

The Honorable Lyndon P. Abraham
President
Third Kosrae State Constitutional Convention
Kosrae State, FM 96944

Dear Mr. President:

Your Committee on Civil Liberties and Traditions, to which was referred
Delegate Proposal No. 03-05-02, entitled:

“A PROPOSAL TO DEFINE MARRIAGE AS THE UNION OF A MAN AND
A WOMAN.”

begs leave to report as follows:

Findings

The subject proposal proposes to define marriage as the union of a man and a woman. The proposal would prohibit same sex marriage between two men or two women in the State of Kosrae.

The Committee discussion of the proposal recognizes the equal protection provision of the FSM Constitution, under the FSM Constitution, Article IV, Section 4. However, FSM Constitution, Article V, Section 2, also provides that protection of Micronesian tradition shall be considered a compelling social purpose which requires governmental action.

The Committee emphasizes that the Kosrae family and community have always recognized only the union of a man and a woman in marriage pursuant to Kosrae tradition. The Committee therefore, recognizes Article V, Section 2 of the FSM Constitution allows for the protection of defining marriage as between one man and one woman, pursuant to Kosrae tradition.

Recommendations

Based on the foregoing, the Committee recommends passage of the subject proposal with the following amendment:

Line 2, after the word “Marriage” insert “, pursuant to Kosrae tradition.”.

Therefore, the proposal, as amended, would read as follows:

"Section 4. Marriage, pursuant to Kosrae tradition, shall consist only of the union of a man and a woman. The lawful authority to perform marriage ceremonies shall not be vested in those individuals who hold public office, including the Governor, Lieutenant Governor, Speaker, Vice Speaker, or any State Court justices."

Respectfully submitted,

Chairman, Yosiwo P. George

Vice Chairman, Arthy G. Nena

Hairom E. Livaie, Member

James R. Palsis, Member

Simpson K. Abraham, Member