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Mike Mansfield 1903-2001
Mr. MANSFIELD. Mr. President, how goes the time?

The PRESIDING OFFICER. The Senator from Montana has 6 minutes remaining and the Senator from Pennsylvania has 3 minutes remaining.

Mr. MANSFIELD. Mr. President, I yield myself as much time as I may require within the 6 minutes.

Mr. President, so far as I am aware, not a Member of this body, to my knowledge, has spoken during this floor debate against extending the voting franchise to those 18 and above. There is a great deal of concern about the proper way to achieve this objective. Some persons think, very honestly, that the only way is through the constitutional process. Others think it is by statute.

There has been a lot of talk this morning about the Randolph constitutional amendment resolution, with 74 or 75 signatures, which now resides within the confines of the Judiciary Committee. There has been some talk, encouraging at least on the surface, that if we do not do anything about this, or let it slide by, it will not be long before the Randolph resolution will be reported out of the Judiciary Committee.

Frankly, I doubt that it will be reported shortly, under the very best of circumstances. Frankly, I know, as far as the House Judiciary Committee is concerned, no action will be taken this year, any more than was taken in previous years. So what we are going to do if we do not face up to this issue on this basis, not only for this year but perhaps for years to come, is forgo the possibility of a constitutional amendment which will put into effect what every Member of this body desires, at least as far as I am aware.

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

Mr. MANSFIELD. I yield.

Mr. AIKEN. I wonder if perhaps the Senator feels that if the amendment is defeated today the defeat will be taken as the sentiment of this body, and perhaps the constitutional amendment proposal will never come out of the Judiciary Committee at all, since the interpretation will be that the Senate has already voted against it, and so why bother?

Mr. MANSFIELD. That is correct. It is a good burial ground for certain types of legislation, and I do not think we ought to try to blink away the facts.

What we have now is the first chance and the only chance that I can recall, on a national scale, for this Institution to face up to this issue squarely.

This amendment would extend the right to vote to every citizen of the United States who is 18 years old and older. It would afford that right in every election, Federal, State, or local.

Much has been said lately about extending the franchise by statute. It is
argued by those that oppose this method that Congress does not have the power to act; only the Supreme Court can make this determination. The Senate is the final arbiter of these questions, but it is about time that Congress assumed its responsibilities as well.

In an effort to determine the limits of Congress' constitutional authority, I sent a telegram to Prof. Paul Freund, probably the best constitutional lawyer in this country. In addition, I looked up the testimony of the former Solicitor General of the United States, Archibald Cox, to talk to other people, and have received information which, to my way of thinking, as a nonlawyer, validates the procedure which we are following and does insure a possible way by means of which the 18-year-olds and above can achieve the right to vote.

At 18, 19, and 20, young people are in the forefront of the political process—working, listening, talking, participating. They are barred from voting.

I would not continue talking. I do not think they do enough inflating into the established political parties. I think those of us above the age of 30 should take a little time, and these youngsters—not the minority that always get the publicity, but the conscientious, idealistic majority of young people—will bring the setting of that policy.

Young men and women who could bring a new idea, and will do what they can through these youngsters—not the minuscule minority—that are in the established political parties.

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

Mr. MANSFIELD. If I may finish, I am on the tight schedule here.

They will not only bring us a fresh outlook, but will bring us their innovation, and will do what they can through acts of participation, to become a part of the whole, rather than on the outside, as is the case at the present time.

They fight our wars. You can brush it off by saying that argument all you want, but that is a most important argument, and I think these youngsters who are called because of our responsibility, because we have a military responsibility, will bring our parties some new blood, some new vigor, some new ideas. Both parties could stand a pretty strong transfusion.

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of the views reflected here, it was actually necessary to have achieved woman suffrage through a constitutional amendment. At the time of the Nineteenth Amendment the power of Congress to enforce the equal-protection guaranty was in a dormant state. The alternatives were thought of as a judicial decision striking down exclusively male suffrage, or an amendment to the Constitution. In retrospect, it seems tolerably clear that from the standpoint of constitutional power (putting aside considerations of political expediency), Congress could have determined by law that exclusion from voting on the basis of sex was an unwarranted differentiation.

The question for Congress is essentially the same, whether the exclusion be on criteria of sex, residence, literacy, or age. It is not my purpose to review the considerations that have been brought forward in favor of reducing the voting age. They involve a judgment whether twenty-one has become an unreasonable line of demarcation in light of the level of education attained by younger persons, their involvement in political discussion, their capacity in many cases to marry, their criminal responsibility, their obligation for compulsory military service. Historically, we are told, twenty-one was fixed as the age of majority because a young man was deemed to have become capable at that age of bearing the heavy armor of a knight.

The cumulative effect of such considerations on the continued reasonableness of twenty-one as a minimum voting will, I am sure, be canvassed by the Congress. My purpose, responsive to your invitation, has been to indicate why I believe that Congress may properly make such a judgment and embody it in the form of a statute.

Yours very sincerely,

Paul A. Freund,
Professor, Harvard Law School.