

## 6.7

# Responsibilities of Federal, State and Local Government

## Standard 6.7: Responsibilities of Federal, State and Local Government

*Contrast the responsibilities of government at the federal, state and local levels.* (Massachusetts Curriculum Framework for History and Social Studies) **[8.T6.7]**

In the United States, there is one federal government, 50 state governments, [89,004 local governments](#), [573 American Indian tribal governments](#), and 5 territorial governments. These different governments directly affect the lives of people who live in the areas governed by the laws passed and the actions taken.

## Modules for this Standard Include:

1. [INVESTIGATE: The Functions of State and Local Government](#)
2. [UNCOVER: COVID-19, Vaccinations, Face Masks, and Jacobson v. Massachusetts \(1905\)](#)
3. [ENGAGE: What Single-Use Plastic Items Should Local Governments Ban to Help Save the Environment?](#)  
[MEDIA LITERACY CONNECTIONS: Environmental Campaigns Using Social Media](#)

# 1. INVESTIGATE: The Functions of State and Local Government

Local, tribal, and territorial governments in the United States plan and pay for most roads, run public schools, provide water, organize police and fire services, establish zoning regulations, license professions, and arrange elections for their citizens.

Local governments work in connection with their state government, and sometimes those governments do not agree. Sanctuary city declarations, all gender restrooms, minimum wage laws, fracking policies, ride-hailing company regulations, and red light cameras at traffic lights are a few examples where local and state governments may disagree. Disagreements are furthered by the fact that most states are controlled by Republicans while most cities (where two-thirds of all Americans live) are controlled by Democrats. Nevertheless, legally and constitutionally, **state governments have power over local governments.**

The COVID pandemic accentuated disagreements between state and local governments. Throughout 2020 and 2021, local officials have both defied emergency health restrictions set by states and implemented local health policies in defiance of state orders not to do

so. At the end of 2020, in the state with the lowest coronavirus numbers in the country, the Stamford Vermont town selectboard voted to "terminate" the state governor's face-mask requirements, quarantine rules, and family and public gathering restrictions. The 3 to 2 majority claimed the governor's orders violated the town's constitutional right to opt-out of emergency declarations.

Broadly speaking, however, communities do not have the right to defy a state order, as established by the 1905 *Jacobson v. Massachusetts* Supreme Court decision discussed in the next section. However, as the [American Bar Association points out](#), "In judging a governor's or local official's authority to exercise such powers under the 10th Amendment, Supreme Court decisions require a "compelling governmental interest" be shown and evidence that the action has been narrowly tailored to achieve that interest."

## Suggested Learning Activities

- **Research Local Laws**

- Research your local city and town laws (see [Massachusetts city and town ordinances and bylaws](#)).
- Create an infographic or sketchnote comparing and contrasting local city/town laws with state laws.

- **Explore Preemption Conflicts**

- Review the article [Preemption conflicts between state and local governments](#).
- Select a topic (e.g., firearms, fracking, GMOs, labor and wages, LGBT, plastic bags, housing, soda taxes).
- Conduct research to examine the state and local views on the topic.
- Create a video or podcast to present your opinion about whether the state or local government should have the power to address that topic.

- **Debate** (in-person, on social media, or on [Flipgrid](#))

- Should States Dictate that Student Athletes Can Be Paid to Play College Sports?
  - In 2019, the state of California passed the **Fair Pay to Play Act**. Scheduled to go into effect in 2023, this law allows college athletes to earn money from uses of their names, images and likenesses. As Sports Illustrated reported, “this act guarantees college athletes a right to profit from their identities” (McCann, 2019). Similar measures are being proposed in other states around the country.
  - Proponents of the Fair Pay to Play Act, including NBA stars LeBron James and Draymond Green as well as presidential candidate Bernie Sanders, believe this legislation will address gross inequities in college sports where coaches, universities, and television networks make huge amounts of money while athletes receive no compensation.
  - Opponents including the NCAA (National Collegiate Athletic Association) contend that this law will ruin the college sports by making professionals out of amateur athletes. They also contend California schools will have an unfair advantage in recruiting the best players over schools in the states that do not allow athletes to be paid.
- What are the arguments for and against the Fair Pay to Play Act? Would you vote to adopt or reject this law?

## 2. UNCOVER: COVID-19, Vaccinations, Face Masks, and *Jacobson v. Massachusetts* (1905)

The COVID-19 pandemic has generated intense debates over whether state, local, or national governments can mandate vaccinations as well as require face masks and/or social distancing as public health policies that everyone must follow.

Basically, the federal government cannot mandate **vaccinations**, but state governments have the authority to do, particularly for health workers and essential employees, because states are required to "provide for the public health, safety, and morals" ([An Overview of State and Federal Authority to Impose Vaccination Requirements](#), Congressional Research Service, May 22, 2019). Vaccination policy matters greatly since in early 2021 nearly 25% of the population say they will probably not or definitely not get a vaccine when it is made available to them.

Disputes over vaccinations as matter of health policy are not new historically.

### **Vaccinations**

In 1809, the town of Milton became the first Massachusetts community to offer free smallpox vaccinations. The town of Milton's action was followed that same year by a state law requiring smallpox vaccination, making Massachusetts the first state in the nation to promote the use of vaccination as a public health policy. Since then, advances in medical science have enabled physicians to use vaccinations to treat previously incurable diseases, including Avian Cholera (1879); Rabies (1885); Polio (1955); Measles (1963), and Mumps (1967) ([Vaccine History: Developments by Year](#), Children's Hospital of Philadelphia).



[Nurse immunizing young girl in dress in the 1930s. Mississippi Department of Archives and History.](#) No Restrictions

In a landmark case, [Jacobson v. Massachusetts](#) (1905), the Supreme Court upheld the authority of states to enforce compulsory vaccination laws, confirming the "state's duty to guard and protect . . . the safety and health of the people." Wrote the Court, "Upon the principle of self-defense, of paramount necessity, a community has the right to protect itself against an epidemic of disease which threatens the safety of its members" (quoted in [Face-Covering Requirements and the Constitution](#), Price & Diaz, American Constitution Society, June 2, 2020).

Today kindergarten through 12th grade students in Massachusetts are required to be immunized with DTaP/Tdap, polio, MMR, Hepatitis B, and Varicella vaccines. Religious and medical exemptions are granted to individuals and families in a small number of cases.

## Masks and Face-Coverings

Mask-wearing is and has been a contested public policy. During the 1918-1919 influenza pandemic, there were mask-wearing ordinances, particularly in states in the western part of the United States, including the cities of San Francisco, Seattle, Oakland, Sacramento, Denver, Indianapolis, and Pasadena. Masks were of poor quality by today's standards; people wore gauze or other similarly light fabrics (learn more: [The Flu in San Francisco](#) from PBS American Experience).



[Georgia Tech football game 1918 during Spanish Flu](#) by Thomas Carter, public domain

Though enforcement of mask-wearing rules was relatively lax, there were citations and fines. There was also organized resistance, including the Anti-Mask League of 1919. For more on this hidden history, explore "[The Mask Slackers of 1918.](#)" The New York Times (August 3, 2020).

In 2020, opposition to mask-wearing became a centerpiece of Donald

Trump's unsuccessful campaign for a second term as President. Groups across the country opposed mask-mandates - citing disruption for businesses and violations of personal liberties. In some places, reactions were extreme - there were credible threats against the life of Michigan Governor Gretchen Whitmer for her responses to the pandemic in that state.

Can the President or Congress enact a nationwide mask mandate? The independent [Congressional Research Service concluded Yes](#) (August 6, 2020), each branch has authority to do so, although the political will may not be there for this to happen. At present, mask-wearing essentially depends on people's willingness to cooperate with requests to do so. As of December 2, 2020, 37 states have mandated face covering in public - meaning both public indoor and outdoor spaces.

Left undecided is what to do with those who choose not to comply with mask mandates. There could be fines for individuals not wearing face covering or fines and suspensions for businesses that serve customers without masks. Such penalties exist already for individuals caught not wearing seat belts or not observing smoking bans or businesses who sell alcohol or cigarettes to underage buyers.



## Suggested Learning Activity

- **Evaluate and Respond**
  - Evaluate the vaccine/mask-mandate stance of local and state officials as well as the administrators of the school you attend.
  - Then write a letter of PRAISE or PROTEST (or create a [PSA](#)) based on your findings.
- **Write a Public Policy Memo**
  - After exploring the online resources for the history of pandemics and vaccines listed in the section below, consider the following:
    - Should a local, state, or federal government have the power to require people to get a COVID-19 vaccine?
    - Should students in schools be required to receive such a vaccine?
    - What response should schools take if students or their families refuse vaccinations?
  - Turn your public policy memo into an animated whiteboard video using the [Explain Everything](#) or [ShowMe](#) apps.

## Online Resources on the History of Pandemics and Vaccines

- WIKI PAGE: [The 1918 Pandemic and Other Plagues in History](#)
- [History of Vaccine Safety](#), Centers for Disease Control and Prevention
- [Making the Vaccine Decision](#)
- [Just How Safe Are Vaccines? Here are the Numbers](#), LiveScience (January 12, 2017)
- [California Court of Appeals Rejects Challenge to Vaccine Law](#),

- Bill of Health, Harvard Law (July 30, 2018)
- [The History of Vaccines](#), College of Physicians of Philadelphia
  - [What the Supreme Court Has Said About Mandating Vaccines for School: Jacobson v. Massachusetts](#)
  - [Jacobson v. Massachusetts: It's Not Your Great-Great-Grandfather's Public Health Law](#), National Library of Medicine
  - [School Immunizations and Religious and Medical Exemptions by County in Massachusetts](#)

### 3. ENGAGE: What Single-Use Plastic Items Should Local Governments Ban to Help Save the Environment?

In the article [How Plastics Contribute to Climate Change](#), Claire Arkin commented “Plastic pollution is not just an oceans issue. It’s a climate issue and it’s a human health issue,” (Bauman, 2019, para. 2). The creation, use, and incineration of **plastics has a significant impact on the environment**, including using up finite fossil fuels, increasing greenhouse gas emissions, filling up landfills, increasing the number of pollutants in the air, and harming or killing animals.

Experts, including the 2018 [United Nations Intergovernmental Panel on Climate Change](#), agree that urgent governmental action—nationally, internationally, and locally—is needed to try and **reverse the effects of human impact on the environment**. People, as well as governments, are concerned about climate change and global warming. A 2018 study by researchers from Yale University and George Mason University found that “seven in ten Americans (73%) think global warming is happening, an increase of ten percentage points since March 2015; six in ten understand it is human-caused” ([Climate Change in the American Mind](#), p. 3).

In response, local and state governments across the country are

adopting laws intended to help save the environment. Establishing rules and regulations about **single-use plastic containers** is one place to begin addressing climate change. *National Geographic* reports that nearly half the plastic ever made has been produced since 2000 while less than a fifth of plastic trash is recycled ([Parker, 2018](#)). Worldwide, one million plastic bottles are purchased every minute, 91% of which are not recycled ([Nace, 2017](#)). In the United States, one billion toothbrushes (most of which are plastic and not biodegradable) are discarded every year ([Goldberg, 2018](#)).

More than 300 communities in California, Hawaii, Puerto Rico, and American Samoa, and 55 countries have banned or charge fees for the **single-use plastic bags** (Funkhouser, 2019). New York State's plastic bag ban will go into effect in March 2020.



[Portland, Oregon Plastic Bag Ordinance](#) by [Tony Webster](#), licensed under [CC BY 2.0](#)

## **Additional Government Actions to Address Climate and Environment**

State and local governments are taking multiple steps to respond to the climate and environment crisis:

- It is estimated 500 million **plastic straws** are used and thrown away daily in the U.S. In response, communities in California, Washington, New Jersey, Florida and Massachusetts have banned plastic straws.
- The city of Cambridge, Massachusetts has become the first city in the country to mandate climate warnings on gas pumps. The goal is to make drivers think about the impacts of gasoline consumption right at the point of purchase.
- Researchers urge governments to charge property owners for leaf and brush pickups, restrict use of leaf blowers, plant more trees, shrubs, and grasses ([Yale Climate Connections](#), 2019).
- California and Washington state have taken a lead on requiring net-zero buildings with solar panels, high efficiency windows and insulation, and reduced gas-powered systems ([Audobon Magazine](#), Fall 2019).

Which of these actions do you think will be most effective and why? What other actions would you propose be taken?

## **Media Literacy Connections: Environmental Campaigns Using Social Media**

Environmental and climate justice organizations make extensive use of Twitter, Facebook, YouTube, Instagram and many other social media platforms to communicate their ideas for sustainability and change to wide audiences. The [Shorty Social Good Awards](#) honor programs, projects, and initiatives that successfully "promote, protect, and preserve our environment" (para. 1).

Shorty Awards are given in many different categories. Past winners include Michelle Obama, Bill Nye, Lorde, Neil DeGrasse Tyson, and Retta.

But, does social media change people's behaviors, attitudes, and opinions about climate and the environment? Do social media-based efforts result in tangible governmental action for change? What type of social media campaign would you design to promote meaningful change?

### **Activity: Analyze an Environmental Awareness or Change Campaign on Social Media**

- Examine at least 2 entries from the "Best in Environment & Sustainability" category of the Shorty Awards. Second annual winners and finalists included National Geographic Chasing Genius; "Under the Canopy" virtual reality presentation on the Amazon rainforest; Dive Deeper 2, interactive water preservation stories; and Human/Nature, a series of human and animal research.
- Answer the following questions:
  - What strategies and approaches did these organizations use to communicate their messages?
  - What visuals were used and why? What rhetoric was used?
  - What did you find effective in educating you and others?
  - What features did you find less effective in making a case for awareness or change?

### **Activity: Design Your Own Social Media Campaign**

- Choose an environmental or climate issue that matters to you.
- What type of social media campaign would you create to generate awareness and change at a local, state, or national government level?
- For comparison and inspiration, review the ["Save the Turtles"](#)

campaign and watch [A Plastic Ocean \(2016\)](#) on Netflix or [The Majestic Plastic Bag](#) (embedded below).

- How did this movement translate to social media?
- Has the “Save the Turtles” trend of not using plastic straws ended up creating tangible legislation?
- How will your media change public opinions on important environment issues like plastic?



Watch on YouTube <https://edtechbooks.org/-BnYq>

## Suggested Learning Activities

- **Write a Public Policy Brief**
  - Compose a [public policy brief](#) for a new environmental policy that local or state governments should enact.

- Provide evidence of the problem, policies currently in place, alternative approaches, and your preferred recommendation for change.
  - Turn your brief into an animated whiteboard video using the [Explain Everything](#) or [ShowMe](#) apps.
- **Discuss and Debate:**
  - Which of the following single-use products would you support banning or limiting in an effort to reduce plastic waste?
    - Plastic water bottles
    - Plastic packaging and containers
    - Styrofoam containers
    - Plastic utensils
    - Plastic packing straps
    - Sandwich bags
    - Plastic Wrap
    - Baby diapers
- **Research**
  - Would a fee-per-bag (paper or plastic bag) policy encourage more retail store customers to bring their own reusable bages when they shop?
- **Civic Action Project**
  - Calculate the costs of eco-friendly school supplies for your classroom.
  - Write or create a video proposal to persuade your school administrators to purchase eco-friendly school supplies. Share your proposal with local government officials to persuade them to enact eco-friendly laws.
  - Eco-Friendly is defined as “vegan, plastic-free, sustainable and/or re-usable” ([Ragg-Murray, 2018](#)).
  - Example eco-friendly school materials are:
    - Stainless Steel Boxes

- Reusable Cardboard Shoeboxes
- Canvas Bags
- Lead-free biodegradable pencils
- Solar-powered corn plastic calculator
- Bamboo ruler
- Paper supplies made from 100% post-consumer waster paper and non-toxic soy-based inks
- Sugarcane paper notebooks
- Beeswax crayon sticks
- Biodegradable pens
- Bamboo pens
- Natural grass pens
- Note: Natural grass pens are made from natural meadow grass and BPA-free plastics. BPA is the name for Bisphenol A, an industrial chemical found in polycarbonate plastics and epoxy resins which can seep from products into food and beverages. Sugarcane paper is made from leftover sugarcane pulp.

## **Online Resources for Environmental Action and Climate Justice**

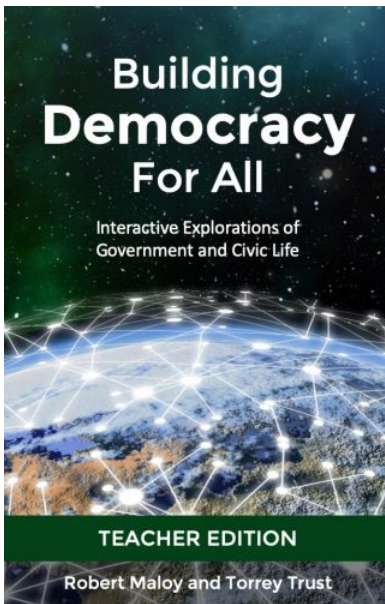
- [The Plastic Tide: Exploring Plastic Waste in Our Environment](#), NPR
- [Why Lakes and Rivers Should Have the Same Rights as Humans](#), Kelsey Leonard TEDTalk, December 2019.
- [25 Books That Teach Kids to Care About the Environment](#), *Huffington Post*, September 11, 2019.

## **Standard 6.7 Conclusion**

The nation’s federal, state, local, tribal and territorial governments have overlapping and sometimes competing goals and policies.



**INVESTIGATE** examined the responsibilities of government at the state and local levels. **UNCOVER** looked at the history of Massachusetts state government efforts to mandate vaccinations. **ENGAGE** asked students to consider the roles local governments can and should play in reducing plastic consumption, waste, and pollution.



Maloy, R. W. & Trust, T. (2020). *Building Democracy for All*. EdTech Books. <https://edtechbooks.org/democracy>



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