

CRIMINAL JUSTICE and the **MEDIA:**

SISTER WIVES LAWSUIT

Kody Brown and his four wives lived in Salt Lake City, Utah, where they practiced polygamy as part of their church, the Apostolic United Brethren. They were forced to leave Utah and move to Nevada because they feared being criminally prosecuted for their polygamist lifestyle. They became known openly as a polygamist family after appearing on a television show called *Sister Wives* on the TLC Network. The family filed a federal lawsuit in July 2011, suing the state of Utah and the county where they lived in an effort to overturn the state's bigamy law, claiming the law was unconstitutional. In Utah, bigamy is a third-degree felony punishable by up to five years in prison. It is reported that tens of thousands of Mormon fundamentalists practice polygamy in Utah. Although Utah officials claimed they would not prosecute polygamists if they were not committing other crimes, Brown and his family chose to file the case nonetheless.

The Browns' attorney argued that under previous U.S. Supreme Court rulings, private relationships between consenting adults are protected by the U.S.

Constitution. He based this argument on a decision from the Supreme Court in which a sodomy law in Texas was struck down. The Browns sought to persuade a federal judge to overturn Utah's bigamy law as being unconstitutional. This meant that Utah officials had to prove that polygamy was harmful and therefore should be banned.

In December 2013, a county attorney in Utah announced that his office would not seek to prosecute the Brown family for being polygamists. He explained that the office would no longer attempt to prosecute families who chose this lifestyle unless there was evidence of other crimes, or if a party in the marriage was under the age of 18. At the same time, U.S. District Judge Clark Waddoups ruled that the provision in Utah that forbids cohabitation with another person was unconstitutional because it was a violation of the First Amendment to the U.S. Constitution. While it remains illegal to marry more than one person, it is no longer illegal to cohabitate in what appears to be a marital relationship.