

To the Bag

scribes them as “letters of transit signed by Marshall Weygand. They cannot be rescinded or questioned.”⁹ Alas, letters of transit did not exist, although the idea of a no-questions-asked ability to move from country to country remains a topical one today!¹⁰

While the creation of these lines may not amount to a hill of beans in this crazy world, I knew that the editors at the *Green Bag* would be among the usual suspects eager to learn more.

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TWISTS AND TURNS

To the *Bag*:

Thank you for Ted White’s article, *The Lost Episode of Gong Lum v. Rice*, published in the Winter 2015 *Green Bag*. The story of the Chinese in Mississippi has many twists and turns which are ably described by Professor White’s article and the sources he cites.

As it happens, subsequent events proved more favorable to the Chinese here than the 1927 decision in *Gong Lum*. My friend Harriet Causey DeCell Kuykendall, now in her ninth decade, grew up in Cleveland, Mississippi, the county seat of Bolivar County where Gong Lum lived. She recalls that after the Japanese invaded Manchuria in 1933 a Baptist missionary to China returned to Cleveland and brought his Chinese congregation with him. He became pastor at the First Baptist Church. The church built a school for the Chinese children. They were not allowed to attend the white public schools but, when they got older, were allowed to attend a nearby white junior college.

Harriet remembers her father, president of the Cleveland school board, talking about the inconvenience this caused the families. At some point in the late 1940s it was decided to allow the Chinese students to attend the white public high school. One became a star basketball player and another,

⁹ Maxime Weygand (1867-1965) was a career military man who served in the Vichy government.

¹⁰ For an intriguing discussion of the letters of transit and their real-life counterparts (visas, safe-passage documents and the like), enjoy the podcast from University of Washington Professor Joe James at faculty.washington.edu/jwj/doc/transit.mp3.

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the class valedictorian. And that brought an end to the exclusion of Chinese from the white schools in Cleveland.

Unfortunately the next step, the elimination of segregated schools for African-Americans, took another twenty years, and is even today in litigation because the Justice Department deems the presence of a high school that is evenly divided between the races objectionable because another high school remains virtually all-black. The twists and turns continue.

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ONE MORE BEARD

To the Bag:

In his excellent contribution to this journal's Supreme Court Top Ten Micro-Symposium, Brian Stewart presents detailed information about past and present justices' mustaches, as well as introductory information concerning past justices' beards.¹¹

In one respect, however, Mr. Stewart's analysis is incomplete: He does not discuss the fact that one of the Court's *current* justices sported a beard for a full term of the Court, albeit two decades ago. That justice was Antonin Scalia. According to a contemporaneous Associated Press report, when the Court came out from behind the velvet curtain and onto the bench on the first Monday in October 1996, spectators were surprised to see a beard on Scalia's face. "And a beaut [the beard] is," the report continued. "This was a beard, black-and-white speckled, that came down from the sideburns, across the chin and up the other side."¹² Scalia wore the beard throughout October Term 1996, but it was gone by the time the curtain rose on October Term 1997, and it has not returned.

The fact that someone, even a Supreme Court justice, varied his personal appearance for a year or less might ordinarily pass unnoticed. But in this instance, the most official of the Court's records decree that attention must be paid. For more than a century, the Supreme Court has maintained

¹¹ Brian M. Stewart, *Supreme Soup Strainers: Top Ten Supreme Court Mustaches*, 18 GREEN BAG 2D 453, 453 nn.1-2 (2015).

¹² See "To Beard or Not To Beard: That's Question," *Deseret News*, Oct. 7, 1996, at 2.