No. 16-1466

IN THE
Supreme Court of the United States

MARK JANUS,
Petitioner,
v.
AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, COUNCIL 31, *et al.*,
Respondents.

On Writ of Certiorari
to the United States Court of Appeals
for the Seventh Circuit

AMICUS CURIAE BRIEF OF JANE LADLEY AND CHRISTOPHER MEIER IN SUPPORT OF PETITIONER

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QUESTION PRESENTED

Whether *Abood v. Detroit Board of Education*, 431 U.S. 209 (1977), should be overruled and public-sector agency fee arrangements declared unconstitutional under the First Amendment.

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INTEREST OF THE AMICI CURIAE[1]

Jane Ladley ("Ms. Ladley") is a retired Pennsylvania public school teacher who served for 25 years, most recently as a Response to Instruction and Intervention teacher in Chester County, Pennsylvania. In that capacity, Ms. Ladley planned reading and math interventions for struggling students, kept and tracked data on students' progress in the programs, and made recommendations for any future testing. She was the team leader for all support teachers, met regularly with administration and other team leaders to coordinate information and formulate strategy, and served her school district as a member of the Literacy Panel across grade levels to plan new initiatives. During this time, Ms. Ladley remained a union nonmember because her religious convictions would not permit her to fund union activity. For the bulk of her career, she was not subject to an agency fee arrangement.

Christopher Meier ("Mr. Meier") is a public school teacher in Lancaster County, Pennsylvania, where he has taught on the high school level for 13 years. Mr. Meier has taught several Advanced Placement, career and college preparation, and honors courses, and he has served students as a track and field coach, academic quiz bowl coach, and National History Day

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[1] All parties have consented to the filing of this brief through blanket consents filed with the Clerk of the Court. Pursuant to Rule 37.6, Amici affirm that no counsel for any party authored this brief in whole or in part, and that no counsel or party made a monetary contribution intended to fund the preparation or submission of this brief. No person other than the Amici Curiae or their counsel made a monetary contribution to its preparation or submission.

coordinator. Mr. Meier has also played a significant role in curriculum development and coordination of new courses and program initiatives at his school. He, too, remained a union nonmember as a result of his religious convictions, and, for the bulk of his career, was not subject to an agency fee arrangement.

However, several years ago, Ms. Ladley's and Mr. Meier's respective teachers' unions—local affiliates of the National Education Association ("NEA") and Pennsylvania State Education Association ("PSEA")—bargained with their respective public employers for an agency fee arrangement, prompting Ms. Ladley and Mr. Meier for the first time to pay so-called "fair share fees" under state law, 71 P.S. § 575. Payment of fair share fees would violate Ms. Ladley's and Mr. Meier's distinct religious convictions.

Instead, Ms. Ladley and Mr. Meier filed religious objections to payment of the fair share fee by timely submitting to their teachers' union "verification" that they objected to such payment "based on bona fide religious grounds," 71 P.S. § 575(h). The teachers' union eventually "accept[ed]" each of their verifications, a role assigned to the exclusive representative under state law. *See* 71 P.S. § 575(h). Upon such "accept[ance]," Ms. Ladley and Mr. Meier were statutorily entitled to "pay the equivalent of the fair share fee to a nonreligious charity agreed upon by the nonmember and the [union]," 71 P.S. § 575(h).

Unfortunately, as described below, the PSEA refused to send the teachers' money to otherwise

qualified charities selected by Ms. Ladley and Mr. Meier on account of the viewpoints espoused by those charities. The union's insistence on expressing its own viewpoint using Ms. Ladley's and Mr. Meier's money prompted years-long, still-continuing civil rights litigation in which the teachers' union leans heavily on its supposed authority under *Abood*. *Ladley v. Pa. State Educ. Ass'n*, No. CI-14-08552 (Pa. Ct. Com. Pl. Lancaster Cty. filed Sept. 18, 2014).[2] Ms. Ladley's and Mr. Meier's experience is representative of other religious objectors' experiences[3] with *Abood*. Their example demonstrates the unworkability and instability of the rule of law set forth in *Abood*.

SUMMARY OF ARGUMENT

For forty years, *Abood* has presented challenges unique to those with religious convictions precluding payment of fair share fees. Despite state and federal law ostensibly disclaiming any state interest in forcing such payments from religious objectors, public-sector unions continue to assert, under the

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[2] Ms. Ladley's and Mr. Meier's case is stayed pending the result of the instant matter, which could resolve the question of whether they would have to assert religious objections to union payments in the first instance.

[3] As of June 2017, there were approximately 292 religious objectors in collective bargaining units represented by the PSEA. At least two cases similar to Ms. Ladley's and Mr. Meier's case are pending in federal court. *See Williams v. Pa. State. Educ. Ass'n*, No. 1:16-cv-02529-JEJ (M.D. Pa. filed Dec. 22, 2016); *Misja v. Pa. State Educ. Ass'n*, No. 1:15-cv-01199-JEJ (M.D. Pa. filed June 18, 2015).

auspices of *Abood*, unconstitutional means of control over religious objectors.

First, unions attempt to limit religious objections by requiring that those seeking to exercise their rights belong to a particular denomination, notwithstanding established legal precedent prohibiting such an inquiry. Second, unions attempt to dictate which charities religious objectors support, even on the basis of the charity's viewpoint. And third, unions fail to provide a fair, prompt process for those employees who wish to object on religious grounds.

For religious objectors in particular, *Abood* has proven itself unworkable. Ms. Ladley and Mr. Meier urge this Court to overrule *Abood* and to rule that fair share fees violate employees' First Amendment rights.

ARGUMENT

I. State and Federal Policymakers Attempted to Protect Religious Objectors from Agency Fee Arrangements

At least eleven states have enacted laws protecting the rights of public employees to object on religious grounds to union payments. *See, e.g.*, Alaska Stat. § 23.40.225; Cal. Gov't Code § 3546.3; Haw. Rev. Stat. § 89-3.5; 5 Ill. Comp. Stat. 315/6(g); Md. Code Ann., Educ. §§ 6-407(c)(4), 6-504(b)(2); Mont. Code Ann. § 39-31-204; Ohio Rev. Code § 4117.09(C); Or. Rev. Stat. § 243.666(1); 43 Pa. Stat. § 1102.5(a)(2); 71 Pa. Stat. § 575(e)(2); Wash. Rev. Code §§ 28B.52.045, 41.56.122(1), 41.59.100, 41.76.045(3), 41.80.100(2),

47.64.160; Wis. Stat. § 111.85(d).[4] In these and other states, public-sector unions may also be directed under federal law to provide reasonable accommodation with respect to religious objectors' payment of union dues. *See* 29 C.F.R. § 1605.2(d)(2).

Such protections were meant to resolve the inevitable problem—exacerbated by *Abood*[5]—for public employees in an agency shop who hold religious convictions against paying their union. Under the typical statutory formulation, religious objectors are not required to financially support the union; instead, they are required to fund a charity in an amount equivalent to agency fees.

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[4] The National Labor Relations Act also protects religious objectors in the private sector from agency shop arrangements. *See* 29 U.S.C. § 169.

[5] *Abood* suggested that, were a public employer and public-sector union interested in overriding public employees' religious convictions, they could do so by imposing an agency shop. *See Abood*, 431 U.S. at 222 ("[An employee's] *moral or religious views* about the desirability of abortion may not square with the union's policy in negotiating a medical benefits plan. . . . To be required to help finance the union as a collective-bargaining agent might well be thought, therefore, to interfere in some way with an employee's freedom to associate for the advancement of ideas, or to refrain from doing so, as he sees fit. But the judgment clearly made in [*Ry. Emps.' Dep't v. Hanson*, 351 U.S. 225 (1956)] and [*Int'l Ass'n of Machinists v. Street*, 367 U.S. 740 (1961)] is that such interference as exists is constitutionally justified by the legislative assessment of the important contribution of the union shop to the system of labor relations established by Congress.") (emphasis added).

Thus, even in agency shops taking advantage of *Abood*, state and federal law protects the rights of religious objectors *not* to associate with a union.[6] *See, e.g.*, Mont. Code Ann. § 39-31-204(2) (describing the religious objection process for "public employee[s] desiring to exercise the *right of nonassociation* with a labor organization") (emphasis added); Wash. Rev. Code § 41.59.100 ("All union security provisions must safeguard the *right of nonassociation* of employees based on bona fide religious tenets or teachings . . . .") (emphasis added). In other words, *Abood* has no application to religious objectors, from whom policymakers have claimed no overriding state interest in forcing payments. *See Grant v. Spellman*, 635 P.2d 1071, 1077 (Wash. 1981), *cert. granted, judgment vacated sub nom. Grant v. Wash. Pub. Emp't Relations Comm'n*, 456 U.S. 955 (1982) (Williams, J., dissenting) ("*Abood* is simply not controlling in a case such as this, where the legislature has provided a statutory exemption on religious grounds to public employees covered by a union security clause.").

II. Under the Auspices of *Abood*, Public-Sector Unions Assert Control Over Religious Objectors in a Manner Violative of Public Employees' Constitutional Rights

[6] Religious objectors are still required under the aforementioned laws to accept the unions' exclusive representation.

As Ms. Ladley and Mr. Meier have only recently learned, public-sector unions have long interpreted *Abood* and its progeny as something of an *endorsement* of unions' ability to control religious objectors. In fact, litigation since *Abood* demonstrates that unions engage in unconstitutional inquiries with respect to public employees' religious beliefs, determine which charity a religious objector selects as the recipient of the donation, and test the limits of due process with respect to religious objections to union payments.[7] And unions point to *Abood* as support for such conduct.

A. Public-sector unions engage in unconstitutional inquiries with respect to a public employee's religious beliefs to continue receiving fair share fees.

First, unions have insisted that, to qualify as a religious objector, an objecting public employee must be a member of or demonstrably connected to a particular religious denomination. Outdated state law is complicit; many states purport to require such a connection. *See, e.g.*, 71 P.S. § 575(a) ("'Bona fide

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[7] Public-sector unions are state actors in implementing statutory or contractual provisions governing religious objections. *See, e.g.*, *Williams*, No. 1:16-cv-02529-JEJ, 2017 WL 1476192, at *4 ("[T]he authority to enforce the agency shop provision in the collective bargaining agreement is an agreement between the union and the state. The union, therefore, relies on the state to enforce the agreement and execute it, bringing the action within the realm of state action governed by § 1983.") (internal citations omitted).

religious objection' shall mean an objection to the payment of a fair share fee based upon the tenets or teachings of a bona fide church or religious body of which the employe is a member."). However, unions have received ample notice that such requirements are constitutionally impermissible even as they continue to employ them against bona fide religious objectors. *See, e.g.*, NLRB, Advice Mem. to SEIU, Local 6, No. 19-CB-5151, 1984 WL 972702 (Sept. 27, 1984) ("[I]t may be constitutionally impermissible to distinguish between a person who holds certain religious or moral beliefs and a person who belongs to an organized religion, body, or sect that holds such beliefs.") (citing, among other cases, *Larson v. Valente*, 456 U.S. 228 (1982), *Welsh v. United States*, 398 U.S. 533 (1970), and *United States v. Seeger*, 388 U.S. 163 (1965)); *see also* Sue Irion, Comment, *The [Un]constitutionality of the NLRA's Religious Accommodation Provision*, 44 Gonz. L. Rev. 325, 356 (2009) ("[I]n enforcing the denominational limitation, a union is actually violating Title VII's accommodation provision of religious discrimination. . . . A union still may take advantage of workers who do not realize that Title VII protects their rights.").

For example, in 2005, Carol Katter, an Ohio public school teacher represented by the NEA's local affiliate, lodged a religious objection pursuant to state law, citing the unions' support for abortion. *Katter v. Ohio Emp't Relations Bd.*, 492 F. Supp. 2d 851, 854 (S.D. Ohio 2007). As a Roman Catholic, Katter believed that financially supporting the NEA "would

violate her obligations to the Church," constitute a "sin against God," and cause her to "potentially lose her eternal life." *Id.* at 853. The teachers' union denied Katter's religious objection because her local Roman Catholic church had not "historically held conscientious objections to joining or financially supporting an employee organization." *Id.* at 854 (quoting Ohio Rev. Code § 4117.09(C)). Instead, the union apparently advised Katter "that the only way for her to obtain a religious accommodation would be to change her religion to Seventh-Day Adventist or Mennonite." Defs.' Mot. for Summ. J. 4, *Katter*, 492 F. Supp. 2d 851 (No. 2:07-CV-43), 2007 WL 1643793, ECF No. 9. The court permanently enjoined Katter's union from applying state law purporting to allow for such an inquiry. *Katter*, 492 F. Supp. 2d at 864.

Unfortunately, many public employees have had a similar experience lodging a religious objection in the era of *Abood*.[8] In fact, while litigation was unfolding

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[8] *See, e.g.*, *Trygg v. Ill. Labor Relations Bd.*, 9 N.E.3d 1244, 1251 (Ill. App. Ct. 2014) (involving public-sector union contentions that civil engineer's religious beliefs "were inconsistent with statements of the Pope of the Roman Catholic Church and unsubstantiated by scholarly evidence"); *Wolfe v. Mont. ex rel. Helena Educ. Ass'n*, 843 P.2d 338, 340 (Mont. 1992) (reversing state administrative determination that Roman Catholic teacher's religious objection was insufficiently connected to established and traditional tenets or teachings against joining a union); *see also O'Brien v. City of Springfield*, 319 F. Supp. 2d 90, 95 (D. Mass. 2003) (involving public-sector union denial of Roman Catholic teachers' religious objections for seven consecutive years while approving Seventh-Day Adventists'); *cf.*

in Katter's case against the NEA's local affiliate, a local affiliate of the American Federation of State, County, and Municipal Employees, among others, entered into a consent order with the United States Department of Justice meant to correct a pattern or practice of accepting religious objections to union payments from employees of certain denominations while rejecting religious objections from others. *See United States v. Ohio*, No. 2:05-CV-799, 2006 WL 4515185, at *1 (S.D. Ohio Sept. 1, 2006).

B. Religious objectors are being forced to fund only charities espousing certain viewpoints.

Second, once a religious objection is accepted and the employee selects a charity to receive their donation, unions remain highly invested in dictating which charities the religious objector funds. Many state laws reflect this investment by seemingly guaranteeing some level of input to the exclusive

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EEOC v. Union Independiente de la Autoridad de Acueductos y Alcantarillados de Puerto Rico, 279 F.3d 49, 57 (1st Cir. 2002) (involving public-sector union contentions that employee was not sufficiently Seventh-Day Adventist because he was "divorced," "took an oath before a notary upon becoming a public employee," and "works five days a week (instead of the six days required by his faith)."); *EEOC v. Univ. of Detroit*, 701 F. Supp. 1326, 1330 (E.D. Mich. 1988), *rev'd*, 904 F.2d 331 (6th Cir. 1990) (involving public-sector union contentions that professor was not sufficiently opposed to abortion because "he did not limit his search for teaching jobs to those states which prohibited the use of public funds to subsidize abortions").

representative. *See, e.g.*, Cal. Gov't Code § 3546.3 (restricting religious objectors to charities "designated in the organizational security arrangement"); Haw. Rev. Stat. § 89-3.5 (restricting religious objectors to charities "designated in the contract or if the contract fails to designate any funds, then to any fund chosen by the employee"); 5 Ill. Comp. Stat. 315/6(g) (restricting religious objectors to charities "mutually agreed upon by the employees affected and the exclusive bargaining representative").

Ms. Ladley's and Mr. Meier's teachers' union, the PSEA, insists that it can force religious objectors to fund only charities advancing certain viewpoints. Ms. Ladley designated as her charity a "college scholarship fund . . . designed to 'encourage our youth to become knowledgeable about the U.S. Constitution and the principles of freedom upon which our Country was founded.'" Op. & Order, *Ladley v. Pa. State Educ. Ass'n* ("*Ladley* Order"), No. CI-14-08552, 2015 WL 4139907, at *1 (Pa. Ct. Com. Pl. Lancaster Cty. June 30, 2015) (order on preliminary objections). The PSEA initially denied her request based on unwritten, *ad hoc* "policies," including an apparent "policy of not allowing political organizations" to serve as charities for such purposes.[9] *Id.* But the PSEA revealed its true,

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[9] Another PSEA-represented teacher was denied the ability to fund a pregnancy center on the basis that it did not "counsel[ ] women on all options." Mem. & Order 3, *Misja v. Pa. State Educ. Ass'n*, No. 1:15-cv-01199-JEJ (M.D. Pa. Mar. 28, 2016), ECF No. 28 (order denying motion to dismiss). And the PSEA denied yet another religious objector's charity because the PSEA believed it

underlying rationale when, nearly two years into litigation in Ms. Ladley's and Mr. Meier's case, it adopted written policies governing its handling of religious objectors' charity selections.

Today, the PSEA openly admits that it views the charity selection process as a "means by which a union can express its view on the fee." Br. of the PSEA in Opp'n to Pls.' Mot. for Summ. J & in Supp. of Def.'s Cross Mot. for Summ. J. 39, *Ladley*, No. CI-14-08552 (Pa. Ct. Com. Pl. Lancaster Cty. Aug. 1, 2017), *available at* http://prothonotary.co.lancaster.pa.us/civilcourt.public/(S(mze50i55hq3az445lsenmr3s))/Handlers/DocumentHandler.ashx?vid=1773007. According to its written policies, the PSEA will only approve a charity that, among other requirements, "does not advance policies or positions inconsistent with PSEA or NEA constitution and bylaws, resolutions, or policies" or "promote or further the purported grounds for the religious objection." Pls.' Mot. for Summ. J., at ¶ 72, *Ladley*, No. CI-14-08552 (Pa. Ct. Com. Pl. Lancaster Cty. June 30, 2017), *available at* http://prothonotary.co.lancaster.pa.us/civilcourt.public/(S(td4q1qegs1f21wun1yaxisym))/Handlers/DocumentHandler.ashx?vid=1763856.

According to the PSEA in Ms. Ladley's and Mr. Meier's case, its assertion of viewpoint-based control

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"would further his religious beliefs." Mem. & Order 2, *Williams v. Pa. State Educ. Ass'n*, 1:16-cv-02529-JEJ, 2017 WL 1476192, at *1 (M.D. Pa. Apr. 25, 2017), ECF No. 14 (order denying motion to dismiss).

over the selected charity is justified on the basis that *Abood* makes religious objectors' money PSEA property. It states in its brief, "While the money . . . was initially earned by the [religious objector] from the employer, it was already obligated as a debt to the union, as reimbursement for the collective bargaining services provided in securing and enforcing the contract under which it was paid." *Id.* at 31. The PSEA actively ignores the reality that the state has advanced no interest in forcing religious objectors to support one charity over another, and neither has any court suggested such an interest would be compelling. *See Acevedo-Delgado v. Rivera*, 292 F.3d 37, 42 (1st Cir. 2002) (holding that the government's attempt to force employees to make charitable contributions was not, like mandating fair share fees, "sanctioned as a permissible burden on employees' free association rights"); *see also Nottelson v. Smith Steel Workers, D.A.L.U. 19806*, 643 F.2d 445, 451 (7th Cir. 1981) ("Because a religious objector under a charity-substitute accommodation bears the same financial burden as his co-workers, he is not, as the Union suggests, a 'free-rider' seeking something for nothing . . . .").

C. Public-sector unions are testing the limits of due process with respect to religious objections to union payments.

Relatedly,[10] unions test the limits of due process in adjudicating public employees' religious objections. As a result, religious objectors often lack timely process, proper notice, and a meaningful opportunity to be heard.

In *Chicago Teachers Union, Local No. 1 v. Hudson*, 475 U.S. 292 (1986), this Court considered a due process challenge to a public-sector union's practice of internally deciding—and obstructing—challenges to the union's calculation of fair share fees. This Court ultimately struck down the union's practice as deficient "because it did not provide for a reasonably prompt decision by an impartial decisionmaker." *Id.* at 307. *Hudson* made clear that "[t]he nonunion employee, whose First Amendment rights are affected by the agency shop itself and who bears the burden of objecting, is entitled to have his objections addressed in an expeditious, fair, and objective manner." *Id.*

The same principle should govern the religious objection process. Yet Ms. Ladley's and Mr. Meier's experience illustrates the lack of due process provided to religious objectors left in the unfortunate position of having to litigate their own rights. Mr. Meier filed his religious objection with the PSEA in January 2013. *Ladley* Order, 2015 WL 4139907, at *2. He was initially asked to submit more information about his religious beliefs, yet, despite contacting the PSEA five

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[10] Such due process violations are effective tools employed to discourage religious objections or secure "agreement" to union-selected charities.

times over the next year, the PSEA did not respond until mid-2014, when it again asked for more information. *Id*. Finally, after Mr. Meier provided further information, the PSEA "accepted" his religious objection, only to reject his selected charity. *Id.* The PSEA then failed to provide Mr. Meier with notice of the reasons it might reject a given charity or resort to an independent decisionmaker; instead, it planned to deduct and impound Mr. Meier's money *indefinitely*, relying on the state statute. *See id*. at 6. Similar facts prompted a federal court in Pennsylvania to conclude that the state statute on which the PSEA relied "is primed to run headlong into a confrontation with the Due Process Clause of the Fourteenth Amendment." Mem. & Order 30, *Misja*, No. 1:15-cv-01199-JEJ, ECF No. 28.[11]

But the PSEA's attempted cure only raised new legal questions. In a stated attempt to provide a

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[11] The Seventh Circuit's due process analysis in *Sorrell v. AFSCME*, 52 Fed. Appx. 285 (7th Cir. 2002), can be distinguished on the facts of that case. Cammille Sorrell, a public-sector employee in Illinois, contacted her union seeking a religious objection to paying fair share fees. *Id.* at 286. When union officials told her that they were "too busy to address her claim," Sorrell was forced to file an unfair labor practice charge with the state labor board. *Id.* Five months later, Sorrell received a "list of approved charities," yet had to wait another six months before her accumulating funds were forwarded to the charity she selected. *Id.* The Seventh Circuit concluded that the "delay" was not a due process violation, *id.* at 288, but Sorrell's union had not claimed the right to impound religious objectors' funds indefinitely, *see id.* at 286.

navigable process to religious objectors, the PSEA informed Mr. Meier that he would have to accept "final and binding" arbitration of his charity selection dispute and that, if he failed to arbitrate, the PSEA would unilaterally direct his funds to a charity selected by the PSEA. Pls.' Mot. for Summ. J., at ¶ 52, *Ladley*, No. CI-14-08552 (Pa. Ct. Com. Pl. Lancaster Cty. June 30, 2017). In a similar case, Pennsylvania's Middle District observed that mandatory arbitration in this context was "effectively unenforceable" as an invalid requirement that litigants exhaust state remedies before bringing a § 1983 lawsuit. Mem. & Order 13, *Williams*, 2017 WL 1476192, at *5, ECF No. 14 (citing *Patsy v. Bd. of Regents of Fla.*, 457 U.S. 496, 516 (1982)).

III. Public-Sector Unions' Treatment of Religious Objectors Demonstrates the Unworkability and Instability of *Abood*

Ms. Ladley's, Mr. Meier's, and other religious objectors' experiences serve to demonstrate one aspect of *Abood*'s unworkability and thus justification for this Court to overrule it. *See Montejo v. Louisiana*, 556 U.S. 778, 792 (2009) ("[T]he fact that a decision has proved 'unworkable' is a traditional ground for overruling it.") (quoting *Payne v. Tennessee*, 501 U.S. 808, 827 (1991)). In hindsight, it should have been obvious that *Abood* would create unique challenges for religious objectors.

Public employees find it understandably difficult to enjoy their right not to associate with a union on

religious grounds when the very union from which they are attempting to distance themselves is placed in the position of adjudicating their rights. A self-interested union operating under an agency shop arrangement has every reason to make religious objections difficult: it can continue to collect dues or fair share fees only until the objection is perfected and has no incentive to assist religious objectors in making a simple, prompt exit.

Moreover, union officials tasked with assessing religious objection requests are placed in the position of making determinations on questions over which they lack expertise, without readily discernable guidelines, and with all the limitations on state actors. Certainly, unions should be apprised of the unconstitutional nature of distinguishing Seventh Day Adventists from Presbyterians, but they may indeed find it difficult to distinguish a religious objection from a political one. Likewise, unions should know that state actors cannot prohibit or coerce charitable contributions based on a charity's viewpoint, but they may find it difficult to tell whether a particular organization qualifies as a "charity" for purposes of state law. *See, e.g.*, 71 P.S. § 575(h).

Such determinations become particularly difficult where, as in Ms. Ladley's and Mr. Meier's case, there is no administrative oversight over the union's activities in this context. Although some state statutes make clear employees' right to an independent decisionmaker, *see, e.g.*, Wis. Stat. § 111.85(d) ("Any dispute concerning this paragraph

may be submitted to the commission for adjudication."), many other religious objectors are set up to wait on and negotiate alone against union lawyers. Indeed, lawsuits represent a dramatic—and often expensive—solution for would-be religious objectors with a full-time teaching job.

Although the challenges facing religious objectors may eventually be remedied by brave and principled litigants like Ms. Ladley and Mr. Meier, the reality is that *Abood* has so distorted public employees' relationship with their exclusive representative that, as long as it stays the law of the land, courts will likely remain involved in constant line-drawing. Religious objectors need a legal regime change.

CONCLUSION

For the reasons stated above, and many others, this Court should overrule *Abood*.

Respectfully submitted,

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