

## *Is Plural Marriage Really Illegal in the USA?*

**By Ben Szymanski**

### *What Is The Law of the Land?*

**By The RAMYK-Apostle Rabbi Moshe Yoseph Koniuchowsky**

*This addendum shows clearly that what is in fact illegal are the current US laws that are unconstitutional, as well as an illegal ban on a practice YHWH blesses and will continue to bless. We have added this for those legal minds that desire to know how to follow plural marriage, yet are concerned with the laws of the land.*

It may seem presumptuous for someone with no formal training in the law to write a legal opinion of a practice declared illegal by every one of the fifty states and held illegal by the United States Supreme Court.

Recognizing that the blueprint of American government, the fundamental law of our land, was written to the understanding of every common citizen, however, I stand forward as one citizen in defense of the plural family, suggesting that our courts, legislatures, government officials and citizens have never been presented with, nor have they considered the arguments I will present here.

In the United States of America, government is not the law. In this country, government is subject to law, as is every citizen. Here, when government assumes a power not specifically granted by consent of the people government violates the law and any law created under illegally usurped power is not, in truth, law, but a violation of law.

It is assumed by many Americans that the U.S. Supreme Court is the court of last resort in this land. This is not true. Our court of last resort is "We the People." This court was established by the Declaration of Independence, which declared the people's right, their duty, to alter or abolish government when it becomes destructive of fundamental human rights. It is not reasonable to assume that any government will police itself. The Constitution has no power unless it is upheld and enforced by the People. No government is policed unless its own citizens police it.

This appeal is presented, therefore, to We the People, with the understanding that every judge, every prosecutor, every legislator and every government executive in the land is a member of this tribunal. I challenge any to publicly refute the reason and logic contained herein.

**It is my contention that anti-bigamy statutes in the United States of America are violations of the law of this land, that they constitute violations of fundamental human rights; that patriarchal marriage has never in truth been illegal, but that government, by prohibiting it, illegally persecutes the family unit as a sovereign institution.**

### **Family Sovereignty**

Whether you believe in the Judeo-Christian account of Adam and Eve or hold to the Humanist concept of evolution, you must accept the fact that at some point in history, a man and a woman united to form the first unit of civilization on this planet, a family [after Lileth].

This first family relationship rose above the typical animal attractions that draw male and female creatures together for reproductive purposes or mutual survival. The first man and woman to form a family unit were drawn to each other by virtue, by the emotional energy of compassion unique to our species and were bound together by the selfless love this energy feeds.

**Call them Adam and Lileth or Adam and Eve; the first couple on earth to form a family relationship did not have a county courthouse to go to for a marriage license, no justice of the peace or minister to perform a wedding ceremony, no county recorder to issue a marriage certificate and record their union. If they did engage in any kind of ritual marking family union, it is doubtful there were mortal witnesses**

**to their sacred commitment and new family identity.** In a world utterly void of civil government, they formed and maintained a family unit, the first earthly civilization in microcosm.

This truth is self-evident, that the family defines itself, by virtue, the energy of compassion and the tender emotions that bind individuals into one societal unit.

No civil government, no church, has the power to legislate or decree the love that binds individuals to each other in family relationships. These binding feelings exist only in liberty, by the choice of each individual. Once existent these feelings can be destroyed or abandoned only by the individuals themselves. The family institution exists only in liberty. This is also self-evident.

The family is a self-defined entity, existent by the choice of the individuals involved and held together by love, by virtue in action, by the power of human compassion.

In the early history of man the first families gathered and formed a community. To provide order to their society, each family sent representatives to a community council, forming the first civil government entity. **The family existed before and is the founder of civil governments.** This truth is also self-evident.

**The family is a sovereign entity, self-defined, existing before civil government and independent of its approval. Civil government is a creature of the family, responsible to it, not for it.**

**The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. (Universal Declaration of Human Rights, Article 16:3)**

**-The Tenth Amendment of the Constitution-**

**“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”**

In Reynolds vs. United States (1879), the Supreme Court justices unanimously supported the Morrill Anti-Bigamy Law of 1862 against a constitutional challenge based upon freedom of religion. In his written opinion, **Chief Justice Morrison R. Waite argued that every government had the power to decide whether patriarchal marriage or monogamy should be the basis of social life.**

Obviously Congress also assumed they had this power when they passed the law, as did President Lincoln when he signed it, yet I would like to ask where in the Constitution was our national government given that power? **Where in the Constitution is the federal government given any authority to define or place limits upon the family institution? In reading the Constitution I find no such power delegated to the federal government. I do, however, find two amendments that forbid this power to government.**

The Supreme Court is considered our last resort in protecting the individual rights of citizens against the unjust power of government. We have here, however, an instance where that court openly usurped a power never given by consent of the People to dictate and enforce social norms among the citizenry. **By assuming this power without the consent of the governed, both Congress and the Supreme Court violated the law. The Morrill Anti-Bigamy Act of 1862 was not law, but a violation of law.**

In addition to usurping power to establish social norms in our society, to decide whether patriarchal marriage or monogamy should be the basis of our social life, in passing the Morrill Anti-Bigamy Act **Congress assumed another power without consent of the governed; the power to selectively breed the American citizenry.**

Can a government interfere with an individual's choice of a spouse without assuming the power of selective breeding, a power that exists only in absolute despotism [fascism]?

**Can you deny a black person the right to marry a white person without engaging the power of selective breeding? Can you deny a single woman the right to marry a married man without enforcing this same power? You cannot.**

**If you deny a woman the right to choose a certain man for a husband, you have asserted the power to deny her every choice you disapprove of, leaving her only your choice of a mate for her. Your power to deny her choice is the power of selective breeding, a power we rightfully exercise over cattle and dogs, but not over people.**

**The Declaration of Independence asserts this truth to be self-evident, “that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.”**

**Have the governments of the United States or any of the fifty individual states been granted the power of selective breeding by their citizens?**

**The burden of proof rests upon civil government. Unless someone can show that this power has been given to government by the people, or can justify anti-bigamy under some specific power granted by their Constitution, every law prohibiting bigamy is unjust and illegal.**

*The Tenth Amendment to the Constitution reserves all powers not specifically granted Congress by the Constitution to the states or to the people, which is always the case in a territory, where no state government exists.*

**Thus the Morrill Anti-Bigamy Law of 1862 was and is unconstitutional under the Tenth Amendment, as Congress was not given power to interfere with intimate or family relationships among its citizens.**

In addition, Congress assumed unconstitutional power by placing prohibition of patriarchal marriage as a condition of statehood for Utah and other states. All prohibitions of patriarchal marriage placed in state constitutions under federal duress are thus null and void.

**-The U.S. federal government has no legal power, power granted by the people, to dictate or enforce social norms or traditions.**

**-The U.S. federal government has no power granted by the people to forbid any citizen the choice of a spouse, be it interracial, same-sex (sadly), or patriarchal.**

**-The Ninth Amendment-**

**“The enumeration, in the Constitution, of certain (specific) rights, shall not be construed to deny or disparage others retained by the people.”**

**Will someone argue that the “other” rights, “retained by the people” and guaranteed by the Ninth Amendment do not include the right to choose one’s own spouse without government interference?**

*The Ninth Amendment has been applied to establish and defend the Freedom of Intimate Association, including the right to bear and beget children outside of civil marriage (Eisenstadt v. Baird, 1972). Can the Supreme Court consistently defend the right of a man and a woman to bear a child while denying them the right to establish themselves together with that child in a family unit? Can the court deny the child the right to a complete family with those two parents?*

**Suppose a man, married with children, becomes involved with a second woman and begets a child with her? He has committed no crime under the law and now has children with two women. Anti-bigamy law denies him the right to family relationships with both women, one woman’s right to a family relationship with the man she has chosen to father her child and the child’s right to a united family unit with both**

parents. Will someone argue that the Ninth Amendment to the Constitution guarantees none of these individuals the right to join together in one family unit?

*Please note that anti-bigamy laws do not, cannot deny a man the right to engage in sexual relationships with more than one woman. They only succeed in denying all of these individuals the right to identify themselves as one family unit. An anti-bigamy law is not anti-adultery. Anti-bigamy is anti-family and UNCONSTITUTIONAL.*

**I submit that the right to unite with others in a plural family relationship is one of the “other rights” protected by the Ninth Amendment to the Constitution and that no government state can constitutionally deny it.**

#### **-Conclusion-**

- Civil government has no power to legislate or destroy the feelings that bind individuals in family units.
- The family defines itself from within, by the choice of individuals who generate and maintain tender feelings for each other.
- The family is a sovereign institution, existent before and independent of civil government.
- Government is a creature of the family, responsible to it, not for it.
- Governments are instituted to preserve rights (Declaration of Independence).
- Governments are responsible to protect and preserve the family (Universal Declaration of Human Rights).
- **Government violates law when it usurps power not specifically granted by the people.**
- **Government has no just power to establish and maintain social norms among the people.**
- **Government has no just power to practice selective breeding among the people.**
- **In prohibiting patriarchal marriage, government violates the law.**
- **Patriarchal marriage is legal in the CONSTITUTION'S BILL OF RIGHTS.**
- **Patriarchal marriage has always been legal ordained/allowed by heaven and played out in the earth.**

#### *Does the Law of the Land Make Patriarchy Illegal?*

Let's briefly look at the often quoted verses in **Romans 13** that allegedly prove that believers, even if being led by YHWH into patriarchal marriage, must “obey the laws of the land.” This catch phrase is designed to try and make Scripture say something that it does not say. **As you are about to discover, these verses say absolutely NOTHING about obeying the “laws of the land,” although they should be obeyed, whenever they do not break Yahuwah's laws, or even His permissible allowances.**

13:1-Let every Yisraelite be subject to civil governing powers. For there is no power but from YHWH: the civil powers that exist are ordained of YHWH.

The power, or civil authority is from YHWH. However not every law passed in the land is from YHWH. **We must submit to the AUTHORITY and analyze each law that the authority passes to determine if it violates His Set-Apart Word, or not. When Adolf Hitler told Germans it was legal to kill Jews, should Bible believers have obeyed the authority? IT WAS THE LAW OF THE LAND! The obvious answer is no! However when the same German government told citizens to pay taxes, should they have obeyed the law of the land? Yes!**

2 Whoever therefore resists **the civil power**; resists the **ordained institution** of YHWH: and they that resist shall receive mishpat-judgment on themselves.

**As born again believers we are not to resist, or disrespect the civil governing authorities.** We need to learn how to obey and submit to the authority without jumping off bridges, if and when they tell us to. If they tell us

we cannot marry within the guidelines of Torah, we tell them to take a hike; however, in all other areas where they do not violate, or disallow what YHWH allows, we must obey the governing civil authority. **As believers, we need to be able to discern the difference between obeying an “authority structure” ordained by YHWH to avoid anarchy and chaos, as opposed to robotically obeying every single decree that a human civil authority chooses to enact like killing babies and homosexual unions, if and when the specific decree violates YHWH’s Word and allowances, which it clearly does in man made anti plural marriage legislation, which ABORTS the SEED of ISRAEL.**

3 For civil shophtim-judges are not a menace to tov mitzvot-good deeds, but to cause men to fear doing evil. **Will you then not be afraid of the authorities? Do that which is tov-good and you shall have tehilla-praise from the same authorities:**

In general, the way to keep human authority off your back and out of your private matters is to fear doing evil against YHWH and do His commandments. **DO and practice those things that YHWH calls good and you will not have to be afraid of civil authority. Why? Because YHWH will guard you from evil human authority, if and when human authority steps out of line with unjust laws.** If you ALWAYS obey YHWH, not only will YHWH guard you, but He will make sure the civil authority will praise you in your devotion to the Creator, even if they refuse to recognize His very existence.

4 For he/it is the eved-servant of YHWH to you for tov-good. But if you do that which is evil, then be afraid; for he/it bears not the sword in vain: for he/it is the eved-servant of YHWH, an instrument to execute wrath upon the one that does evil.

The believer that does evil, or the one who violates Torah, will receive a correction from YHWH through human authority. He bears YHWH’s corrective governing sword to those who practice evil. **Evil is defined by Torah alone and not by some nebulous concept called “the laws of the land.”**

5 Therefore we must be subject, not only for fear of wrath [from YHWH], but also because of our conscience [based on His Word].

**We must be subject to the AUTHORITY itself, not necessarily to every law they pass. Each law they pass must be analyzed in the light of Torah before we make a decision for consciousness sake, whether it can be obeyed, or whether it must be ignored, or even spoken against. This is what Paul is saying! Nowhere does he promote a general robotic submission to ALL the “laws of the land,” which by the way, he himself violated many times in proclaiming the Good News, which is how he wound up in jail! So we see Paul also had to violate some of the “laws of the land,” in order to obey, or follow YHWH’s will for his life.**

**If plural marriage is His calling for your life, no law of the land can stand in the way. The laws, or allowances of the HEAVENS, ALWAYS supersedes the so called “law of the land.”**

6 For this cause pay taxes also: for they [human government] are YHWH’s instruments, attending continually upon this very thing.

A perfect example is taxes. Since Yahushua clearly commanded us to “render unto Cesar,” **we must not resist the authority.** But if the same authority tells us that we must hire homosexuals to work in our ministries’ and family businesses’, our consciences’ and our YHWH in His Word, does not allow us to obey the authority in that particular matter. **In that case, we disobey a law, all the while still submitting ourselves to the general governing authority in all other matters, where conscious and His Word are not violated.** If we follow YHWH’s ways all the time (doing tov), He will guard us from bad human authority, or provide a way of escape, so that we will not have the fear of abuse by human authority.

This then at long last is the correct and BALANCED view of civil authority and obeying the so called “laws of the land.” **Let’s mature and grow up in Yahushua and learn to discern the difference between obeying the authority and power structure, while discerning each individual law and statute in the light of Scriptural allowances and prohibitions. This is the maturity and balance YHWH seeks for us on this delicate issue, as it applies to patriarchal marriage in western societies.**

When done in the Light alone, plural marriage is one such time that we can obey the authority, while ignoring their barbaric and demonic callings to “mandated monogamy,” sterilization, abortion and birth control; demonic callings that stand opposed to the ways of Abraham and Jacob, that today results in a marriage failure rate of about 60-70% and aborted Israelite populations.

And if the truth be told, another 15% are perpetually unhappy, or unfulfilled, but remain together for convenience sake, financial reasons, or for the children’s sake. Surely patriarchal marriage, despite having its own unique troubles and challenges, does not approach those kinds of appalling numbers.

## **Addendum Two**

### ***Scientific Study on Mandated Monogamy by RAMYK***

Cheating, lying, adultery and covenant breaking are all around us; mostly they are the bad fruits of man made church and government mandated monogamy statutes. Throw in a 60-70% “divorce on demand” rate and it’s obvious even to the casual observer that men and women have an inclination towards variety, or wandering in their sexual desires. Even many anti plural marriage female proponents claim that they reject plural marriage because it allows men more women, but does not allow them more husbands! That shows us the natural underlying need for variety.

Those who fight to remain monogamous, even in the happiest of marriages (and it is a real difficult lifelong struggle), admit to a life of struggle, work, tension, counseling and wrestling, in order to keep their marriages together. In this struggle, they inevitably feel something is wrong and that if monogamy was the only way to go and if YHWH blessed it alone, it shouldn’t have to feel like hell on earth for some, just to make it last.

**Yet these couples have been told that they have no choice in the matter and that their desires for variety, which in all other areas of the human experience are considered the “spice of life,” are somehow evil, or lustful, when it comes to the sexual area.**

It is most strange that when it comes to foods, music, art, cars, smells, sights and sounds, variety is considered a virtue and a sign of NATURAL living. Yet when it comes to honoring more than one covenant within a plural marriage arrangement, suddenly variety is forbidden, unclean, unnatural, fleshly and disgusting. Says who? What shameful inconsistency and hypocrisy!

**Thanks to some fantastic research that came out in 2001, a top scientist and psychologist that have studied species of all types have found out that most species that YHWH created are not monogamous; and in fact mate often with different partners. Can this explain the underlying problem with mandated monogamy? Homo sapien beings, like all of YHWH’s creation, are created with a NATURAL uninhibited desire for more than one mate and lots of variety. Some may vehemently deny that; but 6,000 years of human behavior belies those self righteous, or self deluded claims. We need to come to grips with this and get real with ourselves, before YHWH can deposit new, or renewed truths in our hearts!**

Now we can pursue more than one mate illegally like the world does in their arrogance and rebellion (Yah forbid), or we can once again submit ourselves to YHWH’s Torah and pursue this inbred need in a kosher and sanctified manner. As you read this research below, I want you to ponder the unthinkable.

**That it is NOT NATURAL for some men and women to be stuck in a monogamous relationship, when the Creator YHWH placed within each of us the need and desire for variety. Of course we are speaking about a post Edenic fallen world; but the fact remains that is where we live.**

That which western society has told us is natural; one man with one woman is according to the latest research of the animal kingdom and human behavior, absolutely incorrect. The two kingdoms (human and animal) are very similar in their created need for variety. **This finally explains why the variety of sex practiced within the born again community mimics that practiced in the world and in the animal kingdom.**

**It's not that born again believers do not fear YHWH! Indeed most do! But could it be that like other human beings that choose lifetime monogamy, they must contend, suppress and defeat the natural Yah given urge to have more than one mate? How many born again men and women have at some point in the past fantasized about making love to someone other than their lawful spouse? 98%?, 99%?, 100%? Please don't lie and claim that this has never happened to you! Lying is a sin!**

I believe the truth will set you free. I believe now is the time for all of us, or most of us, especially those not celibate, to admit the truth. **If we could get away with it,** we would opt for multiple sex partners, giving us multiple sexual pleasures from a variety of angles. Every pun intended.