



Written by [Bob Adelman](#) on January 31, 2019

South Dakota Allows Constitutional Carry, Mississippi Fights “Bump-stock” Ban

The day before signing South Dakota’s “constitutional carry” bill into law, South Dakota [Governor Kristi Noem tweeted](#):

Our Founding Fathers believed so firmly in our right to bear arms that they enshrined it into the Constitution. Tomorrow [Thursday] I will sign SB47 into law. This constitutional carry legislation will further protect the Second Amendment rights of law-abiding South Dakotans.



This echoed the sentiments of the bill’s sponsor, Senate President Pro Tempore Brock Greenfield: “We’re simply trying to create a situation in which we recognize that the Second Amendment is paramount and will not be infringed.”

SB47 does much more than that. It adds to the momentum favoring constitutional carry (carrying concealed without first obtaining a permission slip from the government) that makes South Dakota the 14th state to recognize its citizens’ rights. It gives encouragement to other states, such as Texas, which are considering similar measures. It provides the foundation for other states, such as Mississippi, to nullify state cooperation with federal government officials enforcing unconstitutional rules (i.e., the ATF banning bump stocks).

Previously, it was legal to carry a firearm openly in South Dakota, but not concealed unless a permit was granted. Now a citizen is free to carry however he or she wishes. It places those citizens so choosing on the same playing field as criminals who also carry concealed but without regard to the previous law. As Greenfield expressed it, “Criminals ... are already carrying concealed firearms without permits, with no regard to our laws.”

Michael Boldin of the [Tenth Amendment Center](#) sees a much more important, farther-reaching effect of the move toward allowing citizens the freedom to exercise their constitutionally guaranteed rights:

While permitless carry bills do not directly affect federal gun control, the widespread passage of permitless conceal carry laws in states subtly undermines federal efforts to regulate guns. As we’ve seen with marijuana and industrial hemp, a federal regulation becomes ineffective when states ignore it and pass laws encouraging the prohibited activity anyway....

Less restrictive state gun laws will likely have a similar impact on federal gun laws. It will make it that much more difficult for the feds to enforce any future federal gun control, and increase the likelihood that states with few limits will simply refuse to cooperate with federal enforcement efforts.

State actions such as passing [and signing into law] SB47 would lower barriers for those wanting to [exercise] the option of defending themselves with firearms and encourage a “gun-friendly” environment that would make federal efforts to limit firearms that much more difficult.



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Mississippi, which allowed constitutional carry in 2016, is taking the next step: prohibiting state officials from cooperating with the federal government in enforcing unconstitutional laws. In Mississippi's case, the bill is written in such a way as to preclude federal enforcement of the ATF's "bump stock" ban, which goes into effect next month. As Mike Maharrey wrote for the Tenth Amendment Center:

The legislation would bar any state agency, department or political subdivision of the state, along with their employees, from planning, implementing, assisting with, participating in, enabling or cooperating with "any federal law, rule, regulation or order created or effective on or after January 1, 2018, if the law, rule, regulation or order attempts to:

- (a) Ban or restrict ownership of a semiautomatic firearm or any magazine of a firearm;
- (b) Require any firearm, magazine or other firearm accessory to be registered in any manner; or
- (c) Confiscate a firearm, magazine or other firearm accessory from law-abiding Mississippi citizens.

Because the bill is retroactive to Jan. 1, 2018, it would prohibit the confiscation of bump stocks under the unconstitutional bump stock ban instituted by President Trump through executive action late last year.

Boldin noted that federal enforcement efforts often rely heavily on state and local assistance. But "by withdrawing all resources and participation in federal gun control, states and even local governments can help bring these unconstitutional acts to their much-needed end."

So, the impact of South Dakota's governor Kristi Noem extends far beyond her state's borders. Her state's new freedom for citizens to enjoy constitutional carry is, in effect, a nullification of federal laws that infringe on the Second Amendment. The more Americans enjoy these freedoms, the more difficult it will be for the federal government to take them away.



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