

1 to bail in the discretion of the Court. You can see that  
2 the rule is even more liberal than the provision which  
3 appears in Section B of Section 5 of the report which  
4 I propose to have deleted, because this would not entitle  
5 any person to bail whatsoever if he was charged in a  
6 capital case.

7 I might go further and say that while it is  
8 restrictive in that case, it takes away the discretion  
9 of the judge in granting bail because if a person is  
10 under this section brought before a judge on bail, no  
11 matter what he has done, he is entitled -- outside of a  
12 capital offense, he is entitled to bail, no matter how  
13 dangerous a person he might be to society, because the  
14 wording of that section is that he shall be entitled to  
15 release pending trial, conditioned only upon such bail or  
16 other terms as are reasonably necessary to secure his  
17 appearance before the Court, so that it is as restrict-  
18 ive in capital cases. It takes away the discretion of the  
19 judicial officer in other than capital cases. My reasons  
20 therefore for asking that you support Amendment A, which  
21 will be distributed, are the following: it is entirely