

REYNOLDS v. UNITED STATES (1878)

George Reynolds thought he was following religious teaching when he married his second wife, Amelia Jane Schofield. The government of the then territory of Utah thought he had clearly violated the law against **polygamy** (being married to more than one person at the same time).

There was no doubt that Mr. Reynolds knew he had broken the law. His first wife was alive and well, and aware that he had taken a second wife.

But Mr. Reynolds did not see himself as a criminal. He was a Mormon (a member of the Church of Jesus Christ of Latter-Day Saints). That religion allowed men to have more than one wife. Mr. Reynolds argued that his religion even commanded a man to have more than one wife. And Mr. Reynolds did not act alone. He sought guidance from the ministers of his church, and they not only gave him permission to marry but even conducted the second marriage ceremony.

Mr. Reynolds argued that he was only practicing his religion, a right protected by the First Amendment to the U. S. Constitution. In the eyes of his church, he was properly married. Charged, tried, and convicted of the crime of polygamy, Mr. Reynolds was sentenced to two years of hard labor and a fine of \$500.

The U. S. Supreme Court had to decide whether the law against polygamy could withstand the claim of freedom of religion. After all, the American Constitution stands first, ahead of any law of Congress or any state law or constitution. Put somewhat differently, the Court had to decide whether under the claim of religious freedom, individuals could define for themselves the meaning of marriage.

The conviction, prison sentence, and fine of Mr. Reynolds were all upheld by the Supreme Court. In its decision, given in 1878, the Court said that laws were made for control of actions, and while they cannot interfere with religious *beliefs* and *opinions*, they may interfere with religious *practices*. Suppose one believed that human sacrifices were a necessary part of religious worship. Could it be seriously argued that the government could not interfere to prevent the sacrifice?

Can practices that violate the law against polygamy be excused because of religious belief?