Sidedoor
Episode 6: Gaming the System

MD: This is Sidedoor, a podcast from the Smithsonian. I'm Megan Detrie and my co-host Tony Cohn is out on assignment this week so you guys are stuck with just me. Today, I've got three stories about people finding clever ways around the rules. Loopholes come in a bunch of shapes, from skimping on taxes to pirating music, and people have gotten pretty inventive about finding cracks in the system.

I'm going to kick it off by pulling up the US Post Office's website and reading to you the remarkably short list of things that you just cannot send in the mail:

- Air bags
- Ammunition
- Explosives
- Gasoline

That's it. Those are the only things you definitely cannot, no matter who you are, send in the mail. The list for restricted items is a bit longer -- live animals, OK and oh, cremated remains, so human ashes can be mailed domestically, if they are in a strong durable container, but they need to be well packaged and sent Priority Mail Express®. But, back in 1913 when they launched Parcel Post—and that just means you can send packages through the mail—there weren't really any rules on what you couldn't send. It was just too new.

NP: For the first time people could send things through the mail that weighed more than 4 lbs.

MD: That's Nancy Pope, a curator at the Smithsonian's National Postal Museum.

NP: And people took advantage of this to send pretty much everything they could find.

MD: One newspaper sent a competing newspaper eggs.

NP: Then the second newspaper returned the mail by sending a cake baked with those eggs.

MD: Parcel Post was a huge success: people mailed 300 million packages in the first six months. In comparison, the post office now delivers 500 million piece of mail a day. While it was good fun for some people, for others like farmers or these brand new mail-order catalogues it was an invaluable way to do business. And as is human nature, some folks got a little carried away.

NP: And one of those were the parents of May Pierstorff, who was a young girl who weighed 50 lbs, which was quite important  because 50 lbs was the limit for parcel post service. The parents could not afford to send her to visit her grandparents by train but they could afford to send her by parcel post. So they got enough stamps to equal 50lbs worth of weight; they attached the stamp to her sleeve.

MD: May's uncle was a railway mail clerk, so when a train came in, they just put her aboard in her uncle's mail car.

NP: and she rode in the train car to the town to visit her grandparents and this made the news and it got a lot of other people thinking about the same sort of thing and before you knew it there were little babies and little children being sent in the mail as it were across the US.

MD: Yep, that's right: people were handing off their pride and joys to the post office. Less than a month into the start of Parcel Post in 1913, the Postmaster General wrote the New York Times saying he'd received questions on how exactly one would wrap a baby so that it would comply with shipping regulations.

NP: When these stories were popping up in the news, some of them you know quite honest and real, some of them no doubt fictionalized, but all playing on the idea that the post office department was the

answer to this question of, you know, how can one child or one baby be passed from family member to family member inexpensively?

MD: Pretty easily, it turns out. In mid-January 1914, the son of Mr. and Mrs. Jesse Beauge of Glen Este, Ohio was carried by Rural Free Delivery for about a mile to his grandmother, Mrs. Louis Beague. His folks paid 15 cents and very nurturing insured him for $50. A couple of weeks later, the Savis family of Pine Hollow, Pennsylvania, sent their daughter off to relatives in Clay Hollow using 45-cents worth of stamps.

NP: That's what most of these little kids were and these babies, it was instances of visiting family members who were not that far away, in some cases, they were on the same rural route.

MD: And that’s why mailing kids wasn’t as big a risk as you might think. Back then, most Americans lived in rural areas. The mail carriers on the routes were men they knew well, and people could trust them to tote their little ones between towns as an affordable way to travel. At least one family used parcel post for a seriously long trip. In 1915, six-year-old Edna Neff, who just squeaked in under the 50-pound limit, was mailed by parcel post from her mother in Pensacola, Florida, to her dad’s house in Christiansburg, Virginia. Grand total? 15 cents.

NP: It was not illegal to do it when it began, because the Postmaster General and the law makers never thought that was going to be an issue.

MD: In 1920, Congress put an official end to everyone’s fun. They passed a law that made it a federal crime to mail humans, regardless of weight. Though don’t dismay, just because you can’t send your adorable baby into the mail doesn’t meant there isn’t a whole bunch of other weird stuff the post office will deliver for you, including slapping postage on  a coconut or flip flop. While I might not be encouraging you exactly, I do love getting mail.

<MUSIC BREAK>

MD: We’re talking about loopholes, but loopholes aren’t always easy to find. Let’s take something that’s in the news a lot right now: race. If being white or black or Asian gave you an advantage you couldn’t otherwise get, could you find the loophole that let you be a part of that race after all? That was an important question if you were an immigrant in America about a 100 years ago, because the immigration laws were pretty clear—and pretty strict. At first there was only one rule: If you were a “free white persons of good character,” then you could apply for citizenship. After the Civil War, you could also be a citizen if you were of “African nativity or descent.” Then, in the late 1800s, the government started passing laws about who wasn’t allowed in. Here’s Adriel Lewis, a curator for the Smithsonian’s Asian Pacific American Center.

AL: Between the late 1800s through the early to mid-1900s there are a number of different policies and acts with, for example, in 1882 the Chinese Exclusion Act that was the first piece of legislation that specifically pointed out a group of people saying that you can't come here.

MD: If you’re Asian, you were pretty much out of luck. But there was one man, Bahgat Sing Thind, who wanted to become a citizen anyway. Thind came from India to the States in 1913. He was a PhD student at Berkeley, and he worked at lumber mills in the summer to pay for school. He even enlisted in the US Army during World War I.

AL: There's a historic photo of him dressed up as a soldier, holding a rifle, with a turban and this is during World War 1 and that's him as a US soldier.

MD: Thind was also still pretty deeply connected to India. For example, he was a major supporter of Indian independence. He was involved with

the Gadar movement, which was a group of Indian immigrants who hoped to secure freedom from their home country from British rule.

AL: Thind in a lot of ways reflects sort of the kind of sentiment that we see today, with the diaspora, in that he was not concerned with only identifying solely as American.

MD: While enlisted in the army, Thind was granted citizenship, despite his ethnicity. But after just four days, the government took it back. So Thind tried again in 1920 this time though, he had his loophole.

See, you could be a citizen if you were white, but it wasn't clear what being white actually meant. Some scientists thought being called white meant your ancestors were Caucasians; they relied on stuff like skull shapes and languages and genes as so called scientific evidence. And that evidence claimed that Caucasian went beyond the Cacus mountains it included people from a lot of places. People from Northwest India. People like Bahgat Sing Thind. He was born in Amritsar, close to what's now the border between India and Pakistan.

AL: And so he said, "Well, if you look at the science and you look at the roots of certain languages. You look at certain histories of conquest because we are a conquering people to some parts of India that that he counts as Aryan, as Caucasian and therefore as white.

MD: Some courts had already given citizenship to other Indians based on the same argument. So Thind applied for citizenship, but the US Bureau of Naturalization blocked him. He started appealing his case in federal courts, and it eventually went all the way to the Supreme Court. At the same time he was watching the case of Takou Ozawa, a Japanese American. There, the case focused on skin color, not ancestry. Ozawa had been living in the US for most of his life. He grew up in a mostly white community, spoke English, was Christian, and he had raised his kids in American culture.

AL: It’s not that he was denying the fact that he was Japanese, at the same time he very much kind of grew up, like, apple pie America.

MD: That didn’t matter to the courts. Ozawa was Japanese, and that was that. So he tried a different tactic.

AL: He took a case all the way up to Supreme Court stating that he counts as "free white" and the reason being that he was free. And, because his skin tone was, as light, if not lighter than people who counted as white. And so, there are points in the court case where he's actually like pointing out like, underneath his arm and different parts of his body and like, comparing himself to like Italians and things like that, "If you're gonna say white, I'm white."

MD: The justices were not having it.

AL: "The science of the day says that you cannot be an American citizen.”

MD: That’s from the court’s unanimous opinion. Skin color wasn’t enough. Sharing American values wasn’t enough. Assimilation was not enough. In order to be considered white, you had to be of the Caucasian race. That all sounded pretty good for Bahgat Sing Thind. Until his own case got to the Supreme Court and the justices said...

AL: Well, you may scientifically count as Caucasian but when it comes to public sentiment, you are not white. And so at that point they kind of threw that science out the window and instead deferred it to “the common man” and they say that the common man will look at you and other people of Indian descent and not see a white person and therefore you don't qualify for US citizenship.

MD: And the ruling even cited Ozawa’s case, amending its prior definition of “white”. The court said it was clear: no matter what the science, you know a white guy when you see one, and that’s who gets to be a citizen. Caucasian was nothing but “a conventional word of

much flexibility.” Loophole closed. The decision had some terrible consequences for Indian Americans. The government revoked the citizenship of around 50 people between 1923 and 1927. In California, where you needed to be a citizen in order to own land, so without citizenship, imagine…

AL: Being a US citizen for a couple of decades and then, and then you no longer have that citizenship which means you also no longer have rights to the land that you own. That land was basically taken from them and then resold to white folks. And so all that kind of led to a sentiment that allowed for certain things, like the Japanese American incarceration to happen during World War 2.

MD: The ruling basically stopped anyone in the Eastern Hemisphere from being a US citizen. And it stayed that way for more than two decades. It wasn’t until 1946 that the law changed and the government established a small quota for Indians. Today there are almost 20 million Asian Americans, and those restrictions sound insane. Ancient history. But Adriel sees how those old laws can still shape American society.

AL: One of the biggest echoes that still remains today, is this idea of the perpetual foreigner, and so there is this stereotype that definitely doesn't just apply to Asian Americans but is something that resonates very deeply in our community that you can be a someone who just immigrated here last week or you can be 4th, 5th or 6th generation but just the fact that you're Asian, people will automatically assume that you're not from here or that you weren't born here and I think that we really see that sort of become a part of an American mentality that we haven't quite wiped off. Now we are in a society where you definitely can become a citizen as an Asian American, but even being a citizen, even being born here doesn't necessarily mean you have the privilege of walking down the street and everyone acknowledging that you are American.

MD: What it means to be American is something that we still debate today -- and in some ways the answer is just as complicated now. We're a country of diversity, shaped by immigrants and our nation's own history.

[Music: Rock Island Line, Johnny Cash]

MD: This is Johnny Cash playing Rock island line. It's about a train engineer who dupes a depot agent by letting him skip paying a fine. The engineer swears he's carrying livestock...

[Music: Rock Island Line, Johnny Cash]

But once the train has passed, the engineer turns and brags. There aren't pigs on this train, just lots and lots of pig iron the kind you definitely need to pay a toll for.

[More music]

MD: Rock Island Line is a legendary tune. It birthed a music craze in the UK in the 1950s, becoming a #1 hit. Versions have been done by Bobby Darin, The Weavers, John Lennon, and Paul McCartney. But it didn't start out that way. Jeff Place, a curator for the Smithsonian's Folkways Collection, Smithsonian's nonprofit recording label, which released a book about Lead Belly's life. He says Rock Island Line actually started as a chain gang chant in the prison fields of Arkansas.

JP: John Lomax, the famous song collector from the library of congress he helped Lead Belly get out of prison and Lead Belly worked as his driver for a short while, and they were going down and recording in Arkansas, at a place called Cummons State Farm Prison where this group of convicts were singing and what they did was use it as a work song, working on chopping wood they'd sing songs to help coordinate the timing of the chopping, and also to entertain themselves during the hot summer days down there, and these prisoners were singing rock island line.

MD: John Lomax and his son Alan spent years in the south, collecting African American folk and work songs from prisons.

JP: Lead Belly really liked the song. He was sort of a musical sponge his whole life, a guy who played guitar and a couple other instruments.

[Music: Lead Belly playing multiple instruments]

He was one of the most important people of the 20th century as folk music goes. He saved so much, you'd gather all these songs that he could hear, little snippets of things and recombine them into things. I think it was interesting how he could take some melody he heard, bring it back and kind of play with it.

MD: Lead Belly came out playing his 12-string guitar in rowdy bars and on the street corners of northwest Louisiana. He liked to fight. So much so that he ended up in prison *twice*: once for manslaughter and once for attempted manslaughter. He spent almost 20 years with prison chain gangs, singing. In fact, it was in prison when Lomax first recorded Lead Belly. For Lomax, he was a great find. A folk singer who loved the blues, Lead Belly could do sea shanties, blues and pop tunes. And after he was released, he drove John Lomax around the country recording prison songs, including Rock Island Line.

JP: So he picks up this song with John Lomax, next you know he's added it to his own repertoire, and he's added this entire rap about this guy trying to fool the depot agent.

[Music]

MD: There he’s telling audiences about the depot agent at the switchboard. In performances over the years, Lead Belly would always first tell the funny little tale of this freeloading train before singing the song. It was a good story… but it wasn’t the truth. It’s actually a company jingle for the railroad line.

JP: A folklorist named Stephen Wade did some research in the last few years to uncover the fact that there was a contest of who could write the greatest jingle for rock island line. And one of the employees came out with this jingle and won the prize, it was sort of an ad that was on the radio perhaps, and somehow people picked it up and were singing it. And of course folklorists all thought this was a great folk song, African-American culture, all this.

MD: So this funny little song, first thought to be a gritty work chant, that became a classic performed by every respectable folk singer, is actually the kind of thing written for company picnics. But frankly, that train conductor of the song is crafty. And Lead Belly was too. The backstory he invented is actually way more appealing than the truth. Catchy too.

[Music: Rock Island Line Mashup]

There are a lot of loopholes out there, if you just keep your eyes open. Technicalities, escape clauses, tricks to work the system. Maybe next time you find one, you too can pass off your pig iron for real pigs. Or whatever it is you're hoping to get away with.

[Music: Rock Island Line Mashup]