



**Persecution by Prosecution:
Lessons About Weaponized
Legal Systems from the Cold
War Harry Bridges Trials, Part 2**

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*Burning Bridges: America's 20 Year Legal
Crusade to Deport Labor Leader Harry
Bridges* (Amazon)

Federal Perjury Laws

**Judicial Bias &
Disqualification**

**Contempt and jail for
defense lawyers!**

**Prison for speech and
the First Amendment**



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CIA Law

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Deposition Disasters

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Yellowstone?

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JFK and the Law

Sex Law



Background Facts

Great Depression

Major social and economic issues start driving labor relations changes for longshoremen.

Bloody Thursday,

In 1934 in San Francisco, police kill longshoremen in a messed up attempt to break the General Strike. Results in a new labor union structure on the West Coast.

Communist Party?

The charge is made to force the government to deport him. In the first trial in 1939, he ultimately prevails, thinking he was now safe to live his American life...



Citizenship questions over Communist Party membership lead to renewed prosecutions under federal law for perjury in so swearing.

Using perjury laws to get at different alleged crimes

The image shows the exterior of the United States Supreme Court building, featuring a grand portico with tall columns and a pediment with a relief sculpture. The text is overlaid on this background.

United States Supreme Court, 1945

"The record in this case will stand forever as a monument to man's intolerance of man. Seldom if ever in the history of this nation has there been such a concentrated and relentless crusade to deport an individual because he dared to exercise the freedom that belongs to him as a human being and that is guaranteed to him by the constitution."



Perjury Law

"knowingly to make a false statement, under oath, either orally or in writing, in any case, proceeding, relating to, or under, or by virtue of any law relating to naturalization or citizenship." 18 USC 706(a) (1946)

Disqualification Facts

Allegedly, Judge had years earlier tried to pressure Hallinan to drop a suit against a third party, and testified for the third party against Hallinan.

Law on Disqualification

Avoid even the appearance of a lack of partiality, even if there is in fact no harbored bias. DQ if impartiality may be reasonably questioned. 28 USC 455. Basis needs to almost always be from extra record facts, not from in case rulings.

Disqualification (DQ) Rules

Facts and circumstances and modern cases. (1) Too enmeshed a relationship with a lawyer can require DQ. (2) Too much public commentary on how an issue should be addressed can require DQ when that same issue appears before the judge. (3) race oriented comments by a judge can require DQ.

Prosecutor Objections and Court Rulings

Defense was limited in its ability to outline its theory of the case that the government was involved in a conspiracy. The defense theory was valid and fair to press but the judge pre-judged it and then denied it, even though it was a fact question for the jury.

Legal Standards When Unfairly Aggrieved by Rulings

"But if the ruling is adverse, it is not counsel's right to resist it or to insult the judge—his right is only respectfully to preserve his point for appeal." *Sacher v. U.S.* 343 U.S. 1, 9 (1952)

Contempt Facts


Hallinan ordered to jail for his inappropriate behavior.

Pandemonium breaks out

Three way argument between prosecution, defense and court. Personal attacks against Hallinan. The judge ultimately lets him stay as the lawyer in the trial.

First Amendment

While on bail post-verdict, Bridges speaks out against the Korean War. The government seeks bail revocation for his speech. First Amendment violation?



West Virginia v. Barnette, 319 U.S. 624 (1943)

Government compelled speech standards



Statute of Limitations Law

From Criminal to Civil Law to Punish

"Only a week yielding to extra judicial clamor would excuse acceptance of the testimony of witnesses in this case as proof of the allegations of the complaint."



**Seeking multiple bites
of the same apple**

**Using incredible
witnesses**

**Need for strict judicial
impartiality**

**Prosecutorial bending
of vagaries in the law to
achieve an end**