

1 or must be entitled to release no matter what crime he has  
2 committed, just so it isn't capital, and it gives the  
3 judge no discretion as to whether or not he should release  
4 him, whether or not he is wanted in several other states.

5 DELEGATE JAMES: Delegate Bamberger.

6 DELEGATE BAMBERGER: How do you reconcile the  
7 proposition that a judge may deny bail on the grounds that  
8 the defendant has committed a crime and may repeat that  
9 crime? How do you reconcile that with the proposition,  
10 the foundation of our law that every man is innocent, pre-  
11 sumed innocent until proved guilty?

12 Are you suggesting that a judge may hold a  
13 person on the grounds that he has -- before trial, --  
14 on the grounds that he has committed a particularly distaste-  
15 ful crime?

16 DELEGATE JAMES: Delegate Child.

17 DELEGATE CHILD: No, but his record has a whole  
18 lot to do with it.

19 DELEGATE JAMES: Delegate Bamberger.

20 DELEGATE BAMBERGER: Then I ask you how you  
21 reconcile that proposition with the presumption of