

before the court might be the consideration that for a particular offense, the bail may be \$5,000 maximum, let us say, to secure the appearance in court for the person who has that kind of money. Yet \$1,000 for a poorer person may be just as much of an incentive for a man to show up in court.

We ought to seriously consider part (B) in section 5 and give it all the consideration it deserves and hope that the court, regardless of a man's wealth, may be able to set terms that make it possible to assure the accused's appearance.

I would hope that the courts would look upon this as a means of providing some equity between the rich and poor, through the mandate that they have in terms of dollars and cents, to require the accused to appear at the time that they are scheduled for hearing.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

Delegate Clagett.

DELEGATE CLAGETT: Mr. Chairman, I am reasonably satisfied that in the evolutionary processes of the law, the rich and the poor are going to be adequately protected and where a distinction between one or the other is necessary, the law will render that degree of protection.

However, what I am concerned with here in section 5(B) is the language itself which says that an accused shall be entitled to release conditioned only upon such bail or other terms as are reasonably necessary.

Now, in that phrase, "reasonably necessary", there is not, as I understand the proponents of the amendment contend, the idea of insuring the appearance before the court of the accused. If it does not include the idea of insuring, it must mean that the standard shall be a reasonably necessary one, and the only way that that standard can be determined is on the basis of a norm or average of persons accused of a similar crime.

Therefore, it does mean to me that in establishing a norm or a reasonable standard which will not assure appearance before the court, we are letting ourselves get into an area of greater danger, particularly where dealing with subversive activities or exportation matters or crimes of that nature involving the accused. It is there that my concern arises, and where I find that I will have to support the amendment notwithstanding the very able argu-

ment and the very real and concerned situation relating to the poor.

THE CHAIRMAN: Does any other delegate desire to speak in opposition to the amendment?

Delegate Kiefer.

DELEGATE KIEFER: Mr. Chairman and ladies and gentlemen of the Committee, I feel that if I make no statement it might be as significant, and more so, than if I do make a statement.

I would just like to say this: that the Committee considered this matter very carefully. We showed it to, discussed it with, and heard testimony from, Mr. William Taft Feldman who was the Chairman of the Maryland Bar Association Committee on Bail Bond.

We showed this to Mr. Charles Moylan, the State's Attorney of Baltimore City, and on a separate and subsequent occasion, I showed it privately to the Chief Judge Dulany Foster of the Supreme Court Bench of Baltimore City.

My concern was for two things. One, that this did not materially change or alter the present system or rights that are supposed to be in existence. I was assured by all of these people as well as other judges that the basic concept set forth in this proposal 5(B) is exactly what the law is and is supposed to be. If we leave it out, the law will be no different than if we put it in.

It was secondly the opinion of the majority committee that this did therefore state a basic, inalienable right of individuals and that while it may not have been previously stated, it did in effect state it publicly and provide at least a fresh new look at this one thing, but it would not change the law.

I do not want to argue for or against it. This Committee is pretty well divided. It was not just haphazardly thrown together. It was carefully considered and submitted to experts who all said it does reflect the existing state of law.

THE CHAIRMAN: Does any other delegate desire to speak in favor?

Delegate James.

DELEGATE JAMES: I would like to ask the Chairman a question as to the language.

THE CHAIRMAN: We want someone who desires to speak in favor.