



Written by [Bob Adelman](#) on May 24, 2021

17 State Attorneys General File Brief Supporting S.D. Governor's Suit Over Biden's Mount Rushmore Fireworks Ban

Fourth of July celebrations at Mount Rushmore — the iconic carving of Rushmore Mountain in South Dakota celebrating four of America's most revered past presidents — [have been canceled](#). Predictably, COVID is being used as an excuse. Seventeen states are now suing to reopen the celebrations.

Under an agreement crafted in 2019, the state was allowed to celebrate Independence Day (independence, by the way, from overreaching government) with fireworks at the popular tourist site. But, using COVID as cover, Herbert Frost, a regional director for the National Park Service (NPS), pulled the plug in March for any plans the South Dakota Governor had for celebrating the event this year:



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As the nation continues to respond to the ongoing COVID-19 pandemic, planning an event of this size and magnitude that draws people from across the country raises very serious concerns about the ability to adhere to Center for Disease Control [CDC] guidance which currently recommends that large gatherings be avoided....

With an event this size it would be difficult, if not impossible, to comply with social distancing protocols....

Also, as we saw last year, most participants were not wearing face coverings which are now required in all national parks where physical distancing cannot be maintained.

In addition, the park's many tribal partners expressly oppose fireworks at the Memorial.

These factors ... do not allow a safe and responsible fireworks display to be held at this site.

In response, Representative Dusty Johnson (R-S.D.) and Senator John Thune (R-S.D.) issued a joint statement: "Let's be clear: this decision is political, not evidence-based.... Last year millions watched the celebration in awe, and it's a shame the administration is denying Americans that opportunity this year."

South Dakota Governor Kristi Noem saw through the façade as well, and [filed suit](#). Last year's fireworks celebration, enjoyed by several thousand visitors, resulted in not a single reported case of COVID. And this in a state that staunchly refused to capitulate to federal demands that it be shut down in response to the virus.



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Upon filing of the suit in the District Court for the District of South Dakota Central Division, Noem tweeted:

Mount Rushmore is the very best place to celebrate America's birthday and all that makes our country special.

Unfortunately, the Biden Administration canceled our Mount Rushmore Fireworks Celebration.

So we're suing them to get the fireworks back.

She added:

The new administration departed from precedent and reneged on [the] agreement without any meaningful explanation. We are asking the court to enjoin the Department of Interior's denial of the fireworks permit and order it to issue a permit for the event expeditiously.

On Friday, Governor Noem received some welcome support. Attorneys general from 17 states — Alabama, Arizona, Arkansas, Georgia, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and West Virginia — [joined in filing a friend-of-the-court brief](#) in the District Court.

They wrote:

Given the importance of the Fourth of July holiday and the special role of Mount Rushmore as a national monument, *amici* States have an interest in seeing the fireworks display take place again this year....

If an event with such a rich history and tradition like Independence Day at Mount Rushmore can be foreclosed on the arbitrary and capricious bases offered by the Department, then *amici* are concerned that events and experiences outside national parks in their States will be the next victims of the Department's erratic decision-making.

The obvious hypocrisy of the Park Service's decision was pointed out by the AGs:

South Dakota held a fireworks display at Mount Rushmore last year — when the pandemic was even worse and before vaccines were available — which more than seven thousand visitors attended, and contact tracing has failed to identify even *one* case of COVID-19 tied to the event.

Many feel that the Park Service's decision was political. AMVETS was denied a permit for its 34th annual Memorial Day rally, "Rolling to Remember," using COVID as cover. And Mount Rushmore, it will be remembered, was the site of [one of President Trump's most remarkable speeches](#) of his administration.

The Mount Rushmore National Memorial, sometimes (and inaccurately) referred to as the "Shrine of Democracy," celebrates the visages of Presidents George Washington, Thomas Jefferson, Theodore Roosevelt, and Abraham Lincoln, representing the nation's birth, its growth, its development, and its



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preservation. Some say the Biden administration is targeting it as part of an effort to cancel the nation's history of freedom and independence from an overreaching government.

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