



January 27, 2025

Chairman Jim Mehlhaff  
Senate State Affairs Committee  
500 E Capitol Ave, Pierre, SD 57501

Re: Testimony in support of Senate Bill 100 relating to carrying a concealed firearm on a college campus

Dear Chairman Mehlhaff,

On behalf of our members, we are submitting to you today my written testimony in support of Senate Bill 100 and to ask that the members of this committee vote favorably on this bill.

Senate Bill 100 amends South Dakota law to recognise the right of an individual, not otherwise prohibited, to carry a concealed firearm, dangerous weapon, or self-defense pepper spray on a college or university campus, and to prohibit the state board of higher education from denying such individuals the right to do so.

Currently, South Dakota prohibits the possession of arms on college campuses, which flagrantly denies the God-given rights of South Dakotans and creates dangerous “gun-free zones.”

Unfortunately, these free fire zones are really nothing more than criminal safe zones, which place the citizenry at the mercy of criminals because of arbitrary edicts mandated by capricious lawgivers. Laws which prohibit the right to keep and bear arms for self-defence virtually guarantee that the only person armed at the scene of an attack will be the criminal. Senate Bill 100 will not only address the safety and self-protection issues created by gun free zones but will also restore the rights to so many citizens who live, work and visit the college campuses within the Great State of South Dakota.

There are many who argue against the carrying of arms on a college campus, stating that it is simply too dangerous and will do more harm than good. In the face of such heartbreaking realities of this fallen world, there is the natural urge to curtail liberty in exchange for a measure of perceived security. But those cravings must be tempered through lengthy and principled discourse, so that this legislative body is not making decisions without ensuring that ideas are properly scrutinized.

In a truly free society, individuals will, at times, conduct themselves in an unfortunate manner. This is true because, liberty is an eternally perilous condition that compels us to trust one another, and the pursuit of it requires us to respect the natural rights of our fellow citizens. Such a task is often-times exceedingly trying, especially when tragedies occur, or a pressing social issue creates an authoritarian impulse to “just do something.” Because of the uncertainty and angst concerning the precarious nature of our lives, the temptation to “just do something” about a pressing issue is a continuous moral struggle with which elected representatives must continually struggle. Indeed, the drive to seek governmental solutions to significant societal issues that are inherently connected to our humanity often leads us to not properly flush out ideas in a knee jerk reaction to resolve the issue. Of course, this hasty approach to government fails to account for the maximum that “ideas have consequences.” Within the sphere of government, failure to properly debate and contemplate ideas inevitably leads to unplanned negative externalities.

To facilitate the discussion surrounding S.B. 100, it is also important to note that laws which deny individuals their right to keep and bear arms under the guise of public safety are a blatant violation of the Second Amendment to the United States Constitution. The Second Amendment protects “the right of the people to keep and bear arms”-- regardless of whether the government or a certain segment of the population thinks it a good idea to ban firearms from certain locations. The Supreme Court, in *D.C. v. Heller*, *McDonald v. Chicago*, and *New York State Rifle and Pistol Assoc., Inc. v. Bruen*, has affirmed this right to be a “fundamental” and “individual” right of “the people,” holding that the Second and Fourteenth Amendments protect the right to possess and carry arms for self-defense. In fact, the Court in *Heller* and again in *Bruen* found that the Second Amendment “‘elevates above all other interests the right of law-abiding, responsible citizens to use arms’ for self-defense.” The Court is inferring here that the

proper role of a just government is to secure the God-given and inalienable rights of “We the People” to keep and bear arms because the Framers of the constitution prioritized the preservation of life, even when weighing it against perceived concerns about violence that might occur as a result of the exercise of that fundamental liberty.

Additionally, this committee must grapple with the eternal truths that form the foundations of our nation’s First Principles. These principles prompt us to humble ourselves in order to comprehend the truth that our lives are a precious gift from our Creator and, as part of that gift, humanity has been endowed with certain rights, including the right to life. The right to life means that individuals have the prerogative to take the necessary actions for the support, development, and well-being of their own life. Moreover, it means that one has the right to self-ownership, self-sustenance, self-government, self-preservation, and self-defence. These inherently interwoven principles also naturally imply that our rights serve as a legal barrier, protecting individuals from the infringements of others. This timeless truth is the same regardless of whether the infringing misconduct is instigated by a lawless individual or by the actions of an unjust government.

As obvious gifts from the Creator, these individual rights, including the right to keep and bear arms, are therefore inalienable — a term that means “not capable of being taken away or denied” as well as “not transferable to any other.” Given that our rights are inherent to our humanity, a government cannot strip them away in the name of public safety, believing them to be too dangerous. A fact acknowledged by the Supreme Court in *McDonald*; “[T]he right to keep and bear arms... is not the only constitutional right that has controversial public safety implications.” And why we must not fail to remember that the Bill of Rights, including the Second Amendment, was instituted “to prevent misconstruction or abuse of [the government’s] powers,” meaning they place no constraints upon a citizen exercising their God-given rights in a self-governing manner.

Elected representatives must remember that the Second Amendment protects the liberties of all Americans, and that it is the singular duty of a just government is to safeguard the liberties of “We the People,” as well as to provide genuine justice. When the representatives of the people maintain fidelity to that noble aim, they are ensuring the furtherance of prudent government. Yet, in order for these public servants to effectively protect the individual and institutions of civil society, the legislature must encourage the virtue of self-government, which will enable a free

society to flourish. One of the central ways elected officials can foster and empower the individual is to allow them the opportunity to exercise personal responsibility by not placing onerous restrictions on their ability to take ownership for their actions.

Speaking into this natural tension between liberty and security, Jefferson emphasized that only “timid men prefer the calm of despotism to the tempestuous sea of liberty.” Meaning that liberty is fundamentally dangerous because of the fallen nature of humanity. Rather than seeking governmental policies that strips the individual of all that makes us human in the vain pursuit of security, the member of this committee should wholeheartedly desire to live in a society where the mutual trust and respect for our God-given rights openly combats dangers of our inherent fallibility.

In summation, the right to self-defense is a right enjoyed by all people equally. The right that is not only identified by the Founders of our Nation and enumerated in the Constitution but has been affirmed repeatedly by the United States Supreme Court. Senate Bill 100 would help ensure that individuals who are forced into a position of having to exercise this God-given, constitutionally protected, right are not unlawfully penalized for doing so.

That is why, on behalf of our members and supporters throughout the State of South Dakota, Gun Owners of America supports Senate Bill 100, and we ask that the members of this committee vote favorably on its passage.

Sincerely,

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Gun Owners of America

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