

1 was involved he would be authorized to take the appropriate
2 action. He would not be constitutionally bound to turn the
3 man loose.

4 THE CHAIRMAN: Delegate Bothe.

5 DELEGATE BOTHE: Are you then suggesting that
6 a person who is arrested would be subjected to two trials,
7 one by the judge to decide whether he will be peaceful
8 until he is tried for the offense for which he was arrested,
9 and the other, of course, being his principal trial? Is
10 that the plan of this amendment?

11 THE CHAIRMAN: Delegate Grant.

12 DELEGATE GRANT: I suggest to Delegate Bothe
13 that there be two considerations: The consideration of
14 guilt and innocence is something to be determined at the
15 trial. However, there is often another consideration
16 and that is, public peace, and public peace is something
17 that can or cannot be affected by the manner of granting
18 bail. This allows the judge judicial discretion. I point
19 out this is not unfair judicial discretion but judicial
20 discretion within well recognized legal concepts

21 THE CHAIRMAN: Delegate Bothe.