



**CONSTITUTIONAL
LAW GROUP**

A Private Business is a Public Accommodation that is open to the general public & engaged in commerce.

A private business cannot lawfully deny you service if they are open to the general public while they are engaging in commerce. They are breaking well-established law if they discriminate against you.

Quote this: "So what you are telling me is that you are willing to discriminate against me and deny me service? This is as if I were either white, black, Asian, or disabled and in a wheelchair entering your establishment and you deny me service and discriminate against me for being white, black, Asian or disabled and in a wheelchair. You have no lawful authority to discriminate against me, or my unalienable rights."

The only places that are not a public accommodation are churches, temples, synagogues, PMA's or a 501C3's.

A grocery store is a private entity that provides goods and services to the general public and is therefore lawfully defined in Federal and State laws as a place of "**Public Accommodation**".

The legal, federal definition of a public accommodation:

***Public accommodation* means a private entity that owns, leases (or leases to), or operates a place of public accommodation.**

Civil Rights Act 1964 Titles I & II

Public accommodations are prohibited from **unlawful discrimination** and must allow free and equal access to all goods, services, facilities, privileges and accommodations as the general public.

Prohibits discrimination on the basis of race, color, religion or national origin in places of public accommodation.

THE PUBLIC HEALTH AND WELFARE

CHAPTER 21 - CIVIL RIGHTS

SUBCHAPTER II - PUBLIC ACCOMMODATIONS

Prohibition against discrimination or segregation in places of public accommodation

Title 42 § 2000(a) Equal Access

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, or national origin.

(b) Establishments affecting interstate commerce or supported in their activities by State action as places of public accommodation; lodgings; facilities principally engaged in selling food for consumption on the premises; gasoline stations; places of exhibition or entertainment; other covered establishments

Each of the following establishments which serves the public is a place of public accommodation within the meaning of this subchapter if its operations affect **commerce**, or if discrimination or segregation by it is supported by State action:

(1)

any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;

(2)

any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment; or any gasoline station;

(3)

any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment; and

(4)

any establishment (A)(i) which is physically located within the premises of any establishment otherwise covered by this subsection, or (ii) within the premises of which is physically located any such covered establishment, and

(B) which holds itself out as serving patrons of such covered establishment.

(c) Operations affecting commerce; criteria; "commerce" defined

The operations of an establishment affect **commerce** within the meaning of this subchapter if

(1) it is one of the establishments described in paragraph (1) of subsection (b);

(2) in the case of an establishment described in paragraph (2) of subsection (b), it serves or offers to serve interstate travelers of a substantial portion of the food which it serves, or gasoline or other products which it sells, has moved in **commerce**;

(3) in the case of an establishment described in paragraph (3) of subsection (b), it customarily presents films, performances, athletic teams, exhibitions, or other sources of entertainment which move in **commerce**; and

(4) in the case of an establishment described in paragraph (4) of subsection (b), it is physically located within the premises of, or there is physically located within its premises, an establishment the operations of which affect **commerce** within the meaning of this subsection. For purposes of this section, "**commerce**" means travel, trade, traffic, **commerce**, transportation, or communication among the several States, or between the District of Columbia and any State, or between any foreign country or any territory or possession and any State or the District of Columbia, or between points in the same State but through any other State or the District of Columbia or a foreign country.

(d)Support by State action Discrimination or segregation by an establishment is supported by State action within the meaning of this subchapter if such discrimination or segregation

(1) is carried on under color of any law, statute, ordinance, or regulation; or
(2) is carried on under color of any custom or usage required or enforced by officials of the State or political subdivision thereof; or

(3) is required by action of the State or political subdivision thereof.

(e)Private establishments The provisions of this subchapter shall not apply to a private club or other establishment not in fact open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of subsection (b).

The term "**commerce**" means trade, traffic, commerce, transportation, transmission, or communication among the several States; or between a State and any place outside thereof; or within the District of Columbia, or a possession of the United States; or between points in the same State but through a point outside thereof.

Act means the **Americans with Disabilities Act of 1990** *Commerce* means travel, trade, traffic, commerce, transportation, or communication -

(1) Among the several States;

(2) Between any foreign country or any territory or possession and any State; or

(3) Between points in the same State but through another State or foreign country.

Commercial facilities means facilities -

(1) Whose operations will affect commerce;

(2) That are intended for nonresidential use by a private entity; and

(3) That are not -

(i) Facilities that are covered or expressly exempted from coverage under the Fair Housing Act of 1968, as amended (42 U.S.C. 3601-3631);

Americans with Disabilities Act A.D.A.

§ 36.104 Definitions

Place of public accommodation means a facility operated by a **private entity** whose operations affect **commerce** and fall within at least one of the following categories –

(1) Place of lodging, except for an establishment located within a facility that contains not more than five rooms for rent or hire and that actually is occupied by the proprietor of the establishment as the residence of the proprietor. For purposes of this part, a facility is a "place of lodging" if it is –

- (i) An inn, hotel, or motel; or
- (ii) A facility that –
 - (A) Provides guest rooms for sleeping for stays that primarily are short-term in nature (generally 30 days or less) where the occupant does not have the right to return to a specific room or unit after the conclusion of his or her stay; and
 - (B) Provides guest rooms under conditions and with amenities similar to a hotel, motel, or inn, including the following –

(1) On- or off-site management and reservations service;

(2) A **restaurant, bar**, or other establishment serving food or drink;

- (3) A motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment;
- (4) An auditorium, convention center, lecture hall, or other place of public gathering;
- (5) A bakery, **grocery store**, clothing store, hardware store, **shopping center**, or other sales or rental establishment;
- (6) A laundromat, dry-cleaner, bank, barber shop, beauty shop, **travel service**, shoe repair service, funeral parlor, **gas station**, office of an accountant or lawyer, pharmacy, insurance office, **professional office of a healthcare provider, hospital**, or other service establishment;
- (7) A terminal, depot, or other station used for specified **public transportation**;
- (8) A museum, library, gallery, or other place of public display or collection;
- (9) A park, zoo, amusement park, or other place of recreation;
- (10) A nursery, elementary, secondary, undergraduate, or postgraduate private school, or other place **of education**;
- (11) **A day care center, senior citizen center**, homeless shelter, food bank, adoption agency, or other social service center establishment; and
- (12) A gymnasium, health spa, bowling alley, golf course, or **other place of exercise or recreation**