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Jail for the Faithless

Cpl. Heck charges wife with adultery

Primitive peoples decreed death for faithless wives of men at war, but modern society has been more lenient. Though divorce courts readily free an injured spouse, criminal prosecution for adultery has been rare.

Last week a departure from this easy treatment was imminent. Roused by the growing number of divorce cases involving wives of servicemen, State's Attorney William J. Tuohy of Cook County, Ill. (Chicago), took a legally correct but otherwise unconventional stand. Henceforth, he announced, his office would prosecute wayward wives (or husbands) spotlighted in divorce cases. Adultery, Tuohy said, might not decrease or even become unpopular, but public policy clearly called for protection of the family tie.

For Cheating Wives . . . Tuohy was stirred by a divorce suit filed by Cpl. Stanley Heck, 30-year-old war hero, against Henrietta Heck, 26. Chicago high-school sweethearts, they had married Jan. 1, 1939. Two years ago Heck had gone into the Army. In Germany, a mine had mangled his legs and one arm. The legs had been amputated; he was still likely to lose his left hand.

From his bed in McCloskey General Hospital at Temple, Texas, Corporal Heck, winner of the Silver Star, the Bronze Star, the Purple Heart, and five major battle stars, made his deposition: His wife had deserted him in December 1943 for Alvin Schupp, 49, meat buyer for a wholesale grocery firm where Mrs. Heck works as a typist. Heck wanted not only a divorce but he also wanted an accounting of $2,500 in allotments and savings he had sent his wife. In an accompanying suit for alienation of affections, he sought damages of $50,000 from Schupp, a married man and father of a sailor. In Chicago alone, there were other striking cases:

¶ Yeoman 3/c Roy Popularum, 30, returning to Chicago after fighting in the Pacific, said he found his wife Dorothy and their 4-year-old son, Dennis, living with a man who was wearing Popularum's civilian clothes.

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¶ Sgt. Morris Mutchins, 25, filing suit for divorce, charged that while he was away his wife, Bonnie, 22, bore another man's child.

¶ Machinist's Mate 2/c Glenn Rome Toigo, 22, was granted a divorce after testifying that his wife, Jeanette, 18, gave birth to a child last January, about fourteen months after he left for the Pacific.

. . . A Scarlet Letter? To put his policy into action, Tuohy assigned an assistant, Collins Fitzpatrick, to study all divorce cases based on adultery and gather evidence for criminal prosecution. Penalties for conviction range from $500 fine or a year in jail or both for the first offense to $3,000 fine or three years in jail or both for a third conviction.

Chicago judges applauded Tuohy's action. Judge Victor A. Kula's comment was typical: "These women deserve the limit —and I mean a term in jail or prison, and not just a small fine."

In Newark, N. J., Police Judge P. James Pellecchia Jr. suggested his own remedy for erring wives. Sitting in Family Court, he gave an overseas soldier's wife a suspended sentence of one year for adultery provided she waived her Army allotments. Disclosing that twenty cases of servicemen's adulterous wives had come to his attention recently, the judge said: "If I had my way, soldiers' wives who are unfaithful would be branded with the scarlet letter and have their heads shaven."

Attorney Tuohy is stirred into action

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