

7. Policy Position

Urging Nominees' Understanding of State-Federal Relations When Considered for U. S. Supreme Court

BACKGROUND

The Southern Legislative Conference has expressed concern whether nominees to the U. S. Supreme Court have a true understanding and are willing to apply a correct understanding of state-federal relations. It is imperative that we develop a method of helping to select such jurists.

RECOMMENDATION

The Southern Legislative Conference urges that in future Supreme Court nominations, The Council of State Governments work together with the National Governors' Association and the National Conference of State Legislatures to ensure that in any nomination proceedings conducted in the U. S. Congress, the views of Supreme Court nominees on constitutional issues regarding State-Federal relations be ascertained.

The Southern Legislative Conference requests the nominee's views on constitutional federalism, including but not limited to such issues as proper interpretation of the Tenth Amendment and the scope of Congress' powers when legislating pursuant to the Commerce Clause, U. S. Constitution, Article I, Section 8, be the subject of searching and detailed questioning by the Senate Judiciary Committee.

Furthermore, The Council of State Governments, in conjunction with the National Governors' Association and the National Conference of State Legislatures, strongly urges the members of any such committee vote to confirm or not confirm any candidate whose views on State-Federal relations are or are not in accord with policies or positions taken by The Council of State Governments, the National Governors' Association and the National Conference of State Legislatures.

Adopted by the Southern Legislative Conference, Nashville, Tennessee, August 12, 1996.