In the light of the Commerce Clause those activities that are beyond the reach of Congress are "those which are completely within a particular State, which do not affect other States, and with which it is not necessary to interfere, for the purpose of exercising some of the general powers of the government." Gibbons v Ogden, 9 Wheat. 1, 195 (1824). This rule is as good today as it was when Chief Justice Marshall laid it down almost a century and a half ago.

This Court has held time and time again that this power extends to activities of retail establishments, including restaurants, which directly or indirectly burden or obstruct interstate commerce. ~~See Labor Board v Reliance Fuel Corp 371 US 224 ( ), involving a [local] retail fuel oil distributor; Meat Cutters v Fairlawn Meats, 353 US 20 ( ) [involving] a retail grocery~~

We have detailed the cases in Heart of Atlanta Motel supra and will not repeat them here.

Nor are the cases ~~relied upon by the appellees that~~ holding that interstate commerce ends when goods come to rest in the State of destination apposite here. That line of cases has been applied ~~in the issue~~ with reference to State taxation or regulation but not in the field of federal regulation. Federal power extends to those activities which ~~lie~~ [though] outside the stream of interstate commerce ~~but~~ [still] substantially affect it. ~~Indeed, a State may tax or regulate goods and activities which are also regulated by federal law. United States v Sullivan 332 United States v Wiesenfeld Warehouse Co 376 US 86 ( ).~~ Much reliance is placed upon United States v Yellow Cab Co, 332 US 218 (1947). ~~But it had to do with a~~ One phase of the cases had to do with ~~services~~ rendered by local taxicabs (in the normal course of their general taxi service) to people going between their homes and railroad stations preparatory to going upon or returning from interstate journeys. ~~claim that taxis carrying passengers to and from railroad stations were themselves instrumentalities of interstate commerce. The Court~~

All the Court held was that this taxi service was not "a constituent part of the interstate movement" of passengers [at p. 232, that is the taxis were not themselves instrumentalities of interstate commerce. ~~He can't have same.~~ In this case we have an entirely different situation, somewhat analogous to the example used by the Court in Yellow Cab, supra, namely that federal power ~~was~~ would extend to an activity presenting transportation to and from railway stations where interstate journeys began and end. @ 233. Here racial discrimination [at the end of the journey is presenting the movement of supplies in interstate commerce.

4. Congress has Exercised its Primary Power to Regulate.

We conclude that Congress finding[V] a close relationship between racial discrimination and the free flow of commerce exercised its power to eliminate such obstructions. ~~Rather~~ Rather than exercising its full power it ~~provided that it would only be~~ restricted its use to those restaurants ~~serving interstate customers or using substantial proportions of food coming through interstate channels~~. offering to serve or serving interstate customers or those in which a substantial portion of the food served had moved through interstate channels. We believe that sufficient showing has been made that this regulation is reasonably adopted to the promotion of the flow of interstate commerce. But even though this not be true still this regulation would be valid for this Court has held on numerous occasions that federal power extended to the control of imported interstate goods the distribution of which might be deleterious to the community. We

[V] The absence of formal findings has no bearing upon the validity of a statute. See United States v Carolene Products Co 304 US 144, 152 (

have listed these cases in Heart of Atlanta Motel, supra. It is sufficient to say here that the ~~restaurateur~~ restaurateur who racially discriminates in his service and whose food or supplies comes in substantial proportions from out of the state is using interstate commerce to perpetuate what Congress has found to be evil i.e. racial discrimination in places of public accomodations. The power to ~~regulate this evil~~ regulate in such a case ~~does not~~ might ~~not~~ be said to depend so much upon the importation of the food as ~~where Congress predicates by the fact of Congress' declaration on its power~~ upon the power of Congress to prohibit the use of the channels of interstate commerce as a tool to carry on the evil it has condemned. We have held that it may completely close the channels of interstate commerce to those using out-of-state goods to pursue an injurious practice a fortiori it can forbid the use of the goods in the practice itself.

~~Nor can~~

Objection is made that there is no provision for determining — either administratively or judicially — that Ollie's Barbecue itself in carrying on racial discrimination affects commerce. The short answer is that Congress itself determined that racial discrimination in such establishments — when viewed in the light of the thousands of restaurants in the United States — does create such a danger to interstate commerce. With that fact established the only remaining question is whether the particular restaurant involved either serves or offers to serve interstate customers or receives goods from out of the state in substantial proportions to its total supply. In

~~Congress~~

statutes such as the Act here Congress has left it to the Courts to determine whether the intrastate activities have the prohibited effect on commerce [Sherman Act]; in others it has left such a determination to an administrative board [Interstate Commerce Act, Federal Trade Commission, National Labor Relations Board]; and often it ~~finds~~ makes that determination for itself [Safety Appliance Act, Railway Labor Act, ~~Fair Labor Standards Act, Unemployment Insurance~~ FELA ~~Act~~, Jones Act]. It has done the latter here. And as the Court said ~~in~~ in United States v Darby, supra,

> "In passing on the validity of legislation of the class last mentioned the only function of the courts is to determine whether the particular activity regulated or prohibited is within the reach of federal power." at 121.

The Fair Labor Standards Act is a parallel to the Act here. There the [determination by the Congress that the] payment of substandard wages to employees engaged in the production of goods for interstate commerce is the basis for ~~Congressional~~ its action. Wages as such is not itself commerce but ~~this Court has held that substandard~~ may well obstruct and burden commerce to such an extent as to require regulation. The Congress resolved that question leaving only for determination whether particular goods were produced for commerce.

The power of the Congress in this field is broad and sweeping; ~~and~~ when ~~Congress~~ it keeps within its sphere and violates no express constitutional limitation

it has been the rule of this Court going back almost to the founding days of the Republic not to interfere. The Civil Rights Act of 1964 we find to be plainly appropriate in the resolution of what the Congress found to be a national commercial problem of the first magnitude. We find in it no violation of any ~~It violates no~~ express limitations of the Constitution and ~~we must~~ therefore declare it ~~be found~~ valid.

The judgment is therefore

Reversed