treatment for slaves. This constitutional bar was removed by these amendments. Indeed, the Court went on

to note that the Act, which was passed after the Amendments were adopted, was not "conceived" in terms of the commerce power and expressly pointed out:

> Of course, these remarks do not apply to those cases in which Congress is clothed with direct and plenary powers of legislation over the whole subject, accompanied with an express or implied denial of such power to the States, as in the regulation of commerce with foreign nations, among the several States, and with the Indian tribes. . . . In these cases Congress has power to pass laws for regulating the subjects specified in every detail, and the conduct and transactions of individuals in respect thereof. [At 18.]

Since the commerce power was not a ground of authority relied on by the government and there was no support for it in the record it is understandable why the Court narrowed its inquiry and carved out ~~Thus, it may be that the Court focused its constitutional inquiry too narrowly and failed adequately to inquire into~~ the commerce clause as a possible source of power. In any event, it is clear that such a limitation would render the opinion devoid of authority for the proposition that the commerce clause gives no power to Congress to regulate discriminatory practices now found substantially to affect interstate commerce. We, therefore, conclude that the Civil Rights Cases have no relevance to the decision here where the Act not only explicitly relies upon the commerce power, but the record is filled with testimony of obstructions and restraints resulting from the discriminations found to be existing. We now pass to that phase of the case.