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Miner touted for next spot on High Court (The Register Star)

Joe Kilcoyne

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is the question I propose for debate," he said. "The discussion should be of particular interest to those concerned with maintaining the traditional functions of the states and the vitality of the 10th Amendment..."

He said growing use of federal courts for criminal prosecution is attributable to Congressional interest in criminal legislation, expansive interpretation of federal criminal statutes by the courts and

demands by state and local governments for federal help in criminal prosecution.

But he said the federal role in criminal prosecutions is seen to be limited by the Constitution itself. He traced the history of a growing federal jurisdiction in criminal matters, as well as what he saw as its problems — including unrealistic expectations, diversion of resources, duplication of law enforcement efforts, "unbridled discretion of federal prosecutors" and a loss

of capacity for self-government.

He said criminal law is "but one area where Congress has intruded into, and displaced the functions of, the states."

He suggested a series of corrective measures, including a study of each federal criminal statute, passing no new criminal laws without assessing their impacts, giving state courts jurisdiction over specific federal crimes, development of guidelines for U.S. Attorneys,

making imprecise legal language precise and promotion of cooperation and coordination among local, state and federal law enforcement agencies.

He concluded by saying the factor most important in the state-federal criminal law dichotomy is "the influence of the electorate, because in this democratic society the proper direction of our federal system can be determined only by the people."

Miner touted for next spot on High Court

By JOE KILCOYNE

HUDSON — U.S. Circuit Court Judge Roger Miner of Hudson, who was guest speaker at the Federalist Society's gathering Thursday in New York City, reportedly is being touted as among the top contenders for the next vacancy on the U.S. Supreme Court.

Miner, who spoke Thursday on "Federal Courts, Federal Crimes and Federalism," reportedly was on the bench this morning and unavailable for comment.

But among indications pointed out by some observers are his increasing visibility as a speaker and writer. For example:

— He was asked to speak before the Federalist Society National Symposium in Chicago, through a grant from National Endowment for the Humanities, in November in observance of the bicentennial of the U.S. Constitution. The Federalists reportedly were among the leading people behind Antonin Scalia, who was confirmed this week as an associate Supreme Court judge. Other speakers will include people from the U.S. Attorney General's office, a variety of judges and professors from law schools at places like Stanford and Harvard.

— He will be among the speakers in a series of lectures sponsored by the Heritage Foundation in Washington, D.C., for the Constitution's bicentennial.

— He was invited and reportedly plans to attend the opening session of the U.S. Supreme Court on Oct. 6.

— The New York Law School Law Review, of which Miner was first managing editor, dedicated its fourth and last volume of 1985 to Miner. It quotes U.S. Sen. Alfonse D'Amato as saying Miner is "a man who may someday ascend to the ultimate in our judiciary."

The judge reportedly was on the bench this morning and unavailable for comment.

His wife, Jacqueline, who admits her prejudice in the matter, declined comment beyond saying that, "I would say he's a leading contender, if and when the next vacancy should occur. I think he would be a leading candidate because of his talent and his merit."

"Hudson, NY, has a good shot at the next spot if there becomes a vacancy," she said. Jacqueline Miner, a member of George Bush's national campaign staff, also said she knew of no openings.

Columbia County Republican Chairman John Sharpe said he had no inside information on any potential appointment to the U.S. Supreme Court. But he said:

"It wouldn't surprise me. He's an outstanding judge..He had those qualities of self-sacrifice, determination and dedication when he was DA."

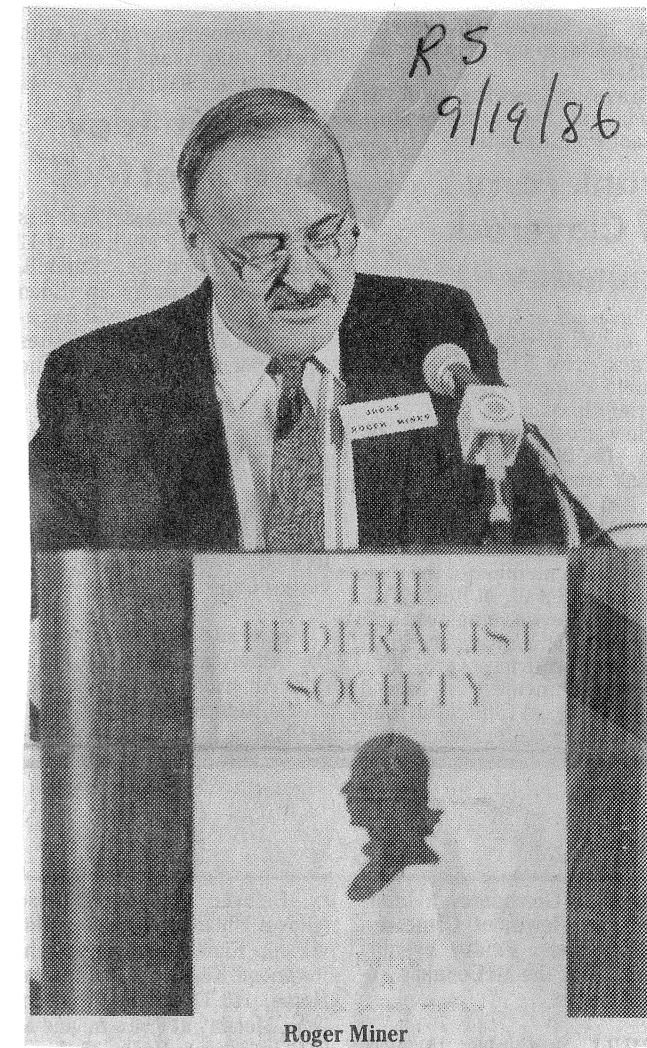
Roger Miner began his career in public office as Hudson corporation council. He later became an assistant Columbia County district attorney and a three-term DA.

He was appointed a state Supreme Court judge in 1975, to the Federal District Court in 1981 and to the Second U.S. Circuit Court of Appeals — one step below U.S. Supreme Court — in September 1985.

In his talk before the Federalist Society Thursday — which reportedly drew the Society's first standing ovation — he said that the enlarged criminal jurisdiction of federal courts has led to an increasing federalization of criminal law.

"Whether that proposition invokes a challenge to the system of dual sovereignty established by the framers of our Constitution

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Roger Miner