



Heart of Atlanta Motel v. United States, 379 U.S. 241 (1964)

KEY POINTS:

Until the Civil Rights Revolution of the 1960s, the Civil Rights Act of 1875 represented the last major effort by the federal government to protect the rights of African-Americans. Despite its promise to end discrimination, it came pretty much to naught as a result of the Supreme Court's decision in *The Civil Rights Cases* (1883). With only Justice John Marshall Harlan dissenting, an eight member majority found that private acts of discrimination, as opposed to government-sponsored discrimination, was outside the power of the federal government under the so-called Freedom Amendments to prohibit. By an identical vote, thirteen years later, the Supreme Court in *Plessy v. Ferguson* (1896), the Court upheld government-mandated segregation under the guise of "separate but equal."

Title II of the Civil Rights Act of 1964 sought to accomplish many of the same purposes as did the 1875 act, prohibiting discrimination "on the ground of race, color, religion, or national origin" by "any inn, hotel, motel [etc.]," "any restaurant, cafeteria, lunch room, lunch counter [etc.]," and any "theater, concert hall, sports arena [etc.]" The 1964 law was defended as an exercise of congressional power under the commerce clause. All of the named establishments were included because they engaged in activities that "affect commerce", "offers to serve interstate travelers or a substantial portion of the food which it serves has moved in commerce."

Beginning in 1937 with the advent of the so-called "Modern Court," the Supreme Court had adopted a highly deferential role to efforts by Congress to regulate economic activity. Up until 1964 and, in fact, for many years thereafter, the Court had sustained every piece of federal legislation adopted under the commerce clause, I-8-3.

The decision in *Heart of Atlanta* and the companion case of *Katzenbach v. McClung* was unanimous. Two of the Justices, however, voiced a preference to sustain the statute under the powers given to Congress by the Fourteenth Amendment.

This moot court is based on the Supreme Court case of *Heart of Atlanta Motel, Inc. v. United States*. The case addresses two interrelated issues. The first is the role of Congress's power to regulate under the Interstate Commerce Clause. The second is the extent to which that power to regulate can encroach upon private property rights located in the Fifth Amendment's Due Process Clause.

The lesson should begin with an overview of the federal and state court system and a brief explanation of appellate advocacy and the difference between a trial and an appellate argument. In order to make the event as interactive as possible, in the large group, give the students the summary of the facts followed by a brief discussion of the Supreme Court decision. Students should then be asked to take a stand "for or against" the majority decision. If one side lacks enough support, students should be encouraged to challenge themselves to defend the position they disagree with. Being able to understand and represent the other side's arguments is the sign of a sharp legal mind.

Once students have taken sides, divide them into three groups, Petitioner (Heart of Atlanta Motel), Respondent (US government) or Supreme Court Justices. The groups can then on their own prepare their arguments to the Supreme Court during the mini moot court. A group of 9 students should be selected to serve as the Justices of the Supreme Court.

In the small groups, have the students discuss the fact pattern and the applicable law.

Instructions for the students

Start is with the BRAINSTORMING SHEET & ARGUMENT SHEET. Review the case, then work through the SHEETS which will help the group prepare their arguments. During the discussion period you will need to select representatives (2-4) who will act as the advocates during the moot court. Students (Advocates) from each side will present a brief argument that reflects their group's strongest points for an affirmative or negative response to the question posed. Afterwards the mock Supreme Court will decide the outcome of the case. Students will be instructed that all students on each side can raise their hand to answer questions posed by the Justices of the Court if their advocates need assistance or do not have a satisfactory answer. Advocates will only have 15 minutes to present their arguments to the Supreme Court. Heart of Atlanta Motel may reserve up to five (5) minutes for rebuttal which must be done at the start of their oral argument (kindly remind Heart of Atlanta Motel to reserve time if he or she forgets as a rebuttal is a powerful tool during oral arguments). The rebuttal should focus on responding to issues that the government raised during their oral argument. You will also need to craft responses to any questions the Supreme Court might ask. The ARGUMENT SHEET is an excellent way to organize your group's thoughts.

BRAINSTORMING SHEET

Which side do you represent?

Your Group's Arguments (Rank from best to worst):

Opposition's Arguments (Rank from best to worst):

Counter-Arguments To Opposition's Arguments:

Possible Supreme Court Questions:

Responses To Supreme Court Questions:



FACT PATTERN HEART OF ATLANTA MOTEL, INC. V. UNITED STATES

How do you think the Court should decide the matter?

We will argue and decide it today.

BACKGROUND:

Heart of Atlanta Motel is a 216-room establishment located near two interstate highways. 75% of its guests are from out of state and it refused to rent rooms to African-American people.

Title II of the Civil Rights Act of 1964 forbids discrimination or segregation in places of public accommodation. After its passage, Heart of Atlanta Motel filed suit in a Georgia District Court against the government alleging that the act exceeded Congress's power under the commerce clause (Article I-3-8) to regulate certain kinds of trade because the motel's business was insufficiently related to interstate commerce. It also alleged that the act violated the Fifth Amendment's due process and takings clauses, which protect a person's liberty and property, because it took away the motel's right to choose its own customers and run its business the way it wanted to without providing just compensation. Finally, the motel alleged that the act violated the Thirteenth Amendment prohibition against involuntary servitude because the act forced the motel against its will to rent rooms to African-Americans.

The government responded that the unavailability of adequate accommodations for African-Americans significantly interferes with interstate travel and that the Commerce Clause gives Congress the power to remove those obstacles. The government also responded that the Fifth Amendment doesn't forbid reasonable regulation, and that the Thirteenth Amendment was not meant to protect discrimination.



ARGUMENT SHEET

Look over these arguments below. Note whether they help Heart of Atlanta Motel (Appellant or Petitioner) or the United States government (Appellee or Respondent). You can also decide the arguments help both sides (B) or neither side (N).

1. _____ In 1883, the Supreme Court in the *Civil Rights Cases* struck down the portion of the Civil Rights Act of 1875 that prohibited discrimination in public accommodations. The court found that the Thirteenth and Fourteenth amendments only prevented discrimination by the government and that the government could not outlaw private acts of racial discrimination. (Precedent can be a powerful argument in our judicial system because judges often attempt to follow previous decisions for the sake of consistency).
2. _____ In the *Civil Rights Cases*, the government relied on the Thirteenth and Fourteenth Amendments, but the Court did not consider the Commerce Clause. The commerce clause gives Congress the power to regulate when an activity has a sufficient impact on interstate commerce. (Distinguishing a precedent can be a powerful argument to convince a judge that they are dealing with a new issue that can't be settled by applying the arguments from a prior case).
3. _____ The Tenth Amendment to the Constitution protects the rights of the several states to regulate their own economies by restricting Congress to those powers that are delegated to it by the text of the Constitution. If we construe the interstate commerce clause as reaching any activity that has an impact on trade outside of a state, then there is nothing Congress cannot regulate and nothing left for the states, because all modern economic activity is connected in some way.
4. _____ We must read the commerce clause broadly because the economy and technology have changed. Interstate travel and trade used to be much more difficult and that is why it used to make sense for states to regulate certain activities that were almost exclusively inside their state, but now we have cars, airplanes, and products travel around the globe. If it were not for strong national measures passed by Congress in response to a national economy, the individual states could not have gotten out of the Great Depression.
5. _____ Congress should stay away from truly local economic issues, but Heart of Atlanta Motel is anything but local. It advertises in national magazines, is located next to interstate highways to attract interstate travelers, and 75% of its guests are in fact interstate travelers.
6. _____ The government is being dishonest when it states that the Civil Rights Act of 1964 is an interstate commerce regulation. Clearly, the purpose is not to regulate commerce, but to end discrimination in lodging. Although that might be a noble goal, without the pretext of the commerce clause, Congress has no power to compel a private entity not to discriminate.
7. _____ Of course, the government's motive was to end discrimination, but that doesn't diminish its power to regulate if an activity truly impacts interstate commerce. Here, lack of adequate lodging makes

travel difficult and unappealing for African-Americans, and that lack of travel has an obvious negative impact on the national economy.

8._____ Even if racism is bad and even if racism hurts the economy and Congress has the power to regulate it, telling a private business how to use its private property is too far. The Fifth Amendment protects liberty and that includes the right to our own beliefs and our own way of organizing our business, no matter how unpopular or hateful those opinions may be.

9._____ Heart of Atlanta Motel's argument that private property rights are inviolable contradicts the purpose of the Fifth Amendment to secure actual liberty. Slaves used to be considered private property. Did freeing the slaves diminish freedom? No. Sometimes private property rights must yield to promote the broader and more fundamental liberties of the community.



You are a Supreme Court justice hearing the Heart of Atlanta Motel case. Please answer the following questions. REMEMBER TO REFERENCE THE FACTS OF THE CASE AND THE CLASSIFYING ARGUMENTS.

1. Pretend that you are listening to the oral arguments of the attorneys representing Heart of Atlanta Motel. What two questions would you ask?

A.

B.

2. Pretend that you are listening to the oral arguments of the attorneys representing the U.S. government. What two questions would you ask?

A.

B.

3. At the conclusion of hearing the case, you have to write a court opinion ruling either in favor of Heart of Atlanta Motel or the government. Remember, if you are ruling in favor of the motel, then you are arguing that the Civil Rights Act of 1964 is an unlawful exercise of the commerce power. If you are ruling in favor of the government, then you are arguing that the Civil Rights Act of 1964 was within the scope of Congress's commerce power.

_____ Heart of Atlanta Motel

_____ U.S. Government

Resources

<http://sites.gsu.edu/us-constipedia/heart-of-atlanta-motel-inc-v-united-states-1964/>

<https://www.oyez.org/cases/1964/515>