Discussion: Should Congress be permitted to regulate private businesses?

Discussion Background:

The Constitution not only protects individual freedoms but is the backbone of the distribution of power between the federal government and the various states.  Under the Fourteenth Amendment, the government is not permitted to discriminate against people on the basis of race or religion.  However, the Fourteenth Amendment does not apply to private organizations; therefore, private businesses could be free to discriminate on the basis of race or religion.

In 1964, Congress leveraged its power under the Commerce Clause to prohibit places of "public accommodation" (hotels, restaurants, etc.) from discriminating against people on the basis of race or religion, among other criteria.  Congress argued that because these businesses engaged in interstate commerce, they were permitted to regulate these businesses in this way.  The Heart of Atlanta Motel historically only served white people and sued the government arguing that Congress did not have the power to regulate their activities under the Commerce Clause.

Here's a video with additional background:

<https://youtu.be/ENYE4zkyi2g>

Discussion Requirements:

1. Explaining whether you believe Congress should have the power to regulate businesses such as the Heart of Atlanta Motel in this case?
   * Don't worry about what the "legal answer" is, focus on what you believe?
   * What are the pros and cons here?  Why do you believe a private business owner would be so against this type of regulation?
2. Identify two possible "legal rules" that we should apply here for a IRAC analysis. Just focus on the “Rule”; not the whole IRAC analysis
   * Assuming that the "Issue" is whether or not Congress has the power to regulate the Heart of Atlanta Motel and require that they serve all races, what would be the legal Rules to apply here?
   * How do you know? Explain why each of the possible “Rule” could apply here.
   * Select which of the possible Rule would be better for the Issue; why?
3. Three pages for the assignment