

**COVID-19: The Federal Government, Federalism, South Dakota, and American Indians**

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### **Abstract**

COVID-19 revealed the intricacies of the American government. Questioning governmental motives was not at the forefront of American thought. Understanding the role of the federal government between Commonwealths and Indian Reservations and how they each contribute to policy regarding COVID-19 is critical in being effective in pointing out ways the Federal and State governments miss the mark or ways in which they effectively contribute to the well-being of all citizens. This essay will analyze both the Biden Administration and the Trump Administration's preparedness in handling the pandemic and whether Indian Reservations bring extreme complexities to Governors.

The conclusion of this paper dives into the rights and responsibilities of the federal government, States, and Commonwealths pertaining to Indian Reservations. Going forward, each group can enhance its resources, infrastructure, and disparities among the group. Federalism was heavily tested through COVID-19 and the undercurrent of this work is highlighting how federalism proves to be the most productive way to handle emergencies and effectively help American citizens.

## The Federal Government

The umbrella of the American political system is covered by the federal government, which is an interdependent structure dividing powers between a central government, smaller states, and regional jurisdictions. The Legal Dictionary defines the federal government as “a system in which power is divided between a central, larger government, and the local, regional, or state governments beneath it.”<sup>1</sup> Enumerated and implied powers of the federal government are outlined in the United States Constitution, heavily highlighted within Articles I, II, and III. Despite each branch having numerous capabilities and responsibilities, the role of the federal government is to provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity. Ensuring no branch of government carried too much power, the Framers wrote checks and balances into the Constitution including ones for the states. Certain powers only reside in the hands of the federal government, like declaring war, while others like taxes or borrowing money are shared between both. The *Supreme Law*, located in Article VI of the Constitution, states, “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the land.”<sup>2</sup> Although states do have certain authority, federal law ultimately presides over the states. The President can issue an executive order “acting in his capacity as head of the executive.”<sup>3</sup> This can direct federal funds or require a particular agency to pursue specific action. When an executive order conflicts with a state law, the federal law will always override the state or local one.<sup>4</sup> Due to the Supremacy Clause, states are required to follow suit with executive orders.

## National Emergencies

In 50 U.S. §1621, one sees the jurisdiction given to the President to declare a national emergency in accordance with the Acts of Congress. It states, “With respect to Acts of Congress authorizing the exercise during the period of a national emergency, of any special or extraordinary power, the President is authorized to declare such national emergency.”<sup>5</sup> This specific code outlines how to terminate existing declared emergencies as well as how to declare future ones. Given the authority to declare national emergencies, the executive branch exercised

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<sup>1</sup> Kailyn Champlin et al., “Federal Government,” in *Legal Dictionary*, August 7, 2016, <https://legaldictionary.net/federal-government/>.

<sup>2</sup> Albert Kreeger and Dennis W. Arrow, “The Heritage Guide to the Constitution,” *The Heritage Foundation*, n.d., <https://www.heritage.org/constitution/#!/contributors>.

<sup>3</sup> American Bar Association, “Executive Orders,” *American Bar Association*, General FAQs on Executive Orders, November 28, 2021, [https://www.americanbar.org/groups/public\\_education/resources/teacher\\_portal/educational\\_resources/executive\\_orders/](https://www.americanbar.org/groups/public_education/resources/teacher_portal/educational_resources/executive_orders/).

<sup>4</sup> Bona Law Antitrust and Competition, “When Does Federal Law Preempt State Law?,” Database, *Legal Resources: Constitutional Law* (blog), n.d., <https://www.bonalaw.com/insights/legal-resources/when-does-federal-law-preempt-state-law#:~:text=The%20U.S.%20Constitution%20declares%20that,the%20other%20law%20or%20laws.>

<sup>5</sup> “50 USC Ch. 34: National Emergencies,” 34 50 USC § 701 of Pub. L. 96-513 (1981), <https://uscode.house.gov/view.xhtml?path=/prelim@title50/chapter34&edition=prelim>.

its authority in declaring the COVID-19 pandemic a national emergency. Although national emergencies are typically declared resulting from natural disasters, the COVID-19 pandemic dealt a new hand of cards for the American people and the federal government. A national emergency violates America's system of freedom and federalism as it designates the federal government, not the states, as the overseer of the actions, laws, and orders deemed necessary to address the situation. In a state of emergency, it is common for bureaucratic growth to occur as the federal government often assumes more power in its oversight rather than allowing states to enact the policies they deem best for their citizenry.

### Federalism between the Federal Government, States, and Commonwealths

States and the federal government have perplexing relationships that are vital for their success. Concurrent or shared powers between the two entities give states liberated movement in passing policy, legislation, and taxing citizens while giving localities the opportunity for a more efficient and effective local and regional government. Despite the federal law being the final say across the country, states still work around the clock to handle specific situations or emergencies taking root in their state. Much of the funding states and localities need to perform their everyday duties comes from the federal government and unfortunately, corruption and politics often creep in. The American Constitution created federalism. Thus, states have numerous powers and abilities the federal government does not have, belonging exclusively to the states. Federalism is defined as the "distribution of power in an organization (such as government) between a central authority and the constituent."<sup>6</sup> Federalism is also shown in the allocation of power from the states to localities.

### The Federal Government and Indian Tribes

While it has been explicitly established via the Supremacy Clause that the federal government has authority over States, a question of authority is consequently raised when discussing the role of the federal government pertaining to Native American tribes and their reservation land during a national emergency. In 1924, President Calvin Coolidge signed into law the Indian Citizenship Act declaring "all noncitizen Indians born within the territorial limits of the United States be, and they are hereby declared to be citizens of the United States."<sup>7</sup> Thus, American Indians are typically subject to federal law; however, according to the Bureau of Indian Affairs, "on federal Indian reservations, only federal and tribal laws apply to members of the tribe." Thus, federal law as opposed to state law governs the Reservation. Under the Stafford Act, federal law allows for declared emergencies for states, tribes, and localities.<sup>8</sup> Additionally,

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<sup>6</sup> Merriam Webster, "Federalism," in *Merriam Webster*, Definition (Online Database: Merriam-Webster, Incorporated, n.d.), <https://www.merriam-webster.com/dictionary/federalism>.

<sup>7</sup> NCC Staff, "On This Day, All American Indians Made United States Citizens," *National Constitution Center* (blog), June 2, 2023, <https://constitutioncenter.org/blog/on-this-day-in-1924-all-indians-made-united-states-citizens>.

<sup>8</sup> Gregory Sunshine and Aila Hoss, "Emergency Declarations and Tribes: Mechanisms Under Tribal and Federal Law," n.d., [https://turtletalk.files.wordpress.com/2020/03/emergency-declarations-and-tribes\\_-mechanisms-under-tribal-and-fe.pdf](https://turtletalk.files.wordpress.com/2020/03/emergency-declarations-and-tribes_-mechanisms-under-tribal-and-fe.pdf).

section 319 of the Public Health Service Act allows reservations to request federal funds and assistance during an emergency.<sup>9</sup>

### Court Precedence

The federal government frequently overlaps when referencing jurisdiction over Indian Reservations. However, specifically regarding healthcare, the jurisdiction finds itself in the hands of the federal government. The U.S. Commission on Civil Rights published a report outlining the specific relationship with federal funding for Tribal Regions. The National Library of Medicine summarizes this report with the following, “the special relationship between the federal government and Native Americans, referred to as a “trust” relationship, requires the government to protect tribal lands, assets, resources, treaty rights, and healthcare.”<sup>10</sup> While Indian Tribes are relatively independent, there are resources they have historically relied on from the federal government. This does not include all tribes in the U.S., but numerous of them, and enough to make the case that the federal government has the authority and jurisdiction to step into health emergencies a Tribe may face, and in some instances, may be required to provide resources. Furthermore, court precedence is relevant when considering the previous point. In *Cherokee Nation v. Georgia*, the Cherokee Nation sought a Supreme Court defense to “prevent the state of Georgia from enforcing a series of laws stripping the Cherokee people of their rights.”<sup>11</sup> The SCOTUS did not grant the Cherokee Nation their wishes, as they are not classified as an independent state, but rather fully under the hand of the United States. Through this case, the court ruled that “the relationship of states and Indian nations is analogous to “that of a ward to his guardian.””<sup>12</sup> The Continuation of court precedence continued in *Worcester v. Georgia*, where the court granted federal protection against “interference from states.”<sup>13</sup> This eventually grew into more Tribal sovereignty and control of their land and in 1975, Congress the Indian Self-Determination and Education Assistance Act incentivizing self-government and more sovereignty going back into the hands of Tribal leaders.

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<sup>9</sup> Sunshine and Hoss.

<sup>10</sup> *Communities in Action: Pathways to Health Equity: Appendix A Native American Health: Historical and Legal Context* (Washington D.C.: National Academies of Sciences, Engineering, and Medicine, 2017), <https://www.ncbi.nlm.nih.gov/books/NBK425848/>.

<sup>11</sup> Federal Judicial Center, “Cherokee Nation v. Georgia” (Supreme Court of the United States: Federal Judicial Center, n.d.).

<sup>12</sup> *Communities in Action: Pathways to Health Equity: Appendix A Native American Health: Historical and Legal Context*.

<sup>13</sup> *Communities in Action: Pathways to Health Equity: Appendix A Native American Health: Historical and Legal Context*.

## Jurisdiction over Healthcare

In many ways, Native Americans hold special privileges over everyday American citizens. Unlike other groups, they have legal rights to federal health care services.<sup>14</sup> The Indian Health Service, created from the Snyder Act of 1921 and the Indian Health Care Improvement Act of 1976, is an agency working to provide federal healthcare to Native Americans only in federally recognized tribes.<sup>15</sup> While this privilege exists for Native Americans, there is still a push from tribes to see increased sovereignty and self-government, which has led the IHS to develop a system where tribal leaders can decide when they want to use federally funded healthcare services and when they do not want to. While this is a resource for tribes, many feel the healthcare offered is inadequate and low-quality. Overall, the federal government carries the legal right to provide healthcare and monitor healthcare-related issues on Reservations, however, there appears to be a level of freedom and liberty tribal leaders hold; they do not have to accept healthcare resources if they do not want them, but they may also accept them when they feel Native Americans on their tribe need them. Keep in mind healthcare assistance is only offered to federally recognized tribes.

## States and Commonwealths

Although the federal government plays a pivotal role, states and localities have the greatest impact on everyday life. As outlined in Article IV, the states find their rights and individuality from the federal government through the United States Constitution and within each of their state constitutions. States, by law, can conduct elections, establish local governments, provide for public safety, maintain militia, ratify Constitutional amendments, and regulate interstate commerce; all powers the federal government does not hold.<sup>16</sup> While the constitution deems federal law supreme law of the land<sup>17</sup>, each state has the freedom to create the best set of laws within its jurisdiction. State and local governments exist at large to “make policy for and provide to the public.”<sup>18</sup> Problems are best solved by the people dealing with them.<sup>19</sup> States and citizens in different localities demand different resources and solutions due to

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<sup>14</sup> *Communities in Action: Pathways to Health Equity: Appendix A Native American Health: Historical and Legal Context.*

<sup>15</sup> *Communities in Action: Pathways to Health Equity: Appendix A Native American Health: Historical and Legal Context.*

<sup>16</sup> Khan Academy, “The Relationship Between the States and the Federal Government,” *Khan Academy*, US Government and Civics, n.d., <https://www.khanacademy.org/humanities/us-government-and-civics/us-gov-foundations/us-gov-relationship-between-the-states-and-the-federal-government/a/relationship-between-the-states-and-the-federal-government-article>.

<sup>17</sup> National Geographic Society, “The Roles of State and Federal Governments,” *National Geographic*, June 2, 2022, <https://education.nationalgeographic.org/resource/roles-state-and-federal-governments/>.

<sup>18</sup> Ann O’M. Bowman and Richard C. Kearney, *State and Local Government*, Eleventh (Cengage Learning, Inc., 2022).

<sup>19</sup> Dr. Gai Ferdon, “Staying in Your Lane” (Class Lecture, Government 458: Public Policy in the Environment, Liberty University, September 2023).

numerous factors such as geographical locations, the demographic of constituents, and natural resources and disasters. State governments can serve Americans more efficiently and effectively on a state level than the federal one, making states and localities critical to the American political system. As previously mentioned, Federalism was woven into the American Constitution with the intention of giving the people more authority and power to place checks on a central government. Additionally, federalism was a result of the states originating from different colonies and having diverse needs.<sup>20</sup> Ultimately, this allowed for the main unit of government for citizens to be on the local level. States can do this with the concurrent powers they share with the federal government and with the aforementioned powers solely residing in the hands of the states.

### The Governors

As the head executive of a state, governors have jurisdiction over a variety of entities. Governors are elected via popular vote and are appointed as managers of the states. They are responsible for implementing state laws and overseeing the status of the state's executive branch.<sup>21</sup> Furthermore, as the chief executive, governors have the power to veto legislation coming from the legislature. In pursuance of meeting priorities and goals, governors possess legislative oversight.<sup>22</sup> Equivalent to the president, governors can pass executive orders triggering emergency funds related to emergencies, create advisory boards and agencies, and order other actions to be taken involving specific priorities and initiatives.<sup>23</sup> For example, in the Commonwealth of Virginia, Governor Glenn Youngkin signed Executive Order 29 allowing for the state to declare an emergency due to wildfires and other weather-related events. Additionally, governors can declare emergencies which typically are issued following a specific natural disaster the regional or state government has the capacity to address. Gubernatorial emergency powers allow governors to “enhance capabilities, coordination, and collaboration across state and local agencies.”<sup>24</sup> This is a legal protection of federalism in the United States. States and the federal government alike may enact the use of emergency powers only pertaining to a natural disaster or public health emergency. The issue here is each state has its own definition of natural disaster and its own set of rights and responsibilities the government may carry out in an emergency. This created many legal challenges during the pandemic, as each state was limited in what it was able to do. For example, Pennsylvania defines emergencies only pertaining to natural or war disasters, and their courts ruled that “pandemic” did not make the cut for emergency fund usage.<sup>25</sup>

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<sup>20</sup> Khan Academy, “The Relationship Between the States and the Federal Government.”

<sup>21</sup> National Governors Association, “Governors Power and Authority,” *NGA*, n.d., <https://www.nga.org/governors/powers-and-authority/>.

<sup>22</sup> National Governors Association.

<sup>23</sup> National Governors Association.

<sup>24</sup> National Governors Association.

<sup>25</sup> Richards Briffault, “States of Emergency: COVID-19 and Separation of Powers in the States,” *Columbia Law School*, 2023.

## States and Indian Reservations

On the reservation, only federal and tribal laws apply.<sup>26</sup> Most tribes now maintain “tribal court systems and facilities to detain tribal members convicted of certain offenses within the boundaries of the reservation.”<sup>27</sup> States do a lot for localities, but reservations are very independent in comparison to normal localities. For a state to declare a state of emergency, the governor has to request the president to issue a Stafford Act if the state contains tribal land falling within the boundaries of the disaster. COVID-19 brought immense struggle to states containing tribal land since states need the support of the president for reservations to come under the purview of state law. Written into the Stafford Act Declaration, Congress will still provide aid to reservations regardless of state cuts off funding.<sup>28</sup> Even though money is set aside for reservations when state funding stops, it is not enough to meet the needs during an emergency.

### COVID-19

#### The Trump Administration

As early as December 2019, COVID-19 began to make its way across China, quickly taking root all over the world. January brought news of the virus to the mainland of the United States and on March 13, 2020, the Trump Administration declared a nationwide emergency along with a travel ban on non-U.S. citizens.<sup>29</sup> Quickly, the pandemic took over all mainstream media and changed the American public and political system. COVID-19 has fundamentally changed the way Americans view the American health system and has put into question the authority of the federal government along with putting a tremendous test on federalism.

As March of 2020 progressed, so too did the slowing and shutting down of much of the world. On March 14th, the CDC issued a “no sail order” for cruise ships followed by March 15<sup>th</sup> when many states began to implement statewide shutdowns.<sup>30</sup> Public schools were quick to follow, and millions of children, teachers, and administrators found themselves at home. The pharmaceutical industry saw an open opportunity to begin the formulation of a new vaccine and on March 17th, 2020, Moderna Therapeutics began the first human trials of a potential vaccine.<sup>31</sup> With so many businesses closing, President Trump signed the Coronavirus Aid package that gave qualifying adults \$1,200 and better unemployment benefits. As the virus continued to spread rapidly, the White House extended social distancing through April, and shortly thereafter,

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<sup>26</sup> U.S. Department of the Interior and DurpalMigration2017, “Do Laws That Apply to Non-Indians Also Apply to Indians?,” *Bureau of Indian Affairs*, Do laws that apply to non-Indians also apply to Indians?, August 19, 2017, <https://www.bia.gov/faqs/do-laws-apply-non-indians-also-apply-indians>.

<sup>27</sup> U.S. Department of the Interior and DurpalMigration2017.

<sup>28</sup> Sunshine and Hoss, “Emergency Declarations and Tribes: Mechanisms Under Tribal and Federal Law.”

<sup>29</sup> David J. Sencer, “COVID-19 Timeline,” Timeline (Centers of Disease Control and Prevention: CDC, n.d.), <https://www.cdc.gov/museum/timeline/covid19.html>.

<sup>30</sup> Sencer.

<sup>31</sup> Sencer.



it ordered the expansion of face mask-wearing. Many of the “mandates” coming from the White House during the onset of COVID-19 came in partnership with the CDC and the World Health Organization as their experts provided the Trump Administration with recommendations. Towards the end of April, the administration provided guidelines for states to reopen upon meeting certain criteria, but this came with the unexpected continuation of COVID-19-positive cases. Finally, in June 2020, the Trump Administration launched Operation Warp Speed, “an initiative to produce a vaccine against the SARS-Cov-2 virus as quickly as possible.”<sup>32</sup> The idea was to produce and manufacture a vaccine and get it to citizens as quickly as possible. The goal of Operation Warp Speed was to “deliver 300 million doses of a safe, effective vaccine for COVID-19 by January 2021<sup>33</sup> and to mobilize the pharmaceutical industry to productivity and efficiency.” Drug companies all over the United States came together to pool their resources to meet this goal and provide a safe and effective vaccine for American citizens. Operation Warp Speed ultimately satisfied its goal and provided the production of two vaccines within one year yet did not meet the vaccination quota. COVID-19 brought the highest rates of unemployment the country had seen since the Great Depression, leading to the Trump Administration urging businesses and companies to reopen. A new mandate in July 2020 directed “hospitals nationwide to stop sending critical information about COVID-19 hospitalization rates and equipment availability to CDC,”<sup>34</sup> requesting the data be reported through a newly created database to protect the privacy of Americans. Coming to the end of his term, President Trump signed a \$900 billion COVID relief act into law, providing the American populous with expanded unemployment benefits, loan options, and the purchase and distribution of vaccines.<sup>35</sup> Overall, President Trump signed nine executive orders spanning his time as president during COVID-19. The first two, *Prioritizing and Allocating Health and Medical Resources to Respond to the Spread of COVID-19* and *Preventing Hoarding of Health and Medical Resources to the Spread of COVID-19* dealt with COVID-19 medical resources needed to combat the initial spread of the virus and plan for the increased spread. The third, EO 13911, established the ability to declare a national emergency and to ensure the medical and healthcare systems were in a state to handle the effects of COVID-19. EO 13917 dealt with the food chain and food insecurity issue the country was facing resulting from the outbreak. EO 13922 increased financial capabilities to support the pandemic, and later executive orders dealt with the future handling of national public health emergencies. The Trump administration seemingly gave states more authority to handle COVID-19 vaccine, mask, and social distancing mandates themselves and in the way they deemed best. The greatest COVID-19 achievement of the Trump Administration was Operation Warp Speed. Being able to coordinate an operation in which numerous companies came together and produced a product that was made available to all Americans in such a short time was quite impressive. Despite the success of Operation Warp Speed, a great failure of the Trump Administration during COVID-19 was the numerous relief bills totaling \$2.23 trillion. As the American economy was already tremendously hurting, an additional 2.23 trillion dollars,

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<sup>32</sup> Sencer.

<sup>33</sup> United States Department of Health and Human Services, “Explaining Operation Warp Speed,” COVID-19 Report (The U.S. Department of Health and Human Services, n.d.), <https://www.nihb.org/covid-19/wp-content/uploads/2020/08/Fact-sheet-operation-warp-speed.pdf>.

<sup>34</sup> Sencer, “COVID-19.”

<sup>35</sup> Sencer.

especially with billions being allocated to unneeded unemployment benefits, will impact the average American for years to come.

### The Biden Administration

COVID-19 extended to the Biden Administration as President Biden took office in January of 2021. Almost immediately, the Biden Administration announced a “National Strategy for the COVID-19 Response.”<sup>36</sup> Through this, the administration sought to work with local governments to reopen schools, supply funding to localities through FEMA, increase vaccination numbers, and help increase preparedness for the future.<sup>37</sup> Outlined in this strategy was the later-issued executive order, “Protecting the Federal Workforce and Requiring Mask-Wearing,” which required masks to be worn during all travel and on public transportation. The EO also urged governors and local leaders to implement further mask mandates.<sup>38</sup> Following this, the Biden Administration reached a \$231.8 million deal with Ellume to supply rapid at-home COVID-19 tests to U.S. citizens.<sup>39</sup> In March of 2021, the administration urged K-12 and all public school workers to be vaccinated and required all states to prioritize this group in receiving the vaccine. Later that month, the Biden Administration signed a \$1.9 trillion “Rescue Plan” to provide even more stimulus funding, unemployment resources, and housing money to assist homeowners and renters with their payments. Furthermore, a \$50 billion program was launched to enhance COVID testing capacities, and another \$1.7 billion was given to track new variants. States began to slowly reopen schools, urging students and teachers to be vaccinated. Later that fall, the Biden Administration invested \$2.1 billion into state, local, and territorial public schools in an attempt to provide resources to lower the ability for the virus to spread. In 2022, the administration purchased 600,000 doses of GSL and Vir Biotechnology’s antibody treatment Sotrovimab to help treat new variants of the virus,<sup>40</sup> later purchasing over 1 billion COVID-19 tests. Overall, President Biden signed eight executive orders on COVID-19. EO 14042 was aimed at ensuring safety protocols for Federal Contractors, which declared the protocols would decrease the spread of the virus. This order proposed an increase in Federal Contractors’ minimum wage and essentially promised a safe workplace for Federal Contractors.<sup>41</sup> Executive Order 13998 covered the mask mandate for travel and public transportation, and EO 13997

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<sup>36</sup> Sencer.

<sup>37</sup> Blaire Bryant and Sarah Gimont, “Biden Administration Releases National COVID-19 Strategy,” *National Association of Counties*, January 26, 2021, <https://www.naco.org/blog/biden-administration-releases-national-covid-19-strategy>.

<sup>38</sup> Joseph R. Biden Jr., “National Strategy For the COVID-19 Response and Pandemic Preparedness,” Executive Plan (The White House, January 2021), <https://int.nyt.com/data/documenttools/national-strategy-for-the-covid-19-response/c7bd8ecb9308d669/full.pdf>.

<sup>39</sup> Sencer, “COVID-19.”

<sup>40</sup> Sencer.

<sup>41</sup> Joseph R. Biden Jr., “Economic Relief Related to the COVID-19 Pandemic: Executive Order 14002,” Executive Order (The White House, January 22, 2021), <https://www.federalregister.gov/documents/2021/01/27/2021-01923/economic-relief-related-to-the-covid-19-pandemic>.

allowed for increased availability of accessing COVID-19 treatment and care. EO 13996 produced the Pandemic Testing Board, increased COVID-19 screening and testing, made state, local, and tribal recommendations, and increased their capacities.<sup>42</sup> President Biden also issued Executive Order 13991 which required mask-wearing and social distancing for all federal organizations, contractors, and employees, and urged the states to do the same.<sup>43</sup> Finally, the Biden Administration expanded an executive order to require all federal employees to receive the COVID-19 vaccination claiming it to be “necessary” to promote public safety and health.<sup>44</sup>

The Biden Administration was productive in increasing vaccine availability and resources to the American public. The administration was simultaneously effective in encouraging citizens to get vaccinated while ensuring vaccine supplies were available for those who wanted to get vaccinated. The Biden Administration did an effective job in encouraging states and localities to follow suit in the actions the federal government was taking. However, similarly to the Trump Administration, there were shortcomings regarding the continued funding for stimulus checks, especially following President Trump's EO to increase funding for this already. As a result of continued stimulus money, many people were discouraged from finding additional work because of the expectation of stimulus funding. Many college students, due to their lack of capital and greenbacks, filed for unemployment to gain stimulus checks just to have the extra cash. Although these actions are not a direct fault of the Biden Administration, there should have been additional resources to monitor where this funding was going to ensure it was genuinely going to families and individuals who needed the money. Furthermore, the administration should not have mandated the vaccine for anyone as it is not only a violation of one’s freedom and liberty but also not within the confines of what the federal government is entrusted to administer. The Biden Administration did not mandate a vaccine for the average American citizen, the administration placed pressure on states and companies to mandate it for their locality or business through funding and in partnership with the media. One can appreciate the underwhelming mandates the Biden Administration had in comparison to right-wing media. Overall, the media carried the heaviest rock regarding misinformation and pressure for Americans, Governors, and leaders to take specific action. Both administrations did significantly different things in comparison to what many media outlets relayed to the public.

### COVID-19 and its Effects on American Indians

As already discovered, COVID-19 had an enormous impact on every American, but an increased impact on American Indians and reservations. The Navajo officials became the first group across America to enact a unified effort to prevent COVID-19. On May 26, 2020, Navajo

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<sup>42</sup> Joseph R. Biden Jr., “Establishing the COVID–19 Pandemic Testing Board and Ensuring a Sustainable Public Health Workforce for COVID–19 and Other Biological Threats: Executive Order 13996” (The White House, January 21, 2021), <https://www.federalregister.gov/documents/2021/01/26/2021-01854/establishing-the-covid-19-pandemic-testing-board-and-ensuring-a-sustainable-public-health-workforce>.

<sup>43</sup> Joseph R. Biden Jr., “Protecting the Federal Workforce and Requiring Mask-Wearing,” Executive Order (The White House, January 20, 2021), <https://www.federalregister.gov/documents/2021/01/25/2021-01766/protecting-the-federal-workforce-and-requiring-mask-wearing>.

<sup>44</sup> Joseph R. Biden Jr., “Executive Order on Requiring Coronavirus Disease 2019 Vaccination for Federal Employees,” *White House*, September 9, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/09/09/executive-order-on-requiring-coronavirus-disease-2019-vaccination-for-federal-employees/>.

officials implemented a “series of mitigation efforts including extended weekend lockdowns, curfews, stay-at-home orders, masking, and checkpoints.”<sup>45</sup> Aiming to protect their people, they became a united front many other reservations followed. Different states enacted different laws regarding interstate travel to and from reservations which will be discussed later. On July 6, 2021, American Indians and Alaska Natives reported some of the “highest rates of hospitalization and death in the U.S.” of COVID-19, even though these groups showed the “highest COVID-19 vaccination rate of any racial or ethnic group in the U.S.”<sup>46</sup> John Hopkins University reported that due to “health inequities in American Indian communities because of underfunded and under-resourced health systems. Limited access to health services, poor infrastructure, and underlying health disparities” all contributed to the highest COVID-19 rates.<sup>47</sup> While some of these things may be true, Alaska Natives and American Indians do have the highest rate of vaccination status of any ethnic group in America. To combat this disparity, the CDC provided over \$200 million in funding to Indian Country which “will support tribes and tribal organizations in carrying out COVID-19 preparedness.”<sup>48</sup> These funds helped reservations gain access to better medical treatment and testing centers and increased their COVID-19 resources such as masks, sanitary products, vaccines, and more. As already stated, tribes come under all federal law unless approved by Congress. Thus, all executive orders from both presidential administrations were placed on American Indian populations as well. States, however, must request special approval from the president to require reservations to come under state law. Some states, like South Dakota, worked privately with their tribal population in combatting COVID-19.

### **South Dakota**

South Dakota is led by Kristi Noem, the 33<sup>rd</sup> and first female governor of the state. She began as the 6<sup>th</sup> District Republican representative where she later ran a successful campaign and was elected Governor of South Dakota. Following her first COVID-19 release, Noem directed the South Dakota National Guard to build temporary emergency COVID-19 hospitals in Sioux Falls and Rapid City in preparation for a potential COVID-19 outbreak that would overwhelm the healthcare system.<sup>49</sup> The South Dakota Health Department began monitoring COVID-19, providing weekly updates to the governor and the public, following additional preparation meetings. At the onset of the pandemic, the state had limited resources for testing abilities, thus raising concerns for citizens and state officials. Local mayors began encouraging social distancing and limited group activities in March 2020. Local businesses took matters into their

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<sup>45</sup> Sencer, “COVID-19.”

<sup>46</sup> Sencer.

<sup>47</sup> Sunshine and Hoss, “Emergency Declarations and Tribes: Mechanisms Under Tribal and Federal Law.”

<sup>48</sup> CDC, “CDC Data Show Disproportionate COVID-19 Impact in American Indian/Alaska Native Populations: CDC Provides More than \$200 Million to Address COVID-19 Health Disparities in Indian Country” (Centers of Disease Control, n.d.), <https://www.cdc.gov/media/releases/2020/p0819-covid-19-impact-american-indian-alaska-native.html>.

<sup>49</sup> Michael Geheren, “TIMELINE: How South Dakota Governor Kristi Noem Has Responded to COVID-19 Pandemic,” *Keloland*, April 3, 2020, <https://www.keloland.com/keloland-com-original/timeline-how-south-dakota-governor-kristi-noem-has-responded-to-covid-19-pandemic/>.

own hands in making the choices best and most productive for business and the safety of employees, including canceling events and closing stores. Governor Noem had a personal conversation with President Donald Trump, urging him to help South Dakota receive the needed tests they had been requesting.<sup>50</sup> Governor Noem allowed localities to decide what local mandates were best for their locality and claimed making statewide mandates was not in her authority.<sup>51</sup> On March 23, 2020, Noem issued her first two COVID-19-related executive orders. Sticking to her promise to not implement mandates, each order did suggest and encourage businesses to close, practice social distancing, and have individuals take personal action to protect themselves as they deemed best. During the entire pandemic, South Dakota never required “a mandatory mask requirement, nor did it even shutter businesses and churches.”<sup>52</sup> In early 2020, Noem allocated \$10 million of the South Dakota COVID-19 Relief Fund to the South Dakota Housing Development Authority to prevent homelessness and late rent payments.<sup>53</sup> The state found itself in trouble when it continued with outdoor holiday events, such as a July 4<sup>th</sup> firework celebration, and at various National Park events. In a letter released in September 2021, Noem expressed South Dakota to be the only state to never fully close. Additionally, the state was rated number one on the “back to normal” list.<sup>54</sup> Within this letter, Noem requested federal funding for COVID-19 to be distributed to the homeless population in the state and to be allocated to those who needed rent assistance. In another letter on March 25, 2022, Noem requested there be more transparency within the federal government regarding the allocation of taxpayer COVID-19 funds, aid, and programs.<sup>55</sup>

Overall, the state had some of the lowest reported deaths from COVID-19, totaling to be 3,245.<sup>56</sup> One must also consider the lower population of South Dakota and how, naturally, the state would have a lower total death toll. Kristi Noem allowed federalism between state and local government to occur which was something many other states did not do. The governor allowed mayors and other local leaders to truly make the choices best for their local communities which ended up being a more productive way for communities to be united in fighting the pandemic. Local government will always be able to solve their problems in the best and most effective way possible.<sup>57</sup> Additionally, the preparedness Governor Noem had in proactively creating hospitals

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<sup>50</sup> Jazzmine Jackson, “Looking Back: 2 Years of COVID-19 in South Dakota,” *Keloland*, March 2022, <https://www.keloland.com/keloland-com-original/looking-back-2-years-of-covid-19-in-south-dakota/>.

<sup>51</sup> Jazzmine Jackson.

<sup>52</sup> Alexandra Kelley, “Fauci vs. SD Gov. Kristi Noem: ‘The Numbers Don’t Lie,’” *The Hill*, March 1, 2020, <https://thehill.com/changing-america/well-being/prevention-cures/540985-fauci-vs-sd-gov-kristi-noem-the-numbers-dont-lie/>.

<sup>53</sup> Kristi Noem, “Letter from the Governor,” Letter from the Governor (South Dakota: Office of the Governor, September 7, 2021), [https://governor.sd.gov/doc/Chairman-James-C-Clyburn\\_2021-09-07.pdf](https://governor.sd.gov/doc/Chairman-James-C-Clyburn_2021-09-07.pdf).

<sup>54</sup> Noem.

<sup>55</sup> “Letter from the Governor: COVID-19 Funds,” Letter from the Governor (South Dakota: Office of the Governor, March 25, 2022), <https://governor.sd.gov/doc/HB1281-VetoMessage.pdf>.

<sup>56</sup> USA Facts, “US COVID-19 Cases and Deaths by State” (USA Facts, n.d.), <https://usafacts.org/visualizations/coronavirus-covid-19-spread-map>.

<sup>57</sup> Ferdon, “Class Lecture.”

and treatment sights before the pandemic affected South Dakota demonstrates states having the capacity to best address their problems. If the federal government had shown the preemptive action South Dakota undertook, there may well have been more assistance offered to help states do more to prepare extra hospitals to aid in the scare of overwhelming the healthcare system. Governor Noem's boldness in requesting the federal government to be more transparent with funding was admirable but even more admirable was her ability to see where her state needed COVID-19 funding for the homeless population and renters who had lost sums of money from being out of work. After observing what South Dakota and Governor Noem did, it is clear the federal government should have enabled and encouraged more states to allocate COVID-19 funding to the specific entities each state needed. The governor had the opportunity to increase her power, but she chose to allow federalism the platform to operate making localities the ones deciding for their people.

### Reservations in South Dakota

Many states across America contain Indian Reservations, but South Dakota holds seven separate reservations: the Crow Creek and Old Winnebago, Lake Traverse, Cheyenne River, Lower Brule, Pine Ridge, Rosebud, and Yankton.<sup>58</sup> In partnership with tribal leaders, Governor Kristi Noem prioritized "tribal sovereignty" during the entirety of COVID-19. Instead of needing to involve the federal government, the governor was able to work with leaders based on their personal relationships in hopes of reaching the most productive and safe outcome for both the state and the reservations. In May 2020, Kristi Noem declared there would be no tribal checkpoints and ensured no one entering the reservation to drive through was allowed to be stopped. However, if they were headed toward a destination within the reservation, they could be stopped.<sup>59</sup> Although the tribes wanted the checkpoints, it was a mutual agreement in helping to prevent the spread of COVID-19 coming into the reservations. Additionally, Governor Noem advocated for reservations to have the ability to receive supplies and deliveries and to obtain access to private property for those owning property in the reservations and supplies for medical and energy resources.

American Indians accounted for about 13% of all South Dakota COVID-19-related deaths in late 2020.<sup>60</sup> It was urged by legislators for Noem to request a mask mandate for reservations due to the disparity, but she refused. Resulting of underlying health conditions, this people group across America faced higher rates of the virus. Without involving the federal government there was not much else the state could do other than continue to provide medical and healthcare resources to the groups. This is a good realization for states to have in making sure not only their communities can be ready for emergencies, but so too can the Native American population if present in their states.

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<sup>58</sup> Native Lady, "South Dakota Indian Reservations," *Native-Americans.Com* (blog), February 25, 2014, <https://native-americans.com/south-dakota-indian-reservations/>.

<sup>59</sup> Kristi Noem, "Letter from the Governor: Cheyenne River Sioux Tribe" (South Dakota: Office of the Governor, n.d.), <https://governor.sd.gov/doc/GovNoemLettertoChairmanFrazier5-12-20.pdf>.

<sup>60</sup> Rae Yost, "Data of Native Americans in S.D. Says COVID-19 Worse in the Population," *Keloland*, November 30, 2020, <https://www.keloland.com/keloland-com-original/data-for-native-americans-in-s-d-says-covid-19-worse-in-the-population/>.

Considering a state like South Dakota, each of the presidential administrations, while falling short in overall preparedness, did everything they did they held jurisdiction to do. In a state of emergency, states should be given more authority over Reservations due to the abrupt and quick nature of emergency events. However, the responsibility to provide medical and healthcare materials to Reservations does fall into the hands of the federal government. Considering how the Governor of South Dakota was able to step in to meet the specific needs of the reservations so quickly, emergency authority over reservations should be handed over to the states and be negotiated between states and Tribal leaders.

### **Did the Federal Government Overstep during COVID-19**

Without a doubt, the public is extremely uneducated on all fronts relative to COVID-19. From what presidential administrations did to the legal and constitutional authority of the federal and state governments to the imbalance of federalism, there is a great ignorance to this day about what happened governmentally during the pandemic. The question lies: did the federal government overstep its role during the COVID-19 pandemic and was federalism at stake? Overall and with all actions in consideration, the federal government did not overstep its role and authority. Another discussion would consider the constitutionality of executive orders, which was not a part of the Framers' original intent, but when solely looking at COVID-19, both administrations shockingly did an exceptional job considering the circumstances and despite what the media claims. The federal government provided states with heavy funding to access COVID-19 materials and to help with food disparities, homelessness, homeowners and renter insurance, late payments, healthcare services, stimulus funds, and funding for businesses and families. In a declared emergency, the role of the federal government is to make the best possible decisions using the most accurate data to benefit and protect American citizens in the best way possible. The Trump Administration created a way for U.S. citizens who wanted the vaccine to get it, and the Biden Administration executed more funding and resources for this to happen. Additionally, the federal government had more access to global information about the pandemic, and it logically makes the most sense for them to allocate this information to the states. Regarding President Trump's travel ban for the security of the country, this also seemed to be fitting with the information the administration had at this given time. Outside of mask mandates for federal travel, buildings, and transportation, both administrations gave authority to the states to decide what to do; excluding politics and heavy political influence to do one thing or the other, legally, they did give states a say.

What Governor Kristi Noem did in the advocacy of reallocating already given COVID-19 relief funding, the federal government could have done a better job at giving states the liberty to allocate funding in the most efficient way possible. Some states needed to use the funding for vaccines, others for hospitals, and some like South Dakota where citizens struggled the most with rent and mortgage payments. Though this would have needed to be heavily regulated, I think it could have been a very productive way to use federalism to its advantage by allowing states and localities the capacity to meet specific needs in their communities more effectively, rather than having a continuation on money for resources they don't need. If assessing how they overstepped, it could be seen that requiring certain money to be used in certain ways was an overstepping action, but in the same breath, the money was coming from taxpayers all over the nation. There needs to be accountability regarding the auditing of funds coming from the federal government and going into the states.

On the other side of the coin, is the argument for the president's ability to pass executive orders requiring funds to be allocated. Both Trump and Biden did this, but again the conversation circles back to whether executive orders are a presidential power, and if decided the allocation of emergency funding is the most productive power for the President to have. In the final analysis, it is impressive how much the media chooses to leave out of the discussion and how significantly they change the narrative from both sides of the aisle. The federal government did not necessarily overstep its constitutional authority in dealing with COVID-19. There is a difference between what they can do and what they should do. Both administrations should not have pressured states and localities to mandate vaccines, but it is within their jurisdiction to do so. They should not have passed trillions of dollars in unemployment and stimulus checks, but they constitutionally can via executive orders. In general, the role of the federal government has expanded tremendously, which, especially regarding executive orders, should be changed. All in all, the federal government did not legally or constitutionally overstep its authority in dealing with the COVID-19 pandemic.

### **State Authority to Mandate Vaccines**

Upon seeing the end of COVID-19, the debate shifted the states' right to require a vaccine. Most claim it to be unconstitutional outside of state authority. There are two important Supreme Court decisions providing clarity on state and local authority to have vaccine mandates. The first case took place in 1905 titled *Jacobson vs. Massachusetts*. This case ruled that "under state law, local health authorities could complete adults to receive the smallpox vaccine."<sup>61</sup> Justice Marshall concluded "States under their general police powers had the ability to enact vaccine laws to protect citizens. Police powers allow a state to pass laws to protect the health, safety, and general welfare of the public."<sup>62</sup> Thus, a locality had total precedent to require an individual to receive a vaccine if it was contributing to the well-being and public health of a community. In another case in 1922, *Zucht v. King* ruled vaccine requirements were "within the police power of a state to provide for compulsory vaccination."<sup>63</sup> However, this same precedent gives states the power to deny vaccine mandates. In August 2021, "at least 14 states had enacted COVID-19 related laws barring employer vaccine mandates, school vaccine mandates, or vaccine passports." Public institutions, like universities, schools, and even certain businesses can also require certain vaccination statuses or can require you to show proof of vaccination status upon entering their buildings. Report 46745, titled *State and Federal Authority to Mandate COVID-19 Vaccination*, validates state and local vaccine mandates. The government cannot infringe on one's exercise of religion, but they do have the police power to promote public health, including a vaccine requirement.<sup>64</sup> "All 50 states and the District of Columbia currently

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<sup>61</sup> Scott Bomboy, "Current Constitutional Issues Related to Vaccine Mandates," *National Constitution Center*, August 6, 2021, <https://constitutioncenter.org/blog/current-constitutional-issues-related-to-vaccine-mandates>.

<sup>62</sup> "Current Constitutional Issues Related to Vaccine Mandates."

<sup>63</sup> "Current Constitutional Issues Related to Vaccine Mandates."

<sup>64</sup> Congressional Research Service, "State and Federal Authority to Mandate COVID-19 Vaccination," CRS Report (Congressional Research Service, May 17, 2022), <https://crsreports.congress.gov/product/pdf/R/R46745>.



have laws requiring all students enrolled in both public and private schools to receive specified vaccines as a condition of school entry.<sup>65</sup> In addition to religious exemptions, there are also widely accepted medical exemptions to vaccines as well. Thus, the states and localities have judicial precedents in mandating a vaccine. In recent years and since COVID-19, many citizens have been fighting back on this state right and finding more ways to get out of having to have certain vaccinations. Perhaps in the future, states and localities will lose the right to require so many vaccines or certain ones will not be required.

### **Conclusion**

COVID-19 showed the American people numerous different things about the federal government and their specific state and locality. COVID-19 challenged citizens to research and find factual information through the exaggeration of the media. Moving forward, states and localities can find better ways to be prepared for all sorts of emergencies and unexpected events. There are numerous ways the federal government can allow the states to utilize America's federal system in making personalized choices for their locality. For example, giving more authority back into the hands of each state, even when facing a national emergency, will allow for states to meet the most needs possible in the quickest time frame possible. Preparedness can consist of setting aside more rainy-day funds as savings for initial emergencies as well as having medical and healthcare supplies on hand in every state and every locality. Regarding Indian Reservations, the federal government and States should revise emergency laws to increase jurisdiction over Reservations within state boundaries. By doing this, Reservations will get the best resources, supplies, and help in the quickest way possible. If states are unable to meet these needs, the federal government then will have the opportunity to step in to provide needed resources. Overall, when considering federalism, the federal government overstepped through both administrations during the pandemic. The federal government failed to meet the needs of Indian Reservations and provide adequate resources, medical supplies, and take preventative measures with Reservations. Many lessons were learned because of the pandemic, and the conclusions drawn should motivate proactive action by states to increase preparedness, advocate for specific state needs during an emergency, and work together with tribal regions and other localities to handle abrupt situations with the most efficiency possible. Regarding Indian Reservations, states can work alongside tribal leaders in creating legislation to allow for direct communication and oversight between states and tribes during emergencies. States, when given the allocated jurisdiction, would be able to help provide the resources to increase infrastructure within the reservation through clean water and plumbing acts, and healthcare services including medical equipment, vaccines, and pharmaceutical drugs. It is important to protect tribal sovereignty, but if given the rights, states can provide better services to the specific tribes within their boundaries.

One of the exceptional things about America is the ability to learn from other countries and improve upon past mistakes. COVID-19 reminds Americans of the importance of collaborative leadership celebrating federalism to gain the best materials and meet the needs of every citizen.

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<sup>65</sup> Congressional Research Service.

## Bibliography

- 50 USC Ch. 34: National Emergencies, 34 50 USC § 701 of Pub. L. 96-513 (1981).  
<https://uscode.house.gov/view.xhtml?path=/prelim@title50/chapter34&edition=prelim>.
- American Bar Association. “Executive Orders.” *American Bar Association*, General FAQs on Executive Orders, November 28, 2021.  
[https://www.americanbar.org/groups/public\\_education/resources/teacher\\_portal/educational\\_resources/executive\\_orders/](https://www.americanbar.org/groups/public_education/resources/teacher_portal/educational_resources/executive_orders/).
- Biden Jr., Joseph R. “Executive Order on Requiring Coronavirus Disease 2019 Vaccination for Federal Employees.” *White House*, September 9, 2021.  
<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/09/09/executive-order-on-requiring-coronavirus-disease-2019-vaccination-for-federal-employees/>.
- . “National Strategy For the COVID-19 Response and Pandemic Preparedness.” Executive Plan. The White House, January 2021.  
<https://int.nyt.com/data/documenttools/national-strategy-for-the-covid-19-response/c7bd8ecb9308d669/full.pdf>.
- . “Protecting the Federal Workforce and Requiring Mask-Wearing.” Executive Order. The White House, January 20, 2021.  
<https://www.federalregister.gov/documents/2021/01/25/2021-01766/protecting-the-federal-workforce-and-requiring-mask-wearing>.
- Biden Jr., Joseph R. “Economic Relief Related to the COVID-19 Pandemic: Executive Order 14002.” Executive Order. The White House, January 22, 2021.  
<https://www.federalregister.gov/documents/2021/01/27/2021-01923/economic-relief-related-to-the-covid-19-pandemic>.
- . “Establishing the COVID–19 Pandemic Testing Board and Ensuring a Sustainable Public Health Workforce for COVID–19 and Other Biological Threats: Executive Order 13996.” The White House, January 21, 2021.  
<https://www.federalregister.gov/documents/2021/01/26/2021-01854/establishing-the-covid-19-pandemic-testing-board-and-ensuring-a-sustainable-public-health-workforce>.
- Bona Law Antitrust and Competition. “When Does Federal Law Preempt State Law?” Database. *Legal Resources: Constitutional Law* (blog), n.d.  
<https://www.bonalaw.com/insights/legal-resources/when-does-federal-law-preempt-state-law#:~:text=The%20U.S.%20Constitution%20declares%20that,the%20other%20law%20or%20laws>.
- Bowman, Ann O’M., and Richard C. Kearney. *State and Local Government*. Eleventh. Cengage Learning, Inc., 2022.
- Briffault, Richards. “States of Emergency: COVID-19 and Separation of Powers in the States.” *Columbia Law School*, 2023.
- Bryant, Blaire, and Sarah Gimont. “Biden Administration Releases National COVID-19 Strategy.” *National Association of Counties*, January 26, 2021.  
<https://www.naco.org/blog/biden-administration-releases-national-covid-19-strategy>.
- CDC. “CDC Data Show Disproportionate COVID-19 Impact in American Indian/Alaska Native Populations: CDC Provides More than \$200 Million to Address COVID-19 Health Disparities in Indian Country.” Centers for Disease Control, n.d.  
<https://www.cdc.gov/media/releases/2020/p0819-covid-19-impact-american-indian-alaska-native.html>.

- Champlin, Kailyn, Cyd Oldham, Paul Salvatoriello, Hui (Helen) Zhao, and Zheng Fang. "Federal Government." In *Legal Dictionary*, August 7, 2016. <https://legaldictionary.net/federal-government/>.
- Communities in Action: Pathways to Health Equity: Appendix A Native American Health: Historical and Legal Context*. Washington D.C.: National Academies of Sciences, Engineering, and Medicine, 2017. <https://www.ncbi.nlm.nih.gov/books/NBK425848/>.
- Congressional Research Service. "State and Federal Authority to Mandate COVID-19 Vaccination." CRS Report. Congressional Research Service, May 17, 2022. <https://crsreports.congress.gov/product/pdf/R/R46745>.
- "Current Constitutional Issues Related to Vaccine Mandates." *National Constitution Center*, August 6, 2021. <https://constitutioncenter.org/blog/current-constitutional-issues-related-to-vaccine-mandates>.
- Federal Judicial Center. "Cherokee Nation v. Georgia." Supreme Court of the United States: Federal Judicial Center, n.d. <https://www.fjc.gov/history/timeline/ Cherokee-nation-v-georgia>.
- Ferdon, Dr. Gai. "Staying in Your Lane." Class Lecture presented at the Government 458: Public Policy in the Environment, Liberty University, September 2023.
- Geheren, Michael. "TIMELINE: How South Dakota Governor Kristi Noem Has Responded to COVID-19 Pandemic." *Keloland*, April 3, 2020. <https://www.keloland.com/keloland-com-original/timeline-how-south-dakota-governor-kristi-noem-has-responded-to-covid-19-pandemic/>.
- Jackson, Jazzmine. "Looking Back: 2 Years of COVID-19 in South Dakota." *Keloland*, March 2022. <https://www.keloland.com/keloland-com-original/looking-back-2-years-of-covid-19-in-south-dakota/>.
- Kelley, Alexandra. "Fauci vs. SD Gov. Kristi Noem: 'The Numbers Don't Lie.'" *The Hill*, March 1, 2020. <https://thehill.com/changing-america/well-being/prevention-cures/540985-fauci-vs-sd-gov-kristi-noem-the-numbers-dont-lie/>.
- Khan Academy. "The Relationship Between the States and the Federal Government." *Khan Academy*, US Government and Civics, n.d. <https://www.khanacademy.org/humanities/us-government-and-civics/us-gov-foundations/us-gov-relationship-between-the-states-and-the-federal-government/a/relationship-between-the-states-and-the-federal-government-article>.
- Kreeger, Albert, and Dennis W. Arrow. "The Heritage Guide to the Constitution." *The Heritage Foundation*, n.d. <https://www.heritage.org/constitution/#!/contributors>.
- Lady, Native. "South Dakota Indian Reservations." *Native-Americans.Com* (blog), February 25, 2014. <https://native-americans.com/south-dakota-indian-reservations/>.
- "Letter from the Governor: COVID-19 Funds." Letter from the Governor. South Dakota: Office of the Governor, March 25, 2022. <https://governor.sd.gov/doc/ HB1281-VetoMessage.pdf>.
- National Geographic Society. "The Roles of State and Federal Governments." *National Geographic*, June 2, 2022. <https://education.nationalgeographic.org/resource/roles-state-and-federal-governments/>.
- National Governors Association. "Governors Power and Authority." *NGA*, n.d. <https://www.nga.org/governors/powers-and-authority/>.

- NCC Staff. "On This Day, All American Indians Made United States Citizens." *National Constitution Center* (blog), June 2, 2023. <https://constitutioncenter.org/blog/on-this-day-in-1924-all-indians-made-united-states-citizens>.
- Noem, Kristi. "Letter from the Governor." Letter from the Governor. South Dakota: Office of the Governor, September 7, 2021. [https://governor.sd.gov/doc/Chairman-James-C-Clyburn\\_2021-09-07.pdf](https://governor.sd.gov/doc/Chairman-James-C-Clyburn_2021-09-07.pdf).
- . "Letter from the Governor: Cheyenne River Sioux Tribe." South Dakota: Office of the Governor, n.d. <https://governor.sd.gov/doc/GovNoemLettertoChairmanFrazier5-12-20.pdf>.
- Sencer, David J. "COVID-19 Timeline." Timeline. Centers of Disease Control and Prevention: CDC, n.d. <https://www.cdc.gov/museum/timeline/covid19.html>.
- Sunshine, Gregory, and Aila Hoss. "Emergency Declarations and Tribes: Mechanisms Under Tribal and Federal Law," n.d. [https://turtletalk.files.wordpress.com/2020/03/emergency-declarations-and-tribes\\_-mechanisms-under-tribal-and-fe.pdf](https://turtletalk.files.wordpress.com/2020/03/emergency-declarations-and-tribes_-mechanisms-under-tribal-and-fe.pdf).
- United States Department of Health and Human Services. "Explaining Operation Warp Speed." COVID-19 Report. The U.S. Department of Health and Human Services, n.d. <https://www.nihb.org/covid-19/wp-content/uploads/2020/08/Fact-sheet-operation-warp-speed.pdf>.
- U.S. Department of the Interior and DurpalMigration2017. "Do Laws That Apply to Non-Indians Also Apply to Indians?" *Bureau of Indian Affairs*, Do laws that apply to non-Indians also apply to Indians?, August 19, 2017. <https://www.bia.gov/faqs/do-laws-apply-non-indians-also-apply-indians>.
- USA Facts. "US COVID-19 Cases and Deaths by State." USA Facts, n.d. <https://usafacts.org/visualizations/coronavirus-covid-19-spread-map>.
- Webster, Merriam. "Federalism." In *Merriam Webster*. Definition. Online Database: Merriam-Webster, Incorporated, n.d. <https://www.merriam-webster.com/dictionary/federalism>.
- Yost, Rae. "Data of Native Americans in S.D. Says COVID-19 Worse in the Population." *Keloland*, November 30, 2020. <https://www.keloland.com/keloland-com-original/data-for-native-americans-in-s-d-says-covid-19-worse-in-the-population/>.