

YUGOSLAVIA: A DIVIDED LAND

On June 28, 1914, a young Bosnian Serb student, inspired by a Slavic nationalist movement, assassinated Archduke Franz Ferdinand the heir to the Austro-Hungarian throne, in Sarajevo. In retaliation, exactly one month later, on July 28, 1914, the Austro-Hungarian Empire declared war on the Kingdom of Serbia, which supported the Slavic nationalist movement.

The movement sought to unify the Slavic people settled in a part of southeastern Europe known as the Balkans, with the ultimate goal of creating what came to be known as the country of Yugoslavia, translated as “South Slavic Land.” The country would eventually emerge, but not before a bloody war that would exact a devastating human toll, dismantle the reigning political order, and rearrange the map of Europe for decades to come.

With Germany on its side, the Austro-Hungarian Empire’s declaration of war against Serbia prompted a split in European alliances. The global conflict that followed became known as World War I and lasted from July 28, 1914, until November 11, 1918. The Central Powers, which eventually saw the Ottoman Empire and Bulgaria join forces with Austria-Hungary and Germany, faced off against the Allied Powers, led primarily by the United Kingdom, United States (which first entered the war in 1917), Russia (who left the war in 1917 following the Bolshevik Revolution), France, and Italy. Known first idealistically and later sarcastically as the “war to end all wars,” World War I would lead directly to the deaths of some 21.5 million people, more than half of them civilians.

A Kingdom on Edge

World War I would also spell the end of the Austro-Hungarian and Ottoman Empires. Although the latter



Map of countries in 2022 that were in the former Yugoslavia. The U.S. and 97 UN member nations recognize Kosovo as a sovereign state. Serbia, however, does not.

had already left the Balkans, its imprint remained through the presence of a Muslim minority, made up largely of people whose ancestors converted to Islam during the Ottoman reign. At the end of the 20th century, that minority would play an important role in the Balkans, where Serbian Orthodox and Catholics make up the majority population.

As the Balkans emerged from World War I, its people coalesced into the new state of Yugoslavia, bringing together multiple ethnic groups — including Serbs, Croats, and Slovenes.

Despite the efforts of its rulers, the new kingdom struggled to maintain unity. King Alexander I, the

IN THIS ISSUE

World History: <i>Yugoslavia: A Divided Land</i> by Samer Badawi, contributing writer to +972 magazine	1
U.S. History: <i>Mother Jones: ‘The Most Dangerous Woman in America’</i> by Carlton Martz, longtime contributor to BRIA	5
Civics on Call: <i>What Is Seditious Conspiracy?</i> by Sarah Badawi, CRF senior program director	8

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**SPECIAL
NOTICE**



Josip Broz Tito speaking in Belgrade during a general election campaign in 1953. Tito had been prime minister of Yugoslavia since 1944 and became president, as well, in 1953. He remained president until his death in 1980.

second of Yugoslavia's monarchs, went so far as to ban ethnic nationalist parties, such as the Slavic group that was behind the assassination of the Archduke, redrawing provincial boundaries and replacing the constitution with a new one. He was attempting to consolidate power and, with it, a centralized government that could rise above its constituents' ethnic and religious divisions. Alexander's assassination in 1934, carried out with the support of a Croatian fascist group, would foreshadow more divisions, however, as the world's powers once again vied for influence in the Balkans.

World War II and Its Aftermath

Reeling from the devastation of World War I, Germany, Italy, and Russia (which became part of the Soviet Union following the Bolshevik Revolution) spawned authoritarian regimes, the first two being fascist and the third being communist. By the 1930s, these regimes were already hurtling toward a confrontation that, in its human toll alone, would eclipse that of World War I.

With their sights again set on the Balkans, Hitler's fascist Nazi party in Germany and Mussolini's fascists in Italy sought to undo the post-World War I treaties that had established a unified Yugoslavia. At the same

time, Stalin, who had led a brutal "purge" of opponents in the Soviet Union, viewed Yugoslavia — with its shared Slavic roots — as an important ally of the Soviet Union in Europe. Stalin initially sought to avoid war with Germany and even entered into an alliance with it to invade Poland and divide its territory between them. But Germany's invasion of the Soviet Union forced him to join the Allied powers, led by the United States and Great Britain.

By then, the Axis powers in Europe, led by Germany and Italy, had already invaded Yugoslavia, dividing it up and giving rise to a communist resistance movement in Yugoslavia known as the Partisans. Allied with Stalin, the Partisans, under the leadership of

Marshal Tito, eventually expelled the Axis powers from Yugoslavia. In the process, over one million people perished in that region alone, adding to World War II's estimated worldwide death toll of over 70 million people, including in the Pacific theatre of the war.

Although Tito emerged as an authoritarian ruler in post-war Yugoslavia, his communist government held together Yugoslavia's many ethnic groups in a federation of six republics for more than three decades. Following his death in 1980 and as the Soviet Union began its decline, the ruling Communist Party of Yugoslavia also grew weaker, leaving room for several nationalist movements to gain a stronghold in national politics. It was this rise in nationalist sentiment that led to increasing ethnic tensions in the country — tensions that eventually boiled over in the then Yugoslavian republic of Bosnia and Herzegovina.

A Country Divided

As the central government in Yugoslavia's capital, Belgrade, weakened, the republics of Slovenia and Croatia first broke away, successively declaring independence in 1991. By 1992, Bosnia and Herzegovina did the same, but the consequences for that republic's sizable ethnic minorities were very different.

KEY TERMS

authoritarian (adj.) – believing in or relating to unquestioning obedience to a ruler, such as a dictator.

communism (n.) – an economic system in which property is owned by the community or the state and not by individuals.

ethnic cleansing (n.) – the systematic attempt to eliminate an ethnic or religious group from a geographic area by forced deportation or mass killing.

jurisdiction (n.) – the authority or power of a court to hear and decide cases.

nationalism (n.) – the belief that a nation's own interests are more important than international concerns; advocacy for national independence.

referendum (n.) – a public policy decision made by a vote of the people directly, rather than by a legislature.



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The office tower of a daily newspaper in Bosnia after being struck by Bosnian Serb artillery during the Siege of Sarajevo, which began in 1992. The siege lasted until 1996.

Bosnia's Muslims and primarily Catholic Croats — who together accounted for about two-thirds of Bosnia and Herzegovina's population — voted overwhelmingly to break away from Yugoslavia. Bosnia's primarily Eastern Orthodox Christian Serb minority, however, boycotted the independence referendum. In armed conflicts that were to follow, the Muslims and Croats would forge an on-again, off-again alliance to repel Bosnian Serb forces.

Backed by the largely Serbian ranks of Yugoslavia's now dissolved military, Bosnian Serbs sought to establish an independent Serbian republic in Bosnia and Herzegovina. In this conflict, the term “ethnic cleansing” first became widely used. The term referred to a deliberate policy of forced displacement and mass executions led by the Bosnian Serb General Ratko Mladic.

Beginning in 1992, General Mladic led a four-year siege of the Bosnian capital, Sarajevo, and oversaw the massacre of an estimated 8,000 unarmed Muslim men and boys at Srebrenica. He did so with the backing of Serbia's president, Slobodan Milosevic. That official support left no doubt that Serb nationalists viewed Bosnian independence, unlike that of Slovenia and Croatia, as an existential threat.

The massacre echoed a centuries-old rivalry between Islam and Christianity in Europe, beginning with the Crusades in the Middle Ages and, in the Balkans, tracing back to the Ottoman Empire. The United States initially viewed the devastating war in Bosnia and Herzegovina as too complex to warrant any substantial military intervention. In the foreword to his wide-ranging survey of the region, *Balkan Ghosts*, Robert Kaplan notes that then-U.S. president Bill Clinton decided against unilateral military intervention after reading about the complicated history of ethnic tensions there.

Instead, airstrikes against Serb forces were eventually led by the North Atlantic Treaty Organization, or NATO. The strikes were the first in that organization's history. Although the United States is only one member of NATO, it is the largest, and its participation in the attacks served to ratchet up pressure on the Serbs, forcing them to the negotiating table.

By the time the U.S. gathered the warring parties to negotiate a peace deal, the death toll had reached an estimated 100,000 people, with an additional approximately 2,000,000 displaced. In November 1995, a peace agreement, reached at Wright Patterson Air Force Base outside Dayton, Ohio, put an end to the three-and-a-half-year Bosnian war. Known as the Dayton Accords, the agreement was signed in Paris, France on December 14, 1995, and established the new country of Bosnia and Herzegovina, which is now one of four independent countries in the territory of the former Yugoslavia.

Kosovo

America's involvement in the Bosnian war, although under the auspices of NATO, would foreshadow its intervention to help end a similar conflict with the breakaway Yugoslav republic of Kosovo beginning in 1996. America's air war against Milosevic led to deep tensions with Russia, and then with China after an accidental 1999 U.S. bombing of the Chinese embassy in Belgrade.

Although Serb forces pulled out of Kosovo later that year more than 13,000 civilians were reportedly killed and nearly 1.5 million Kosovar Albanians, also Muslim, were displaced from their homes. At the same time, the NATO bombing campaign killed more than 700 Serbian civilians and caused massive destruction to infrastructure like roads and bridges.



Slobodan Milosevic (third from left), then-president of Serbia, pictured here with leaders from Bosnia and Herzegovina and Croatia initialing the Dayton Accords at a U.S. Air Force base outside Dayton, Ohio, in 1995.

Implications for World Order

Following the war in Kosovo, Milosevic became the first European head of state to be prosecuted for genocide and war crimes. In the first attempt since the Nuremberg trials following the end of World War II to prosecute such crimes, the International Criminal Tribunal for the Former Yugoslavia (ICTY) was established in The Hague, capital of The Netherlands, on May 25, 1993. The ICTY convicted Mladic, the Bosnian Serb general, of war crimes, crimes against humanity, and genocide.

The ICTY's mandate lasted from 1993 to 2017 and was a landmark in international law. It was the first international court specifically established by United Nations Security Council (UNSC) to try international crimes, and other tribunals would follow. In 1994, the UNSC established the International Criminal Tribunal for Rwanda, which eventually convicted 85 people for crimes of genocide in the mass murder of over 800,000 people in the country of Rwanda.

Other devastating conflicts in the world — in Iraq, Syria, Yemen, and elsewhere — have led to mass deaths and refugee crises, but they have not led to tribunals like the ICTY. The international community did, however, form a permanent court in the wake of the Yugoslav wars intended to handle war crimes and crimes against humanity. Established in 2002, the International Criminal Court (ICC) has jurisdiction over

its member states. It also has jurisdiction over cases referred to it by the UNSC.

The ICC has managed only a handful of high-profile convictions. In the eyes of many human rights activists, the ICC is not as active as it should be and is hamstrung by politics. Others believe that the ICC has, like the United Nations Human Rights Council, become too beholden to anti-Western biases. As of this publication, 123 nations are members of the ICC ("state parties" to the ICC), but many nations have yet to join. China has not signed on to the international treaty that established the ICC, and the United States and Russia have not ratified the treaty.

WRITING & DISCUSSION

1. Explain how nationalism led to the formation and ultimate end of Yugoslavia. Cite at least three facts from the article as evidence in your explanation.
2. Do you think the United States should have been more involved or less involved in the war in the former Yugoslavia? Why?
3. Compare the ICC to the ICTY. In what ways are their jurisdictions different? Which model of tribunal do you think is more effective for prosecuting war crimes and crimes against humanity?

ACTIVITY:

Should the United States Ratify the ICC?

In 2000, President Bill Clinton signed the Rome Statute, which is the treaty that established the ICC. However, he did not submit it to the Senate to be ratified. He was concerned about "politicized prosecutions" and a need for "greater precision in the definitions of crimes." He recommended that the next U.S. president, George W. Bush, do the same. The U.S. has never ratified the treaty and is not a member of the ICC.

Form small groups of four students each. Your group's task is to deliberate on the following questions:

1. *Should the U.S. ratify the Rome Statute and join the ICC today? Why or why not?*
2. To deliberate is to discuss the question, consider multiple points of view, and decide as a group what the answers to the questions ought to be.
3. Use the example of the war in Yugoslavia and any other examples from the article in your deliberation.
4. If you think you need more information before deciding, that is fine. In your deliberation, be specific about what kind of information you think you would need to know before deciding.
5. Choose a spokesperson who is ready to share your group's answers to the questions with the rest of the class.

ICC CASE STUDY: UKRAINE 2022

On March 2, 2022, ICC Prosecutor Karim Khan announced that the ICC was launching an investigation into senior Russian officials for possible war crimes and crimes against humanity during Russia's invasion of Ukraine, which began in late February 2022. By April 2022, over four million people fled Ukraine as refugees. Ukraine, like Russia, is not a state party to the ICC, having never ratified the treaty. But 39 nations referred the case to the ICC out of humanitarian concern for the situation.

MOTHER JONES: 'THE MOST DANGEROUS WOMAN IN AMERICA'



In 1903, striking child and adult textile workers in Philadelphia marched for three weeks to New York to protest child labor practices. They were led by Mary Harris, aka "Mother" Jones (center of photo).

Mary Harris Jones worked tirelessly as a labor union organizer and strike leader in the early 1900s. Noted for her hard-hitting speeches and rough language, workers nationwide loved her. They called her "Mother Jones."

Becoming Mother Jones

Born in Ireland probably in the early 1830s, Mary Harris emigrated to Canada with her family in 1847. She had some teacher training and also learned dressmaking.

In 1859, she moved to the United States to teach school in Michigan. A couple of years later in Memphis, Tennessee, she married George Jones, an ironworker and labor union member. She started a family but lost them all, her husband and four children, in an 1867 yellow fever epidemic.

Mary Jones then moved to Chicago, opened a dress-making shop, but lost it, too, in the Great Fire of 1871. She joined the Knights of Labor, the largest U.S. labor union at that time.

Jones witnessed the hardships of the working class and helped lead strikes. When the Knights of Labor collapsed due to an economic depression and violence the public attributed to some workers, Jones joined the United Mine Workers (UMW) union as an organizer and

strike leader. She gave speeches that publicly exposed the often-poor working conditions of workers, frequently speaking for over an hour without notes.

By 1900, now in her 60s, she became widely known as "Mother Jones." A small woman with white hair, Jones cultivated her image as a "mother" to workers by wearing an old-fashioned black dress and flowered hat. In her speeches, she sometimes held up bloody shirts that she said had belonged to workers, though they may have been props. Jones became most famous for championing the cause of underground coal miners whom she called "my boys."

Coal Strikes in Pennsylvania and West Virginia

At the turn of the 20th century, coal was vital to fuel steam-powered industry and to heat homes. But underground coal mining was dangerous work with poor pay and 12-hour workdays in dark mines. Thousands died each year, mainly due to blasting accidents.

Coal companies paid workers by the weight of the coal they dug, around 50 cents a ton. Company men weighed the coal and often shorted the weight the miners produced. Companies usually paid miners with paper receipts, not dollars. Receipts could only be spent at company-owned stores for goods at inflated prices.

Large corporations controlled by financiers like J.P. Morgan dominated the coal mining industry. They bitterly opposed unions and attempts to organize their miners.

At first, the UMW union had some success in reaching agreements with Pennsylvania coal companies. But in 1900, the UMW called a strike against non-union companies. Mother Jones soon arrived as an organizer.

"Pray for the dead, fight like hell for the living," she famously declared in a speech. Mother Jones led women in "mop and broom" marches to condemn strikebreakers whom the companies hired to replace strikers.

The UMW reached a settlement in Pennsylvania, but the companies did not recognize the UMW as the ongoing representative of the miners. The settlement expired in 1902. The UMW called another strike.

President Theodore Roosevelt intervened and established a commission headed by J.P. Morgan. The commission compromised on wages and hours but still refused to recognize the UMW. The leaders of the UMW accepted, but Mother Jones was not satisfied.

Mother Jones carried her organizing activities to neighboring West Virginia where another coal-miner strike was in progress. A federal judge there issued an order against the strike and banned all protesters within sight of a mine. Jones ignored the order and continued her speeches, condemning the mine owners and the judge. Mother Jones and other UMW organizers were then arrested.

At her trial in federal court in 1902, the prosecutor pointed to Mother Jones and called her "the most dangerous woman in America." The judge concluded that her language was that of communists and anarchists, and she should not be allowed to use the First Amendment as a defense for her dangerous speech.

The judge sentenced her and the other defendants to jail. But he suspended her sentence, fearing she would become a martyr. The West Virginia strike finally failed, leaving many of the miners unorganized.

Mother Jones and Child Labor

Jones exposed the large numbers of children, some as young as six, who were working at the mines and factories of America. Among them were the "breaker boys." Coal mining companies hired these boys to sit above a conveyor belt and pick out slate and rocks from broken coal that rushed beneath them. They worked 12 hours or more and suffered bleeding and broken fingers.

Pennsylvania passed laws prohibiting anyone under 12 from working in the breakers, and under 14 in the

mines. The laws were poorly enforced. Parents often lied about the ages of their boys for them to work in the breakers and mines to add to their fathers' poor wages.

In 1903, 100,000 men, women, and children went on strike against textile mills near Philadelphia that produced such things as clothing and carpets. Thousands of girls and boys under 16 worked in these mills. The children sometimes lost fingers, hands, and limbs from fast-moving machinery. The Textile Workers Union wanted a reduction of the six-day, 60-hour workweek even if that meant a pay cut. But the mill owners preferred to keep production up.

The strike was going nowhere until Jones arrived. She led about 100 boys and girls along with adult textile workers on a "Children's Crusade" 128 miles to New York City. Along the way, farmers and community members helped with food and shelter.

From town to town, Jones made speeches on the evils of child labor and the need for a federal child labor law. The children carried signs like "We Want to Go to School."

After speaking at rallies in New York, she took a few of the youngest children on the march to President Theodore Roosevelt's home outside of the city. Roosevelt

did not meet them. An aide later responded to a letter from Jones, saying that while the president sympathized with Jones's cause, only the states could deal with child labor matters.

The children returned home and went back to their 60-hour workweek when the strike failed. Congress would later pass a child labor law in 1938.

Back to West Virginia

In April 1912, the UMW began to organize more miners in West Virginia where they earned less than 40 cents per ton of coal that they dug. This time, the mine owners hired hundreds of armed guards from the Baldwin-Felts Detective Agency to stop any union activity. They frequently beat up miners who complained and forcibly evicted strikers' families from company houses, forcing them to live in a tent town.

Mother Jones was soon in the middle of another strike. She had no written speeches, but the mine owners hired stenographers (people who write down words dictated to them) to copy down her words.

The governor declared martial law (military rule) in the strike zone. Jones told the miners to get guns to defend themselves. She also criticized miners who resisted joining the strike. "Be a man!" she exclaimed.

*"Pray for the dead,"
declared Mother Jones,
"fight like hell for the living."*

In February 1913, a gun battle took place between striking miners and a sheriff's posse that had fired rifles into the strikers' tent town where several were killed. A military court charged Jones and other union leaders with conspiracy resulting in murder. There was little evidence against her except the speeches recorded by the company stenographers. A military court found her guilty. Now in her 80s, the court sentenced her to prison but instead she was put on house arrest for several months.

The brutal treatment of the miners by the company guards gained national attention and a U.S. Senate investigation. In April 1913, the West Virginia governor reached a settlement between the mine owners and UMW. But the settlement did not end the companies' use of armed guards.

The Ludlow Massacre

In 1913, a strike by the United Mine Workers began against John D. Rockefeller Jr.'s company and other coalmine owners in Colorado. Rockefeller was strongly opposed to negotiating with the union. President Woodrow Wilson called for arbitration (a settlement by a neutral negotiator), but Rockefeller and the other owners refused. Shootouts occurred between the miners and the Colorado National Guard that supported the mine owners.

Mother Jones held rallies and led protest parades. The general of the Colorado National Guard arrested and jailed her until the state supreme court ordered her release. She then headed to Washington to testify before Congress about the conditions in the Colorado coalmines.

Meanwhile, Rockefeller and the other coalmine owners hired private armed guards like those in West Virginia. On Sunday April 19, 1914, gunfire erupted between the hired guards and the miners at their strike tent camp in Ludlow. That night, the guards attacked and set fire to the camp. They executed three strike leaders. Twenty others, including women and children, also died. The strikers formed their own militia, and the resulting fighting caused more deaths. Jones, now out of Colorado, made speeches across the country about the "Ludlow Massacre," blaming Rockefeller.

President Wilson sent in the U.S. Army to bring order. Wilson proposed suspending the strike for three years. The UMW and Mother Jones accepted this temporary solution, but the mine owners did not, hoping to destroy the UMW in Colorado. The miners finally gave up.

Several months after the Ludlow violence, Rockefeller agreed to meet with Jones. He formed a company "labor board" that allowed his miners to



Mother Jones pictured outside the prison in Pratt, West Virginia, after she was convicted by a military court in 1913.

elect representatives to discuss their grievances with management. But this "company union" was totally controlled by Rockefeller. He still refused to recognize the UMW that would give the miners an independent negotiating voice.

Mother Jones and Women's Suffrage

Mother Jones organized women workers in the textile, garment making, and other industries. However, to the surprise of many, she refused to support women's suffrage, the right of women to vote.

Before the passage of the 19th Amendment, some states, including Colorado, granted women the right to vote. Jones argued that despite their right to vote in Colorado, "working men and women are in slavery." She also argued, "If men earned money enough, it would not be necessary for women to neglect their homes and little ones to add to the family's income."

The West Virginia Coal War

In 1920, the UMW tried once again to unionize unorganized coal miners in West Virginia. The UMW declared a new strike centered in a county where coalmine owners refused to recognize the union. They again hired armed guards from the Baldwin-Felts Detective Agency.

On May 10, 1920, a shootout took place in the town of Matewan between the guards led by the Felts brothers and striking miners. The pro-union police chief, Sid Hatfield, ►

A CHILD IN THE MINES



Below is an excerpt of a 1973 interview with Frank Brooks, who began working in the coal mines of West Virginia as a boy around 1915.

Question: Did you start working in the coal mines in Carter County?

Answer: No, my first work in the mines was at Borderland, West Virginia, and I was thirteen years old. Back then, people think now, when you say you were thirteen years old and start in the mines, they think something funny about it. Back then, there was no such thing as a social security card. All you had to do was be big enough to do a day's work. I went to helping my Daddy on the track and I was kind of thin and he told me to put on extra pair of pants and an extra shirt to look big, and we worked on the outside the first day I started to work. I got hot and started shedding the [extra] pants and shirt.

Question: This was on the outside of the mines?

Answer: Yes, but my first day was on the outside, but I did work inside, because he was a main line man, some days we worked inside and someday we worked outside.

Source: Marshall University Special Collections, OH64-56, Huntington, WV, https://mds.marshall.edu/cgi/viewcontent.cgi?article=1006&context=oral_history. Accessed 24 Feb. 2022.

killed Albert Felts. A jury found Hatfield not guilty because of self-defense.

On August 1, 1921, Baldwin-Felts guards assassinated Hatfield, which enraged the miners. A few days later, Mother Jones made an emotional speech to the angry miners. She encouraged them to retaliate for Hatfield's murder. Later, as miner fury began to get out of control, she and UMW leaders urged calm. They asked the governor to settle the strike, but he refused to intervene.

Meanwhile, thousands of miners sought revenge for Hatfield's murder. They armed themselves and began to march to Logan County where the striking miners were jailed. Jones tried to stop the miners' march as futile.

Don Chafin, a local sheriff in the pay of the mine owners, formed a volunteer army to block the striking miners' march to Logan. Chafin's men fired into the strikers' tent camp, killing women and children.

In late August 1921, a five-day battle began between around 10,000 armed miners and Chafin's volunteer army of 3,000 joined by 27,000 members of the state National Guard near Blair Mountain. Chafin's men had machine guns and dropped a few homemade bombs on the miners from airplanes. Historians estimate that approximately one million rounds were fired during the conflict.

The Battle of Blair Mountain ended when President Warren Harding sent U.S. troops to disarm both sides. The miners, many of whom were World War I veterans, refused to fight the soldiers and gave up. Casualties on both sides remain unclear, but as many as 100 miners and as many as 30 of Chafin's men died along with three U.S. Army soldiers.

Hundreds of miners and some UMW leaders faced trial for insurrection, murder, and a few for treason. Mother Jones worked with the governor to get them released from jail and the charges dropped. The UMW called off the strike. The West Virginia Coal War was a disaster for the union that lost membership throughout the state.

The Final Years and Legacy of Mother Jones

In her late 80s and suffering from rheumatism, Mother Jones retired from active union organizing and lived with friends. In her autobiography, published in 1925, she predicted better conditions for the working class. “Both sides have learned the value of compromise,” she wrote.

On May 1, 1930, Labor Day, Jones celebrated her “100th birthday,” although she was probably still in her 90s. She spoke these words before a movie news camera:

America was not built on dollars but on the blood of men who gave their lives for your benefit. Power lies in the hands of labor to retain American liberty, but labor has not yet learned how to use that power.

WRITING & DISCUSSION

1. What methods did Mother Jones use with men, women, and children to achieve her goals for workers? Was she successful? Why or why not?
2. Some suffragists confronted Mother Jones and said she was anti-women’s rights. Jones responded “I’m not anti-anything that brings freedom to my class.” Do you agree with the suffragists’ criticism of her? Why or why not?
3. After her 1913 conviction in a military court, Jones said, “I have said I hate violence; I favor drama.” What do you think Jones meant by that response? Explain your reasons with evidence from the article.

ACTIVITY: Ending Child Labor in the United States

As mentioned in the article, Congress passed a law to end child labor in 1938. Called the Fair Labor Standards Act (FLSA), the law included other reforms, including establishing the right to a minimum wage and overtime pay for workers. It is still in force today with numerous amendments that have been added since it was first passed.

1. Form small groups of four students each. Read the excerpts below from the FLSA.

Sec. 203(f)

(l) “Oppressive child labor” means a condition of employment under which

- (1) any employee under the age of sixteen years is employed by an employer (other than a parent or a person standing in place of a parent employing his own child or a child in his custody under the age of sixteen years in an occupation other than manufacturing or mining or an occupation found by the Secretary of Labor to be particularly hazardous for the employment of children between the ages of sixteen and eighteen years or detrimental to their health or well-being) in any occupation, or
- (2) any employee between the ages of sixteen and eighteen years is employed by an employer in any occupation which the Secretary of Labor shall find and by order declare to be particularly hazardous for the employment of children between such ages or detrimental to their health or well-being

Sec. 212

(c) Oppressive child labor

No employer shall employ any oppressive child labor in commerce or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of goods for commerce.

2. Discuss the following questions together in your group. Be prepared to share your answers with the rest of the class:
 - a) In what ways did the FLSA directly address the issues workers were concerned about in the labor struggles Mother Jones was involved in?
 - b) The Commerce Clause in Article I of the U.S. Constitution gives Congress the power “to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.” How did Congress connect the FLSA to the Commerce Clause in the excerpts?
 - c) Other than “manufacturing and mining,” what other occupations do you think would have been “hazardous for the employment of children” in 1938? How about today?



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WHAT IS SEDITIONARY CONSPIRACY?



More than 2,000 people breached the U.S. Capitol on January 6, 2021, many of whom vandalized and looted the building in an effort to interrupt Congress's certification of the 2020 presidential election results. Some have been accused of the crime of seditious conspiracy.

In January 2022, the U.S. Department of Justice announced that 11 people who had participated in the January 6, 2021, attack on the U.S. Capitol had been indicted (formally charged) by a federal grand jury with a variety of criminal offenses, including seditious conspiracy. Those charged included Elmer Stuart Rhodes III, founder and leader of the Oath Keepers, a loosely organized far-right, anti-government group.

On March 2, 2022, co-defendant Joshua James pleaded guilty to seditious conspiracy and agreed to cooperate with prosecutors in the charges against the others. (Co-defendants are multiple people facing charges in one criminal case.) As of this writing, James is the only defendant who has pleaded guilty. Because conspiracy charges require an agreement made among more than one person, his guilty plea could make the defense of the other alleged co-conspirators more difficult at trial.

What Does the Law Say?

Federal laws are those passed by the U.S. Congress that apply to the entire nation; they do not vary from state to state. The crime of seditious conspiracy combines two other offenses that are against federal law: sedition and conspiracy.

Sedition refers to any act that incites (stirs up) rebellion against the government. Since the Supreme Court's 1969 decision in the case of *Brandenburg v. Ohio*, such an act could even include speech if the speaker intends to incite "imminent lawless action," and if that lawless action is likely to take place. An *imminent*

action is one that will occur without delay. In the 1973 case of *Hess v. Indiana*, the Supreme Court also made clear that mere advocacy of rebellion against the government is not the same thing as speech that incites imminent lawless action. In that case, the court held that speech is protected by the First Amendment if it merely advocates an illegal action at an "indefinite future time" and if it is "not directed to any person or group in particular."

Conspiracy occurs when two or more people agree to commit a crime in the future, and when one or more of the conspirators takes an "overt act" to carry out the planned crime. An overt act could itself be legal. For example, if conspirators plan to rob a bank, the legal act of buying a car would count as an overt act if they intended to use that car to drive to the bank.

So **seditious conspiracy** is a crime in which two or more people agree to stir up imminent rebellion against the government and take at least one overt act toward that rebellion. People convicted of this crime can be fined and can be sentenced to up to 20 years in prison.

The federal law defining seditious conspiracy makes clear many ways alleged conspirators could plan to stir up rebellion. It is illegal for people to:

conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof.

On January 6, 2021, both houses of Congress were meeting jointly to certify the Electoral College votes from the presidential election of November 2020, which reflected that Joe Biden won the election against President Donald Trump. According to the Justice Department's 2022 indictment, Rhodes and his co-conspirators coordinated plans to travel to Washington, D.C., on or around January 6 and to bring weapons with them to prevent Congress from having the procedural vote in time for Inauguration Day on January 20.

The indictment also alleges that they traveled from around the country to Washington, D.C., in early January. They allegedly organized combat trainings and brought combat gear and weapons (including knives, batons, and camouflaged uniforms) to the U.S. Capitol on January 6. Several of them are accused of breaching (illegally entering) the Capitol building and trying to take control of it, including by using force against law enforcement officers there. Rhodes himself is not alleged to have breached the Capitol building.

Other Cases of Seditious Conspiracy in U.S. History

Federal law defined the crime of seditious conspiracy in 1861, in the early days of the Civil War. But, especially since World War II, the charge has been very difficult for prosecutors to prove. In key cases where people have been charged with the crime, they have not been convicted. But in two prominent cases they have.

In 1954, four members of the Puerto Rican Nationalist Party opened fire in the House of Representatives, wounding five members of Congress. The party had been calling for Puerto Rican independence from the United States for over thirty years. A young woman named Lolita Lebrón led the shootings. She and her three co-defendants were charged with and convicted of several crimes, including seditious conspiracy.

This lesson is part of CRF's **Civics On Call** ongoing series, which presents short readings on contemporary topics for classroom discussion and writing. Visit **Civics On Call** for more lessons drawn from CRF's library of social studies resources.

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ELEMENTS OF A CRIME

Every crime is made up of elements, or necessary parts that prosecutors must prove, whether under state law or federal law. At trial, prosecutors have the burden to prove each and every element of a crime in order for a jury to find defendants guilty. And prosecutors must prove those elements beyond a reasonable doubt, which means they leave no doubt in jurors' minds that the defendants committed each element of the crime.

Reread the definition of seditious conspiracy in the article. What are the elements that you see?

The last time defendants were found guilty of seditious conspiracy was in 1995. In this case, Sheikh Omar Abdel-Rahman (an extremist Egyptian cleric living in the United States) and nine others were convicted of seditious conspiracy and other charges in planning a series of bombing attacks on New York-area sites and landmarks, including the UN and FBI buildings. Recordings of Abdel-Rahman's discussions about attacking military targets were used as evidence against him. He tried and failed to convince the court that his discussions were protected by the First Amendment.

WRITING & DISCUSSION

1. Do you think the actions of the Oath Keepers leading up to and on January 6, 2021, amount to seditious conspiracy? Why or why not?
2. Why do you think it has traditionally been difficult for prosecutors to prove charges of seditious conspiracy? Why might Joshua James's guilty plea make it easier for prosecutors to prove seditious conspiracy in the Oath Keepers' case?
3. What makes mere advocacy of rebellion different than the crime of sedition or seditious conspiracy?
4. What questions do you still have about seditious conspiracy?



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Standards Addressed

Yugoslavia: A Divided Land

California History Social Science Standard 10.7: Students analyze the rise of totalitarian governments after World War I.

California History Social Science Standard 10.9: Students analyze the international developments in the post-World War II world.

California History-Social Science Framework: Chapter 15, p. 374: Global movements of refugees and global economic forces also challenge the stability achieved by the European Union.

California History-Social Science Framework: Chapter 17, p. 453: Students should also examine international efforts to protect human rights (e.g., the Universal Declaration of Human Rights, jurisdiction of the World Court and International Criminal Court) and current relevant issues such as protection of civilian populations during wartime, oppression of minority groups, and forced removal or genocide.

National World History Standard 43: Understands how post-World War II reconstruction occurred, new international power relations took shape, and colonial empires broke up. High School Benchmark 1: Understands political shifts in Europe and Asia following World War II . . .

Common Core State Standards: SL.9-10.1, SL.9-10.3, RH.9-10.1, RH.9-10.2, RH.9-10.10, WHST.9-10.10.

Mother Jones: 'The Most Dangerous Woman in America'

California History Social Science Standard 8.12: Students analyze the transformation of the American economy and the changing social and political conditions in the United States in response to the Industrial Revolution. (6) Discuss child labor, working conditions, and laissez-faire policies toward big business and examine the labor movement, including its leaders (e.g., Samuel Gompers), its demand for collective bargaining and its strikes and protests over labor conditions.

California History Social Science Standard 11.2: *Students analyze the relationship among the rise of industrialization, large-scale rural-to-urban migration, and massive immigration from Southern and Eastern Europe.* (1) Know the effects of industrialization on living and working conditions. . . .

California History Social Science Standard 11.5: *Students analyze the major political, social, economic, technological, and cultural developments of the 1920s.* (4) Analyze the passage of the Nineteenth Amendment and the changing role of women in society.

California History-Social Science Framework: Chapter 16, p. 391: Students consider this question as they learn about the movements of the 1920s: Why were the 1920s filled with political, social, and economic extremes?

National U.S. History Standard 20: Understands how Progressives and others addressed problems of industrial capitalism, urbanization, and political corruption.

Common Core State Standards: SL.11-12.1, SL.11-12.3, RH.11-12.1, RH.11-12.2, RH.11-12.10, WHST.11-12.10.

What Is Seditious Conspiracy?

California History-Social Science Framework: 12.5: Students summarize landmark U.S. Supreme Court interpretations of the Constitution and its amendments. (1) Understand the changing interpretations of the Bill of Rights over time, including interpretations of the basic freedoms (religion, speech, press, petition, and assembly) articulated in the First Amendment and the due process and equal-protection-of-the-law clauses of the Fourteenth Amendment.

California History-Social Science Framework: 12.10: Students formulate questions about and defend their analyses of tensions within our constitutional democracy and the importance of maintaining a balance between the following concepts: majority rule and individual rights; liberty and equality; state and national authority in a federal system; civil disobedience and the rule of law; freedom of the press and the right to a fair trial; the relationship of religion and government.

California History-Social Science Framework: Chapter 17, p. 451: [Students] can also explore the importance of the rule of law and the unique role of an independent judiciary in a democracy . . .

National Civics Standard 18 : Understands the role and importance of law in the American constitutional system and issues regarding the judicial protection of individual rights. High School Benchmark 1: Understands how the rule of law makes possible a system of ordered liberty that protects the basic rights of citizens.

Common Core State Standards: SL.11-12.1, SL.11-12.3, RH.11-12.1, RH.11-12.3, WHST.11-12.10.

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People v. Cobey **Murder and Manslaughter**

Featuring a pretrial argument on the Fourth Amendment **Grades 6-12**

People v. Cobey is the trial of Jamie Cobey, a horticulturist living in a semi-rural town in the high desert. Cobey is charged with the homicide of Cobey's landlord and next-door neighbor, Erik Smith. The prosecution will argue that Cobey should be convicted of first-degree murder or the lesser-included offense of voluntary manslaughter.

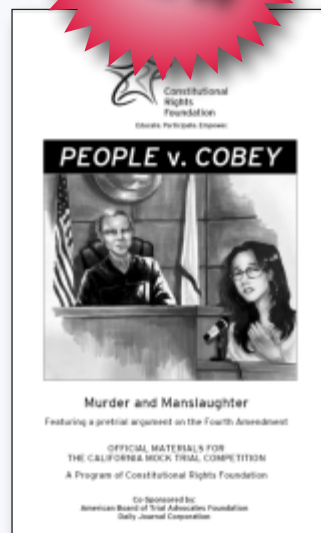
The relationship between Cobey and Smith had deteriorated in recent years with both engaging in un-neighborly behavior. The tension between the two intensified once the pandemic eviction moratorium went into effect, and Smith wanted to evict Cobey and Cobey's elderly mother for non-payment of rent. After Smith shut off the power to Cobey's home, Cobey's mother died on April 22. In the early afternoon of April 29, Erik Smith opened his mailbox and was bitten by a Mojave rattlesnake that was within the mailbox.

The prosecution alleges that on the morning of April 29, Jamie Cobey intentionally placed the rattlesnake with its rattle removed in Smith's mailbox so that the snake would fatally bite Smith. Prosecution witnesses include a line worker who witnessed Cobey standing close to Smith's mailbox on that morning while Cobey held a small metal-wire cage. A neighbor will testify to seeing Cobey enraged at Smith at the funeral of Cobey's mother the day before Smith's death, as well as overhearing Cobey yell "I'm going to kill him!" later that evening in Cobey's own garden. The medical examiner will testify to the severe lethality of the snake's venom and the unlikelihood that the snake crawled by itself into the mailbox through a mail slot. The sheriff's deputy will testify to finding several snake-handling items and books about desert snakes in Cobey's home, as well as fingerprints of Cobey, Smith, and one other neighbor on Smith's mailbox.

The defense argues that Jamie Cobey lacked the specific intent for first-degree murder, the sudden quarrel or heat of passion needed for voluntary manslaughter, and the act of placing the rattlesnake inside the mailbox. Defense witnesses include a herpetologist who will testify that other circumstances superseded the causal link between the bite and Smith's death, especially Smith's willful refusal to seek medical attention. The herpetologist will also testify that the snake more than likely squeezed itself into the mailbox. Another tenant of Smith will testify to Cobey's even-tempered character and lack of hostility toward Smith before Smith's death. A different neighbor and friend of Cobey will testify to Cobey's habit of "cooling off" after outrageous actions by Smith, as well as the common knowledge about rattlesnakes crawling into mailboxes. Finally, Jamie Cobey will deny placing the snake in the mailbox and will testify that the items found by the sheriff's deputy were everyday items for desert horticulturalists.

The pretrial argument centers on the Fourth Amendment protection against unreasonable search and seizure. The question is whether Erik Smith's use of a smart camera provided by law enforcement to capture an image of snake-feeding tongs on the property of Jamie Cobey constituted a search under the Fourth Amendment and therefore required a search warrant, or whether it fell outside the warrant requirement.

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People v. Meadows **A Mock Trial Designed for the Classroom** **Grades 6-12**

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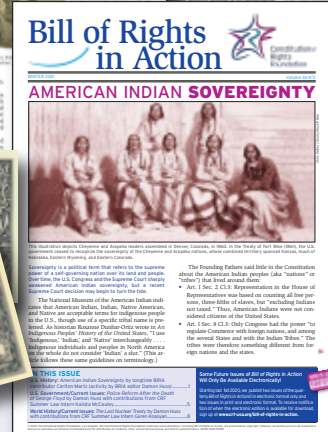
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