



Written by [William S. Hahn](#) on September 26, 2023

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## Victories in South Dakota

In less than a week's time, the South Dakota Public Utilities Commission acted twice to deny private companies permits to construct carbon-capture pipelines. Navigator and Summit Carbon Solutions both got rude awakenings when the elected board chose to protect property rights rather than trample them.

As *The New American* has pointed out, elected officials who adhere to their oath to the Constitution are in the business of protecting God-given rights. South Dakotans are learning this firsthand.



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While Navigator hasn't yet pursued using eminent domain to gain access to land from owners who will not grant easements, Summit has, which hasn't bought them any good will.

Navigator was turned down due to its lack of addressing landowners' safety concerns, while Summit admitted it would not be able to adhere to ordinances from four counties, which is a statutory requirement.

Four counties out of 66 in South Dakota enacted specific ordinances for safety reasons. Rather than abide by them, Summit is challenging some of these counties in court under the delusion that federal law trumps local and state ordinances. Federal? Remember that the federal government has a pipeline of its own. This one carries tens of billions of tax dollars earmarked for carbon-capture pipelines, thanks to the Inflation Reduction Act of 2022.

Far from over, the battle has caused great concern among those farmers who have decided that they do not want to grant easements to Summit. More than 80 of them are currently being sued in eminent-domain proceedings by Summit.

In a rather brazen and arrogant statement, the lead lawyer for Summit said at the permit hearing that 72 to 73 percent of landowners along their proposed route that have signed easements, and then insinuated that "50+1" should be enough to move the project forward, essentially overruling the rest of the landowners.

The Founding Fathers did not set up a 50+1 majority to govern society. A 50+1 majority is democracy, otherwise known as majority rule or mob rule. James Madison, Father of the Constitution, described democracy. He wrote, "A common passion or interest will be felt by a majority, and there is nothing to check the inducements to sacrifice the weaker party."

Madison also wrote, "Democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security, or the rights of property; and have in general been as short in their lives as they have been violent in their deaths."

Summit demonstrates this quite well. If it were up to them, their majority would trample the rights of



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the minority. Yet the republican form of government, guaranteed to every state in Article IV, Section 4 of the U.S. Constitution, protects the minority from the whims of the majority.

The 2023 John Birch Society Leadership Conference and Council Dinner recently held in Des Moines emphasized that efforts to stop these rights violations must be organized. An organized effort to educate the electorate about these dangers and what can be done about them, along with an organized effort to direct elected officials to protect the rights of citizens, is the only thing that will be able to stop such usurpations.

We offer understanding of the bigger picture of why these pipelines are being built, and how to stop them at the county, state, and federal levels.

The time to fight these battles is now, while we still can. Educate your county supervisors and explain to them how they can help protect property rights. Steve Kenkel, Shelby County Supervisor in Iowa, has assembled a 12-step checklist that supervisors can follow if they are facing these pipelines. Look for his [interview on \*The New American TV\*](#) from September 12 or scan the QR code.

Then get organized and active by joining The John Birch Society. Start at [JBS.org](#).



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