

3. POLICY POSITION

SOUTHERN STATE CONSTITUTIONAL DEFENSE COUNCIL

BACKGROUND

In recent decades, the authority of states largely has been confiscated by the federal government to an extent that would shock the founders of the American nation. As the 20th Century nears its conclusion, those who hold elective offices at the state and local levels have found that distant command decisions by federal powers were destroying their constitutional authority to lead their states and communities.

Because the delegation of power is the foundation of American political structure, southern states need to work with each other and public organizations to form a united front as co-plaintiffs for issues of multi-state importance. The constitutional issues which need the South's immediate attention are:

- The constitutionality of unfunded mandates and federal mandates generally; and
- The constitutionality of federal court rulings which purport to manage state prison systems and compel expenditure of limited state corrections funds on the purported rights of convicted felons.

The state's authority must be reasserted for this nation to continue. The foundation upon which the United States stands is the Constitution. When the states created the Constitution allowing the federal government to exist, they were careful to balance the power with the states retaining the final authority; that authority still exists, and the time has come when we must use it.

Toward that end, the Florida Legislature has appropriated a sum of \$50,000 to contest legal decisions rendered in the federal court system which mandate space requirements and health care for prisoners. This money will become available upon like appropriations by the other member states of the Southern Legislative Conference.

RECOMMENDATION

The Southern Legislative Conference urges its member jurisdictions to follow Florida's example and appropriate funds to support a regional Constitutional Defense Council by which the South will defend our powers as states to assure that our federal system works as it was intended.

Sponsored by Senator Ron Silver, Florida, Chairman, Southern Legislative Conference.