

But the Court held that the taxi service was not a constituent part of the interstate movement of the passengers, i.e. the taxis were not themselves instrumentalities of interstate commerce. The relationship was "casual and incidental" ~~at present~~ being "just another local fare" to the driver. The Court took pains to point out that it was not deciding that some activities of local taxi drivers might fall within federal power, citing as an example an agreement to eliminate transportation brand from stations where interstate ~~to~~ ~~the~~ ~~Court~~ ~~never~~ ~~held~~ ~~that~~ ~~the~~ ~~taxi~~ ~~taxi~~ ~~business~~ ~~was~~ ~~not~~ ~~subject~~ ~~to~~ ~~federal~~ ~~regulation~~. In fact in Supervisors of Washington v. Superior Court of Washington & another situation involving the taxi business in Superior County of Washington 409 U.S. 499 (1972) ~~we held the contrary~~. ~~that it was~~ ~~that~~ ~~federal~~ ~~power~~ ~~is~~ ~~present~~

4. Racial Discrimination in Restaurants Selling Food from

Out-of-state Sources Burdens Interstate Commerce

~~We search the subordinate inquiry here which is the practical~~

~~Applying the practical test of whether~~

We have seen that there is a ^{practical} relationship between racial discrimination in restaurants and the flow of interstate commerce.

~~The being so it follows that the regulatory ~~power~~ ~~of~~ ~~Congress~~ ~~to~~ ~~regulate~~ ~~the~~ ~~activities~~ ~~depends~~ ~~upon~~ ~~whether~~ ~~such~~ ~~activities~~ ~~which~~~~

The power of Congress to regulate ^{such} the restaurants depends upon a showing that the ^{regulation} ~~test~~ is reasonably adapted to ^{the promotion of} ~~promoting~~ ~~or~~ ~~protecting~~ ~~the~~ ~~flow~~ ~~of~~ ~~commerce~~.

While the Court has never ~~approved~~ ~~the~~ ~~use~~ ~~of~~ ~~federal~~ ~~power~~ ~~said~~ ~~Congress~~ ~~could~~ ~~regulate~~ ~~a~~ ~~person's~~ ~~activity~~ ^{solely} because he has ^{previously} received goods from interstate commerce, it has on numerous occasions held that federal power extended to the control of imported interstate goods ~~and~~ the distribution of which might ~~damage~~ ^{harm} ~~the~~ ~~community~~ be deleterious to the community.

~~meaning~~

Heartz Atlanta Motel, supra. We have listed the case in Heartz Atlanta Motel, supra. The racially discriminatory restaurant who purchases food in substantial proportions from out of the state is using interstate commerce to perpetuate ~~his~~ ~~segregation~~ ~~policy~~ what Congress has found to be evil. While its power may not depend ^{solely} upon the importation of the food it can, when it judges ^{severe} discrimination an evil, prohibit the use of the channels of interstate commerce as ~~the~~ ~~tools~~ ~~to~~ ~~perpetuate~~ ~~the~~ ~~declared~~ ~~evil~~ of racial discrimination. Since it can

312 US 100
(1941)

close the channels of commerce to those using out of state goods to
— United States v. Dairy —
pursue ~~such~~ practices are injurious practices, it can forbid use
of the goods for the practice itself.