the stream of interstate commerce still substantially affect it.

Much reliance is placed upon United States v. Yellow Cab Co., 332 U. S. 218 (1947). One phase of the case 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. 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. In this case we have an entirely different situation, somewhat analogous to an example used by the Court in Yellow Cab, supra, namely, that federal power would extend to an activity preventing transportation to and from railway stations where interstate journeys begin and end. At p. 233. Here racial discrimination at the end of the journey is preventing the movement of supplies in interstate commerce.

6. Congress Has Exercised its Plenary Power to Regulate.

We conclude that Congress finding a close relationship between racial discrimination and the free flow of commerce exercised its power to eliminate such obstructions. Rather than exerting its full power it restricted its use to those restaurants 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 adapted 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 have listed these cases in Heart of Atlanta Motel, supra. It is

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N. The absence of formal findings has no bearing upon the validity of a statute. See United States v. Carolene Products Co., 304 U. S. 144, 152 (19).

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 evidence of the indirect but widespread adverse effect on general business conditions and, therefore, on the flow of interstate goods, that resulted from racial discrimination in public eating places and the boycotts, demonstrations, and general community uneasiness that it has produced. Indeed, in view of this testimony we must conclude that Congress acted well within its power to promote commerce in deciding, as a matter of policy, to extend the coverage of 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 Barbecue itself, in practicing racial discrimination, affects commerce. Stated another way, they argue that Congress has created an irrebuttable 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

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~~ the fact that because Congress has in a particular Act determined ~~when~~ that certain activity shall be deemed to affect commerce ~~this~~ does not meet that this will Court ~~will not~~ accept that conclusion without further examination. But where we find that the legislators, in the light of ~~the~~ those facts made known to them and those generally assumed have a rational basis for finding a ~~certain~~ give regulatory scheme necessary ~~to the protection of~~ made to protect & foster 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 conclusion that discrimination in ~~the establishments~~ those restaurants ~~listed~~ enumerated here so burdened interstate commerce as to require legislation. ~~With that fact established~~ with that conclusion 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~~ an enactment in which Congress determined that the payment of substandard wages to employees engaged in the production of goods for commerce, while not itself commerce,

sufficient to say here that the restauranteur who racially discriminatee in his service and whose food or supplies come 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 accommodations. The power to regulate in such a case might be said not to depend so much upon the importation of the g food as 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; ex afortiorari it can forbid the use of the goods in the practice itself.

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 has 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.

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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.

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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 some 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 makes that determination for itself [Safety Appliance Act, Railway Labor Act, Fair Labor Standards Act, FELA, Jones Act]. It has done the latter here. And as the Court said 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