

state's failure to make reasonable accommodations for qualified individuals with disabilities. Rational basis review applies, and consequently states "are not required by the Fourteenth Amendment to make special accommodations for the disabled, so long as their actions towards such individuals are rational." The legislative record of the ADA fails to show that Congress identified a pattern of irrational state employment discrimination against the disabled. Moreover, even if a pattern of discrimination by states had been found, the ADA's remedies would run afoul of the "congruence and proportionality" limitation on Congress's exercise of enforcement power.

Board of Trustees of Univ. of Ala. v. Garrett, 531 U.S. 356 (2001).

Justices concurring: Rehnquist, C.J., O'Connor, Scalia, Kennedy, Thomas

Justices dissenting: Breyer, Stevens, Souter, Ginsburg

148. Act of July 26, 1990 (Pub. L. No. 101-336, Title I, 104 Stat. 327, 42 U.S.C. §§ 12111, 12203)

Title I of the Americans with Disabilities Act of 1990 (ADA) may not be applied against a religious organization for the discharge of a "called" teacher at a parochial school. The Establishment and Free Exercise Clauses bar ADA actions by or on behalf of ministers against their churches, and an ordained teacher may fall within the "ministerial exception" even though she teaches many secular subjects and her discharge may not have been doctrinally based.

Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission, 565 U.S. ___, No. 10-553, slip op. (2012).

149. Act of November 28, 1990 (Pub. L. No. 101-624, Title XIX, Subtitle B, 104 Stat. 3854, 7 U.S.C. §§ 6101 et seq.)

The Mushroom Promotion, Research, and Consumer Information Act violates the First Amendment by imposing mandatory assessments on mushroom handlers for the purpose of funding generic advertising to promote mushroom sales. The mushroom program differs "in a most fundamental respect" from the compelled assessment on fruit growers upheld in *Glickman v. Wileman Bros. & Elliott, Inc.* (1997). There the mandated assessments were "ancillary to a more comprehensive program restricting marketing autonomy," while here there is "no broader regulatory system in place." The mushroom program contains no marketing orders that regulate how mushrooms may be produced and sold, no exemption from the antitrust laws, and nothing else that forces mushroom producers to associate as a group to make cooperative decisions. But for the assessment for advertising, the mushroom growing business is unregulated.

United States v. United Foods, Inc., 533 U.S. 405 (2001).

Justices concurring: Kennedy, Stevens, Scalia, Souter, Thomas, Rehnquist, C.J.