

***Sister Wives* star cites gay marriage ruling in polygamy defense**

Kiley Crossland

September 2, 2015

The polygamous family starring in the hit TLC reality show *Sister Wives* believes the recent U.S. Supreme Court decision legalizing same-sex marriage gives them grounds to live their lifestyle unpunished, according to an appeal filed last week.

Kody Brown and his four wives—Meri Brown, Janelle Brown, Christine Brown, and Robyn Sullivan—filed documents with the 10th U.S. Circuit Court of Appeals on Wednesday arguing the state has no right to interfere with consensual adult relationships. The filing cites the landmark *Obergefell v. Hodges* case.

“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,” attorney Jonathan Turley said in the filing. Turley argued modern cases have “rejected the criminalization of private relationships” as well as “rejected barriers based on moral and social bias.”

In 2013, the Browns won a legal victory when a federal judge struck down part of Utah’s law banning polygamy. All states ban bigamy—legal marriage to more than one person at a time—but Utah alone also bans cohabitation by people claiming to be married to more than one person. In 2011, the state opened an investigation into Brown, who is legally married to one woman, but claims to be in a spiritual union with his other three wives. He filed suit challenging the law.

In December 2013, U.S. District Judge Clark Waddoups [ruled](#) in Brown’s favor, striking down the cohabitation provision of Utah’s polygamy law because it violated the Brown family’s freedom of religion. The Browns’ church, Utah-based Apostolic United Brethren, holds to plural marriage doctrine.

Utah Attorney General Sean Reyes later appealed Waddoups’s decision, arguing the law banning polygamy and polygamous cohabitation protects women and children from abuse. The court will hear arguments in the case, *Brown v. Buhman*, this fall. Turley said Brown and his wives are prepared to take their fight to the Supreme Court.

The Cato Institute, a libertarian think tank based in Washington D.C., filed an [amicus brief](#) in support of the Browns this week. The brief’s authors argue this case is not a slippery slope to legalized polygamy, as some suggest, but instead a clear-cut case of free speech. Utah’s law does not criminalize cohabitation among unmarried people or even among a married couple and other partners. Instead, it uniquely criminalizes the act of saying you are married to more than one person.

“Telling people you’re married, even if it isn’t legally true, isn’t the kind of harmful speech any government has the right to censor, let alone criminalize,” the authors said in a [statement](#).

While supporting Brown’s position in this case, the brief’s authors step back from the issue of legalizing multiple-person marriages. “Whether plural marriages should be granted legal recognition has nothing to do with this case, which involves speech—not conduct—that the state doesn’t like,” they said.

But the Browns are not the only polygamous family taking a cue from the Supreme Court and arguing the same-sex marriage decision is an open door to multi-partner relationships. A Montana man is suing his state, [arguing](#) the Obergefell decision gives him the right to marry both of the women he considers his wives.