Washington Coach Co. Vs. Labor Board

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Court : US Supreme Court

Decided On : Apr-12-1937

Appeal No. : 301 U.S. 142

Appellant : Washington Coach Co.

Respondent : Labor Board

Judgement :

Washington Coach Co. v. Labor Board - 301 U.S. 142 (1937)
U.S. Supreme Court Washington Coach Co. v. Labor Board, 301 U.S. 142 (1937)

Washington, Virginia & Maryland Coach Co. v.

National Labor Relations Board

No. 469

Argued February 10, 1937

Decided April 12, 1937

301 U.S. 142

CERTIORARI TO THE CIRCUIT COURT OF APPEALS

FOR THE FOURTH CIRCUIT

SYLLABUS

1. A corporation engaged in the business of transporting passengers and express, for hire, between points in the District of Columbia and points in Virginia, *held* an instrumentality of interstate commerce and subject to provisions of the National Labor Relations Act against discharge of employees because of their membership in a union and their advocacy of collective bargaining. P. 301 U. S. 146 .

2. The National Labor Relations Act limits the jurisdiction of the National Labor Relations Board to instances within the commerce power, and its orders in excess of its jurisdiction may be challenged by any party aggrieved. P. 301 U. S. 146 .

3. Claims not made in the petition for certiorari are not open for decision. P. 301 U. S. 146 .

4. Findings of the National Labor Relations Board upon matters within its jurisdiction will not be reversed or modified unless clearly improper or unsupported by substantial evidence. P. 301 U. S. 147 .

5. An order of the National Labor Relations Board requiring a common carrier by motor to reinstate in its employment several drivers and garage mechanics found by the Board to have been discharged because of their membership in a union, and to make good the losses of pay due to their discharge, and directing the carrier to post notices of its intention to comply with the Board's order, *held* valid upon the authority of Labor Board v. Jones & Laughlin Steel Corp., *ante* p. 301 U. S. 1 . P. 301 U. S. 147 .

85 F.2d 990 affirmed.

Certiorari, 299 U.S. 533, to review a judgment for enforcement of an order of the National Labor Relations Board, entered by the court below upon petition of the Board under the National Labor Relations Act.

MR. JUSTICE ROBERTS delivered the opinion of the Court.

In this case, the petitioner, an operator of motor busses for the transportation of passengers and express for hire between points in the District of Columbia and in the state of Virginia, challenges the enforcement of the National Labor Relations Act against it as in contravention of the commerce clause and the Fifth and Seventh Amendments of the Constitution.

Pursuant to a written charge filed with the National Labor Relations Board by Local No. 1079 of the Amalgamated Association of Street, Electric Railway, and Motor Coach Employees of America, a labor organization, the Board issued a complaint alleging that the petitioner had discharged and refused to reinstate certain drivers and garage workmen because of their membership and activity in Local No. 1079, and that this constituted engaging in unfair labor practices affecting commerce within the intent of 8, subsections (1) and (3), and 2, subsections (6) and (7) of the National Labor Relations Act. [Footnote 1] The petitioner appeared specially and filed a motion to dismiss the complaint on constitutional grounds, and, without waiving its objections to the

Page 301 U. S. 145

Board's jurisdiction, filed an answer substantially admitting the allegations of the complaint with respect to the interstate character of its business, admitting the discharge and refusal to reinstate the employees mentioned in the complaint, and alleging that its action was motivated by the employees' inefficiency, and not affected by their membership or activity in the union. The Board overruled the objections to its jurisdiction, fully heard the case, received evidence offered by both parties, and, at the conclusion of the hearing, denied a motion to dismiss the proceeding on the ground that the evidence did not support the allegations of the complaint except as to three of the twenty-one employees concerned, as to whom the complaint was dismissed for lack of evidence. The Board rendered a decision setting forth its findings of fact and entered an order prohibiting the petitioner from discrimination against its employees based upon membership in a union or

advocacy of collective bargaining, and requiring the petitioner to restore eighteen of the discharged employees to their former positions with compensation for loss due to their discharge, and to post notices to the effect that it would comply with the Board's order. [Footnote 2]

Because of noncompliance with the order, the Board filed a petition in the Circuit Court of Appeals for its enforcement. That court refused to disturb the findings of fact made by the Board, overruled the contentions as to unconstitutionality of the act as applied to petitioner, and passed a decree enforcing the order. [Footnote 3]

While the petitioner, in its specifications of error, attacks the holding of the Circuit Court of Appeals that the act, as applied, does not violate the Fifth and Seventh

Page 301 U. S. 146

Amendments, the argument in brief and at the bar was confined to two propositions: first, that the act is an attempt on the part of Congress to regulate labor relations in all employments, whether interstate or intrastate, and, as it is void as an attempted regulation of intrastate commerce, the whole must fall because its provisions are inseverable; secondly, that the evidence does not sustain the findings, and the Board committed substantial error in the exclusion of evidence.

First. No contention is made that the petitioner is other than an instrumentality of interstate commerce. It is engaged in interstate transportation for hire. Our decisions in *Texas & N.O. R. Co. v. Brotherhood of Railway & Steamship Clerks,* 281 U. S. 548 , and *Virginian Railway Co. v. System Federation No. 40,* 300 U. S. 515 , put beyond debate the validity of the statute as applied to the petitioner. The contention that the act, on its face, seeks to regulate labor relations in all employments, whether in interstate commerce or not, is plainly untenable. As we have had occasion to point out in decisions rendered this day, the act limits the jurisdiction of the Board to instances which fall within the commerce power, and, if the Board should exceed the jurisdiction conferred upon it, any party aggrieved is

at liberty to challenge its action.

Second. The petition for certiorari made no mention of any claim with respect to the sufficiency of the evidence to support the findings. In the light of this fact, the question is not open for decision here. [Footnote 4] But, were this not so, we should not review the facts, since 10(e) of the act provides that "the findings of the Board as to the facts, if supported by evidence, shall be conclusive,"

Page 301 U. S. 147

and there was substantial evidence to support the findings.

This is not a case of alleged confiscation, [Footnote 5] nor is it one where the Board lacked jurisdiction, [Footnote 6] for admittedly the petitioner's activities are in interstate commerce. The complaint is merely of error in appreciating and weighing evidence. In the case of statutory provisions like 10(e), applicable to other administrative tribunals, we have refused to review the evidence or weigh the testimony, and have declared we will reverse or modify the findings only if clearly improper or not supported by substantial evidence. [Footnote 7] The contentions respecting the rejection of evidence are not well founded.

Third. The specifications of error addressed to other questions are answered by the decision of this Court in *Labor Board v. Jones & Laughlin Steel Corp., ante,* p. 301 U. S. 1 .

The judgment is

Affirmed.

[Footnote 1]

July 5, 1935, c. 372, 49 Stat. 449, U.S.C.Supp. I, Tit. 29, 151 *et seq.*

[Footnote 2]

1 N.L.R.B. 769.

[Footnote 3]

85 F.2d 990.

[Footnote 4]

Alice State Bank v. Houston Pasture Co., 247 U. S. 240 , 247 U. S. 242 ; *Helvering v. Taylor,* 293 U. S. 507 , 293 U. S. 511 ; *Clark v. Williard,* 294 U. S. 211 , 294 U. S. 216 ; *Morehead v. Tipaldo,* 298 U. S. 587 , 298 U. S. 605 .

[Footnote 5]

Compare St. Joseph Stock Yards Co. v. United States, 298 U. S. 38 ; *Baltimore & Ohio R. Co. v. United States,* 298 U. S. 349 , 298 U. S. 368 .

[Footnote 6]

Compare Crowell v. Benson, 285 U. S. 22 .

[Footnote 7]

Florida v. United States, 292 U. S. 1 , 292 U. S. 12 ; *Federal Trade Comm'n v. Algoma Lumber Co.,* 291 U. S. 67 , 291 U. S. 73 ; *Del Vecchio v. Bowers,* 296 U. S. 280 ; *Acker v. United States,* 298 U. S. 426 , 298 U. S. 433 -434.