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Congressional Record S. 2938 - Voting Rights - Amendment No. 545 by MM on Reducing age to 18 Year Old

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VOTING RIGHTS ACT AMENDMENTS OF 1969—SUBMISSION OF AMENDMENT NO. 545

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. Magnuson), the distinguished Senator from Massachusetts (Mr. Kennedy), and myself I offer an amendment to the pending substitute that would lower the voting age to 18 in all elections—Federal, State, and local.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, will the Senator include my name as a cosponsor of the amendment?

Mr. MANSFIELD. Yes, indeed.

Mr. PELL, Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. BIBLE, Mr. President, ask that the Senator include my name as a cosponsor of the amendment?

Mr. MANSFIELD. Yes.

Mr. TYDINGS, Mr. President, ask that the Senator include my name as a cosponsor of the amendment.

Mr. MANSFIELD. Yes.

Mr. INOUYE. Mr. President, will the Senator yield?

Mr. MANSFIELD I yield.

Mr. INOUYE. I ask that my name be included as a cosponsor.

Mr. MANSFIELD. Yes.

Mr. STEVENS. Mr. President, I ask that the Senator include my name as a cosponsor of the amendment.

Mr. MANSFIELD. Yes.

Mr. President, I ask unanimous consent that the names of the Senators who have so requested be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MANSFIELD, Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with because it is quite lengthy.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record as follows:

AMENDMENT NO. 545

On page 2, line 9, strike out the word "title" and insert in lieu thereof "titles".

On page 8, line 8, strike out the quotation marks and the last period therein.

On page 8, after line 8, insert the following new title:

"TITLE III—REDUCING VOTING AGE TO EIGHTEEN IN FEDERAL, STATE, AND LOCAL ELECTIONS"

"DECLARATION AND FINDINGS"

"SEC. 301. (a) The Congress finds and declares that the imposition and application of the requirement that a citizen be twenty-one years of age as a condition to voting in any primary or in any election—"

“(1) denies and abridges the inherent constitutional right of citizens eighteen years of age but not yet twenty-one years of age to vote—a particularly unfair treatment of such citizens in view of the national defense responsibilities imposed upon such citizens; and

“(2) has the effect of denying to citizens eighteen years of age but not yet twenty-one years of age protection of the laws that are guaranteed to them under the Fourteenth Amendment of the Constitution; and

"(3) does not bear a reasonable relationship to any compelling State interest.

(b) In order to secure the constitutional rights set forth in subsection (a), the Congress declares that it is necessary to prohibit the denial of the right to vote to citizens of the United States eighteen years of age or over.

"PROHIBITION"

"SEC. 302. No citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any primary or general election shall be denied the right to vote in any such primary or election on account of age if such citizen is eighteen years of age or older."

"ENFORCEMENT"

"SEC. 303. (a) (1) In the exercise of the powers of the Congress under the necessary and proper clause of section 8, Article I of the Constitution the Attorney General is authorized and directed to institute in the name of the United States such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the purposes of this title.

(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this title, which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the cases to assign the cases for hearing and determination thereof, and to evaluate the cases to be in every respect expedited.

(b) Whoever shall deny or attempt to deny any person security by this title shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"DEFINITION"

"SEC. 304. As used in this title the term 'State' includes the District of Columbia."

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 2 or 3 minutes beyond the 5-minute limitation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, entering the 1970s, the United States and the world face extremely complex issues—issues wrought by international tensions of both new and old and by domestic unrest that has been witnessed already in the smoldering wake of urban disorders. One of the most difficult challenges we face is the growing barrier of misunderstanding that guls the young people of today from the older generation who were the youth of yesterday. As our living standards and educational opportunities have improved so have our youth become more experienced, more aware, perhaps more restless, but better equipped than ever to exercise responsibility.

The fact that some have flaunted their disillusionment for certain of the institutions that we long ago accepted as a way of life in no way should reflect upon the great majority of our young people. Their probing intelligence, and earnestness to participate in the electoral process exemplify the best qualities of responsible citizenship. The future, to repeat a truism, is in their hands. If it is to be a better nation and a better world—"
and I am confident that it will be—the youth of today will make it so. I think the time has come when the youth should be given more in the way of recognition, more in the way of public responsibility.

The very first step should be to open the voting box to 18-year-olds. Kentucky, Georgia, Alaska, and Hawaii have already moved in that direction. Only in this way will the youth of today be able to participate fully in the elective process. We need their participation in the important events of these days; they need to know that their participation and voice is sought and valued. I am sure the contribution will be significant.

To cling to the belief that 18-year-olds are not responsible or sufficiently mature to exercise the right to vote is to fail to face the issue squarely or fairly. In the elective process today, young people are in the forefront—working, listening, talking, participating. The age of 21 is simply not the automatic chronological door to the sound judgment and wisdom that is needed to exercise the franchise of the ballot or, for that matter, to assume any other responsibility. Indeed, it is the age of 18 which has long been regarded as the age when young people “try it on their own” and become responsible for themselves and for others. In fact, at this age the citizen has fresher knowledge and a more enthusiastic interest in government processes.

Moreover, 18 is the age when young men are told to fight our wars even though they themselves may have no right to choose the officials who make the policies that may lead to war.

Some people derogue this argument, but it also is a truism. At 18, they become young adults and are treated so by our courts. They are deemed legally responsible for their actions—both civil and criminal—and must suffer the full penalties of the law. Eighteen-year-old men and women marry and need not obtain the consent of parents or guardians to do so. Young adults of 18 hold down full-time jobs. They pay taxes at the same level as everyone else; yet they have no say in the imposition of those taxes. If we say they can assume the economical and social responsibilities of adults, of marriage and family, why not the vote?

This young generation is interested. It is concerned. It should be allowed to exercise that most basic of all rights in our democracy—the right to vote.

The colleges and universities are filled with alert minds, eager, willing, and able to participate. Permitting them to do so would be a large step forward, not only in bridging the unwarranted gap between 18- and 21-year-olds but in providing a basis for better understanding between the youth of today and the youth of yesterday.

The issue is perhaps more pertinent in 1970 than at any time in the past. The problems of today may well become the crises our young people must face tomorrow, as the leaders of this Nation. The ideals and enthusiasm they bring to the ballot box cannot but have a beneficial influence on the conduct of government.

Let me just say in conclusion that age is not the critical influence on a citizen’s maturity, experience, and judgment. Our young people have been saddled already with enormous responsibilities which they have assumed with great competence. There are compelling reasons to lower the voting age. This amendment should be adopted.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MAGNUSON. Mr. President, as one of the authors of the amendment, I wish to join in the remarks made by the distinguished majority leader. I think the majority leader has stated the issue correctly and with great force. I think there are many compelling reasons to change the age at which young people may vote. I share the opinion of Professor Cox:

Congress has the power to find the facts and to determine whether there is a distinction between those who are 18 to 21 and those who are 21. It is an individual classification and a denial of equal protection under the 14th amendment.

I think at this time in this changing world and changing society, it is appropriate to review our past thinking on giving the vote to 18-year-olds. There has been great improvement in education. There has been great change in the age at which young people take jobs, marry, raise families, and have children. They have greatly increased knowledge and sophistication on all issues. This all bears on the propriety of concluding that these interests make waiting until one is 21 to vote an unreasonable requirement.

Personally, I am pleased with the large number of cosponsors.

I was just recalling and mentioning to my friend from West Virginia, that in 1931 when I was a member of my State legislature, I introduced an 18-year-old measure. It is now 36 years since that time. Conditions have made it even much more imperative that such a measure be passed by Congress. I believe in it then, when I was a Member of the House some 30 years ago, and I believe that the circumstances now are even more compelling. Young people today are totally qualified at 18 to exercise their citizenship.

I share the views of the Senator from Montana that this action is long overdue. The States simply have not taken the initiative and I believe that Congress must act. Prof. Archibald Cox, testifying before the Subcommittee on Constitutional Rights, gave strong support for this approach. Congress can no longer find the age of 21 as being justified. The Supreme Court in Kramer against Union Free School District uttered some language that seems to me very pertinent on this point. It said that any unjustified discrimination in determining who may participate in political affairs or the selection of public officials undermines the legitimacy of governmental.