...Miner touted for next spot on High Court

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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 14th Amendment..."

He said growing use of federal courts for criminal prosecution as attributable to Congressional interest in criminal litigation, expansion of the 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 the Constitution has been turned 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."

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