

An Interview with Mitchell Roth

Part of the Abraham Lincoln Presidential Library
Illinois Statecraft – General Interest Oral History project

Interview # IS-V-L-2019-019

Mitchell Roth, General Counsel for the Illinois Education Association who discussed the *Janus v. AFSCME of Illinois* Supreme Court case, was interviewed on the date listed below as part of the Abraham Lincoln Presidential Library's *Illinois statecraft – General Interest Oral History project*.

Interview dates & location:

Date: May 6, 2019 Location: Illinois Information Service Studio, Springfield, IL

Interview Format: Digital video

Interviewer: Mark R. DePue, Director of Oral History

Technical Support (cameraman, etc): Mark Suszko, Bobby Troesch and Darin Herman, IIS videographers

Transcription by: _____

Edited by: _____

**Transcript
being processed**

Total Pages: _____ Total Time: 1:25 / 1.42 hrs.

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The interviews are archived at the Abraham Lincoln Presidential Library in Springfield, Illinois.

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Abstract

Mitchell Roth, *Illinois Statecraft*, IS-V-L-2019-019

Biographical Information/Overview of Interview: Mitchell (Mitch) Roth was born in Albany, New York in November 1952 and grew up in Nassau, New York. He attended high school in East Greenbush, New York, graduating in 1970, then attended Princeton University, graduating in 1974, then Cornell University where he worked on master's degree, majoring in labor relations. He received a law degree from the University of Wisconsin in 1980. Upon passing the Bar Exam in Washington, D.C., he then worked for the National Education Association for the next 8 years, during which time he assisted litigating a case involving the Illinois Education Association dealing with Fair Share union fees. He moved to Illinois in 1988, becoming General Counsel for the Illinois Education Association.

During the bulk of the interview, Mitch discussed the recent *Janus v. AFSCME* of Illinois Supreme Court Case, which was heard in February 2018, with a decision in favor of Mark Janus coming down in June 2018. Mark Janus, an employee of the Illinois Health and Human Services Agency, sued AFSCME about payment of his 'Fair Share' union fees. His intent was to take the case all the way to the U.S. Supreme Court. By a 5 to 4 decision, the Supreme Court ruled that the Fair Share fees were unconstitutional based on a violation of his 1st Amendment rights to free speech. As the General Counsel for the Illinois Education Association, General Counsel Roth defended AFSCME's position. Roth argued that those fees were indeed constitutional, citing previous Supreme Court decisions where the courts had ruled in favor of unions. Roth stressed that it was fair for the state and AFSCME to have agreed for the union to collect a fee from non-union members to pay for the cost of union representation, especially since AFSCME was required by state law to represent all state employees covered by the collective bargaining agreement.

Subject Headings/Key Words: Fair Share union fees; right to work laws; *Abood v. Detroit Board of Education*; *Ellis v. Brotherhood of Railway Employees*; *Knox v. Service Employees International Union*; *Harris v. Quinn*; *Friedrichs v. California Teachers' Association*; Justice Antonin Scalia; Justice Samuel Alito; presidential election of 2016;

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