

April 2022

Volume 2, Number 4

Welcome to the April edition of the NAFS Newsletter! We hope you were able to spend a pleasant Easter weekend with your friends and family. This month, we direct our attention to U.S. Supreme Court Justice Hugo L. Black's quote regarding American Federalism, which can be found at the bottom of all our Newsletters. The quote is an extract from the court's majority opinion in [Younger v Harris](#), where debate centered over whether a national court has authority to interfere in state matters and stay a state-level prosecution. Absent exigent circumstances, the court found that the concept of "comity" and the founders' devotion to balanced federalism prevents the national government from doing so.

'Comity' is comparable to the concept of [subsidiarity](#), where one jurisdiction refrains from encroaching on matters that lie within that of another. As emphasized by Justice Black in the *Harris* decision, the philosophy surrounding comity arises out of the court's understanding of the founders intent to create "a system in which there is sensitivity to the legitimate interests of both State and National Governments, and in which the National Government, anxious though it may be to vindicate and protect federal rights and federal interests, always endeavors to do so in ways that will not unduly interfere with the legitimate activities of the States" (Page 401 U.S. 38).

Notwithstanding the Founder's intent to preserve balanced federalism, however, the National government's purpose has been morphed from that of "protecting federal rights and interests" to regulating both state and local matters in areas where our Nation's founding documents explicitly preclude the national government from doing so. As such, the keystone concepts of comity, subsidiarity, and balanced federalism, carefully woven into the Constitution by our Founders, have been ignored and trampled underfoot.

Nonetheless, the struggle for preserving comity and balanced federalism has been rekindled by recent developments. Just this week, U.S. District Judge Kathryn Kimball Mizelle [struck the CDC's national public transportation mask mandate](#) on the grounds that such mandate exceeded the CDC's authority. Notwithstanding one's opinion regarding mask-wearing, it is nearly impossible to reconcile the CDC's expansive national regulatory attempts with Justice Black's definition of comity, let alone balanced federalism or state sovereignty.

Keeping Judge Mizelle's example in mind, as well as Justice Black's defense of comity, and our founding father's intent to conserve balanced federalism, state sovereignty, and representative governance, we must recognize our own responsibility to conserve these and refamiliarize ourselves with the foundational ideals of the charter that our states ratified in 1788 so as to properly defend them.



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