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WASHINGTON, D.C. July 23 -- U.S. Senator Bob Dole (R-Kans.) speaking in favor of the D.C. Crime Bill on the Senate floor today, said that those who object to the pretrial detention section of the bill have failed to build a sufficient case for their stand.

"Opponents of pretrial detention unconvincingly argue that the bail clause in the Eighth Amendment creates an absolute right to bail in non-capital cases," Dole said.

"The Amendment merely states, 'Excessive bail shall not be required.' It does not say bail must be granted in every case.

"A number of recent court cases have supported a different interpretation than that urged by the opponents of pretrial detention. In one of those cases, United States Ex Rel. Covington v. Caparo (1969), the court said: 'Congress could, without running afoul of the Eighth Amendment...provide...that persons accused of kidnapping, bank robbery with force and violence, or other serious non-capital crimes are not entitled to bail as a matter of right.'"

Dole, in listing numerous cases supporting that interpretation said it is "time for those on the other side to come forward with equally impressive authority to support their position. Failure to produce such a list of judicial authority would call for a verdict in favor of the bill on this point.

"I would also be interested to know why opponents of pretrial detention are so certain Congress can authorize the detention of capital defendants but cannot authorize the detention of non-capital defendants when the bail clause in the Eighth Amendment makes no distinction between the two," Dole continued.

"If the Eighth Amendment forbids state governments to detain noncapital defendants, then states that abolish the death penalty would be forbidden to hold even the likes of Richard Speck before trial.

"Florida's state constitution authorizes the detention before trial of defendants charged with life imprisonment. The same is true in Rhode Island. The Model State Constitution has such a provision.

"Opponents of pretrial detention must concede, I think, that if their interpretation of the Eighth Amendment should prevail in court, these state provisions will be held unconstitutional.

"Such a prospect appears to me to be highly undesirable and inimicable with the concepts of federalism and states' rights which are so often held up as fundamental precepts of our Union."