

**Sec. 1—Full Faith and Credit**

Faith and Credit Clause. Congress has the power under the clause to decree the effect that the statutes of one state shall have in other states. This being so, it does not seem extravagant to argue that Congress may under the clause describe a certain type of divorce and say that it shall be granted recognition throughout the Union and that no other kind shall. Or to speak in more general terms, Congress has under the clause power to enact standards whereby uniformity of state legislation may be secured as to almost any matter in connection with which interstate recognition of private rights would be useful and valuable.

**JUDGMENTS OF FOREIGN STATES**

Doubtless Congress, by virtue of its powers in the field of foreign relations, might also lay down a mandatory rule regarding recognition of foreign judgments in every court of the United States. At present the duty to recognize judgments even in national courts rests only on comity and is qualified in the judgment of the Supreme Court, by a strict rule of parity.<sup>147</sup>

SECTION 2. Clause 1. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

**STATE CITIZENSHIP: PRIVILEGES AND IMMUNITIES****Origin and Purpose**

"The primary purpose of this clause, like the clauses between which it is located . . . was to help fuse into one Nation a collection of independent sovereign States."<sup>148</sup> Precedent for this clause was a much

<sup>147</sup> No right, privilege, or immunity is conferred by the Constitution in respect to judgments of foreign states and nations. *Aetna Life Ins. Co. v. Tremblay*, 223 U.S. 185 (1912). See also *Hilton v. Guyot*, 159 U.S. 113, 234 (1895), where a French judgment offered in defense was held not a bar to the suit. Four Justices dissented on the ground that "the application of the doctrine of *res judicata* does not rest in discretion; and it is for the Government, and not for its courts, to adopt the principle of retorsion, if deemed under any circumstances desirable or necessary." At the same sitting of the Court, an action in a United States circuit court on a Canadian judgment was sustained on the same ground of reciprocity, *Ritchie v. McMullen*, 159 U.S. 235 (1895). See also *Ingenohl v. Olsen & Co.*, 273 U.S. 541 (1927), where a decision of the Supreme Court of the Philippine Islands was reversed for refusal to enforce a judgment of the Supreme Court of the British colony of Hong Kong, which was rendered "after a fair trial by a court having jurisdiction of the parties." Another instance of international cooperation in the judicial field is furnished by letters rogatory. See 28 U.S.C. § 1781. Several States have similar provisions, 2 J. MOORE, *DIGEST OF INTERNATIONAL LAW* 108–109 (1906).

<sup>148</sup> *Toomer v. Witsell*, 334 U.S. 385, 395 (1948).