

# Forman Waits for Jones Law Word

## District Attorney Expects Washington Guidance on Heavy Liquor Penalties

Trenton Bureau, NEWARK NEWS.

TRENTON, March 6.—<sup>1929</sup>In the absence of instructions from the Attorney General, Phillip Forman, United States Attorney for the New Jersey district, declined today to comment on the policy to be followed in the enforcement of the Jones law increasing the penalties for prohibition violations.

Mr. Forman said he assumed United States attorneys would be advised as to the policy of the Department of Justice.

The Jones law imposes a maximum penalty of five years' imprisonment and a fine of \$10,000 for violation of the national prohibition act. The law is not retroactive, and is qualified by a legislative declaration of Congress that it is aimed at flagrant rather than casual violators.

Mr. Forman is of the opinion that the drastic penalties prescribed will not operate to influence juries against indicting or convicting violators. He said:

"It has been my experience during the past four years that juries have, whenever the full facts have been placed before them, performed their duties according to their oaths and have indicted and convicted, notwithstanding the penalty attached to the crime.

"They know that sentencing is the province of the judge and they have confidence that the judges of the United States Court for the District of New Jersey will use proper discretion in inflicting sentences that are commensurate with the crime committed."

## U. S. LIQUOR PLAN ONCE FAILED HERE

*Newark Star Eagle*

### Grand Juries Refused to Act in Cases Under Hobart

Act. 3/20/29

The plan of United States District Attorney Philip Forman to have police present their evidence of liquor violations to the county grand juries for indictment is not new for it was tried here for four years and died a natural death according to information today at the Court House.

It is Mr. Forman's idea to have the small fry among liquor violators prosecuted under the State Hobart act so the federal courts may be left uncluttered for the more important cases to be prosecuted under the stringent Jones act.

Up to late in 1924 the police here followed that procedure but the attitude of the grand juries was said to have been unsympathetic.

After a four-year trial, John O. Bigelow, then prosecutor, had the records looked over and found that the grand juries had failed to take action in 90 per cent of the liquor cases presented to them. He discovered that 75 per cent of these cases died in the business committees of the grand juries and never reached the main bodies.

At that time police were making dual complaints, one under the Hobart act and the other under the Volstead act in federal court. After one grand jury censured the police vice squad for such action, the police stopped giving evidence to the county authorities and turned over whatever they got from time to time to the federal office.

If District Attorney Forman's idea is taken up again it is expected to have a widespread effect toward allaying the fears of speakeasy proprietors. Some of them have gone out of business because they feared federal prosecution under the Jones act. The Hobart act is something else again.