**Facts of the Case**

Following the aftermath of the legalization of gay marriage, Congress, in an attempt to prohibit private discrimination based on sexual orientation, used the U.S. Constitution’s Commerce Clause to justify passage of the Public Accommodations Act. In part, the Act reads,

“All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, national origin, or sexual orientation.”

 -Public Accommodations Act, Title II

The McReynolds Motel is located in scenic Wilson, Kentucky, known for its Blue Grass Festival. The owner is James McReynolds. The McReynolds Motel has 36 rooms, a swimming pool, sauna, and wedding pavilion. McReynolds’ business largely caters to families and couples seeking a wedding location. Like other motel owners, McReynolds advertises in travel magazines, interstate billboards, and on local radio and television. Because the McReynolds Motel is just off of Interstate 99, its customer base is from all over the country, with mostly localized business utilizing the wedding pavilion.

Being a motel owner, McReynolds buys his supplies (shampoo, sheets, shower curtains, vacuums, etc.) from local and out-of-state businesses. He does his best to buy most of the Motel’s supplies from the local area, but being profit conscious, if he can get an item cheaper by buying across state lines, he will. In the grand scheme, his business does not contribute significantly to the national economy, but does to the local economy.

James McReynolds is worried about the Public Accommodations Act and the affect it will have on his business. Like many in his community, McReynolds is not supportive of gay rights. He believes renting rooms and hosting weddings for same sex couples will cripple his business’ profitability. He believes that Congress overreached in passing this law under their commerce power. The McReynolds Motel is not a national chain and does business in one state. In McReynolds’ view, the Commonwealth of Kentucky has the responsibility of regulating his business as a power reserved to the states under the Tenth Amendment. McReynolds argues the true intent of Congress in passing the Public Accommodations Act was to grant special rights to individuals not expressed in the Constitution. What is being regulated by this statute is access by individuals to privately owned businesses, not interstate commerce.

James McReynolds is suing the United States in federal court.

In your legal brief you must include reference to at **least one of the two precedent cases listed below.** A legal brief should be 1-2 page summary of the constitutional/legal argument for the ruling. Your purpose is to convince the Justice you clerk for that your position is the strongest and should be followed in their official opinion writing for the case.

**Federalism Precedent Cases:**

McCulloch v. Maryland (1819)

United States v. Lopez (1995):