

Judge finalizes order finding polygamy law unconstitutional

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SALT LAKE CITY (RNS) A federal judge on Wednesday (August 28) finalized the order striking part of Utah's bigamy law and gave one more victory to the family from the TLC television show *Sister Wives*.

The long legal battle over polygamy in Utah now appears headed to the appeals courts. Utah Attorney General Sean Reyes has said he would appeal the federal court ruling that found the law against polygamy was unconstitutional.

Sister Wives chronicles the lives of Kody, Meri, Janelle, Christine, and Robyn Brown and their children. They are members of a fundamentalist Mormon group. Utah County authorities began their investigation of the polygamous family after their show debuted.

Jonathan Turley, the attorney for the Brown family, encouraged Reyes to reconsider his plan to appeal.

Federal Judge Clark Waddoups in December struck the section of Utah's bigamy statute that can be applied when someone "cohabits with another person" to whom they are not legally married. Utah law made such a union a felony punishable by up to five years in prison. Waddoups said the ban violated the First and 14th amendments to the Constitution.

Waddoups let stand the portion of the statute that prevents someone from having more than one active marriage license.

In his ruling, Waddoups found the Utah County Attorney Jeff Buhman violated the Browns' constitutional rights when he oversaw a 2010 investigation into whether the Brown family was committing bigamy. At the time the Browns lived in Utah. They have since moved to Nevada.

Buhman eventually decided not to file criminal charges, but Waddoups said the investigation stifled the Browns' rights to free speech, religion, and equal protection.

Waddoups ordered Utah to pay the Browns' attorney fees as a result of that finding.

In court filings and oral arguments before Waddoups, attorneys for Utah have argued polygamy is inherently harmful to women and children and the state had an interest in deterring it.

The Browns filed their lawsuit in July 2011, arguing Utah's law violated their right to privacy. The family's argument relied primarily on the 2003 U.S. Supreme Court decision that struck down the Texas law banning sodomy, which was celebrated by gay rights advocates.