

Opposing View: If president mandates vaccines, S.D. will sue

Last week, President Joe Biden claimed “this is not about freedom or personal choice” regarding COVID-19 vaccinations. The value of personal responsibility far outweighs government mandates, especially as we learn more about COVID-19, the vaccine and therapeutic treatment options. The Constitution grants public health authority to the states.

We will not be mandating COVID-19 vaccinations in South Dakota. The Biden administration has no business forcing vaccinations on the American people through executive decree or rule. Biden has no constitutional authority to do so.

The case law cited by those supporting Biden’s actions does not defend what he is doing. Those cases are based on state and local public health powers. That’s a key distinction. Under the 10th Amendment, public health is left to the states: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

Chief Justice John Marshall’s *Gibbons v. Ogden* opinion in 1824 reiterated this fact. America’s Founding Fathers were familiar with responding to public health crises. They faced outbreaks of diseases such as yellow fever. The federal government did not mandate the response to those outbreaks – state and local governments did.

The states should lead on pandemic response. As governor, I will continue to honor the wishes of our Founders by taking my direction from the Constitution. I will continue to value freedom and personal responsibility.

By overplaying his hand, Biden may inadvertently increase vaccine hesitancy. By saying “our patience is wearing thin,” the president risks demonizing the American people. Americans should not be forced into vaccinations.

People should know the facts. They should know what conditions may make them vulnerable to serious health consequences from the virus. They should know how effective the COVID-19 vaccines are – and then they should make the best decisions for themselves and their loved ones.

We will continue to make the vaccine available to everyone in the state and work with our health care experts to take care of the people who live in South Dakota.

Thankfully, we are making progress in the fight against the virus. Therapeutics are proving more effective all the time. Data out of South Dakota hospitals shows that monoclonal antibody treatments are cutting hospitalizations of vulnerable individuals.

I'd encourage Americans to get vaccinated, as I did. But that choice is theirs to make – not the federal government's to make for them.

President Biden, if you take this unprecedented action and overstep your constitutional authority, we will defend our people and see you in court.

Republican South Dakota Gov. Kristi Noem is the first female governor of the Mount Rushmore State.

