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### Undermining the Status Quo: A Logical Case for Polygamy

Abuse, incest, statutory rape, welfare fraud, and brainwashing consistently plague polygamist and Fundamental Latter-Day Saints (FLDS) communities. Our justice system fights hard every day to eliminate these atrocities by dutifully trying to attack the assumed source: plural marriage itself. A law against the unusual practice of polygamy has been seen as a panacea for all of its surrounding problems. The vigilance against evil turns into a case-by-case basis as we fight crime as it comes, rather than attempting to prevent it. Unfortunately, putting a man in prison for committing statutory rape after the rape has already happened does not repair the life of his victim. Our naive, black-and-white attitude towards plural marriage legislation is not saving lives; it is destroying them.

If polygamy was legal, law enforcement authorities would be able to handle cases of incest, rape, and domestic abuse within polygamous communities with a much greater level of efficiency than is seen today. Crime and the destruction of the lives of young girls could be avoided, not just addressed as it comes. Like any other illegal activity, those participating in polygamy are more likely to hide from mainstream society. FLDS and other polygamists are forced to form tiny communes in geographically isolated areas, such as Colorado City, Arizona, and Hildale, Utah, where

they can practice the doctrine of their religion in relative solitude. Colorado City, surprisingly, has crime rates that are statistically "much lower than Arizona's average level" ("Colorado City"). It seems logistically impossible for a small town, where virtually every marriage is polygamous, and therefore illegal, to have less crime than cities where polygamy is almost nonexistent. The answer to this paradox lies within the validity of those so-called "crime rates." For instance, in order for a crime to be registered, it must first be reported. Typically, an individual practicing an illegal activity doesn't call in a crime in fear of their own crimes being brought to justice. Gangs usually don't call the police when a rival mob has shot a member. It would be hard to find a drug dealer alerting the authorities when their supply has been stolen. Polygamists, like others partaking in crime, are too worried about being persecuted to call in the police when an unlawful act has been made against them, and thus, Colorado City has one of the lowest crime rates in Arizona. Utah Attorney General Mark Shurtleff says he would like see polygamy "classified as a misdemeanor rather than a felony, so polygamists will be less reluctant to contact the authorities when crimes occur in their communities" (Sullum). Communities that do not operate based on an illegal principle are not reluctant to call the police. The polygamist next door, in fear of exposing the entire neighborhood, will not call the cops on his womanizing neighbor. If we eliminate the crime for practicing polygamy, we eliminate the reluctance to call the authorities when a serious crime has been committed.

Interestingly, removing the laws against polygamy would also improve the economy. Tom Green, a convicted polygamist who received national attention in

1999 for publicly celebrating and embracing his illegal practice, received "more than \$647,000 in state and federal assistance" between 1989 and 1999 (Krakauer 21). He managed this extraordinary income by manipulating Arizona's welfare system: even though he has five spouses, each one of them is legally registered as a single, unemployed mother. Each illegitimate wife receives a welfare check, falsely aimed to support a non-working mom. Unfortunately for the taxpayers, Green was merely collecting the paychecks and building a personal fortune. Green and other FLDS members who embody this welfare fraud technique believe that the United States is a "Satanic force out to destroy [their religious practices]" (Krakauer 12). They have no qualms with stealing this money from the state because they feel that the state has consistently cheated them with regards to religious freedom. The best way to combat these connivers is to legalize plural marriage. By making polygamous marriages subject to the same tax breaks as monogamous marriages, we eliminate incentive for welfare fraud and build incentive for legal and stable families. Green and his FLDS counterparts would be less likely to drain the economy not only because they would feel appeased by the state, but because it would be more beneficial for their wives to get jobs with the tax breaks offered by legal marriage than to save welfare checks. The economy grows, fewer taxes would be spent on welfare, and FLDS communities would have less reason to intentionally undermine the state's finances.

Perhaps the greatest case for polygamy lies within the First Amendment. In the 1878 Supreme Court Case *Reynolds v. United States*, Chief Justice Morrison R. Waite spoke for the majority and rejected polygamy, saying that "to permit this would be to

make the professed doctrines of religious belief superior to the law of the land, and in effect to permit every citizen to become a law unto himself" (Sullum). Granted, Waite has a very good argument: laws should not be based on religious principles. However, the Chief Justice is missing an important part of the picture: polygamy, in essence, is not inherently evil. A marriage contract between more than two people does not violate anyone's rights; it is consensual. For the United States to make illegal a practice of religion that has no inherent victim and does not intrinsically infringe on the rights of others, it defies the religious freedom guaranteed by its constitution.

With "30,000 or so Utahans who practice plural marriage out of religious conviction," it is immediately obvious our efforts in trying to confine marriage to between two people have failed (Sullum). Right now, thousands in Colorado City and Hildale are subjected to domestic abuse, incest, and rape because of a reluctance to alert the authorities. Millions of dollars are being drained from hardworking, law-abiding citizens in order to protest United States legislation. If polygamy were legalized, we could potentially see rates of domestic abuse and welfare fraud drop to the levels of monogamous marriage, all while preserving a constitutional right. Too many lives are at stake to ignore. Legalization is the answer.

Works Cited

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