign nations and among the several States, and with the Indian tribes.'
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> "It has, we believe, been universally admitted, that these words comprehend every species of commercial intercourse. . . . No sort of trade can be carried on . . . to which this power does not extend.
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> "The subject to which the power is next applied, is to commerce 'among the several States.' The word 'among' means intermingled." . . .

In short, the determinative test of the exercise of power by the Congress under the Commerce Clause is simply whether the activity sought to be regulated is "commerce which concerns more States than one" and has a real and substantial relation to the national interest. Let us now turn to this facet of the problem.

That the "intercourse" of which the Chief Justice spoke included the movement of persons through more States than one was settled as early as 1849, in the *Passenger Cases*, where Mr. Justice McLean stated: "That the transportation of passengers is a part of commerce is not now an open question." Again in 1913 Mr. Justice McKenna, speaking for the Court, said: "Commerce among the States, we have said, consists of intercourse and traffic between their citizens, and includes the transportation of persons and property. . . . Nor does it make any difference whether the transportation is commercial in character." . . .

The same interest in protecting interstate commerce which led Congress to deal with segregation in interstate carriers and the white-slave traffic has prompted it to extend the exercise of its power to gambling; to criminal enterprises; to deceptive practices in the sale of products; to fraudulent security transactions; to misbranding of drugs; to wages and hours; to members of labor unions; to crop control; to discrimination against shippers; to the protection of small business from injurious price cutting; to resale price maintenance; to professional football; and to racial discrimination by owners and managers of terminal restaurants.

That Congress was legislating against moral wrongs in many of these areas rendered its enactments no less valid. In framing Title II of this Act Congress was also dealing with what it considered a moral problem. But that fact does not detract from the overwhelming evidence of

the disruptive effect that racial discrimination has had on commercial intercourse. It was this burden which empowered Congress to enact appropriate legislation, and, given this basis for the exercise of its power, Congress was not restricted by the fact that the particular obstruction to interstate commerce with which it was dealing was also deemed a moral and social wrong.

It is said that the operation of the motel here is of a purely local character. But . . . the power of Congress to promote interstate commerce also includes the power to regulate the local incidents thereof, including local activities in both the States of origin and destination, which might have a substantial and harmful effect upon that commerce. One need only examine the evidence which we have discussed above to see that Congress may—as it has—prohibit racial discrimination by motels serving travelers, however "local" their operations may appear. . . .

We, therefore, conclude that the action of the Congress in the adoption of the Act as applied here to a motel which concededly serves interstate travelers is within the power granted it by the Commerce Clause of the Constitution, as interpreted by this Court for 140 years. It may be argued that Congress could have pursued other methods to eliminate the obstructions it found in interstate commerce caused by racial discrimination. But this is a matter of policy that rests entirely with the Congress not with the courts. How obstructions in commerce may be removed—what means are to be employed—is within the sound and exclusive discretion of the Congress. It is subject only to one caveat—that the means chosen by it must be reasonably adapted to the end permitted by the Constitution. We cannot say that its choice here was not so adapted. The Constitution requires no more.

Affirmed.