Sec. 1—Full Faith and Credit

Cases Following Williams II.—Fears registered by the dissenters in the second *Williams* case that it might undermine the stability of all divorces and that the court of each forum state, by its own independent determination of domicile, might refuse recognition of foreign decrees, were temporarily set at rest by *Sherrer v. Sherrer*,[59] which required Massachusetts, a state of domiciliary origin, to accord full faith and credit to a 90-day Florida decree that the husband had contested. The husband, upon receiving notice by mail, retained Florida counsel who entered a general appearance and denied all allegations in the complaint, including the wife's residence. At the hearing, the husband, though present in person and by counsel, did not offer evidence in rebuttal of the wife's proof of her Florida residence, and, when the Florida court ruled that she was a *bona fide* resident, the husband did not appeal. Because the findings of the requisite jurisdictional facts, unlike those in the second *Williams* case, were made in proceedings in which the defendant appeared and participated, the requirements of full faith and credit were held to bar him from collaterally attacking such findings in a suit instituted by him in his home state of Massachusetts, particularly in the absence of proof that the divorce decree was subject to such collateral attack in a Florida court. Having failed to take advantage of the opportunities afforded him by his appearance in the Florida proceeding, the husband was thereafter precluded from relitigating in another state the issue of his wife's domicile already passed upon by the Florida court.

In *Coe v. Coe*,[60] embracing a similar set of facts, the Court applied like reasoning to reach a similar result. Massachusetts again

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tion, to be exercised when the denial [of credit] strikes its sensibilities as wrong, by some not stated standard. . . . There will be no 'weighing' [of evidence]. There will be only examination for sufficiency, with the limits marked by 'scintillas' and the like." 325 U.S. at 255, 258, 259, 251.

No less disposed to prophesy undesirable results from this decision was Justice Black whose dissenting opinion Justice Douglas joined:

"[T]oday, as to divorce decrees, [the Full Faith and Credit Clause] . . . has become a nationally disruptive force. . . . [T]he Court has in effect [held] . . . that 'the full faith and credit clause does not apply to actions for divorce, and that the states alone have the right to determine what effect shall be given to the decrees of other states in this class of cases.' . . . If the Court is today abandoning that principle . . . that a marriage validly consummated under one state's laws is valid in every other state [, then a] . . . consequence is to subject people to criminal prosecutions for adultery and bigamy merely because they exercise their constitutional right to pass from a state in which they were validly married on to another state which refuses to recognize their marriage. Such a consequence runs counter to the basic guarantees of our federal union." 325 U.S. at 264, 265.

[59] 334 U.S. 343 (1948).

[60] 334 U.S. 378 (1948). In a dissenting opinion filed in Sherrer v. Sherrer, but applicable also to Coe v. Coe, Justice Frankfurter, with Justice Murphy concurring, asserted his inability to accept the proposition advanced by the majority that "re-