

PROPOSED AMENDMENT TO CONSTITUTION

To add a new provision to Article XIII of the Constitution that would require that the States of the FSM recognize the statutes, court orders, and records of the other States.

Add Section 8 to Article XIII to read as follows:

Section 8. Full faith and credit shall be given in each state to the statutes, records, and judicial proceedings of every other state. Congress shall prescribe by statute the manner in which statutes, records, and judicial proceedings may be authenticated and recognized by the other states.

PURPOSE AND INTENT OF THE AMENDMENT:

Reasons for full faith and credit clause:

- The purpose of a “full faith and credit” provisions is to make certain that statutes, court decisions, and official records in one State receive the same legal recognition in other States as they receive in their home State.
- This clause has worked well in other jurisdictions’ constitutions.
- Here are three examples that demonstrate who this amendment may affect:
 - o Court Proceedings. A citizen of Kosrae obtained a judgment in the Kosrae Supreme Court against another person, but the defendant then moved to Yap to work, leaving no property in Kosrae. It would be very difficult for the Kosrae plaintiff to collect his judgment. The Plaintiff would have to go to Yap to collect the judgment; but unless Yap recognizes the judgment, the plaintiff would have to go to Yap and prove his case all over again in the Yap State Court. This amendment would prevent such expensive and unnecessary proceedings.
 - o Official Records. A child living in Chuuk, but born in Pohnpei has to prove that he is a member of a lineage in Chuuk. This amendment would require the court and administrative agencies to recognize a birth certificate issued in Pohnpei just as it would recognize one issued in Chuuk. There would be no need to present numerous witness that may be living in Pohnpei to determine that the child is a member of the lineage.
 - o Statutes. There are situations in which the statutes of one State must be applied by the court of another state – although, this does not usually occur. Two citizens of Kosrae are living and working in Pohnpei, but have a dispute that arose out of a

transaction that occurred between these two individuals in Kosrae. If a lawsuit was filed in the Pohnpei Supreme Court, then the Pohnpei Supreme Court may apply Kosraean law. This amendment would require the Pohnpei Supreme Court to recognize the statutes and case law of Kosrae when deciding the case, although it would be up to the Court to decide which State's law should be applied.

Introducer:


Camillo Noket

1/09/20
Date