

IU law student caused problems for prosecutors

The arrest of Fay Cullen (a k a Fay Cullins), Indiana University law student, for selling whiskey by the bottle from his roominghouse in 1919, presented two problems for the authorities: prosecution and disposal of more than 500 quarts confiscated from him.

It has been written that "a little knowledge is a dangerous thing," Cullen/Cullins the law student was having trouble making up his mind. From the disadvantage point of 71 years later, it seems that he may have vacillated between representing himself and taking the advice of his attorneys of the firm of Miller and Blair.

Cullen/Cullins' bond was set at \$2,000, which, (without his 500 quarts at \$8 apiece) he could not raise. At first he pleaded guilty to operating a Blind Tiger (speakeasy), but much to Prosecutor Q. Austin



Looking back

By Rose McIlveen

East's surprise, Cullen/Cullins changed his plea to "not guilty." He told the court that during the flu epidemic of 1918, his friends all fell ill, but he escaped due to having plenty of whiskey to drink.

Nearly a month later, he told Monroe County Circuit Court Judge Robert Miers that he had changed his mind again. The fine was \$250 and a suspended sentence of three months at the penal farm, the rationale for the latter being "that the interest of society does not demand or require that the defendant shall suffer the penalty now imposed by law."

Miers may not have known about Cullen/Cullins' other brush with the law, but the readers of the *Bloomington Weekly Star* certainly did. On July 19 in a little column of news tidbits, it quoted the *Kokomo Tribune*: "Acquaintances here of Cullen's were speculating today as to the possible effect the Bloomington incident would have when Cullen is brought for trial on the burglary charge that is pending against him at Bluffton, where he was indicted for breaking into a store one night about a year ago. The last heard here in regard to that prosecution was that Cullen had asked for a change of venue from Wells County." (That pending charge may explain why Cullen gave Cullins as his name when he enrolled in the IU Law School.)

Common sense would indicate that in tangling with the law twice in one year Cullen/Cullins might

have concluded that he should find some more mundane means of gaining a livelihood. Not he.

The *Star* kept its reporting eye on him and ran the next installment of the story on Nov. 15, relating, "Bloomington policemen hit the Jamaica ginger trail last week and found corn whiskey. Eighteen quarts of the stuff were in the possession of Fay Cullen, former university student whose sentence of nine days at the penal farm for harboring 500 quarts of whiskey was recently suspended in circuit court." In short, he was caught in the act of selling.

Miers lost his patience with Cullen/Cullins. He promptly revoked the suspended sentence, and the prisoner departed from Bloomington in the company of a law officer. Another bit of business regarding the whiskey was also tidied up by

the judge. Previously he had ruled that the more than 500 quarts taken from Cullen/Cullins would go to the Bloomington Hospital. But while he was revoking the suspended sentence, Miers had a change of mind. Said he, all but one case of 12 bottles (which did go to the hospital) were to be "liquidated."

The disposal of 500 quarts was mind-boggling for the sheriff. He remarked that it would take two men a day to pull the corks and pour the stuff out. Hauling it out of town would arouse suspicion that not all of it would be taken out of circulation.

Finally, on Dec. 6, with a touch of humor, the *Star* told its readers that Cullen/Cullins' stash of whiskey was headed for Bedford taking the route of the jail kitchen drain to the gutter along Walnut Street to Clear Creek.