Title

We conclude that Congress had a rational basis for finding that racial discrimination in restaurants serving food shipped across state lines had a direct and adverse effect on the free flow of that food in interstate commerce. Moreover, we find an adequate ground for this legislation in the XXXXXXXXX evidence of the indirect but widespread adverse effect on general business conditions and, therefore, on the flow of interstate goods, that has resulted from racial discrimination in public eating places and the boycotts, demonstrations, and general community ~~uneasiness~~ unrest that it has produced. Indeed, in view of this testimony we must conclude that Congress acted well within its power XX to promote commerce in deciding, as a matter of policy, to extend the coverage of XXX Title II only to those restaurants serving interstate travelers or to those that serve food, a substantial portion of which has moved in commerce.

In this same testimony lies the answer to the appellees' major contention. They object to the fact that there is no provision in the Act for determining--either administratively or judicially--that Ollie's Barbebue itself, in XXXXXpracticing XXXXXXXXracial discrimination, affects commerce. XXXXXXXXt XXXXXXXXXX Stated another way, they argue that Congress has created a conclusive presumption that all restaurants that meet the criteria set out in the Act "affect commerce." The short answer to this is that Congress itself determined that

We conclude that Comgress had a rational basis for finding a close and adverse relationship between racial discrimination and the free flow of commerce and, therefore, the power to eliminate XXXXXX that obstruction.

racial discrimination--when viewed in the light of the thousands of restaurants in the United States--creates a very real danger to interstate commerce.

Of course, simply because Congress has in a particular Act determined when certain activity shall be deemed to affect commerce this Court will not accept that conclusion without further examination. But where we find that the legislators, in the light of the facts made known to them and generally assumed have a rational basis for finding a certain regulatory scheme necessary to the protection of commerce our investigation is at an end. As we have pointed out above we think such a basis in fact existed here to support the conslusion that discrimination in the establishments listed here so burdened interstate commerce as to require legislation. With that fact established the only remaining question is whether the particular restaurant involved either serves or offers to serve interstate customers or receives food from out of ~~inter~~state in substantial quantities.

Congress was not plowing new ground in framing this Act as it did. In United States v. Darby, 312 U.S. 100 this Court held constitutional the Fair Labor Standards Act. In enacting that legislation Congress determined that the payment of substandard wages to employees engaged in the production of goods for commerce, while not itself commerce,

so obstructed commerce as to be subject to federal regulation. The appellees argued that ~~although the National Labor Relations Act, which had been held constitutional earlier, provided~~ for an independent administrative inquiry, the Fair Labor Standards Act did not provide. Thus, it was, said appellees, a "bald presumptive attempt on the part of Congress to prescribe standards of wages for all industry." But the Court rejected the argument, observing that:

> [S]ometimes Congress itself has said that a particular affects commerce, as it did in the present Act, the Safety Appliance Act and the Railway Labor Act. In passing on the validity of ~~XXXX~~ legislation of the class last mentioned the only function of ~~XXX~~ courts is to determine whether the particular activity regulated or prohibited is within the reach of the federal power

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The appellees here point out that in framing the Fair Labor Standards Act, the Congress made specific findings which were embodied in the Act itself. Here, of course, Congress has included no formal findings. But the absence of such findings has no bearing on the validity of the statute. United States v. Carolene Products, 304 U.S. 144, 152 (19 ). Confronted as we are with the facts that were laid before Congress we cannot say that their determination does not have a rational basis.

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The power of Congress in this field is broad and sweeping; where 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,

Similarly, under the National Labor Relations Act, the Board is empowered to prevent unfair labor practices and resolve questions of representation affecting commerce. But the inquiry of the Board goes only to the relationship of the employer to interstate commerce; it makes no case-by-case determination of whether an unfair labor practice in a particular shop might prompt a dispute which might curtail shipments and orders in commerce. Thus, in Reliance Fuel Comapny v. Labor Board, supra, we reversed a court of appeals opinion setting aside a decision of the Board for "lack of findings on the manner in which a labor dispute at Reliance affects or tends to affect commerce." Congress found, in passing that Act that the denial of certain rights to employees by some employers had the "necessary effect" of burdening or obstructing commerce." Thus, we held that the jurisdictional test was met when the Board found that by virtue of its purchases from Gulf, Reliances operations and the unfair labpr practices there involved "affected commerce." Here,

Here, as there, Congress has found for itself that refusals of service to Negroes has caused burdens both to the interstate flow of food and to the movement of products generally. There was, as we have noted, ample evidence before it to support that conclusion, and the only question remaining is whether there is shown the link between a restaurant and interstate commerce that is required in the Act.

as applied to the restaurants enumerated, we find to be plainly appropriate in the resolution of what Congress clearly found to be a national commercial problem of the first magnitude. We find in it no violation of any express constitutional limitation and we therefore declare it valid.

Reversed.