

Polygamists Point to Gay Marriage Ruling to Sanction Their Sin

A Utah judge struck down part of the state's polygamy ban a year ago to allow cohabitation but drew short of all-out sanctioning bigamy.

But polygamists are growing bolder in the wake of the U.S. Supreme Court ruling in June that made same-sex marriage legal in all 50 states. As predicted, polygamists are now leveraging the High Court's historic decision to defend their lifestyle at the state level.

Specifically, the Brown family—the stars of the TLC reality show “Sister Wives,”—are suing the state of Utah over its polygamy ban. The Browns argue Utah's polygamy law violates their right to practice their religion.

“From the rejection of morality legislation in *Lawrence* to the expansion of the protections of liberty interests in *Obergefell*, it is clear that states can no longer use criminal codes to coerce or punish those who choose to live in consensual but unpopular unions,” Brown family attorney Jonathan Turley wrote to the 10th U.S. Circuit Court in Denver. “This case is about criminalization of consensual relations and there are 21st-century cases rather than 19th-century cases that control.”

So far, the state is not buying it. Utah, which is home to a mass population of Mormons that historically practiced polygamy, is sticking by its convictions. The state ruled polyamorous relationships are harmful to women and children, even though it conceded last August that the cohabitation prong of the statute is unconstitutional on numerous grounds.

“By only striking the cohabitation provision, the District Court left Utah with the same law maintained by most states in the Union prohibiting bigamy,” Turley wrote. “What was lost to the state is precisely what is denied to all states: the right to impose criminal morality codes on citizens, compelling them to live their lives in accordance with the religious or social values of the majority of citizens.”