

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 the Jacobson v. Massachusetts \(1905\) Court Case](#)
 - [MEDIA LITERACY CONNECTIONS: Trusted Messengers, the Media and the Pandemic](#)
3. [ENGAGE: What Single-Use Plastic Items Should Local Governments Ban to Help Save the Environment?](#)
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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.**

State and Local Governments, Public Health, and the Pandemic

The COVID pandemic has been marked by sharp disagreements between state and local governments. Throughout 2020 and 2021, local government officials have 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 select board voted to "terminate" the state governor's face-mask requirements, quarantine rules, and family and public gathering restrictions. The **select board's** 3 to 2 majority claimed the governor's orders violated the town's constitutional right to opt-out of emergency declarations. Similar examples of disputes between different levels of government have happened throughout the country during the pandemic.

By summer 2021, amidst the spread of the COVID-19 Delta variant, California, New York, and New York City began requiring all government workers to get vaccinated or submit to weekly testing. More than 600 colleges and universities are also requiring students returning to fall classes to be vaccinated as are many private companies including Google, Facebook, Uber, Netflix, and Delta Air Lines ([Gostin, 2021](#)). At the same time, some Republican-led states stood against vaccine mandates. Texas Governor Greg Abbott banned mask and vaccine mandates throughout the state while South Carolina and Arizona banned mask mandates in schools.

Broadly speaking, communities do not have the right to defy a state public health order, as established by the 1905 **Jacobson v. Massachusetts** Supreme Court decision discussed in the UNCOVER section for this standard. 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 the *Jacobson v. Massachusetts* (1905) Court Case

The COVID-19 pandemic has generated intense political 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. From the outset of the pandemic, there has been intense opposition to requiring individuals to get COVID-19 shots by a number of Republican governors and right-wing political groups.

Vaccines are "injections" (shots), liquids, pills, or nasal sprays you take to teach the immune system to recognize and defend against harmful germs" ([U.S. National Library of Medicine](#), June 2021).

The federal government cannot mandate **vaccinations**, but state governments have the authority to do, particularly for health workers, essential employees, and public schoolchildren, 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).

In 2021, every state mandates vaccines for children and adults ([The New York Times](#), September 14, 2021). To attend school, children are required to be vaccinated for diseases such as flu, measles, mumps, and rubella. Other vaccination policies vary from state to state; you can go here for [State School and Childcare Vaccination Laws](#). No state as of June 2021 is requiring children to have a COVID-19 vaccine to attend school.

As of April 2021, neither states nor the federal government have mandated COVID vaccinations for all citizens, although some private employers have done so. Some colleges are requiring all students to be vaccinated to take on-campus courses in Fall 2021 ([Key Questions about COVID-19 Vaccine Mandates](#), KFF, April 2021).

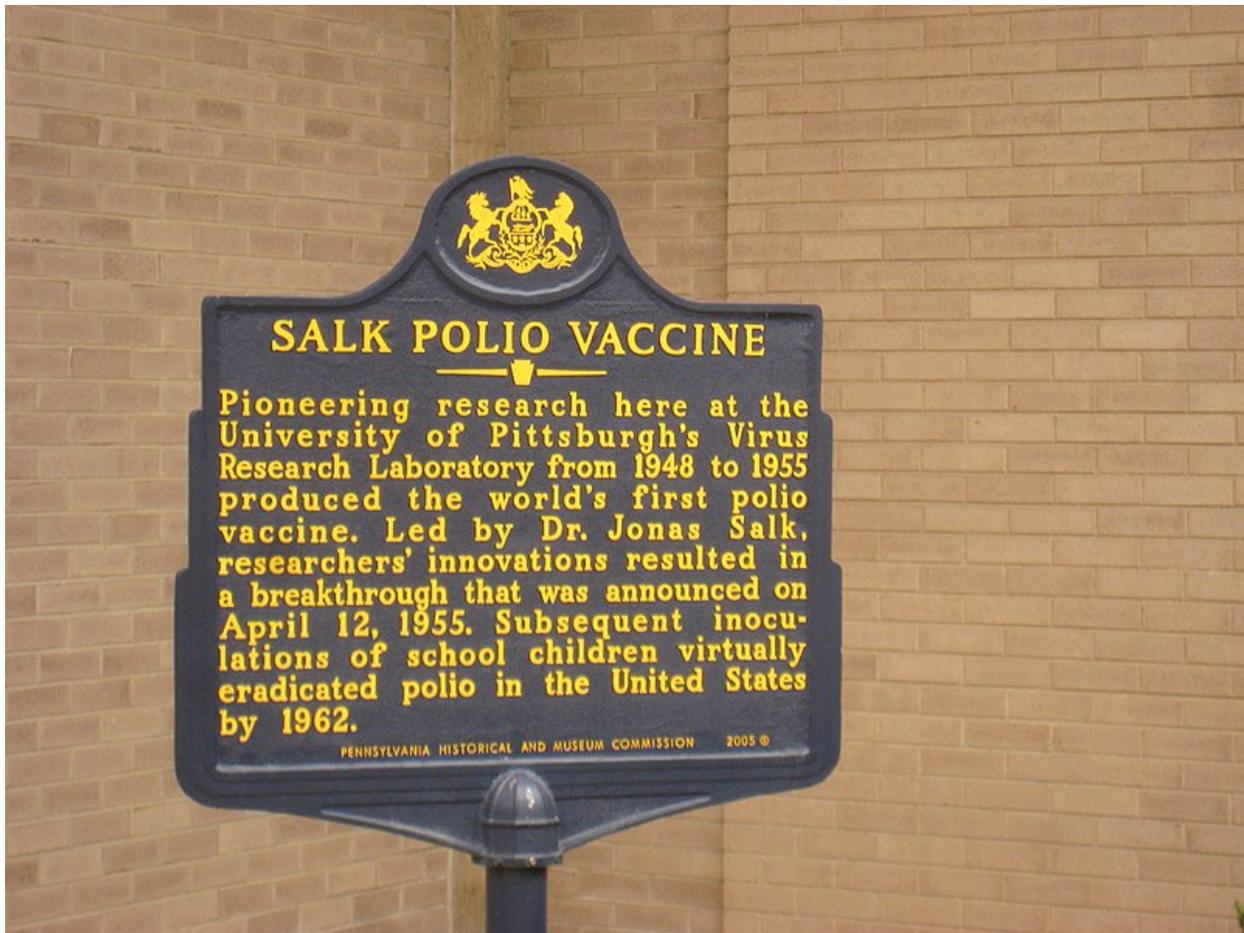
The question of whether private employers can require employees to be vaccinated remains unsettled an legal and public policy issue. The U.S. Equal Employment Opportunity Commission (EEOC) has stated that employers can order employees to be vaccinated before returning to face-to-face work. In addition, the Americans with Disabilities Act allows employers to have an employment policy "that an individual shall not pose a direct threat the health or safety of individuals in the workplace," a provision that supports vaccine mandates.

Many companies have chosen to offer incentives and rewards for employees rather than threaten loss of one's job for not getting vaccinated. Incentives include free food and drinks, tickets to amusement parks, paid time off, cash rewards; Major League Baseball offered free tickets to games in June 2021.

States have acted legislatively on both sides of the required vaccine or no required vaccine issue. Some states have chosen to offer prizes and even entry into vaccination lotteries to people who voluntarily get vaccinated; Ohio is giving 5 one million dollar prizes to people who get vaccinated. Montana, by contrast, passed a bill prohibiting employers from requiring employees be vaccinated and the governor issued an executive order against the use of "vaccine passports" ([NPR, May 28, 2021](#)).

Polio and Vaccinations

Polio was one of the 20th century's most feared diseases. A virus that spreads through people-to-people contact (nasal and oral secretions as well as contact with contaminated feces), polio left many people temporarily paralyzed, and in some cases, disabled for life. It mainly affected children under five-years-old. Summer, with its warm weather, was considered "polio season."



[Salk Polio Vaccine plaque](#) by [Daderot](#) | Public Domain

Present in human populations for thousands of years, Polio reached epidemic proportions in the United States after 1894 ([History of Polio](#), College of Physicians of Philadelphia). Franklin Roosevelt, the 32nd President, was diagnosed with the disease in 1921 at age 39 and it shaped the rest of his private and public life ([FDR and Polio](#), Franklin D. Roosevelt Presidential Library and Museum). However, other researchers contend that he suffered from Guillain-Barre Syndrome, not polio. The 1952 Polio Epidemic was the worst in U.S. history - 58,000 cases, 3,145 deaths, 21,269 left disabled ([Polio Fact Sheet](#), Pennsylvania Department of Health).

In 1955, a polio vaccine became available following the efforts of many researchers. Jonas Salk led an effort (funded by the March of Dimes organization) to inject 2 million children in the United States. His vaccine proved effective against the disease as did a competing oral vaccine developed by Albert Sabin and tested in the Soviet Union.

Vaccinating schoolchildren for the Salk trials was an unprecedented undertaking, noted historian David M. Oshinsky (2005), requiring the cooperation of 14,000 principals, 50,000 teachers, and untold numbers of family members to vaccinate 1.3 million youngsters in a single year. Local parent/teacher groups held meetings with nurses and medical professionals while movies and film strips emphasized the importance of the research. As with COVID-19 vaccines today, there was skepticism and outright disinformation. Walter Winchell, a national radio personality, said the Salk vaccine may be a killer - spreading fear and vaccine hesitancy. Many families withdrew from the

trials. Still the trials went forward to success. You can watch [Unconditional Surrender](#), a 1956 film about the Polio vaccine on YouTube.



[Watch on YouTube https://edtechbooks.org/-xkY](https://edtechbooks.org/-xkY)

Polio was declared eliminated in the United States in 1979. Nevertheless, it is still strongly recommended that children receive polio vaccines at 2 months, 4 months, and 6-18 months of age and a booster shot between 4 and 6 years-old.

History of Vaccinations and Inoculations

Vaccinations and inoculations as a public health policy are not new historically in this country. In the 1720s in colonial Boston, the religious leader Cotton Mather campaigned for inoculation against smallpox, and faced threats including an attempted bombing of his home. Mather had learned about smallpox inoculation from [Onesimus](#), a enslaved man from West Africa who received a small dose of the disease as a way to gain immunity from it.

In the 1730s, as smallpox swept through Philadelphia, Benjamin Franklin lost his young son to the disease. He became an outspoken advocate of inoculations (see [Benjamin Franklin & Inoculation clip](#) from Ken Burns). During the Revolutionary War, George Washington required soldiers in the colonial army to get a smallpox vaccination.



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

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 every state and the District of Columbia are required to be vaccinated for measles, mumps, and rubella; children in Massachusetts must be immunized with DTaP/Tdap, polio, MMR, Hepatitis B, and Varicella vaccines. Mandatory vaccinations for public school students are based on a 1922 Supreme Court ruling in the case [Zucht v. King](#). 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.

Media Literacy Connections: Trusted Messengers, the Media and the Pandemic

Since the power of governments to compel vaccination is limited, public health officials, including Dr. Anthony Fauci, Director of the U.S. National Institute of Allergy and Infectious Diseases and the chief medical advisor to the President, began emphasizing **trusted messengers** as a way to combat the spread of COVID-19 by increasing vaccinations among unvaccinated groups. A trusted media messenger is a person or organization that people respect, believe, and will follow its recommendations. In July, the 18-year-old actress and singer Olivia Rodrigo joined the President to urge young people (at the time only 42% of those 18 to 24 were fully vaccinated) to get their shots.



People do listen to someone they trust, including family members, friends, local community leaders, pastors or priests, celebrities, doctors, and even television or radio personalities. But there is no single source of trusted information about the virus and vaccinations whose advice most people will follow.

Who are your trusted messengers about the pandemic?

In this activity, you will examine the media messages of different individuals and organizations in your school and community to assess how they are seeking to influence people's thinking and behaviors. Then, you will propose ways to deliver trusted messages to young people.

- [Activity 1: Analyze Pandemic Media Messengers in Your Community](#)
- [Activity 2: Propose Ways to Deliver Trusted Messages to Young People](#)

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](#)

Other Government Actions to Address Climate and Environment

National, 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.
- Climate researchers urge local governments to charge property owners for leaf and brush pickups, restrict use of leaf blowers, and 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).
- In July 2021, the European Union proposed a sweeping **carbon border tax** to address greenhouse gas emissions. A carbon border tax is a tariff (or fee) placed on products a country imports from countries that are not aggressively implementing policies to protect climate and the environment.

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. For instance, take a look at [The Majestic Plastic Bag](#) video from Heal the Bay, which has nearly 3 million views, and the [Shorty Social Good Awards](#), which feature several social media campaigns that successfully "promote, protect, and preserve our environment" (para. 1).

However, while environmental and climate justice organizations put funding into media production and social media initiatives to create change and spread awareness, local and state governments rarely do the same.

How can you help your local or state government promote one of their environmental policies so that it gains momentum?

In this activity, you will serve as a digital media expert who is tasked with improving your local or state government's use of multimedia and social media for environmental policies.

- **[Activity: Design an Environmental Awareness Campaign for Your Local or State Government](#)**



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 bags when they shop?

- **Civic Action Project**

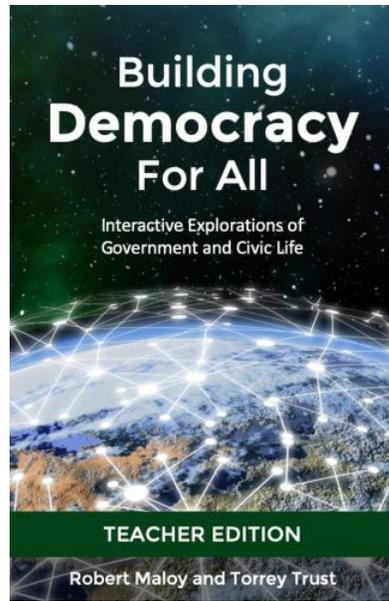
- Calculate the costs of eco-friendly school supplies for your classroom.
- Write or create a video proposal to persuade your school administrators to purchase eco-friendly school supplies. Share your proposal with local government officials to persuade them to enact eco-friendly laws.
- Eco-Friendly is defined as “vegan, plastic-free, sustainable and/or re-usable” ([Murray-Ragg, 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 waste 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*. Equity Press.
<https://equitypress.org/democracy>