

What WOULD a Fashionable Society Woman Do in Jail



Mrs. Vanderbilt, Mrs. Iselin and Mrs. Whitney Warren at the Fashionable Piping Book House Show (Mrs. Warren at the Left, Seated).
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The United States Court Indictment of Mrs. Whitney Warren for Smuggling Five Trunks Full of Paris Gowns Raises the Question Whether a Prison Sentence Would Be a "Cruel and Unusual" Punishment for a Woman of Wealth

Recent Smuggling Cases in New York and What the Punishments Were

	Amount Involved.	The Fine.
John R. Collins, indicted August 23, 1911, for smuggling jewels for Mrs. Helen Dwelle Jenkins; fined by Judge Hough October 3, 1911.....	\$200,000	\$4,000
Nathan Allen, indicted with Collins and fined by Judge Hough same day.....	200,000	12,000
Mrs. Ada F. C. Adriance, wife of I. Reynolds Adriance, wealthy harvester manufacturer of Poughkeepsie, tried in August, 1910, to smuggle \$8,000 necklace in a hatband; indicted, pleaded guilty October 7, and fined \$5,000, which she paid, with \$12,063, the home value of and the duty on necklace.....	12,063	17,063
(In sentencing her Judge Hand said next offender would go to jail.)		
Mrs. Lavender Byers Dunlap, wife of William A. Dunlap, son of a millionaire hatter, brought in \$61,194 in jewels on November 12, 1913, and neglected to declare them; following their seizure Mrs. Dunlap said she was a resident of England; Government sued; she brought counter suit; compromised May 20, 1915, when she paid \$26,143 and promised to pay \$10,000 more on January 1, 1915.....	61,194	26,143

HERE IS THE CONTRAST:

F. Sebosta, a poor musician, brought in a harp which he did not declare in 1911. Sentenced to seven months.
Survino de Billis smuggled in twelve pairs of gloves. Sentenced to six months and fined \$100.
Mrs. Roberts Menges Corwin Hill (Tearle) smuggled in a coat worth \$6,000. Fined \$2,000 and sentenced to three days. (She was the first woman smuggler jailed in this country.)

Mrs. Whitney Warren's Five Trunks

TWELVE men of the United States Grand Jury in New York have decided that Mrs. Whitney Warren, a wealthy woman of excellent social position, is probably guilty of smuggling five trunks full of fashionable dresses into New York. After hearing an expert statement from the custom house officials, the Grand Jury indicted Mrs. Whitney Warren, and accused her of four separate infractions of the law.

Whether the Grand Jury used good judgment, and it turns out that Mrs. Whitney Warren is really a criminal, will not be known until the accused has been tried, and judge and jury have decided her guilt or innocence. In fact, at the moment this is being written, it is possible Mrs. Whitney Warren's lawyers may be arranging a compromise with the Government authorities, and that some settlement of the case may be made without Mrs. Whitney Warren being compelled to sit in the criminal's pen and endure the unpleasant experience of a criminal trial.

Whatever may be the final outcome of the indictment of Mrs. Whitney Warren, society leader and woman of wealth and position, the interesting question arises as to whether any judge would probably ever sentence a woman of wealth and social position to any considerable term in jail.

Nowhere throughout the United States, from Maine to California, is there any social leader of wealth sitting in a prison cell. It is hard to recall any case where a woman of millions and social prominence ever did go to jail. Is it an impossible and preposterous idea?

What would a society woman do in jail? There is nothing in the prison life which she is at all fitted for.

In her narrow little cell there is no opportunity for holding receptions. Every woman of position of course has her "at home" some day each week. If a society butterfly goes to jail, she would be strictly confined to her temporary "home" every day in the week. But while she would always be "at home" every day during her term of imprisonment, her home would be of such narrow proportions that it would be impossible to welcome any considerable number of guests. Therefore, it would be impracticable for a society woman to continue her customary weekly "at homes" in jail.

Of course, a society woman in prison could sleep late in the morning, probably, as she does at home, unless she was sentenced to a term of "hard labor," which would be unlikely. She might sleep until noon every day, which would not upset her customary habit of life in that respect.

But what about her evenings? How she would miss the theatre, the opera, dances, receptions and dinner parties!

It is customary in prisons to put the lights out at nine o'clock. This would be a great hardship, for a society woman there is no visiting between cells during the evening, so that the society woman serving her sentence could not look forward to any callers in the evening.

Very few society women ever read anything, and the reason for this is that they are too busy to have any time for reading. Therefore not having the habit of reading the long hours of the evening would drag tediously in her cell.

Having no maid to give orders to, no footman or butler to scold, no opportunity to do shopping, no bridge parties, it would be a dreary prospect.

Even if a society woman prisoner had a cellmate there would be no real opportunity for dancing, because the space is so limited in a prison cell that dancing is impossible.

What, then, would a society woman do to amuse herself during the long hours and days and, perhaps, weeks, of her sentence? It would seem that there was nothing left for her to do but dress.

By giving the whole morning to doing

up her hair and arranging herself for luncheon, she might occupy her mind and fingers quite well. After luncheon she might put in the afternoon taking down her hair and doing it up again, and preparing a very elaborate evening toilette for dinner. She would then find herself in an elaborate evening dress sitting on the edge of her narrow bunk eating her dinner from a table of rough boards, and reminiscing to herself as she stirred her coffee in the tin mug with an old tin spoon.

But this picture of a woman of social position and wealth, who has been accustomed to the soft comforts of a well-servanted home would probably strike the judge as a cruel and unusual punishment. Nowhere in the United States is there any such spectacle to be seen. Is it impossible and preposterous to imagine such a thing as Mrs. Whitney Warren in jail, even if she is convicted?

There are four separate things which the Grand Jury accuses Mrs. Whitney Warren of having done.

The first count accuses her of bringing certain merchandise into the United States by means of a fraudulent and false declaration in that she stated, in her declaration, that the value of the merchandise was \$1,500, whereas she well knew it was actually worth much more, and thereafter she stated verbally to the customs examiner that three of the gowns had been previously bought in France and imported into the United States, and duty had then been paid on them, whereas she well knew that the gowns had never before been imported into the United States nor the duty paid on them.

The second count accuses her of attempting to introduce the same merchandise into the commerce of the United States by means of a fraudulent and false declaration in that the value of the merchandise was largely in excess of the \$1,500 stated in the declaration and by means of the false verbal statement to the examiner.

The third count accuses her of fraudulently omitting from her declaration the value of three gowns, as a result of which omission the United States might be deprived of the lawful duties thereon.

The fourth count accuses her of attempting to introduce into the commerce of the United States certain imported merchandise by means of a false and fraudulent declaration, in that her declaration stated that the foreign cost price or actual foreign market value of the merchandise was \$1,500, whereas the actual cost or foreign market value was largely in excess of \$1,500 as she well knew.

These four counts are framed so as to bring Mrs. Warren's conduct within one or more of the various Federal provisions against smuggling and evasion of the customs. Stripped of their legal verbiage, they accuse Mrs. Warren of two definite violations of the customs law, namely, undervaluation of her declared merchandise and a false verbal statement to the customs examiner.

It is claimed by the government that the wearing apparel which Mrs. Warren said cost her only \$1,500 was actually worth nearer \$10,000 and that Mrs. Warren knew it. When she was confronted with the valuation put upon her apparel by the government appraisers, Mrs. Warren is accused of having justified her own figures by explaining that three of the gowns in question had previously been imported and that she had paid duty on them, and that, therefore, she had not included their value in the \$1,500.

The government claims that these three gowns had never before been imported, and that, therefore, Mrs. Warren not only made a false verbal statement to a customs examiner, which, in itself, is a violation of the tariff act, but, by



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her own admission, she had omitted these gowns from her declaration, which, if the government is correct, is a second violation of the act.

The three gowns, which will play such an important part in this case, are meagerly described in the indictment as "one black and metal thread evening costume trimmed with lace; one flame colored evening gown, beaded; one flame colored evening costume." In addition, the wearing apparel which Mrs. Warren valued at \$1,500, and which filled five large trunks, is said to have included a quantity of gowns, suits, costumes, blouses, coats, hats, furs and other merchandise.

The three gowns, it is understood, were created by Callot, the famous Parisian dressmaker. Just what they cost Mrs. Warren has not been revealed. When Mrs. Warren returned from France on November 15 and presented her baggage for inspection she was unable to present Callot's bills for the gowns in ques-

tion. She explained that she had bought a large number of gowns at the time because she had been informed in Paris that they were to be had at great bargains.

According to the government, however, Mrs. Warren's information regarding war-bargains obtainable in Parisian costumes and millinery is diametrically opposite to the experience of other private and commercial purchasers abroad. Professional buyers and private patrons of the great French modistes and milliners have uniformly complained that ever since the war prices have been steadily climbing.

However, that may be, the government is at a loss to understand how a woman of Mrs. Warren's experience could be honestly mistaken when she stated that the three gowns had been previously imported.

One explanation of Mrs. Warren's omission of these three gowns from her declaration is that she considered her-

ENTRY OF ARTICLES OBTAINED ABROAD.	
Description of Articles. (To be filled in by passenger.)	Foreign Cost on Value in U. S. Money. (To be filled in by passenger.)
wearing apparel	\$1500.
Articles noted above:	
Approved & Examined Mrs. Whitney Warren Passenger.	

Facsimile of Mrs. Whitney Warren's Sworn Declaration Before the Custom House Inspectors.

self justified in omitting them because she had secured them in exchange for three other gowns which she had previously imported and paid duty on, but which she had taken back with her to Paris because they were unattractive.

Whether that is the case or not, or whether such a state of facts would actually excuse Mrs. Warren's alleged violation of the tariff act remains to be seen.

The case has attracted considerable attention, not only because of the prominence of the people involved, but because it presents a somewhat unique situation.

The usual charge against those who seek to evade the customs is "smuggling." It is based on an attempt to

cheat the government by "clandestinely" importing merchandise.

Mrs. Warren's case is different. She concealed nothing. The charge is that she lied as to the cost price of certain gowns and again as to certain of the gowns having previously been imported.

"Here are five trunks containing my wearing apparel and effects," she virtually declared. "I value it all at \$1,500."

The government, on the other hand, contends that she must have known that the merchandise was worth many times \$1,500, and, therefore, her statement was false. In addition, of course, there is the alleged false statement regarding the previous importation of the three gowns.

When Mrs. Ada F. C. Adriance, wife of I. Reynolds Adriance, the millionaire harvester, pleaded guilty a few years ago to having smuggled an \$8,000 necklace in a hatband, she was fined \$5,000 plus the home value of and the duty on the necklace, making a total penalty of \$13,063.

Some time later Mrs. Roberta Menges Corwin Hill Tearle, who had smuggled in a sealskin coat worth \$6,000, was fined \$2,000 and sentenced to three days in the Tombs, which she served. A jail sentence, to be sure, but not a very severe one.

In view of all these facts, and the attitude of Dudley Field Malone, Collector of the Port, who declared, after an investigation of the case, that he believed "that there was in this case an attempt to defraud the government," it is understood that the court will be urged to impose a prison sentence in the event that Mrs. Warren is found guilty.

The Whitney Warrens move in the most exclusive New York and Boston society circles. They were included in Mrs. Ogden Mills' list of "one hundred and fifty exclusives." Mr. Warren is one of New York's most famous architects. He designed the Ritz-Carlton, the Vanderbilt, the Belmont and various other fashionable hotels, the Grand Central Terminal and other imposing structures.

The Warrens have two children, Miss Gabrielle and Whitney, Jr. The boy is at school in Groton, Mass. Mrs. Warren was Charlotte A. Tooker.

If Mrs. Warren is ever tried and convicted, the judge may order her to pay a fine. This will, of course, be no hardship to a person of her wealth. It will, in fact, be no real punishment.

The law means that a convicted smuggler shall be punished. But if a money fine is no real punishment—then what? The law provides imprisonment also, in the discretion of the judge. Two years on each of the two chief offenses—four years in prison for Mrs. Warren, if the very worst should happen.

But there is a provision in the Constitution of the United States, that no "cruel and unusual" punishments must ever be inflicted. Would it be too cruel and too very unusual to sentence a woman of wealth and fashion to jail? What on earth would a fashionable woman find to do in prison? It would be such a dull time.