H. RES. 1090

Resolved, That there shall be printed, concurrently with the press run, for the use of the House Document Room for House floor distribution, two thousand five hundred additional copies of the report of the Committee on Rules accompanying H.R. 17654, a bill to improve the operation of the legislative branch of the Federal Government, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF ADDITIONAL COPIES OF REPORT OF COMMITTEE ON RULES ACCOMPANYING H.R. 17654

Mr. GETTYS. Mr. Speaker, I offer a resolution (H. Res. 1091) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1091

Resolved, That there shall be printed, concurrently with the press run, for the use of the Committee on Rules, two thousand five hundred additional copies of the report of the Committee on Rules accompanying H.R. 17654, a bill to improve the operation of the legislative branch of the Federal Government, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 174]

Alexander	Gallagher	Price, Tex.
Baring	Gaydos	Pryor, Ark.
Biaggi	Giaimo	Purcell
Brock	Gray	Roudebush
Buchanan	Halpern	Roybal
Bush	Hébert	Ruppe
Chisholm	Jarman	Scheuer
Clark	King	Schneebeli
Collier	Kirwan	Schwengel
Corman	Kyl	Weicker
Cowger	Leggett	Wilson,
Cramer	McCarthy	Charles H.
Daddario	McMillan	Wolff
Dawson	Nedzi	Wyatt
Dent	O'Hara	Zablocki
Dulski	O'Neal, Ga.	
Edwards, La.	Ottinger	
Erlenborn	Patman	
Ford,	Pelly	
William D.	Pollock	

The SPEAKER. On this rollcall 376 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EXTENDING VOTING RIGHTS ACT OF 1965

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 914 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 914

Resolved, That, immediately upon the adoption of this resolution, the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, with Senate amendments thereto, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendments are, and the same are hereby, agreed to.

The SPEAKER. The gentleman from Hawaii is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield the gentleman from California, Mr. SMITH, 30 minutes, pending which I yield myself 3 minutes.

Mr. Speaker, House Resolution 914 presents a very simple issue to this House; that is, whether or not we should agree to the Senate amendments to H.R. 4249, a bill to extend the Voting Rights Act of 1965.

The basic and real question, however, is whether or not the Voting Rights Act of 1965 should be extended beyond its present statutory life. If we fail to adopt House Resolution 914 today it will mean the demise of the Voting Rights Act of 1965 on August 6, 1970.

I have no doubt in my mind that unless House Resolution 914 is adopted by this body today, we will have seen the end of the Voting Rights Act of 1965.

Any Member of this Congress who has given any serious consideration to the parliamentary situation prevailing both in this House and in the Senate will agree that unless we act favorably on this resolution today the Voting Rights Act of 1965 will have come to an end on August 6, 1970.

Generally speaking, the Senate amendments in fact improve upon the House bill. Even a constitutional authority such as the gentleman from Virginia (Mr. POFF) testified before the Rules Committee that the Senate amendments do in fact improve the House bill.

There is only one difficult question posed by the Senate amendments, that involving the extension of voting rights to citizens 18, 19, and 20 years of age. The principal objection is based on the contention that the amendment runs contra to our Federal Constitution. It is said that as Members of Congress we took the oath upon accepting the responsibilities of our office that we would uphold the Constitution of the United States and that a favorable vote for this particular amendment would be tantamount to a violation of that oath. I, too, Mr. Speaker, took that oath and have no intentions of violating it. I am convinced, just as firmly as those who hold the opposite view, that the 18-year-old enfranchising amendment is fully within the power of Congress to enact without violating the provisions of the Constitution.

The Supreme Court recognized this congresional power in the case of Katzenbach against Morgan in 1966 when it upheld a provision of the Voting Rights Act of 1965 which banned literacy tests as voting qualifications. This power could constitutionally be extended to lower the voting age to 18.

Two of the Nation's leading constitutional authorities hold this view and so do dozens of other experts on constitutional law. Prof. Paul A. Freund of Harvard Law School and Archibald Cox, former Solicitor General under Presidents Kennedy and Johnson and professor of law at Harvard Law School, both of whom I have had the great privilege of having as my teachers, have expressed the view that article 5 of the 14th amendment grants to the Congress the right to legislate in this area.

As in any other question of constitutionality, sincere and well-intentioned minds can and will differ on this issue. The Supreme Court is duly designated by the Constitution as the final arbiter on questions of constitutionality. Let us, therefore, carry out our responsibilities as Members of Congress and legislate as we deem proper and let the Court decide whether or not we acted beyond our constitutional authority. Let us do now what we think is right.

Speaking now on the merits of the issue, Mr. Speaker, I thing the minimum age requirement of 21 years is both arbitrary and archaic. The use of "21" as an indication of adulthood and maturity originated during the medieval times when it was generally believed that a male at 21 was old enough for literally bearing the weight of arms and armor. While we have revised the age for bearing arms to 18, we have kept the age for voting at 21. Surely, this discrimination was not intended by Congress. It is noteworthy in this connection that approximately one-half of Americans killed in combat in Vietnam fall within the age group of 18 to 21.

With the knowledge explosion of recent years working in his behalf, the young person of 18 today is just as fully qualified to vote as a person of 21 was when the age minimum was set. Our youngsters today are much more sophisticated in political matters than we were at their age. I am confident that the 18 year olds of today will make as intelligent voters as did 21 year olds a decade ago.

Furthermore, by extending the right to vote to our 18-, 19-, and 20-year-olds, we would be showing visible recognition of the national crisis in confidence in our institutions and system among our youth. We would be encouraging and strengthening the position of those who want to work within the system rather than against it.

Mr. Speaker, as I stated earlier, unless House Resolution 914 is adopted today, the Voting Rights Act will expire on August 6 of this year. It cannot be denied that the act has been good for the Nation. It has made it possible for nearly a million black Americans to register to vote in States and jurisdictions which would not have permitted them to register otherwise. During its short lifetime, the act has resulted in a jump from 29 percent to 52 percent of registered voters among black citizens of voting age.

The accomplishments of the Voting Rights Act of 1965 have indeed been

greater than expected, but it is clear that we are still a long way from the goal of equal enfranchisement for all citizens regardless of race or color. The act has been extremely effective. We do indeed have a good thing going. Let us keep it going. Let us vote to adopt House Resolution 914, the Matsunaga resolution.

Mr. SMITH of California. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the background of the matter is that we are considering today the fact that the House Judiciary Committee approved a Voting Rights Extension Act and the rule made it possible to substitute a bill in its place which is known as the "administration bill" and, more commonly, perhaps, known as the "Ford bill." The House passed that measure and it went to the other body. The Senate struck the entire House bill and placed in it an amendment. The amendment had three titles. Titles I and II have to do with the Voting Rights Extension Act. Title III has to do with the 18-year-old voting provision. When that bill came back to the House and went to the Speaker's desk, the normal procedure would be that a conference would be requested between the House and the Senate. However, in this instance that was not done. The distinguished chairman of the Committee on the Judiciary, the distingiushed minority ranking member and others felt that this would not be the advisable thing to do. The gentleman from Hawaii (Mr. MATSUNAGA) then introduced House Resolution 914. The Rules Committee approved this resolution which, if adopted, will take the bill from the Speaker's table, approve the Senate amendment and send it to the President.

I introduced House Resolution 1048 which would require the bill to go to conference. I brought this to the attention of the Rules Committee in executive session and they turned it down and approved House Resolution 914.

Thus the parliamentary situation is this: If we are going to be able to send the bill to conference the previous question will have to be voted down, and the resolution—House Resolution 914—will have to be amended with appropriate language to send it to conference. I have that amendment prepared, and I am prepared to offer it if the previous question on the resolution—House Resolution 914—is voted down.

There are a number of differences of opinion. One has to do with whether or not the act definitely expires on August 6. The gentleman from New York (Mr. CELLER) is concerned about this, and he thinks that it would expire. The gentleman from Virginia (Mr. POFF) states that there are 19 parts to the original act, that 17 of them are permanent law, and only two of them could expire. However, the legal situation is such that the Attorney General could still proceed with cases whereby the act will not expire on August 6.

Be that as it may, it seems to me that there would be plenty and ample time to consider this measure in conference, and thereby the Members would have a right to vote on the conference report rather than just simply voting this up or down today.

The next problem has to do with the 18-year-old voting rights; whether or not this should be done by Congressional action or by constitutional amendment.

Everybody has an opinion on this. The deans of the law schools, constitutional lawyers, and I suppose every Member in this particular body has an opinion on this. But we are not the Supreme Court of the United States of America, and we can express all the opinions that we want to, but they will not have any effect when the decision is made by the Supreme Court.

The gentleman from New York (Mr. CELLER) testified that he was against the proposal to do it in this manner because it would be unconstitutional. He felt the Supreme Court would take speedy action to declare it to be unconstitutional, but that, too, is an opinion.

Mr. Speaker, it seems to me that this procedure is wrong. I think the people in the various States should have the right to determine whether or not they want people to vote under age 21. Some States do now permit this. Some States have turned it down. Some have turned the provision down on I believe more than one occasion. And this year on the November ballot there are a number of States that have that particular provision on their ballot.

It seems to me that that is a right which the people have, and that we should proceed according to the Constitution, propose an amendment, and present it to the people and the State legislatures, and then let them determine it.

I am not arguing whether they should or should not be permitted to vote, or whether it is constitutional or not constitutional. I am arguing procedure. I think we, the Members of this most distinguished legislative body in the world, should at least proceed in accordance with an orderly fashion, and have a conference and then have an opportunity to vote the bill up or down. Accordingly, I ask that you join with me in voting down the previous question, and accepting the amendment so that it can go to conference.

Just one final point, if I may: although the Senate bill is one amendment in total, there are three titles to it. The first two, as I mentioned, have to do with voting rights, and the third has to do with 18-year-olds voting.

And if in the conference, the gentleman from New York (Mr. CELLER) and the gentleman from Ohio (Mr. MCCULLOCH), and others on both sides, on House Resolution 914, are concerned about the time limit, the managers on the part of the House can be instructed to accept titles I and II, and then simply confer or have a conference on the voting rights for 18-year-olds, and they should be able to settle that in a matter of one or two meetings.

So I urge the support of the Members in voting down the previous question.

Mr. MATSUNAGA. Mr. Speaker, I yield to the distinguished chairman of the Committee on the Judiciary, the gentleman from New York (Mr. CELLER) 8 minutes.

Mr. CELLER. Mr. Speaker, the Voting Rights Act of 1965 has made it possible for over 1 million blacks to register to vote and has made it possible for approximately 500 blacks to attain elective office.

The Voting Rights Act is finally making the promise of the 15th amendment of the Constitution—"the right of all citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude"—a reality.

It avails us little indeed to cleanse our polluted air and polluted waters, if we allow racism to pollute our political atmosphere.

The Voting Rights Act of 1965 did much to clear the political atmosphere. If the Voting Rights Act is not extended, the resumption of literacy tests and similar devices would occur. The wholesale reregistration of voters would be attempted which would erase all of the gains that have thus far been realized.

There would be gerrymandering of white areas.

There would be gerrymandering of black areas.

Offices that have heretofore been elective offices would be made appointive offices.

There would be sudden changes made in the places for people to vote and sudden changes in the time of casting that vote.

The Attorney General would be denied the authority to appoint Federal examiners and to register voters and to assign Federal observers to monitor the conduct of elections.

Mr. Speaker, if the Voting Rights Act is not extended, then the existing protections against manipulative changes in the voting laws will be eliminated.

Federal review by the Attorney General or the courts will no longer be a condition precedent to enforcing election law changes.

Sweet reasonableness does not exist unfortunately in some quarters to insure the freedom of the ballot. Indeed unreconstructed segregationalism prevails in many areas.

Finally, I want to point out to you my good friends that a vote against ordering the previous question is tantamount to a vote against the extension of the Voting Rights Act.

If there is any change in the bill, the bill then goes to conference and there, I can assure you, there would be the death knell of the bill.

Why do I say that? I say that because of my knowledge of what would happen in the other body. I know who the conferees would be. If this bill goes back to the other body, then this bill is as dead as that flightless bird called the dodo.

Over in the other body whether it be in the committee or on the floor—and I know whereof I speak—the gentlemen there would temporize, hinder, saunter, oppilate, prolong, prorogue, protract, procrastinate, and in other words, they would filibuster.

Mr. Speaker, the act expires 7 weeks from now. That is a short time—and an ideal time within which certain gentlemen could indeed filibuster.

The bill would be like the ferocious bull that goes into the arena. The bull goes in alive, all right—but we know that

as a result of the work of the matador and the picador and the toreador that the bull does not come out of the ring alive.

This bill will go in alive, but it will come out dead. If you feel that the Voting Rights Act is a good bill, and it has proved its effectiveness, you must vote in favor of ordering the previous question on the pending resolution.

Now I am not alarmed at the rider of the voting age reduction provision on this Voting Rights Act. Court decisions can be cited for or against its constitutionality. On this question I am confident, however. The statutory voting age reduction provision will meet an early court challenge this year. It will receive a full and complete review by the Supreme Court before the end of the year and a final judicial determination will occur before the 1971 elections.

Lost time is never found again. Let us seize the opportunity now to guarantee the blacks the vote. Let us seize time by the forelock and vote for the previous question and pass the rule.

Mr. Speaker, the continuing need for the Voting Rights Act is forcefully illustrated by two voting rights suits brought in Alabama and Louisiana by the Department of Justice in just the last 2 weeks. One of these suits, instituted June 8—United States against Bishop, and others—seeks to void the primary election in Tallulah, La., on the ground that qualified Negro voters were purged from the voting rolls while ineligible white voters remained on the rolls.

Another suit filed by the Government on June 3—United States against Democratic Executive Committee of Wilcox County—also seeks to void a local election on the grounds that new qualifications for candidates were instituted in disregard of the provisions of section 5 of the Voting Rights Act. In other words, they were not submitted to the Federal court or the Attorney General before being implemented. These new candidate qualifications worked a substantial detriment to potential Negro candidates as well as Negro voters in Wilcox County, Ala.

Make no mistake about this. Without an extension of the provisions of the Voting Rights Act, in 2 short months, beginning in August of this year, jurisdictions now covered by the automatic remedies of the act will be in a position to obtain an exemption. This means that on August 7, the States of Alabama, Georgia, Louisiana, Mississippi, South Carolina, and Virginia can go into Federal court and on the basis of the past 5-year ban on literacy tests obtain exemption from the automatic remedies of the Voting Rights Act.

Opponents of the Voting Rights Act extension argue that actually there is no imminent expiration of the act. They stress that only a judgment of the Federal court can release areas now covered by the act. They also maintain that court orders are not automatically granted.

Mr. Speaker, this argument is an exercise in legal hair splitting. It amounts to intellectual gymnastics. The simple truth is this: Unless the Voting Rights Act of 1965 is extended now, the States of Alabama, Georgia, Louisiana, Mississippi, South Carolina, and Virginia will be free to petition the court for exemption beginning on August 7. For the past 5 years they have been prohibited by the act from using literacy tests as a qualification to vote. Thus, their exemption by court order is assured if the previous questions voted down and the bill would go to conference.

The statute is explicit—unless the Attorney General determines that such tests or devices have been used during the preceding 5 years for the purpose or effect of denying or abridging the right to vote on account of race or color, "he shall consent to the entry of such judgment." Although the actual order of the court may not be rendered until a later date, the legal steps for producing such exemption can begin on August 7, only some 7 weeks away.

A vote against the previous question is a vote against extension of the Voting Rights Act.

Any further delay in enacting an extension of the Voting Rights Act spells the end of its protections.

Mr. Speaker, no duty weighs more heavily on the Members of this Congress than to protect the right to vote from interference because of race or color. If final action to extend the 1965 Voting Rights Act is delayed any further—the real victims will not be 18-, 19-, or 20-year-olds—or those citizens who move from one State to another on the eve of a presidential election. The real victims will be black Americans who have been encouraged to participate in the electoral processes of this Nation—those citizens who have been promised the fulfillment of their constitutionally protected right to vote.

A further delay in extending the act will blot out protections the Congress enacted 5 years ago. It will shatter legitimate dreams and aspirations. It will mark 1970 as the year in which the Congress dismantled the most effective civil rights protection yet enacted. It may encourage the return of all of the undesirable, immoral, and legally impermissible voting restrictions based on race or color.

I urge my colleagues to support ordering the previous question and to support House Resolution 914.

Mr. Speaker, H.R. 4249, the voting rights extension bill, as amended by the House, was approved on December 11, 1969. The bill then was amended and approved by the other body on April 2 of this year. On April 8 I asked unanimous consent to take the bill from the Speaker's table with the Senate amendments thereto and concur in the Senate amendments. That unanimous-consent request was objected to. On the same day I wrote to the chairman of the Committee on Rules requesting that that committee grant a rule of the type embodied in House Resolution 914, and also requested a hearing before that committee at the earliest convenient date.

It may help if I attempt briefly to set out the major provisions of the Senate version of the bill. First, in two areas the Senate amendments closely parallel provisions approved by the House. These are:

First, a nationwide ban on literacy tests and similar devices. The Senate version imposes this ban 5 years until August 6, 1975, in all areas not presently subject to the literacy test prohibition under the Voting Rights Act. The House version banned such tests until January 1, 1974.

Second, establishment of a uniform ceiling on residency requirements imposed by the States for voting for President and Vice President of the United States. The Senate version reduces the maximum residency requirement from 60 days provided by the House to 30 days, and also gives citizens the right to register and vote by absentee ballots.

The Senate version of H.R. 4249 also contains three provisions not contained in the bill which the House approved last December. These are as follows:

An extension of all of the provisions of the Voting Rights Act of 1965 for an additional 5-year period—this is identical to the bill which the House Judiciary Committee favorably reported initially.

A supplemental trigger provision which extends the remedies of the Voting Rights Act to additional areas of the country based on 1968 election results. This may bring within the coverage of the Voting Rights Act of 1965 certain counties in New York State—Bronx, Kings and Manhattan—as well as counties in California, Idaho, and elsewhere.

Finally, the Senate version would reduce the minimum voting age to 18 in all Federal, State and local elections.

Mr. Speaker, I have said on the floor before, and I repeat again, that my paramount interest lies in the simple and prompt extension of all of the provisions of the Voting Rights Act of 1965. The records of our subcommittee hearings, Civil Rights Commission reports and the history of litigation over the past 5 years all testify to the substantial progress thus far achieved under the act as well as the fragility of that progress. For example, in Alabama, the nonwhite population registered to vote increased from 19.3 percent in 1964 to 56.7 percent in the late summer of 1968; in Georgia, from 27.4 to 56.1 percent; in Louisiana, from 31.6 to 59.3 percent; in Mississippi, from 6.7 to 59.9 percent, and in South Carolina, from 37.3 to 50.8 percent. The Voting Rights Act, by all accounts, has been the most successful and effective civil rights enactment of the Congress. Its goals have not been fully achieved as yet and I am convinced that an additional period is required to bring about the realization of full and unfettered participation of all our citizens in the voting processes.

If the Voting Rights Act is not extended, resumption of literacy tests and similar devices could occur. A wholesale reregistration of voters could be attempted which would erase all the gains thus far realized. The Attorney General would be denied authority to appoint Federal examiners to register voters and to assign Federal observers to monitor the conduct of elections. If the act were not extended, the existing protections against manipulative changes in voting laws would be eliminated. Section 5 of the act requiring Federal review would no longer be a condition precedent to enforcing election law changes.

On previous occasions I have ex-

pressed reservations about the power of Congress to affect residency requirements for voting for President and Vice President and to ban literacy tests generally as voting qualifications. However, I do believe that reasonable men may differ as to the constitutional authority of the Congress to legislate in these areas.[1] In any event, I am persuaded that adequate recourse exists for prompt and complete judicial determinations concerning a nationwide residency ceiling for voting for President and Vice President and a nationwide literacy ban.

I have also expressed my qualms and personal misgivings about a statutory reduction in the voting age. Unlike many Members, I do hold doubts as to the wisdom of extending the franchise to persons 18 to 21. Of course, I recognize that many Members of the Congress do not share these qualms. I respect their differences of opinion.

I also hold reservations about the constitutional authority of Congress to statutorily amend voting age requirements in State and local, as well as Federal, elections. I am not confident that the provisions in the Constitution in article I, section 2; article II, section 1; the 17th amendment; or the 14th amendment empower the Congress to lower or raise the age qualification of voters in State, local, or Federal elections. Nor do I find decisions of the Supreme Court that hold or intimate that the Congress, by legislative fiat, may declare nationwide voting age requirements.

I do not read the decision of the Court in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), to squarely support congressional enfranchisement of persons below the voting age established by the States.

Despite these reservations and concerns, to which, as you know, I have given vent recently, I am now, today, firmly and finally of the opinion that we must brook no obstacle to the immediate extension of the Voting Rights Act of 1965. That extension is of such paramount national importance that it must be effectuated as promptly as possible and at a minimum of risk.

In 1965, the House Judiciary Committee report on the Voting Rights Act discussed the history of voting litigation in Dallas County, Alabama. The Committee report stated:

> The litigation in Dallas County took more than 4 years to open the door to the exercise of constitutional rights conferred almost a century ago. The problem on a national scale is that the difficulties experienced in suits in Dallas County have been encountered over and over again under existing voting laws. Four years is too long. The burden is too long. The burden is too heavy—the wrong to our citizens is too serious—the damage to our national conscience is too great not to adopt more effective measures than exist today.

That statement was the essential justification for the Voting Rights Act of 1965—it remains the essential justification in 1970.

[1] Indeed, a case is now pending before the Supreme Court which challenges the validity of an English literacy test (Jimenez v. Naff), in the State of Washington. It is expected that the Court will rule on that matter in its next term.

Mr. Speaker, I am convinced that the provisions of the Senate amendment can be subjected to prompt and thorough court challenge. I am also persuaded that a final court decision on the validity of the statutory voting age reduction will be rendered in advance of primary and local elections occurring in 1971 to avoid calamity and chaos in our electoral process.

Suit could be instituted directly in the Supreme Court. A State could bring a suit against the Attorney General who is given the powers of enforcement under the Act—original jurisdiction is founded under article III, section 2, South Carolina against Katzenbach.

A suit also could be brought in a lower Federal court by a potential voter under 21 who is denied registration; or a voter over 21 if those under 21 are granted registration. In either case a three-judge court would be convened with direct appeal to the Supreme Court.

In any case, a justiciable controversy would be present even before the effective date of the voting age reduction. See *Pierce* v. *Society of Sisters*, 268 U.S. 510 (1925). There, the Court affirmed injunctions restraining the Governor of the State of Oregon from threatening or attempting to enforce a law precluding private school education. The Court said:

> The suits were not premature. The injury to appellees was present and very real, not a mere possibility in the remote future. If no relief had been possible prior to the effective date of the Act, the injury would have become irreparable. Prevention of impending injury by unlawful action is a well recognized function of courts of equity. (At 536.)

In short, I believe that the national interest will best be served if the House promptly accepts the Senate amendments. I urge my colleagues to approve House Resolution 914 to permit House concurrence in the Senate Amendments to H.R. 4249.

Mr. RAILSBACK. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Illinois.

Mr. RAILSBACK. I wish to thank my distinguished chairman for yielding. I appreciate very much the opportunity to address myself to some of the constitutional points that have been raised and also to deal specifically with the questions raised about getting an early hearing. I think you are going to hear it said that we cannot possibly get an expedited hearing by January 1. In order to save time, I would like to call the attention of the Members on both sides of the aisle to some remarks that I inserted in yesterdays's RECORD on page 1987, at the bottom of the page, which actually sets forth four different alternative means by which we can get an expedited hearing to determine the constitutionality as it relates to lowering the voting age to age 18. I would appreciate it if the Members would check that.

I want to say, too, that all of the arguments that have been raised about causing uncertainty in the elections in the year 1971 could have been raised in respect to the passage of the original Voting Rights Act. What happened when we passed the Voting Rights Act back in 1965? Well, the State of South Carolina was concerned about the constitutionality of the Voting Rights Act of 1965. It sought and obtained an early hearing and, in the case of *South Carolina* v. *Katzenbach* (383 U.S. 301), Chief Justice Warren stated in his opinion:

> Because no issues of fact were raised in the complaint, and because of South Carolina's desire to obtain a ruling prior to its primary elections in June 1966, we dispensed with appointment of a special master and expedited our hearing of the case.
>
> Recognizing that the questions presented were of urgent concern to the entire country, we invited all of the States to participate in this proceeding as friends of the Court.

And a majority of the States responded.

The same thing could be done in this case, and all the arguments that were raised in respect to the Voting Rights Act of 1965 could be raised here and could be answered in the same way, just as the Supreme Court handled its expedited hearings in the case of South Carolina against Katzenbach.

Mr. SMITH of California. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. MCCULLOCH).

Mr. MCCULLOCH. Mr. Speaker, let there be no mistake. If House Resolution 914 is not adopted today, the most effective civil rights law in our Nation's history will be emasculated. If the key provisions of the Voting Rights Act of 1965 are not renewed, this day will go down in history as a day of infamy, a day as tragic as that day in 1894 when the Congress repealed all Federal laws prohibiting racial discrimination in voting.

The Voting Rights Act says that a State or county shall be entitled to removal from the key provisions of the Act if a literacy test or device has not been employed for 5 years with the purpose or the effect of racial discrimination. The State or county in question may file its petition at any time. Wake County, N.C., has already filed its petition and been granted relief. And perhaps tomorrow some other jurisdiction will file and get relief. There is no guarantee that we have until August 6 of this year to renew these key provisions. If a jurisdiction did not discriminate in applying its literacy tests in June and July of 1965, relief is obtainable for the asking. Today, Mr. Speaker, may already be too late.

The Senate amendment is not regional in application. It applies the Voting Rights Act to all parts of the country. It proscribes literacy qualifications for all parts of the country. It establishes uniform residency qualifications for Presidential elections for all parts of the country. And it establishes uniform age qualifications for all parts of the country.

But as one objection is met, another is voiced. The administration argues that the age-qualification provision is unconstitutional.

I find that argument more convenient than consistent. How can it be that Congress can constitutionally ban literacy qualifications in Maine or Wyoming and override the residency qualifications which the States have set for presidential elections—as the administration ar-

gues—but cannot set age qualifications? If we can take legislative notice of the facts that rationally support our setting the literacy and residency qualifications for voting, than we can do the same with regard to age qualifications.

It is not simply a coincidence that those who argue that the age-qualification provision is unconstitutional completely ignore the most recent Supreme Court decisions. On June 16, 1969, the Court set down some new rules regarding the franchise in Kramer against Union School District. The Court said:

When we are reviewing statutes which deny some residents the right to vote, the general presumption of constitutionality afforded state statutes and the traditional approval given state classifications if the Court can conceive of a "rational basis" for the distinctions made are not applicable.

Limitations on the franchise must be more than rational, said the Court. They must be "necessary to promote a compelling state interest." I do not believe that an age qualification set at 21 years of age is necessary to promote any compelling State interest of precluding immature voting. One could do that with a lower age qualification. Hence, it is quite clear to me that if the age qualifications of 21 years of age are not in themselves unconstitutional, the Court could certainly "perceive a basis"—in the words of Katzenbach against Morgan—on which Congress might reach that conclusion.

Adoption of this provision will not cloud elections. The issue can be quickly resolved—well before January 1, 1971, the effective date of age-qualification provision. The Supreme Court has jurisdiction to hear the case originally where a State is a party. The Supreme Court has shown that it can decide cases in a month or so when it has to. There really is no problem here.

I urge you to vote "yes" on the previous question and on the passage of House Resolution 914.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank the gentleman for yielding and commend him for his dedication in the struggle for equal justice. Ever since I have been in the Congress the gentleman from Ohio has been steadfast in support of such legislation. He has never failed to cooperate with the chairman of the Judiciary Committee, the gentleman from New York (Mr. CELLER) in effecting passage of this kind of legislation. I agree that we are on the brink and that our action in the House today will determine whether this Nation will move forward to make political participation more meaningful for many who are still on the outside.

This legislation today has one elementary objective and that is to extend political participation for all of our citizens regardless of their race. In addition we are now taking the long overdue action of extending the vote to those 11 million Americans who are 18, 19, and 20 years of age. The joining of the Voter Rights Act with the 18-year-old vote recognizes how crucial it is that the franchise be extended to as many as possible. And we are doing them no small favors. All black Americans ought to be able to fully participate in the political process as well as those who have the legal responsibility to bear arms in the name of their country.

This bill which I have supported is a very modest document and the fact that it needs extension for an additional 5 years speaks to that point because out of millions of black Americans in the South who ought to be able to participate in politics without the necessity of a voter rights bill, in 5 years we have registered somewhere around a million of them. We ought to do more. The bill needs much more enforcement and I hope that the administration will, for whatever reasons that might motivate them, see that the law is enforced and is not just another dead letter on the books.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, the heart of the matter before us today is whether we will accept the Senate amendments which include a provision lowering the voting age. To do so is to avoid a conference and subsequent votes in both Houses on a conference report with the delays which would attend such a decision. The August 6 expiration date of the Voting Rights Act, a scant 7 weeks hence, has special relevance to the decision we must make. Som complain that this is an intolerable procedure and an affront to the normal legislative prerogatives of this House. However, that argument is not compelling when the substantive issue so completely dwarfs the procedural aspects of the problem that now confronts us. In less difficult times the luxury of a more leisurely procedure would perhaps be warranted.

A few days ago, following an extensive tour of the Nation's campuses, members of the White House staff reported their findings on the attitudes of American youth to the President. I have not seen their report, but press accounts reveal that they were shocked by the degree to which young people are afflicted by a sense of powerlessness which in turn has stimulated a distrust of some of our most basic institutions. They are constantly enjoined to work within the system only to find that the system excludes them from any direct participation in the actual decisionmaking process. Mr. Speaker, these are our children—as Robert Finch, a member of the President's cabinet put it, and not the children of some far-off alien planet. Some of them may look strange and sound strange, but we reject them at our own peril, for there is no other generation which we can substitute in their place. We will either convince them that the ballot box and the elective process is an effective means of accomplishing change or inevitably they will succumb to the same pressures that have brought the demise of democracy when faith in man's right to freely choose has begun to fade.

There are those today with honest constitutional qualms. They view this legislation as an invasion of the power of the States to establish 21 as a minimum age for voting. But we have already, by this legislation, told the States they cannot impose a residency requirement of more than 30 days for voting in a national election or impose any kind of literacy test. Age, residency, and race—these are all matters in which clearly the Congress does have the power under the 14th amendment to make a finding that certain State requirements do not bear any reasonable relation to an interest of the State. Therefore, they may be proscribed by Federal action in order to carry out the equal protection of the laws guaranteed by the Constitution. As long as the Court can perceive that the Congress had a reasonable basis on which to act—to make such a finding—it cannot substitute its judgment for that of Congress. Katzenbach against Morgan shows that this principle of interpretation of the equal protection clause is firmly embedded in the law.

Some weeks ago we had before this House a most controversial piece of legislation, the District crime bill. Hopefully we will soon consider a Senate bill dealing with organized crime. These measures are literally studded with provisions which have been sharply attacked on serious constitutional grounds. Yet it is no violation of our oath to support and defend the Constitution of the United States to decide in favor of even the most controversial measure if in our own minds we can reconcile it with an appropriate grant of constitutional power.

I believe section 5 of the 14th amendment does give me the right, yes, the responsibility, of formulating an independent judgment on the issue now before us. I believe that by broadening and extending the franchise I am helping to broaden the very base of our democracy. I believe that I am strengthening the foundations of a democratic society now under substantial assault. I believe that the overwhelming majority of those who are 18, 19, and 20 are concerned and committed—reasonable and responsible. Therefore, I will not succumb to any impulse to punish them for the irresponsible criminality and reprehensible conduct of a violent few. For those who take to the streets have no interest in the ballot box.

Ibsen said:

I believe that man is right who is most in league with the future.

An affirmative vote for the proposition now before us is right because it demonstrates to the youth of our country that we believe both in them and in their future conduct of the affairs of this Republic. We will be there to guide and assist them, but we are willing to let them begin now to have a vital part in the workings of our democracy. I, for one, believe that they will be responsive to that challenge.

Mr. MATSUNAGA. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MIKVA).

Mr. MIKVA. Mr. Speaker, I thank my colleague for allowing me these very valuable minutes to discuss what I truly

believe is the most important piece of domestic legislation we will consider during this Congress.

Let me say first that as a lawyer, a member of the Committee on the Judiciary, and a public official sworn to uphold the Constitution, I can vote for H.R. 4249 with conviction that we are acting constitutionally. Whenever we undertake to legislate in a new area, there will be some question of our power to do so. But in this case, the language is there, in the 14th amendment—"Congress shall have the power." And the language is there in the Supreme Court cases:

> It was for Congress, as the branch that made this judgment, to assess and weigh the various conflicting considerations . . . It is not for us to review the Congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did. (Katzenbach v. Morgan, 384 U.S. 641 (1966)).

Why should we tell the States what to do? Partly for the same reason that we tell them not to have a kingdom, or a dictatorship, even though the people of a State might want it. Why should we tell the States what to do?—for the same reason that we tell them not to discriminate against black people or Mexican Americans or illiterates. The federal system specifically ordains that there will be voting and that the major conditions of voting will be determined as a matter of national policy.

Nor is there substance to the captious charge that 18-year-old voting is some kind of "ungermane" rider to this bill. It is a very easy rider—because age, like race, residence, and reading, has a history of being used as an excuse to keep people from participating in the choosing process.

If the question of voting eligibility means something more than eligibility of a fraternity—then we have the obligation to remove all impediments that deny people the most fundamental blessing of liberty, and that keep the Union from being more perfect. The same law and logic that tell the states not to use race or residence or reading as the means of barring the voting door, compel us to limit the age discretion of the State. Are those who argue otherwise prepared to let a State use age 50 as a minimum for voting? Some States might desire such an option. The question is not whether age can be regulated—the question is what is the reasonable minimum age? Is it 21, the figure which was arbitrarily selected in medieval times as the age at which a squire could become a knight? Should that be the relevant measure of our Republic? Or is it 18, which so clearly separates the boy from the man, the girl from the woman?

And in any event is that not what Congress can find? Those who say 18 is too young to vote—are they prepared to change the draft laws to make 21 a minimum age for service? Are they prepared to say that all persons under 21 shall be treated as juvenile under the criminal laws? If we resolve doubts in favor of democracy, then 18-year voting should not be doubtful.

But the important thing about this bill, as amended by the Senate, is its bring-us-together potential. For 3 years and more, our country has been ripped and torn and shot at until some wonder if we can ever come together again as one people. That is the importance of this bill: it speaks to those very groups who are so alienated from our institutions. To the poor and illiterate, it says "yes, we want you to vote, too." To the blacks, it says "yes, we will keep faith with you, we want you to vote, too." To the young, America's future generation, it says "yes, we welcome your participation in our system."

This bill gives the disinherited a piece of the action: it gives the alienated a voice in shaping the institutions which they now criticize so harshly; it gives many Americans a stake in America's future which they do not have now. In short, it enfranchises the disenfranchised of America. It is needed to make more real the ephemeral notion that 200 million people can rule themselves.

This is a day of high hope. The great expectations of and for this country can be shared by many who up to now could only press their noses against the glass that excluded them as too black—or too dumb—or too young.

This bill can go a long way toward restoring the soul of this country.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Speaker, I urge the House to concur in the Senate amendments to the bill extending the Voting Rights Act of 1965.

There is nothing in the Constitution which restricts the Congress in taking the action which I hope the House will take today in assuring to 18-, 19-, and 20-year-olds the right to vote.

Nor is there anything which prohibits the Congress from outlawing literacy tests, or poll taxes, or which prevents the Congress from deciding that only Americans whose native tongue is English shall be entitled to vote.

The principle in all these areas of appropriate congressional action is the same.

The Supreme Court has recognized the validity of the latter principle in Morgan against Katzenbach.

The Attorney General has recognized the validity of this principle, and the President has urged us to embrace this principle in this bill, by banning literacy tests nationwide.

I am suggesting that on the basis of the precedents and equity and good conscience we recognize this basic principle here, in according to 18-, 19-, and 20-year-olds the equal protection of the laws under the 14th amendment to the Constitution by permitting them to vote.

I am interested in this subject on the basis of its constitutional authority, and also on the basis of its justice. In supporting the right of these younger citizens to vote, I am mindful that some of them have acted irresponsibly.

But that is a small minority of the more than 11 million citizens in whose behalf I am speaking. Among these 11 million persons most belong to the silent majority, and more than half are employed and are paying taxes; and 800,000 are under arms. Over a million are housewives, looking after their own homes and household budgets. An overwhelming majority of them are high school graduates.

Mr. Speaker, do we want to support the rights of these 11 million citizens to participate in the affairs of our representative republic by voting and electing? I believe we do.

What is the real basis for recognizing originally that 21 should be the minimum lawful age for voting? As the gentleman from Illinois (Mr. MIKVA) said, it was at that age when he moved from one category in English law to another.

According to the debates in the other body—21 was established as the minimum voting age because young men were not considered to be strong enough to bear their suits of armor until they attained the age of 21.

But today our young men are considered old enough—and strong enough to carry bullet-proof vests—and arms—when they are 18. So, the original reason for the 21-year-old minimum age is gone—and so is the argument that would retain age 21 on some untenable constitutional or other basis. It is argued that if the Supreme Court holds the lowering of the voting age by legislation to be unconstitutional, these young citizens will feel frustrated and their hopes will be dashed. I reject that argument.

Deciding today in favor of concurring in the Senate amendments will give hope and confidence to our younger citizens. These 11 million deserve our support today.

So, also do the blacks and other disadvantaged citizens who will benefit from this legislation.

Mr. MATSUNAGA. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. ANDREWS).

Mr. ANDREWS of Alabama. Mr. Speaker, the Senate amendment lowering the voting age to 18 shares a common evil with the 1965 Voting Rights Act, to which it is attached; both trample on the rights of the States.

It is hard to imagine that anything could worsen the Voting Rights Act, which remains a weapon to bludgeon a few Southern States into line by taking away their constitutional powers in determining voter qualifications and conducting elections.

Yet, many in Congress have decided that they, and not the several States, can determine voting age qualifications. They make such a decision, in spite of article I, section 2 of the Constitution, which clearly states that the electors for the House of Representatives shall have the same qualifications as the electors of the most numerous branch of the State legislature.

The 17th amendment, which provides for the direct election of Senators, restates the point that the States, and not the Federal Congress, determine voter qualifications.

Since the power to change voting requirements belongs to the States, the only proper way to lower the voting age

is by constitutional amendment. Three amendments affecting voter qualifications have already been added to the Constitution.

In addition to the 17th amendment, the 19th amendment guaranteed women's right to vote, and the 24th amendment eliminated the poll tax as a requirement for voting.

Proponents of a voting qualification change by simple statute base their case on an incredibly liberal interpretation of the 14th amendment. They contend that "equal protection of the laws," guaranteed by the amendment, are being denied those under 21 years of age.

Where would such logic end? If 18-year-olds are denied equal protection of the laws, simply by not having the vote, what about 17-year-olds and younger? This pattern of thinking could lead to the abandonment of all age restrictions, as a denial of the amendment's equal protection clause.

The error in thinking that this amendment justifies changing the voting age by a simple act of Congress is plainly evident in the amendment itself.

Section 2 states:

When the right to vote at any election for the choice of electors for President and Vice President of the United States . . . is denied to any of the male inhabitants of such State being twenty-one years of age, and citizens of the United States . . . the basis for representation shall be reduced.

It hardly stands to reason that the equal protection clause of the 14th amendment was intended to apply to lowering the voting age, when in its very next paragraph it specifies the 21-year-old requirement.

The rightness or wrongness of lowering the voting age is a matter of opinion, to which each Member of Congress is entitled, along with every other American, but it is not a matter for congressional statute.

If legislatures in three-fourths of the States decide to lower the minimum age for voting, it will be lowered nationwide, and the Constitution will suffer no damage.

Aside from the improper approach to changing the voting age, there is little evidence to prove that the idea has nationwide approval. Forty-six States now have the 21-year-old minimum, and some 20 States have considered and rejected teenage voting in the recent past. Eleven States will vote on the issue this year.

The question before the House today is, shall we junk the tried and true amendment process for a reckless alternative, born of emotionalism and political expediency? I should hope not.

Mr. MATSUNAGA. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Speaker, the House of Representatives, on certain rare occasions, is called upon to make decisions of a far greater magnitude and of infinitely more significance than we do in our customary legislative activities. Today is such an occasion. In a few minutes, this body will be required to make an historic and momentous determination whether or not to extend the franchise to 18-year-olds.

The history of our Republic is a record replete with the continuing broadening of the franchise. Ours has been a chronicle without parallel of the further implementation of democracy by the inclusion of an ever greater segment of our citizenry in the political decision-making process. Our forebearers were endowed with unique pragmatic political insight. They thus succeeded in accomplishing the greatest revolution, bloodless or otherwise, ever experienced by mankind. They in effect translated into reality the democratic ideals of the Declaration of Independence. Swept into the dust bin of history were religious tests for public office, property qualifications for voting, the indirect election of U.S. Senators, and bars to voting because of sex, color, or ethnic origin.

Within the hour, the membership of the House will be tested on the fundamental proposition of whether or not we possess a political sagacity and faith in the democratic way of life equal to that of our predecessors. When the reading clerk calls the roll on the key vote, the motion ordering the previous question on House Resolution 914, the proposition will be simple and clear cut. It cannot be evaded. Those who endeavor to equivocate that they are for the 18-year-old vote but insist that the cumbersome time-consuming constitutional amendment route be pursued, are in effect against extending the franchise to 18-, 19-, and 20-year-olds. Eminent legal scholars such as Professor Freund of the Harvard Law School and Archibald Cox, former Solicitor General of the United States, are confident that the Congress has ample statutory power to legislate in this area. Our power stems from the Equal Protection clause of the 14th Amendment. The Senate has already voted 64 to 17 to grant 18-year-olds the vote by simple statute.

The constitutional amendment route is not under the present circumstances a viable alternative of congressional statutory action. All of us know that. There is absolutely no chance whatsoever of getting such a constitutional amendment passed by the Congress and ratified by the necessary three-fourths of the States prior to the 1972 presidential election.

I do not know, no one can certainly know, to what extent newly franchised 18-, 19-, and 20-year-olds might participate in the political process and vote in 1972. Neither do I know how those who do vote will vote. Personally I do not really care. I do not regard this as a narrow partisan question. Should I be certain that these young people would vote Republican en masse, I would still earnestly and strenuously support their enfranchisement. I would do so because this is a question of equity and justice. To inject a scintilla of partisanship into this matter would be degrading and do a grave disservice to our finest traditions.

Should the opponents of the 18-year-olds vote succeed in voting down the previous question, it will mean there will be no vote for the 18-year-olds and, of equal significance, there will be no extension of the Voting Rights Act of 1965. For if this legislation is sent to conference, the fate of any conference report in the other body is certainly not difficult to imagine. The Voting Rights Act, which has enabled millions of previously disfranchised Negroes for the first time to vote and participate in the political process, would then die in August. Thus at the very time when moderate Negro leaders are urging their people to eschew violent and nonlegal methods, we would in effect once more be slamming the door in the face of those who wish to operate through legal channels.

I would point out to the House, moreover, that the measure before us is not aimed at any one section. Rather, its aim is to protect the voting rights to everyone everywhere. The pending bill modifies the so-called trigger formula to make the 1965 act applicable to all States and counties in which less than 50 percent of the voting-age residents were registered on November 1, 1968, or voted in the 1968 presidential election. These provisions would extend coverage of the act to three Alaska districts; Apache County, Ariz.; Imperial County, Calif.; Elmore County, Idaho; Bronx, Kings—Brooklyn—and New York—Manhattan—Counties, N.Y.; and Wheeler County, Oreg.

The House, if it votes down the previous question on the resolution of concurrence, will have informed both the young and the Blacks that there is no place for them in the orderly political process.

Mr. Speaker, I have made my decision. I have faith in the future. I have confidence in the young people of this Nation. I favor protecting the voting rights of all our citizens regardless of race or color. I shall take my stand with democracy. I urge my colleagues on both sides of the aisle to do likewise in overwhelming numbers so that when historians write of this momentous decision, it may be recorded that the vast majority of the House of Representatives chose to take its stand on the side of fairness, freedom and the future.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield to me in connection with what the gentleman just said?

Mr. ALBERT. I yield to the gentleman.

Mr. LONG of Maryland. Mr. Speaker, I have here a list of 14 men from Maryland, chosen at random, who died in Vietnam so far this year. Of the 14, 10 are under 21 years of age. These young people of 18, 19 and 20 are the ones who are carrying the real burden of their country and are the ones who should have something to say about how it is run.

Mr. ALBERT. I thank the gentleman.

Mr. LONG of Maryland. Mr. Speaker, I submit the names for the RECORD.

Air Force Sgt. Robert D. Walsh, 22, Dundalk.

Capt. James M. Atchison, 25, Frederick.

Army WO William W. Noetzel, 20, Lutherville.

Army Pfc. Donn M. Lorber, 20, Brooklyn, Md.

Marine L. Cpl. Michael Soltys, 19, Baltimore.

Army Pfc. James Ghee, 20, Baltimore.

Marine L. Cpl. John J. Croce, 19, Columbia.

Army Sp4c. G. Blakeney, 20, Baltimore.

Pfc. J. Dastoli, 20, Chillum Terrace.

Army Pfc. L. Morgan, 20, Laurel.

Lt. Col. J. Clark, 38, Temple Hills.

Pfc. Thomas Pritt, 20, of Aberdeen.

Cpl. John L. Grimes, 21, of Forestville.

Sp4c. Richard S. Cunningham, 22, Spencerville.

Within the hour, Mr. Speaker, the House will be tested on the fundamental proposition of whether or not we retain faith in the democratic way of life.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Speaker, I want to begin by thanking the distinguished gentleman from California for yielding this time to me and say that many of us who had the opportunity to tour the college campuses became convinced that the overwhelming majority of our students and our young people were sincerely motivated about their concerns. They were also very frustrated. They were also being encouraged to try to overthrow the system by the very vocal radical element. They were frustrated because they had no voice in decisionmaking and in decisionmaking that directly affected them more than any other group in the United States of America.

I do not think that they are going to understand, if we refuse to pass this, that there are grave constitutional questions. I have difficulty understanding also when there is about an equal division of expert authorities saying that this is constitutional. I have difficulty understanding why we should not let the Supreme Court decide. I heard one lawyer testify before the Rules Committee that we should not pose a dilemma to the Supreme Court and confront them with this responsibility.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. RAILSBACK. I only have 1 minute left; otherwise I would be glad to yield to the gentleman.

Mr. Speaker, I would say that is the responsibility of the Supreme Court. They must make that determination.

I would ask those Members who argue the constitutionality and who have said to me, "Well, how can you support this if there is any question about the constitutionality," I would ask them, "Why did we support the District of Columbia crime bill about which there were serious reservations with reference to the question of constitutionality"?

I supported it.

Further, Mr. Speaker, what about the organized crime bill, S. 30, which is now pending before the House Judiciary Committee? It has been scathingly criticized because of the constitutional questions involved.

Mr. Speaker, I wonder how many Members will feel the same compulsion to vote against that measure because of the many constitutional questions raised by it?

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Speaker, I am not a Johnny-come-lately. I have been on the record for well over 2 years favoring the reduction in the voting age to 18-, 19-, and 20-year-olds. So, this proposition is not new to me. With the objective there is general agreement, the question at issue here today is how we are going to achieve this objective. Are we going to proceed through the normal constitutionally acceptable process, followed at the time we gave the women the right to vote by an amendment to the Constitution, or are we going to follow a procedure that is simply politically expedient.

I do not presume to know all of the involved legalistic arguments. I have read several of the related cases and legal briefs. I have listened to the authorities that have been cited. I have listened to the arguments, both pro and con. With all due respect to the legal profession, insofar as the lawyers in Congress are concerned, their art seems to be in finding seemingly logical reasons to support a predetermined conclusion. At best there is grave doubt as to the constitutionality of lowering the voting age by statute. This in itself is sufficient reason to reject such a procedure as is here proposed. Why risk an election being declared invalid, with very serious consequences, when there is an established constitutional procedure about which there can be no questions. At best, Mr. Speaker, there is grave doubt—there is grave doubt—in the minds of the people, including the lawyers, as to why we even bring up the question whether or not the Supreme Court should or will act on this immediately.

Mr. Speaker, if one has sat as a juror in the courtroom, he has heard the judge say to the jury, "If there is reasonable doubt, then you have to find for the accused."

The established constitutional procedure has been followed many times in changing our constitutions, and twice on the voting rights proposition itself. Why should it not be followed at this particular time on the matter of reducing the voting age?

We regret to have to say that in the procedure now proposed a constitutional principle is being sacrificed today on the altar of political expediency. It is ironic that some of our colleagues who preach the doctrine of "new federalism" and also urge recognition of States' rights and revitalization of State duties and responsibilities—and the place is full of them today—should be among those who are advocating the statutory procedure over the constitutional amendment procedure that would give the people of the respective States a voice in this major change.

I repeat, I am for the right to vote for the 18-year-olds, but I want to do it in a constitutional way, and I think that would be the overwhelming choice of the American people.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. POFF).

Mr. POFF. Mr. Speaker, with respect to the 18-year-olds voting issue I support a constitutional amendment, and if I were a member of the State legislature I would vote to ratify such a constitutional amendment.

I cannot support a Federal statute simply because I regard it as unconstitutional. Even if constitutional, however, it would, it seems to me, be unwise for the Federal legislature thus to preempt the domain of the State legislatures.

Now, with respect to the Voting Rights Act—and this will be the gravamen of my statement—I favor the House bill over the Senate bill, but think that the Senate bill is better than the present law. I would like that clearly understood by way of preface to the other comments I want to make.

Mr. Speaker, what troubles most Members is the fear that a conference might lead to a Senate filibuster which might frustrate extension of the Voting Rights Act before the August 6 terminal date. For two reasons, that fear is unrealistic.

First, there was no filibuster when the bill passed the Senate earlier. This is because even those Members who feel that the House version was superior to the Senate version understand that the Senate version is superior to the present law.

Second, a filibuster, even if successful, would not, as some fear, repeal the Voting Rights Act of 1965. Of the 19 sections of that act, 17 are permanent law and have nationwide application. The other two sections, the 1964 "trigger" section and the "preclearance" section, would "expire" on August 6 only in the sense that it could become inoperative with respect to the seven States which they cover.

All seven States would continue to be covered after August 6 and would remain covered until the law's escape mechanism had functioned. That mechanism does not function automatically. Its procedures are activated when, and only if, a covered State initiates a lawsuit in the District Court of the District of Columbia. The Federal rules of civil procedure give the Attorney General 60 days in which to file an answer. Thus, even if a covered State brought suit on August 7, the earliest day the court could enter an escape order would be October 8.

Neither is an escape order automatic or mandatory. A covered State is entitled to escape coverage only after it has produced the evidence to prove that it has used no literacy test for voter qualification for a continuous period of 5 years. If the Attorney General presents evidence that the State suing for escape in fact used a literacy test, notwithstanding suspension of that test by the Voing Rights Act, the court will refuse to enter an escape order; the State will remain covered and cannot thereafter escape coverage until it has brought another lawsuit and produced new evidence of innocence for a continuous period of 5 years beyond the date it last used a literacy test.

Finally, the escape when successful, is not absolute. Even if the court enters

an escape order on October 8, the Voting Rights Act provides that the court will retain jurisdiction for an additional period of 5 years. At any time during that probationary period, if the State should attempt to reimpose a literacy test and use it discriminatorily, the court could immediately reassemble the parties litigant and enter an order striking down the new test or other discriminatory device.

Therefore, those who support the Voting Rights Act but feel that a Federal statute lowering the voting age to 18 is unconstitutional can vote to send this bill to conference without fear of emasculating the Voting Rights Act. I earnestly believe that a conference committee will report an extension bill which all can support enthusiastically. This will clear the path for prompt hearings on a constitutional amendment for 18-year-old voting. I will support such an amendment, and if I were a member of the State legislature, I would vote to ratify it.

I cannot vote for a Federal statute on 18-year-old voting, because I am convinced that it is unconstitutional. Time will not permit me to argue the constitutional question. Accordingly, for the sake of argument, I will assume, without conceding, that Congress has the constitutional power to act by statute. But that is not to agree that it is wise to exercise the power. It is, I believe, unwise for three distinct reasons:

First, it is unwise because it would cast a cloud of uncertainty over 1971 elections. Even if the court test could be concluded and a judgment of constitutionality rendered before January, it might come too late for voter applicants in voter registration periods preceding elections scheduled early in 1971. All elections, primary and general, legislative and municipal, and even popular referendums are covered by the proposed statute. Even if the new age requirement could be timely applied to all elections, if it should be ignored, either willfully or innocently, by some voting registrar in some remote precinct, and if the result of the election might have been affected thereby, there could be chaos. If the election were a bond referendum, no lawyer could safely certify the bond issue.

Second, a Federal statute is unwise because it would tend to erode the Federal system. In the last 5 years, 20 States have rejected propositions to lower the voting age, one of them twice. This year, 15 States have the proposition on their ballots. For the sake of the Federal system, is it wise for the Congress, even if it has the raw power to do so, to veto the will of half the States?

Third, a Federal statute with a built-in court test is unwise because it confronts the Supreme Court with an impossible dilemma. If it sustains the statute, the Court will be accused of amending the Constitution by judicial fiat. If it declares the statute unconstitutional, the Court will be blamed for frustrating the expectations of 11 million young Americans between the ages of 18 and 21.

It is, I repeat, unwise to expose the Court to such needless abuse. It is unwise to encourage and then perhaps disappoint the young men and women of our country at a time when they are already concerned about the broader gap between promise and performance.

The wise course, the safe course, the unchallengeable course, the tried-and-true course, is to amend the Constitution in the manner which the Charter itself provides.

Mr. MacGREGOR. Mr. Speaker, most constitutional authorities share the view of President Nixon that a constitutional amendment is the only proper way by federal governmental action to give 18-year-olds the vote uniformly throughout the Nation. I have copies of a number of letters by professors of constitutional law, deans of law schools, and others supporting Mr. Nixon's position. I am inserting them in the RECORD:

UNIVERSITY OF MINNESOTA,
Minneapolis, Minn., April 20, 1970.

Hon. RICHARD NIXON,
The White House,
Washington, D.C.

Attention: Mr. Leonard Garment.

DEAR PRESIDENT NIXON: Tom Currier suggested that you might be interested in my views on the pending legislation to change the voting age in all elections, state and federal, to 18 years. The arguments pro and con are well advanced in the two published letters coming from Harvard and Yale and taking opposite positions, and need not be stated here.

My views on the constitutional issue is that it would be unwise to push the Section 5 power of Congress to "interpret" the 14th amendment that far at this time. While logical arguments can be made extending *Katzenbach* v. *Morgan* this far, it would be a drastic change in our constitutional distribution of power for Congress to prescribe the voting age for state and local elections. This would severely stretch the notion of equal protection by Congressional fiat.

Without trying to predict what the Court would do if the issue were presented, I think the Court ought not to extend the Congressional Section 5 "interpretation" power that far, and that Congress ought not to force this kind of a decision on the Court. The power of Congress to "interpret" the 14th amendment through the Section 5 power to deal with serious evils beyond the normal scope of judicial action is a salutary power that I would like to see preserved. To stretch this power as proposed in the pending legislation could easily result in court opinions that would cripple its usefulness for later situations where it is really needed.

I suppose this reflects my view that the vote for 18-year-olds is not a pressing social problem that requires such a drastic and speedy remedy. For the federal government to impose the 18-year age on state and local elections is a sufficiently major change from our distribution of power within the federal system that it should not be imposed by Congressional decision, but only by constitutional amendment.

Sincerely,

WILLIAM B. LOCKHART.

THE UNIVERSITY OF TEXAS AT AUSTIN,
Austin, Tex., April 20, 1970.

Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR PRESIDENT NIXON: I do not think that the Congress has power by statute to lower the voting age to 18. If one takes literally all of the language in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966) then the power to do so exists. I think that the *Katzenbach* case was incorrectly decided and therefore I have no desire to see it pushed as far as might be logically possible. Even accepting for the sake of argument the holding in the *Katzenbach* case, I think it would require a considerable extension of that holding to find the present proposed legislation valid. An argument can be made that to bar persons from voting because they are not literate in English is an irrational distinction within the traditional equal protection doctrine. I do not think that argument can be convincingly made with regard to age. Age limit on voting necessarily must be arbitrary. There is no single specific day in the life of all citizens in which it can rationally be said that they suddenly are informed members of the electorate though they were not so one day before. It is a problem in drawing lines and I think the clear meaning of Article 1, Section 2 of the Constitution is that these lines are for the states to draw.

It is my understanding, though I do not have the materials in front of me, that several of the states that have recently lowered their voting age have chosen some age other than 18. This tends to support the view that there is no mystic quality about the age 18 that makes it irrational for a state to refuse to allow a person 18 years old to vote.

The Constitution has carefully formulated provisions for the method of its amendments. I cannot believe that Section 2 of the Fourteenth Amendment upsets those and allows the Congress to make drastic changes in our constitutional scheme simply by legislation.

Sincerely,

CHARLES ALAN WRIGHT,
Charles T. McCormick Professor of Law.

THE UNIVERSITY OF CHICAGO,
Chicago, April 20, 1970.

The PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: A short time ago I responded to a request from Senator Kennedy for an opinion on the constitutionality of the bill providing a vote for persons who reach the age of eighteen years. My letter, a copy of which is enclosed, indicated my opinion that such legislation, however desirable, is unconstitutional.

It has occurred to me that the Senate may no longer be in a position to withdraw its approval. I therefore respectfully request of you that, should the legislation be passed by both houses, you exercise the veto power on constitutional grounds. Unconstitutionality of legislation has been the classic ground for the exercise of the Presidential veto. I think it most appropriate in this case.

The States are clearly empowered by the Constitution to set the qualifications for voters at both State and federal elections. The Fourteenth Amendment authorizes Congress to inhibit the exercise of that power if States create improper classifications in specifying electoral qualifications. The present age qualification can hardly be considered such an invalid classification. As a matter of judgment one might choose an age higher or lower than twenty-one. My own judgment would be that eighteen is not inappropriate. But the exercise of that judgment has been clearly delegated by the Constitution to the legislatures of the States.

To treat the Constitutional allocation of power so cavalierly as the pending bill threatens to do is, indeed, an exorbitant price to pay even for a desirable result. I hope that you see it to be your duty to assure that the Constitution is not treated so lightly.

Respectfully yours,

PHILIP B. KURLAND.

YALE UNIVERSITY,
New Haven, Conn., April 25, 1970.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: A number of the signers of this letter were among the signers of a letter (a copy of which is enclosed) published in *The New York Times* on Sunday, April 5, which expressed the view that Congress has no power to lower the voting age in national and state elections by statute. The April 5 letter argues that submission to the states of a constitutional amendment is the appropriate way for Congress, if persuaded on the merits, to proceed.*

Since it seems not unlikely that the House of Representatives will shortly pass the Voting Rights Bill in the form in which it passed the Senate, and including the Senate rider lowering the voting age, we take the liberty of reiterating to you our view that the rider is unconstitutional. The letters to *The New York Times* from Senator Kennedy (April 7) and Professors Cox and Freund (April 12) have not altered our conclusion.

We wish to add a further consideration: If the Voting Rights Bill comes to you for signature, with the rider, and if you conclude that the rider is probably unconstitutional, we think it is an appropriate exercise of your discretion to veto the bill for that reason. We say this because we think it singularly inadvisable to pass on to the courts issues as to the constitutionality of the hundreds of elections, national and state, which would be affected by the rider within months after its adoption into law. There are serious questions whether these issues will be litigable at all, or promptly so. If the Supreme Court finds these issues non-litigable for any extended period of time, the nation's entire election process will be under a cloud. If, on the other hand, the Supreme Court finds an appropriate "case" or "controversy" within which the constitutional issues can be dealt with, the Court will expectably be faced with agonizing pressures not to frustrate the understandable expectations of millions of young Americans, and not to cast in further doubt the validity of large numbers of elections which have taken place in the interim—pressures which must almost inevitably skew the process of constitutional adjudication. To put dilemmas of this sort to the Supreme Court, especially at this time, seems to us likely to put profound strains on our most sensitive and critically important institutional arrangements. And all this could be obviated by the direct and appropriate mechanism of constitutional amendment.

Respectfully,

ALEXANDER M. BICKEL,
ROBERT H. BORK,
JAN G. DEUTSCH,
LOUIS H. POLLAK,
EUGENE V. ROSTOV.

[From the New York Times, Apr. 5, 1970]

AMENDMENT FAVORED FOR LOWERING VOTING AGE

To the EDITOR: As The Times has reported, the Justice Department opposes, as unconstitutional, the pending proposal to lower the voting age in national and state elections to 18 by statute.

As constitutional lawyers—some of whom favor and some of whom oppose lowering the voting age, and none of whom counts himself a knee-jerk partisan of all Justice Department positions—we believe the Department is right on this very important constitutional issue. Our reasons are these:

1. Within broad limits, the Constitution leaves states free to set qualifications for participation in national and state elections. The limits are these: Those qualified to vote for the most numerous branch of the state legislature must be permitted to vote for Representatives and Senators.

No would-be voter can be excluded from any election on grounds of race (the 15th Amendment) or sex (the 19th Amendment). And no state can impose a poll tax in any national election (the 24th Amendment) or, in any election, prescribe a voting qualification so invidious or irrational as to be a denial of the equal protection of the laws (Section 1 of the 14th Amendment).

2. Those who believe Congress can lower the voting age by statute argue in substance that Congress can declare that the 46 states with a minimum voting age of 21 are denying younger would-be voters the equal protection of the laws.

Reliance is placed on Katzenbach v. Morgan, where the Supreme Court sustained a Federal statute barring states from denying the vote to Americans of Puerto Rican origin literate in Spanish but not in English. Katzenbach v. Morgan makes sense as part of the main stream of 14th Amendment litigation, policing state restrictions on ethnic minorities. But it has little apparent application to a restriction affecting all young Americans in 46 states.

3. There is a further, and to us conclusive, reason why Katzenbach v. Morgan is unavailing: The long-ignored Section 2 of the 14th Amendment explicitly recognizes the age of 21 as a presumptive bench mark for entry into the franchise. It surpasses belief that the Constitution authorizes Congress to define the 14th Amendment's equal-protection clause so as to outlaw what the Amendment's next section approves.

A statute lowering the voting age would raise the expectations of ten million young Americans—expectations likely to be dashed by a judicial determination that the statute is unconstitutional. This lends point to the fact that when heretofore the nation decided upon a fundamental change in the composition of the electorate, the consensus was embodied, in permanent and unchallengable form, in a constitutional amendment: One hundred years ago the 15th Amendment, enfranchising blacks, was added to the Constitution.

Fifty years ago the 19th Amendment, enfranchising women, was added to the Constitution. If, in 1970, the nation is ready to welcome into the political process Americans who have reached the age of 18, Congress should, in fidelity to our constitutional traditions, submit to the states for ratification a new constitutional amendment embodying that new consensus.

ALEXANDER M. BICKEL,
CHARLES L. BLACK, Jr.,
ROBERT H. BORK,
JOHN HART ELY,
LOUIS H. POLLAK,
EUGENE V. ROSTOV.
New Haven, April 1, 1970.

(NOTE.—The writers are members of the faculty at Yale Law School.)

CENTER FOR ADVANCED STUDY IN THE BEHAVIORAL SCIENCES,
Stanford, Calif., April 20, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: I am a professor of constitutional law and the author of a casebook on constitutional law widely used in American law schools. I am glad to submit a brief statement of my views regarding the proposed legislation to extend the vote to 18-year-olds in all elections, national and state.

I support that extension of the suffrage as a matter of policy. I believe, however, that constitutional amendment, not congressional legislation, is the proper route to attain that desirable objective under our constitutional scheme.

I appreciate that arguments in support of the constitutionality of such legislation can be fashioned on the basis of Section 5 of the 14th Amendment as interpreted in Katzenbach v. Morgan, and I recognize that the Supreme Court might well sustain the constitutionality if the bill were enacted. That is not the end of the matter, of course: under our system, Congress and the President have an obligation to exercise a conscientious independent judgment on constitutional question, especially to questions such as this that are not foreclosed by repeated and firm Supreme Court rulings. [See for example, the careful discussion of the proper role of the political departments on constitutional issues in D. G. Morgan, "Congress and the Constitution" (1966).]

My main reasons for doubting the constitutional propriety of the proposal stem from my understanding of the appropriate role of Court and Congress in defining the scope of 14th Amendment rights. Section 5 gives Congress the power to "enforce" rights "by appropriate legislation," to be sure; but the primary role in articulating the content of the "rights" to be enforced belongs to the Court, not Congress, I believe. Congress may make fact findings and express its views to help inform the Court's ultimate constitutional judgment, of course. But to give to Congress a far-reaching autonomous authority to redefine the content of equal protection and due process (binding on the Court so long as a minimal rationality test is satisfied) would mark a radical and undesirable departure from our constitutional traditions.

The Court's result in the Morgan case is understandable in view of the context of that case. But to press all of the language of that case to its maximum extent as a basis for legislation would be unsound for a number of reasons. To me, the most important objection is that it would open the door to congressional overturning of Court decisions in a number of areas—criminal procedure is an example that comes readily to mind. Most scholars would agree, I believe, that the unpersuasive footnote in the Morgan opinion is not a tenable, principled safeguard against the invocation of the Section 5 power to curtail constitutional safeguards. (Some of the implications of a broad, nearly autonomous congressional power to control the scope of 14th Amendment rights via Section 5 are explored in R. A. Burt, "Miranda and Title II: A Morganatic Marriage," 1969 Supreme Court Review 81, as well as in Mr. Justice Harlan's thoughtful dissenting opinion in the Morgan case itself.)

Reliance on legislation would be especially inappropriate with respect to age qualifications on voting in state elections—an area traditionally reserved to state control, an area not subject to charges of discrimination against discrete minorities that would justify national intervention. In an area such as this, constitutional amendment is surely the route which would prove least damaging to our constitutional structure. I must add that many of my constitutional doubts regarding legislation regarding age qualifications are also applicable to a provision in the Administration's own voting proposals: the elimination of literacy tests in all elections (quite independent of the background of racial discrimination that provided a legitimate basis for the literacy test provisions in the 1965 Voting Rights Act sustained in

*Professor Jan G. Deutsch, a signer of this letter, did not sign the April 5 letter because he was not in New Haven when that letter was prepared, but he is in substantial agreement with that letter. Two signers of the April 5 letter are not signers of this one: Professor John H. Ely disagrees with this letter; Professor Charles L. Black, Jr., has not had an adequate opportunity (due to the press of other commitments) to think through fully the matters dealt with in this letter.

South Carolina v. Katzenbach). I accordingly hope that the political branches of our government will exercise their judgment to assure that the proper constitutional methods are followed in achieving the desirable goal of extending the vote.

Respectfully yours,

GERALD GUNTHER,
Professor of Law, Stanford University School of Law.

THE UNIVERSITY OF CHICAGO,
Chicago, Ill., April 20, 1970.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I should like to respectfully express my strong opposition to lowering the voting age by means of congressional legislation.

The Constitution, quite ambiguous in some instances, is rather clear on this matter. Article I, Section 2 and the Seventeenth Amendment leave no doubt that the states have the authority to determine who is eligible to vote even as regards federal elections.

The Fourteenth Amendment prohibits invidious discrimination by the states. It is my opinion, based on reading the congressional debates, that here is a one-to-one relationship between Sections 1 and 5 of the Fourteenth Amendment. In short, Congress can only implement Section 1 of the Amendment, not go beyond it. However this may be, even the case of *Katzenbach* v. *Morgan,* relied upon by supporters of the Senate bill, links the exercise of congressional power to some finding of invidious discrimination. In view of historical evidence, it cannot be argued that denial of the vote to 18-year olds was thought of as constituting invidious discrimination by those who drafted the Fourteenth Amendment. Nor, do I think, can it be said that this denial constitutes invidious discrimination under any contemporary standards.

There are only two ways of lowering the voting age to 18 (which as a matter of policy I strongly support): either by state legislation or by constitutional amendment. It would be sad, and indeed inconsistent with your pronouncements on the subject of constitutional construction, if your administration should support a bill which shows disregard for the Constitution.

Sincerely yours,

GERHARD CASPER,
Professor of Law.

THE LAW SCHOOL COLUMBIA UNIVERSITY,
New York, N.Y., April 23, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing at the suggestion of Mr. Currier to provide a written statement of my views on four specific questions that he asked concerning the proposal to reduce the voting age to eighteen years by Act of Congress.

First. As a matter of policy, I favor the reduction. While any line drawn in terms of age involves an element of arbitrary judgment, I see objective merit in adopting for the franchise the same standard as for military service.

Second. Prior to the decision of the Supreme Court in *Katzenbach* v. *Morgan,* 384 U.S. 641 (1966), I should have stated unreservedly that the determination of the voting age in federal as well as State elections is a matter for the States. Article 1, Sec. 2 and the Seventeenth Amendment explicitly adopt for Congressional elections the "qualifications requisite for electors of the most numerous branch of the State legislature" and Article 2 commits to the State legislatures the appointment of presidential electors. State power is, to be sure, limited by the Amendments, including most relevantly the equal protection clause of the Fourteenth. But the conventional standards of qualification, such as age, residence, literacy and the like have never been considered to involve unreasonable or invidious classifications vulnerable on equal protection grounds. The Virginia poll-tax case did hold, with three dissenting votes, that to "introduce wealth or payment of a fee as a measure of a voter's qualifications is to introduce a capricious or irrelevant factor" (383 U.S. 663, 668 [1966]). But, whatever may be thought of that decision age is obviously not irrelevant to qualifications; and since any age criterion involves the drawing of an arbitrary line fixing the age at twenty-one most certainly is not "capricious."

Under the *Morgan* decision, however, the issue of Congressional authority is not concluded by the fact that State prescription of an age as high as twenty-one satisfies judicial standards of equal protection. For that decision, in sustaining the Congressional abrogation of New York's requirement of literacy in English as applied to citizens educated in Spanish in American-flag schools, gave an entirely new dimension to the power of Congress under Section 5 of the Fourteenth Amendment to "enforce" the provisions of the Amendment by "appropriate legislation." It held that the enforcement power is not limited to striking at State action that the Court would hold forbidden by the Amendment; that it endows the Congress with authority to determine for itself whether a State created discrimination or disability "constitutes an invidious discrimination in violation of the Equal Protection Clause" or is conducive to such deprivation; and, finally, that such a Congressional determination will be sustained by the Court if it is able to "perceive a basis" on which Congress "might predicate" that judgment (384 U.S. at 656).

If the *Morgan* opinion, in which five of the present members of the Supreme Court joined, is accepted at face value, its logic would sustain Congressional authority to reduce the voting age by statute or, indeed, to supersede any other disability effected by State law that Congress has some basis for appraising as "invidious." But whether the opinion will or should be so accepted is, I think, more doubtful. The facts of *Morgan* did not require such a sweeping theory, since Congress might have considered the New York requirement to have had its roots and been maintained in hostility to certain ethnic groups, their identity varying from time to time. Apart from this, a more stringent standard may evolve for the judicial appraisal of the "basis" of Congressional determinations, especially in situations where no ethnic implication is involved and Congress merely would be substituting its opinion for the State's as to the way to draw a line that must be drawn. Some such development seems probable to me, as it becomes apparent how far *Morgan* in the total implications of the Court's opinion would transcend the purpose of the Fourteenth Amendment, broad as one may grant its purpose was.

I do not think, therefore, one can be certain that an Act of Congress that reduced the voting age would be sustained. It would draw strength from the *Morgan* opinion but in doing so would put it to a test, the net result of which might be its limitation or, indeed, repudiation.

Third. To confront the Supreme Court now with the problem of determining the scope and limits of the *Morgan* doctrine in the testing context of a statutory reduction of the voting age is, in my opinion, a mistake. For any judgment that the Court might render would inevitably threaten its prestige and exacerbate the tensions in the Nation.

The division of the Court in *Morgan* coupled with the new appointments make it almost certain that the Court's decision would entail a sharp division, whichever view prevails. A sustaining judgment resting on the votes of the five surviving members of the *Morgan* majority (including two Justices whose age renders long tenure improbable) hardly would provide a healthy basis for judicial action many would consider the equivalent of constitutional amendment. A judgment of invalidity would emphasize the instability of constitutional interpretation, while adding to the bitterness of disaffected youth who would resent the deprivation. Believing as I do that the Court is now embattled on too many fronts for the welfare of the institution, I should regard it as a grave misfortune to insist that it take on another major battle at this time.

For the foregoing reason, I consider it to be highly undesirable to attempt to reduce the voting age by Act of Congress. The wise course, in my opinion, is to deal with age as race, color and sex were dealt with in the past and to proceed by resolution of amendment.

Fourth. The constitutional problem with respect to voting age is no different, in my view, in the election of the Congress and the President than in State elections. Article I, Sec. 2, Article II and the Seventeenth Amendment all refer, as I have said above, to State action for the delineation of voters' qualifications. If Congress has a legislative competence within this area, it must be found in the enforcement clauses of the Amendments, whose prohibitions apply generally to the action of the State and would encompass all elections. This was, of course, the theory of the *Morgan* case and is the theory of the Senate's action on the pending measure.

Respectfully,

HERBERT WECHSLER.

COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK,
New York, N.Y., April 20, 1970.

LEONARD GARMENT, ESQ.,
The White House,
Washington, D.C.

DEAR MR. GARMENT: You have asked my views as to the Constitutional powers of Congress to establish the right of all citizens to vote at the age of eighteen.

In various contexts the Supreme Court has declared that the right to vote in federal elections is conferred or secured by the Constitution. I am satisfied that the Court would uphold an act of Congress regulating the qualifications to vote in such elections, including an act that would extend the right to vote to eighteen-year-olds.

The power of Congress to extend them the vote in local elections, however, is open to serious question. The only basis for such legislation would be that suggested by the Supreme Court in *Katzenbach* v. *Morgan.* There the Court held that under the Enforcement Clause of the Fourteenth Amendment Congress can adopt legislation to assure the right to vote to certain persons literate only in Spanish, because Congress might have sought thereby to protect them against possible denials by the State of equal protection or due process of law. But there is little evidence that failure to grant the vote in local elections to eighteen-year-olds in fact jeopardizes their rights to equal protection, due process of law, or other Fourteenth Amendment safeguards; there is little evidence that proposals that Congress grant them the vote in local electons are motivated by these concerns.

It may be that if Congress adopted such legislation the Court might strain to uphold it and would not examine Congressional motives and purposes. But for its part, surely, Congress ought to be scrupulous about the intended Constitutional limits on its authority, and should not lightly press ever

farther the reach of Congressional authority to legislate in local matters.

I am in favor of extending the vote to eighteen-year-olds in local as well as in Federal elections, but as regards state and local elections it should be done by Constitutional amendment.

Sincerely yours,

LOUIS HENKIN.

UNIVERSITY OF PENNSYLVANIA,
Philadelphia, Pa., April 24, 1970.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

Attention: Mr. Leonard Garment.

DEAR MR. PRESIDENT: The pending Voting Rights bill, as passed by the Senate, contains a provision that will lower the voting age to 18 in all elections, federal, state and local. Representatives of the Department of Justice, as I am informed, have expressed doubt whether the Constitution authorizes Congress so to provide by legislation, and have pointed to the shadow of unconstitutionality and invalidity that may be cast upon elections conducted under such a statute. They have suggested that if the voting age is to be changed by federal action, amendment of the Constitution is the appropriate procedure. I am informed that you are interested in receiving an expression of opinion on the mattter.

In my opinion, the Constitution does not authorize Congress by statute to provide or require that the minimum age for voting shall be not more than 18 years, or any other stated age. This is a matter that is left to the several States by the Constitution.

Article I, Section 2, of the Constitution provides that the electors in each State for Members of The House of Representatives shall have the qualifications requisite for electors of the most numerous branch of the State Legislature. The Seventeenth Amendment makes identical provisions with respect to electors for Senators. Article I, Section 4, authorizes Congress to "make or alter . . . regulations" as to the "times, places and manner of holding elections for Senators and Representatives . . .". Proponents of the pending legislation do not contend that this authorizes Congress to establish qualifications for voting for Senators and Representatives, and obviously it contains no authorization for Congress to establish qualifications for voting in State and local elections. The Fifteenth Amendment provides that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous conditions of servitude. The Nineteenth Amendment provides that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex. The Twenty-fourth Amendment provides that the right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress shall not be abridged by the United States or any State by reason of failure to pay any poll tax or other tax. The Fifteenth, Nineteenth and Twenty-fourth Amendments also authorize the Congress to enforce their provisions by appropriate legislation. However, it has not yet been suggested that constitutional authorization of Congress to implement by legislation the prohibitions on denial of the right to vote by reason of race, sex, or failure to pay a poll or other tax can be taken to authorize Congress to establish or control voting qualifications on the basis of age.

I have set forth above the Constitution's provisions with respect to voting. I think it clear that none of them authorizes Congress to establish or control qualifications for voting in terms of age. The proponents of the pending legislation do not purport to find authority in any of these provisions explicitly dealing with voting. They turn instead to the more general provisions of the Fourteenth Amendment providing, among other things, "nor shall any State . . . deny to any person within its jurisdiction the equal protection of the laws," and providing also, in Section 5, "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

The proponents of the pending legislation point particularly to the recent decision of the Supreme Court in *Katzenbach* v. *Morgan,* 384 U.S. 641 (1966) upholding a federal statute providing that no person who had successfully completed the sixth grade in a Puerto Rican school in which the language was other than English should be denied the right to vote in any election because of his inability to read or write English. The election laws of New York required an ability to read and write English as a condition of voting, and it was held that the New York law was rendered inoperative by the federal statute. Though Judge McGowan in the District Court had argued that the federal statute might be upheld as an exercise of Congressional power with respect to the Territories under Article IV, Section 3 (247 F. Supp. 196, 204 (dissenting opinion)), the Supreme Court clearly and explicitly based its decision upon Section 5 of the Fourteenth Amendment and the Equal Protection Clause, pointing out that the Equal Protection Clause itself had in several recent decisions (*Harper* v. *Virginia Board of Elections,* 383 U.S. 663 (1966); *Carrington* v. *Rash,* 380 U.S. 89 (1965)) been held to forbid some state laws restricting the right to vote. The opinion went on to hold that Congressional authority to enforce by appropriate legislation, the provisions of the Fourteenth Amendment, gave Congress a large degree of authority to determine that specific classifications, for voting or other purposes, amounted to a denial of equal protection of the laws.

On parallel reasoning, proponents of the pending legislation assert that Congress may by the same authority determine that voting laws that deny the right to vote to persons 18 years old, or older, constitute a denial of equal protection of the laws.

If I could agree that the Fourteenth Amendment, by virtue of the Equal Protection Clause or otherwise, imposed limits upon the States with respect to qualifications for voting, then I would agree with the proponents of the pending legislation. Within the area in which the Fourteenth Amendment operates, I agree that Section 5 gives Congress a large—even though infrequently exercised—degree of authority to codify, i.e., to give meaning and content to such abstract and undefined terms as Due Process of Law and Equal Protection of the Laws. Soon after the adoption of the Amendment, Congress exercised this authority in limited areas clearly covered by the amendment, and these statutes were upheld in historic decisions of the Supreme Court. *Ex parte Virginia,* 100 U.S. 339 (1880); *Virginia* v. *Rives,* 100 U.S. 313 (1880); *Neal* v. *Delaware,* 103 U.S. 370 (1881). More recently, there may be scattered examples of the exercise of this codifying authority (cf., e.g., *State Board of Insurance* v. *Todd Shipyards Corp.,* 370 U.S. 451 (1962)). A number of legislative proposals for congressional action of general applicability in the field of criminal procedure would turn upon congressional authority to specify, at least in part, the content of the concept of "due process". As Chief Justice Marshall remarked (*Gibbons* v. *Ogden,* 9 Wheat. 1, 189 (1824)), the Constitution is "one of enumeration, and not of definition". Congressional action attributing specific content to constitutional concepts carries the same weighty presumption of constitutionality that other federal legislation bears.

But both the language of the Fourteenth Amendment and the history of its adoption make it clear beyond doubt, as I believe, that it did not limit, either by the Equal Protection Clause or otherwise, the power of the States to establish and maintain the qualifications for voting. And unless it did limit such power of the States, it gave no other or independent authority to Congress in that area. That the terms and the history of the amendment did not limit the power of the States with respect to qualifications for voting has been demonstrated in the dissenting opinion of Mr. Justice Harlan in *Reynolds* v. *Sims,* 377 U.S. 533, 589 (1964). The majority of the Court may have ignored this demonstration. It has not answered it. The principal items are as follows:

1. *Language of the Constitution.* As Justice Harlan points out, Section 2 is an integral part of the Fourteenth Amendment, as authoritative as Sections 1 or 5. Section 2 provides:

"Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial Officers of a State, or the members of the Legislature thereof, is denied to any male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State."

The Amendment thus explicitly contemplates and indicates the continuing authority of the States to establish the qualifications for voters applicable in State and federal elections. If a State restricts voting in any one or more of the elections specified, the State may have diminished representation in Congress, but its authority to establish qualifications is confirmed by the very terms of the Amendment. And, with reference to specific qualifications, one may note that since Section 2 so explicitly contemplates twenty-one years as the norm for age in voting, it is particularly difficult to believe that Section 1, or action pursuant to it, could require a State to reduce that norm to eighteen or any other figure below twenty-one.

2. *History of Adoption.* The legislative record of approval of the Fourteenth Amendment in the Congress shows abundant explicit statements by the principal supporters and sponsors of the Amendment that it did not impinge upon the power of the States to establish and maintain qualifications for voting. Of these, the statement of Representative Bingham, the author of Section 1, is representative:

"The amendment does not give, as the second section shows, the power to Congress of regulating suffrage in the several States . . . the exercise of the elective franchise, though it is one of the privileges of a citizen of the Republic, is exclusively under the control of the States." (Congressional Globe, 39th Cong., 1st Sess. 2542).

3. *Post-ratification History.* The Fourteenth Amendment was proposed by the Congress on June 13, 1866, and on July 28, 1868 the Secretary of State certified that it had been ratified and was part of the Constitution. On February 26, 1869, less than one year after the ratification of the Fourteenth Amendment, the Congress proposed the Fifteenth Amendment. If the Equal Protection Clause of the Fourteenth Amendment had covered qualifications for voting there would have been no need for the Fifteenth Amendment. Congress by simple statute could have en-

acted the substance of the Fifteenth Amendment. Yet almost contemporaneously with the ratification of the Fourteenth Amendment, the Congress regarded a constitutional amendment as necessary to prevent disqualification from voting on the basis of race, color, or previous condition of servitude. This belief, of course, was wholly consistent with the limited scope of the Fourteenth Amendment to be derived from the terms of Section 2 and the legislative record of its approval by Congress.

Fifty years later the 66th Congress was obviously of the same mind with regard to the scope of the Fourteenth Amendment when it proposed the Nineteenth Amendment to the States for ratification rather than providing by simple statute that the right to vote should not be denied or abridged by the United States or by any State on account of sex.

It has been within the power of the recent majority of the Supreme Court to ignore the language and the history of the Fourteenth Amendment. But it cannot erase the language, or unmake the history. Therefore it is my opinion that the decisions in *Katzenbach* v. *Morgan,* 384 U.S. 641 (1966), *Harper* v. *Virginia Board of Elections,* 383 U.S. 663 (1966) and *Carrington* v. *Rash,* 380 U.S. 89 (1965) are congenitally flawed, and provide no sound basis for Congressional authority to require the lowering of the voting age to 18. In my opinion, the Constitution does not give the Congress that authority.

Respectfully submitted,

ERNEST J. BROWN.

THE NATIONAL LAW CENTER,
April 23, 1970.

Hon. RICHARD NIXON,
President of the United States, The White House, Washington, D.C.
Attention: Mr. Leonard Garment.

DEAR MR. PRESIDENT: Whatever be the merits of lowering the voting to 18 or some other figure, the proposal to do so by congressional statute rather than by constitutional amendment is a startling proposition with broad constitutional implications going beyond the current issue. It would have been unthinkable a mere half dozen years ago. It remains startling despite the Supreme Court's 1965 ruling in Katzenbach v. Morgan sustaining congressional power to substantially modify English-speaking people to vote.

I

We all know that under our federal division of powers the states are expressly authorized to fix voting qualifications for both state and national elections. The grant is limited only by a reserve congressional power regarding the "manner" of holding national elections, and the restrictions derived from the 14th, 15th, and 19th amendments regarding classifications which are based on race or sex or are otherwise invidiously discriminatory or arbitrary.

The fact that the new proposal should be seriously discussed indicates how far we have embraced the idea that constitutional law is simply a legislative process, by legislative votes or judicial votes, of ascertaining and implementing current popular desires or the current judicial understanding of sound policy—with no need to make more than a casual reference to any higher law principle of authorization or limitation. There are dangers in discarding a constitutional system for a fluctuating pressure politics system, because who can know what tomorrow's majority will do?

It is of course trite to observe that constitutional law is not a static system and that the process of judicial review gives us much new constitutional law. But there is one sharp difference. Virtually all of our recent famous cases could be rationalized by elaborating basic principles concededly imbedded in the Constitution—for example the racial integration cases, and the freedom of expression cases. The 18-year-old voting by congressional statute idea, however, runs contrary to an express constitutional provision. It has only the most tenuous support, if any, in a supposed "discrimination" principle.

II

Proponents of congressional power to change the voting age rest their argument essentially on one case, *Katzenbach* v. *Morgan,* sustaining the Kennedy amendment to the Voting Rights Act of 1965. It was designed to enfranchise Puerto Ricans in New York City who were illiterate in English but literate in Spanish. Although the provision was upheld, a divided Supreme Court had difficulty articulating a satisfactory rationale. The Court referred to supposed congressional findings that with more political clout non-English speaking Puerto Ricans would get a better break in public services in New York City. But there was little evidence. The opinion has a strong "might be" quality on the crucial question of whether or not there was any significant discrimination which voting power might ameliorate. The Court added therefore a distinctly novel theory that Congress has a broad power to interpret the concept of "equal protection" in the Fourteenth Amendment, and that a presumption of constitutionality attaches to a law which Congress asserts is needed to "implement" the Fourteenth.

A ruling which seems to give Congress power by statute to expand or contract the Fourteenth Amendment obviously must be handled with care, lest we woefully confuse the line between constitutional law and ordinary law. Read more narrowly, and that is all that is needed to sustain the Puerto Rican voting provision, the *Morgan* case rests on a theory of particularized ethnic discrimination by state action which Congress corrected.

III

There are major difficulties in moving from the Puerto Rican voting law to 18-year-old voting, whether *Morgan* be read narrowly or broadly. Regarding voting age there is no discrimination, only a legislative preference for one figure instead of another, in a field where a *choice* concededly must be made. Realistically, what is the "equality" interest in 18-year-old voting? What are the two groups which arguably must be treated equally? In the racial discrimination field, we totally abolish race as a permissible classification. And when differential wealth creates differential access to benefits, we simply abolish charges; hence the rule that *all* indigent prisoners can get free trial transcripts for appeal. But there is no distinctive, *identifiable group* discrimination flowing from a 21-year-old voting rule. Every age from 20 down to 1 is "discriminated" against in the loose sense now being used.

The point is that any age fixed is necessarily arbitrary, and hence poses no constitutional question needing "corrective" Congressional action. It is a matter of open legislative choice, and the Constitution expressly commits that choice to the states, short of a constitutional amendment.

IV

The constitutionally forthright way to resolve the 18-year-old voting proposal is by federal constitutional amendment. Alterations in the basic nature of our body politic should be made on the basis of a national consensus, rather than a legislative logrolling process supported by a novel constitutional dictum. The proposal is precisely the kind of question for which the amendment process exists.

Sincerely yours,

ROBERT G. DIXON, Jr.,
Professor of Law.

THE UNIVERSITY OF MICHIGAN,
Ann Arbor, Mich., April 20, 1970.

Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.
Attention: Mr. Leonard Garment.

DEAR MR. PRESIDENT: This letter is in response to Mr. Garment's inquiry respecting my views on the constitutionality of proposed federal legislation which would establish a universal age limitation on voting in the United States and fix the age at 18 years.

This proposal has momentous consequences. If enacted it would be a bold and unprecedented intrusion upon the acknowledged power of the states to fix voting qualifications and would raise what I regard as very serious and substantial constitutional questions.

Under the Constitution it is clear that the basic power to prescribe qualifications for voting is reserved to the states. Art. I, Sec. 2, respecting the election of Representatives to the Congress and the Seventeenth Amendment respecting the election of Senators recognize that the qualifications for voting are governed by state law. Moreover, the Constitution gives Congress no power, express or implied, over the general subject of voting qualifications. Congress is given the power under Art. I, Sec. 4, to regulate the times, places and manner of holding election of Senators and Representatives. But this power, construed in conjunction with Art. I, Sec. 2, gives no authority to prescribe qualifications. If then the question raised by the proposed federal legislation to reduce the voting age to eighteen were governed solely by the body of the Constitution, the proposed legislation would clearly be beyond Congressional power and this regardless of whether it was universal in its scope or limited to voting for Congressmen, Senators and Presidential electors.

Amendments to the Constitution while not abridging the basic power of the states to fix qualifications have curtailed the freedom of the state to classify in fixing qualifications and thereby to limit the voting right. The Fifteenth Amendment prohibits a denial of the right to vote on the ground of race, color or previous condition of servitude. The Seventeenth Amendment similarly prohibits denial of voting rights on the basis of sex. The Twenty-fourth Amendment prohibits the denial of the right to vote for President, Vice President, Senators and Congressmen because of failure to pay a poll tax. Apart from these specific restrictions on the power of the state to prescribe classifications in defining voters' qualifications, the equal protection clause of the Fourteenth Amendment operates to prohibit other arbitrary limitations on the right to vote. Thus in *Harper v. Virginia Board of Elections,* 383 U.S. 663 (1966), the Supreme Court held that a state requirement of paying the poll tax as a condition of voting resulted in an arbitrary discrimination which violated this clause.

Admittedly the fixing of an age limit falls within the basic power of the states to prescribe qualifications for voting and none of the restrictions on the power to classify for voting purposes achieved by constitutional amendment as mentioned above affect the voting age requirement. Nor is it conceivable that the Supreme Court would declare an age requirement fixed by state law whether at age 21, 20, 19 or 18 as an arbitrary requirement violating the equal protection clause. This leaves for consideration then the question whether Congress has a legislative power to intrude into the states' power to fix an age limit qualification.

The only possible source claimed for such power is the authority granted to Congress under the 5th section of the Fourteenth

Amendment to enforce this Amendment's restrictions and more particularly to enforce the equal protection clause. May Congress by legislative act fixing the voting age limit at 18 thereby in effect declare that a higher age limit prescribed by state law is an arbitrary classification which violates the equal protection clause?

In examining this question we may first consider the Supreme Court's decision in *South Carolina v. Katzenbach,* 383 U.S. 301 (1966), where the Court upheld the provisions of the 1965 Voting Rights Act which prohibited the use of literacy tests in states where their use was found to achieve racial discrimination in voting in violation of the Fifteenth Amendment. Congress has the power to enforce the Fifteenth Amendment and Congress here was using its power to deal with practices which it found violated this Amendment. Since the Congress here was using its power to enforce a specific constitutional restriction and since the Supreme Court had already recognized that state use of literacy tests as a means of racial discrimination in voting was invalid, the case has no real bearing on the power of Congress to define permissible voting qualifications under its power to enforce the equal protection clause of the Fourteenth Amendment.

The companion case of *Katzenbach* v. *Morgan,* 384 U.S. 641 (1966), does go to the question under consideration. Here the Court upheld the feature of the 1965 Voting Rights Act which provides that no person who has successfully completed the sixth primary grade in a public school or in a private school accredited by the Commonwealth of Puerto Rico in which the language of instruction was other than English shall be denied the right to vote in any election because of his inability to read or write English. This provision was designed to invalidate New York's English literacy test in so far as it resulted in the denial of the voting right to the very substantial body of New York City residents who had migrated there from Puerto Rico. The Court upheld this Congressional intrusion into the state's power to prescribe voting qualifications on the basis of the power to enforce the equal protection clause of the Fourteenth Amendment.

This case for the first time recognized that the Congressional power to enforce the equal protection clause includes a power to define the substance of equal protection by declaring a particular classification established by state law to be invalid and substituting in its place a classification fixed by Congress. The Supreme Court has made it abundantly clear that the equal protection clause forbids arbitrary or unreasonable classifications and that whether a state classification constitutes an unlawful discrimination is appropriately a matter for judicial determination. On its face *Morgan* appears to say that Congress has an independent substantial power to pass on classifications and to condemn a state classification which Congress finds unreasonable or arbitrary even though the Court itself would not have found a violation of the equal protection clause.

Given this literal interpretation *Morgan* opens up a wide power in Congress to review and to invalidate classifications established by state laws by finding that such intrusions into state power are necessary to assure the equal protection of the laws. The wide implications of such an interpretation are noted in the dissenting opinion of Mr. Justice Harlan, joined by Mr. Justice Stewart. Applied to the problem at hand, *Morgan* as so construed would be authority for Congress to fix a universal age limit for voting in the United States on the theory that any higher age limit than that fixed by Congress is a denial of equal protection.

The question then is whether *Morgan* established such a broad principle and whether it is subject to any limitations which would be relevant to the question of Congressional power to establish a universal voting age requirement at the expense of the historically established state power to prescribe voting qualifications. The majority opinion in *Morgan* said that the power given by Congress to enforce by appropriate legislation the Fourteenth Amendment's provision paralleled the power given to Congress in the body of the Constitution to pass all laws necessary and proper to carry into execution the powers delegated under the Constitution. Borrowing language from Chief Justice Marshall's opinion in *McCullough* v. *Maryland,* 4 Wheat. 316, in explicating the necessary and proper clause, the Court said that the question then was whether the legislation enacted by Congress banning the use of the New York literacy test to disqualify Puerto Ricans from voting was plainly adapted to the end of enforcing the equal protection clause and whether it was not prohibited but was consistent with "the letter and spirit of the constitution." Applying these standards, the Court said that the Congressional enactment could readily be seen as "plainly adapted" to further the aim of the equal protection clause to secure for the Puerto Rican community residing in New York nondiscriminatory treatment by the government—both in the imposition of voting qualifications and the provisions or administration of governmental service, thereby enabling the Puerto Rican minority better to obtain "perfect equality of civil rights and the equal protection of the laws." The Court said that it was well within Congressional authority to say that this need of the Puerto Rican minority for the vote warranted federal instrusion upon any state interests served by the English literacy requirement, that it was not for the Court to review the congressional resolution of the various conflicting interests entering into the question and that it was enough that the Court was able to perceive a basis upon which Congress might resolve the conflict as it did.

The Court further said that the legislation could be justified as legislation aimed at the elimination of an invidious discrimination in establishing voter qualifications. On this question the Court said that Congress might well have questioned whether the New York literary requirement actually served the state interest claimed for it and could also have concluded that as a means of furthering the goal of an intelligent exercise of the franchise, an ability to read or understand Spanish was as effective as ability to read English for those to whom Spanish-language newspapers and Spanish-language radios and television programs are available to inform them of election issues and governmental affairs.

It remains to determine whether the Court's holding in *Morgan* and the reasoning employed by the Court apply equally well to uphold Congressional intrusion into the states' power to prescribe voting qualifications by fixing an age limit. It should be noted at the outset that Congress determined that an English literacy requirement constitued an improper voing qualification for Puerto Ricans living in New York City since it had the effect of disenfranchising a susbtantial body of citizens and since in the judgment of Congress the requirement of having completed six grades of school in Puerto Rico, although in another language, was adequate to establish the literacy required for intelligent voting in New York City. This in itself suggests an important difference between outlawing an English literacy requirement as a qualification for voting and outlawing state voting age requirements by fixing a uniform federal standard. Indeed, in *Cardona* v. *Power,* 384 U.S. 672 (1966), although the majority did not find it necessary to pass on the question, two justices expressed the view that the New York literacy requirement as applied to Puerto Ricans in New York City was an arbitrary limitation on the voting right apart from any federal legislation on the subject. But in fixing a federal age requirement at age eighteen Congress recognizes that an age requirement is in itself a proper qualification for voting. The real question then is whether Congress while recognizing that an age requirement is valid may choose to say that any voting age requirement above the age of eighteen years constitutes an invidious discrimination against the class of persons between the age of 18 and a higher age which may be fixed by a state's law.

The purpose of an age limit is to assure sufficient maturity in exercising the voting right. May Congress say that a state has no rational basis for fixing a 21 year age limit as the standard for voting maturity? Obviously, there is room for choice in this matter. Most states continue to adhere to the twenty-one year limit. A few have reduced the limit to a lower age. It may be assumed that fixing the age limit anywhere from 18 to 21 is reasonable so far as any judicial interpretation of the equal protection clause is concerned. Since the basic power to fix voting qualifications is in the states and not in Congress the question raised by the proposed Congressional legislation is not whether it is reasonable and appropriate for Congress to fix the voting age limit at 18 but whether it is appropriate for Congress to declare that any age limit higher than 18 is an invidious discrimination, i.e. whether it results in an arbitrary classification. Or to put the matter in another way does Congress have a basis for saying that a 19, 20 or 21 year age limit as may be imposed by state law does not have a rational relation to the question of whether a person is sufficiently mature to take part in the voting process?

In answering this question two considerations may be noted. The fixing of a voting age limit involves a legislative choice within a limited range, and it remains to be demonstrated that Congress because of studies it has made and investigations it has conducted has a better informed basis than the states for determining when citizens are old enough to vote. This is not a matter of determination by objective criteria. Secondly, and much more important, states have been fixing age limits for voting ever since the Constitution was adopted and even before, and until recently twenty-one years of age has been the general standard. This has never been questioned. It is fantastic to suggest that when the States ratified the Fourteenth Amendment in 1868, they thereby understood that they were thereby giving Congress the authority, in the name of equal protection enforcement, to displace their own power to fix voting age limits or to declare that any voting age limit above 18 constituted an unconstitutional discrimination. Indeed, the Fourteenth Amendment itself affirms the validity of the twenty-one year age limit as a qualification for voting. Section 2 of this Amendment, dealing with Congressional apportionment and designed to reduce the representation in Congress of states which deny voting rights to blacks speaks of denial of the right to vote "to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States. . . ." It is not to be supposed that the Fourteenth Amendment suffers from an inner contradiction and that the equal protection clause was intended as a source of power in Congress to outlaw a state voting age qualification explicitly sanctioned by this Amendment. It requires an extraordinary latitude in the construction of Congressional power to contend that Congress may brand as arbitrary and invidious a voting age standard acknowledged as legitimate by the text of the Constitution. Indeed, to use Chief Justice Marshall's language, quoted in the *Morgan* case, a federal statute, denying to states the power to

prescribe a twenty-one year age limit is not consistent with the letter of the Constitution.

In summary, there are very substantial differences between the English literacy test problem presented in *Morgan* and the voting age problem. In its legislation at issue in *Morgan*, Congress was directing its attention to a voting qualification, namely, the English literacy test, which has had a limited history in this country, which Congress found to be an unwarranted discrimination against a discrete ethnic group, and which for all practical purposes was limited in its operation to one state in the country. Moreover, Congress has a special federal concern with protection of Puerto Ricans against discrimination in view of the historic relationship between the United States and Puerto Rico, and the Congressional policies which have encouraged migration from Puerto Rico to the United States. Also it is not clear that the Supreme Court would not have invalidated the New York literacy test required as to Puerto Ricans even without the federal statute as an invidious discrimination violating the equal voting clause had it proceeded to face this question in the *Cardona* case. The voting age question, on the other hand, presents no factor of this kind. On the contrary, state voting age limits have a long unbroken history, they deal with a qualification which does not enter into the sensitive area of race, nationality, ethnic affiliations or economic status, they present no distinctive aspects related to matters of federal authority and concern and, indeed, the authority of the state to fix an age limit is confirmed in the very language of Section 2 of the Fourteenth Amendment. Here the factors are so heavily weighted in favor of the state power and the basis for Congressional intrusion into this area is so tenuous, that I cannot regard *Morgan* as determinative of the constitutional issue raised by this proposed legislation.

Morgan as literally construed opens up vast potentials of expanded Congressional power in the name of enforcement of the equal protection clause to intrude upon state legislative power and to substitute for it legislation which Congress deems more desirable. Virtually every state statute embodies a series of classifications. Take, for instance, a state income tax law. Such a law is full of classifications relating to such matters as rates, exemptions, etc. If Congress may at will invalidate classifications it finds unsatisfactory or undesirable by stamping them as arbitrary, and in turn to substitute its own notion of suitable policy, the way is open for Congress to assume the role of super-legislature for the states. It could then prescribe the permissible classifications in a state income tax and thereby in effect rewrite the state's law.

Morgan requires further critical study and examination by the Court before its implications can be fully determined. The fact that two justices dissented and the intervening change in Court personnel indicate the likelihood of such a critical reexamination. But apart from this, the question of the power of Congress to prescribe a universal voting age limit involves consideration totally different from the question presented in *Morgan*. For the Court to uphold this proposed legislation would require a considerable stretch of the judicial tolerance of Congressional legislation manifest in *Morgan*.

In summary then it is my opinion that substantial grounds support the conclusion that the proposed Congressional legislation fixing a universal voting age limit of 18 years is unconstitutional on its face as an intrusion by Congress into an area of admitted state authority. The holding and the opinion in *Morgan* do not furnish either compelling or even persuasive support for this legislation. Indeed, the legislation flies in the very face of the constitutional text. Certainly, at the very least the proposed legislation raises very serious and substantial constitutional questions not foreclosed by the *Morgan* decision.

If Congress is satisfied that it is desirable national policy to establish a universal voting age limit of eighteen years, the way is open to achieve this result through the process of constitutional amendment. It seems to me far more preferable for Congress to deal with the matter in this way rather than enact legislation which raises serious constitutional issues and would engender all the uncertainty and confusion arising from constitutionally suspect legislation.

I remain,

Respectfully yours,

PAUL G. KAUPER.

Mr. Speaker, I wholeheartedly support the extension of the 1965 Voting Rights Act. I voted this conviction in this body last December 11. In addition, the Senate version includes two vote-protecting or vote-extending amendments which I sought unsuccessfully to have the House adopt last year.

I am highly pleased by every provision of the Senate bill except that which would, by statute, lower the voting age nationwide in all elections. I am the author of a proposal to do this, but by constitutional amendment.

I am also working in Minnesota to gain support for our pending State constitutional amendment to lower the voting age to 19 for all Minnesotans. Many 19- and 20-year-olds at home have asked me: What happens to our Minnesota effort if we in Washington take the constitutionally questionable route of seeking by statute to lower the voting age to 18?

While I will do nothing to jeopardize the extension of the 1965 Voting Rights Act, I must register a protest against the method of lowering the voting age contained in the Senate rider. Thus, I will vote "No" on the previous question.

But it is obvious that the previous question will be ordered. And since it is of overriding importance that the Voting Rights Act be extended, I will vote "Yes" on the issue of agreeing to the Senate amendments to H.R. 4249.

Mr. BOLAND. Mr. Speaker, I want to express my support for this legislation to extend the 1965 Voting Rights Act. The bill—seeking a 5-year extension of one of the most significant pieces of legislation ever to emerge from the Congress—would amend the Voting Rights Act in three principal ways. First, it would flatly outlaw the literacy tests often used to deny the franchise to minority groups. Second, it would establish uniform national residency requirements for voting in presidential elections. Third—and most important of all—it would grant the right to vote to any citizen 18 years of age or older.

It is plain—indeed, conspicuous—that today's 18-year-olds are far better educated and far more sophisticated than those of even a generation ago. It can be argued convincingly, in fact, that contemporary youth is more keenly aware of the problems confronting American society and more ardently committed to solving those problems than many of their elders. At the age of 18, young men and women have completed their secondary education. They are entering college, joining the Armed Forces, taking jobs. They are more intellectually mature and more politically responsible than any generation in the country's history. It was nearly two centuries ago—in a small, rural, agrarian society—that most States set the voting age at 21. It made sense then. It no longer makes sense today.

The overwhelming majority of American youth want to work within what is called "the system," seeking their political goals through the traditional institutions of our democracy. They are frustrated, however, merely because they are denied the right to vote. American young people are a powerful force for good in our society. Granted, a minority so small that it can be accurately termed "trivial" has embraced radicalism and revolution. But—I cannot emphasize this point strongly enough—most young people border on exemplary citizens. They are bright. They are responsible. They are conscientious. They deserve the right to vote.

A significant question exists about the constitutionality of the bill now before us. Some legal scholars argue pursuasively that a constitutional amendment is the only legitimate vehicle for lowering the voting age on a nationwide scale. We in the House, as you know, Mr. Speaker, have already passed such a constitutional amendment—one that I cosponsored—but, to date, it has languished in the Senate. Other legal experts maintain—more convincingly, I think—that the bill we are now considering falls within the Constitution's framework. Yet, despite the controversy, I feel we should pass this bill. If we do not—if we reject or amend House Resolution 914—the entire Voting Rights Extension Act may be defeated by filibuster when it returns to the Senate. In any case, a prompt court test of the bill's constitutionality is virtually assured.

I think we should act now to extend the franchise to America's young people.

If the legislative means are wrong, the courts will tell us so.

We must not abandon an opportunity to allow the most promising generation in our history to take part in the political process.

Mr. McCLOSKEY. Mr. Speaker, I have serious reservations about the constitutionality of lowering the voting age to 18 through congressional action short of constitutional amendment. Certainly the Journal of the Constitutional Convention of 1787, the record of debates on the 14th and 15th amendments, and the Supreme Court cases prior to Katzenbach against Morgan provide no indication of support for Federal, rather than State, action to determine "the qualifications requisite for electors of the most numerous branch of the State legislature."

While the decision in Katzenbach against Morgan has broadened, and I think correctly so, the purview of Congress in preventing State action from interfering with the equal protection of the laws as to voting qualifications, that decision alone does not remove reasonable doubt of the propriety of congressional action to lower the voting age.

The crucial question, then, in my judgment, is whether or not the present circumstances of the United States, in the last third of the 20th century, justify a constitutional interpretation that denial of voting rights to 18-year-olds is denial of equal protection of the law to those of that age.

Recognizing on the one hand the great privileges of U.S. citizenship, we might also consider the burdens of that citizenship. We make few requirements of our citizens: that they obey the law, pay taxes, serve on juries and finally, that during their youth, our young men serve in the Armed Forces.

This mandatory duty of military service must be considered the most difficult of all; certainly in the past 5 years the burdens of an unpopular war have fallen more on those of the ages of 18 through 20 than on any other age group. The loss of life, liberty and pursuit of happiness has occurred primarily among the young combat infantrymen. I am impelled to note that over half the young men of one marine rifle regiment in Vietnam last year were killed or wounded by booby traps alone. A number of years ago I was privileged to serve with a rifle platoon in Korea, most of whom were killed or wounded, and whose average age was 19.

At 18 we require our young men to register for the draft; many 18-year-olds volunteer for military service. And the burden is not just on young men. It also falls on those who love them and who watch and wait for their homecoming, the young girls whose lives are linked with theirs.

If equal protection of the laws is to have any real meaning at this point in our history, it would seem reasonable to conclude that the obligation to fight and die in a war against people whom a man does not hate, in a cause in which he does not believe, justifies the protection of law that such man and the loved ones of his age be entitled to vote for or against such cause.

It is therefor, Mr. Speaker, that I will vote today for the lowering of the voting age to 18, despite the possibility that the Supreme Court may well take a narrower view of constitutional construction. On balance I feel the Court should sustain our action today.

Mr. BENNETT. Mr. Speaker, I believe I was the first southerner to speak out for the 1965 voting rights bill. When I so spoke and later so voted, I labored under no delusion that this position was the then popular position in my district. I have never regretted that decision, because I believed what I was doing was the right thing to do and that my constituents would some day agree; but, even if they did not, I fulfilled the concept of representative government that a representative owes to his constituents his best judgment, whether or not it might become a political liability to himself.

Likewise, today, I speak for this measure to allow 18-year-olds to vote because I think it to be the right thing to do, though I doubt that it is currently the opinion of my district. I believe that these young people are qualified by education and sufficient experience in life to cast sound votes. They are today required to carry heavy burdens of citizenship, including service in the Armed Forces. There is an ominous danger to a democracy if it disenfranchises citizens who are capable; because, by prohibiting the normal exercise of citizenship in the vote, frustrations arise which can lead to dangerous alternatives in dissent.

Frankly, I would have preferred a constitutional amendment to solve this situation. But two arguments impress me with the present procedure. First, I think that the time for action in this is now, not years hence by the lengthy amendment procedure. Second, I feel that this statutory procedure is permissible under our Constitution. Although the Constitution did originally put qualifications for voting solely in the hands of the States, the 14th amendment to the Constitution, being later in date than the original qualifications provision of the Constitution, would appear to give Congress the power to act in the field.

The Supreme Court in the case of *Katzenbach* v. *Morgan,* 384 U.S. 641, (1966) did in fact, rule that this is the case in upholding a Federal law prohibiting a New York English literacy test.

In conclusion, Mr. Speaker, I urge that the House enact this measure; and in so doing I express confidence in the vast majority of well behaved young people today, who are obviously our best and only hope for the future. As for me, I am proud of them.

Mr. FOUNTAIN. Mr. Speaker, one does not have to be opposed to a lower voting age to take issue with the method by which the Senate proposes that this be done in H.R. 4249.

It is argued in the preamble to the Senate's lower voting age amendment that there is no compelling State interest in this matter. How curious indeed that after 180 years of this constitutional Republic, during which time it has always been within the province of the States to set the voting age, there has now arrived in our 181st year a situation in which there is no longer any compelling interest. This is pure bosh to cover up a bold attempt by some in the Congress to usurp jurisdiction in this matter. Such action might be more acceptable were the States asked to acquiesce in it. In other words, were Congress to vote a constitutional amendment lowering the voting age, which would require ratification by three-fourths of the States before it could become effective, I would support it. But that is not proposed in H.R. 4249. Nay. Congress is to decree by statute that the universal voting age for all elections—national, State and local—shall henceforth be 18. I ask: "Is that not arrogance?" Yea, verily.

Mr. Speaker, are we to meekly assent to such jarring of the Constitution? Are we not to contest this because "the votes are there?" Here stands one representative of the people who will not quietly assent.

Would it be going too far to point out that virtually every State legislature has had this matter under consideration in the past 3 years? Would it be going too far to note that in two States—Ohio and New Jersey—voters defeated referendum proposals to lower the voting age in 1969; that in Oregon, this year, voters defeated another such proposal; and that in 15 other States this year it will come before the voters for resolution? In short, action is going on at the State level. We may not all agree with the results, but those who have traditionally held the power to set the voting age are taking action. Why then should Congress preempt this field? Why should Congress by statute lower the voting age?

There is no good reason for it. In truth, and we all know it, this is simply an arrogation of power. Members of Congress, apparently a majority, are convinced that this is a good thing. Accordingly, ride roughshod over our constitutional system. The devil with diversion of powers. How much longer can this Nation, through court and congressional action, stand changes in the basic constitutional concept upon which it was founded? Not much longer.

I do not accuse anyone of insincerity. On the contrary, I accuse them of misguided sincerity. If they are so convinced of the rectitude and value of this action, let them go to the people of their respective States and petition them to vote "yea" on this question. Why do they not do that? Because they know full well that, despite the polls published by Mr. Gallup, the people of many States are against this proposal. Others will probably in due time accept it, but time after time, with the exception of Georgia in 1943 and Kentucky in 1955, the voters have rejected this notion.

Does this daunt the Congress? Far from the case. We now have before us this piece of legislation which will lower the voting age by a Federal statute not by a constitutional amendment. We are asked to vote for it because, by the most attenuated of argumentation, it is suggested that to deny them the ballot is to deny them equal protection of the laws. How ridiculous can we become in our effort to evade proper constitutional processes. Well, it has been said before: there is no end to the folly of man.

Let us be done with this charade; with this flimsily disguised seizure of power. Let this House stand up for constitutional procedures. Let this issue be redressed in orderly fashion. Let us reject adoption of the Senate version of H.R. 4249. In any event, let us order a conference. Let us eliminate this unconstitutional provision to lower the voting age. And then, if it is the will of two-thirds of the Congress—and I will be among that group—let us pass a constitutional amendment and remit it to the States for their action. That is the right and safe route, Mr. Speaker. It is hard for me to believe there is a single Member of this body who believes it otherwise.

I cannot understand these efforts to move ahead and deal with all elections, Federal, State, and local, by the Federal statutory route when one envisions the awkward problem the country will face if the Supreme Court were to invalidate

a whole set of elections. The Court should not have to render a decision under such pressure—knowing that to properly declare an act unconstitutional could bring to a halt our entire system of governmental operations.

The perversion of the Constitution to accomplish even a goal with merit is entirely too high a price to pay. One of the most serious problems from which this Nation suffers today is "a spreading disdain for law." Abuse of the Constitution to attain even desirable ends can only succor those who would replace law and constitutionalism with fiat and force.

So, I appeal to my colleagues to reject the Senate amendments. I appeal to them to support orderly constitutional procedure. These days one never knows what the Supreme Court will say, but regardless, it is not constitutional to change the voting age in this manner. Mr. Archibald Cox and Mr. Paul Freund to the contrary, this is not proper. It is not good for the country.

The clear mandate of article I, section 2, is to leave this question to the States. There is no evidence of invidious discrimination. There is no compelling evidence of denial of equal protection of the law. There is, in other words, no constitutional mandate or failure by the States to abide by the Constitution which would allow for the action here suggested. There can be no good reason for Congress to intervene in this manner. Let us not participate in this power grab. The States are the ones to determine this matter, and they are acting to do so. That in itself is enough reason to send this proposal to conference so that the orderly constitutional amendment in process may at least be considered.

Mr. DOWNING. Mr. Speaker, I have given this resolution considerable study and thought because it has caused me great concern.

Basically, I favor equal voting rights for all people, and despite recent youthful disorders, I would like to see 18-year-olds have the right to vote. My conscience and judgment, however, will not permit me to cast a favorable vote for this particular resolution.

I voted for the Voting Control Act when it applied to all of the States in our Union. If such controls are necessary, they should apply to all States and not a selected few.

The Senate, however, saw fit to remove this nondiscriminatory provision and amended the bill so that it again shackles and humiliates the seven Southern States, including my own State of Virginia and a few outside counties.

I sincerely believe that the present minimum voting age should be lowered to 18 years, but I will not sanction what I think is unconstitutional action in order to accomplish this.

The 14th amendment to the Constitution establishes the age of 21 as the minimum voting age. To change this by simple legislation would be clearly and unequivocally unconstitutional, and it would establish a dangerous precedent for other changes to come.

The merits of this proposal sorely tempt me to ignore the possible restrictiveness of our Constitution, but this I will not do. When elected to this public office, each of us solemnly swore to uphold the Constitution of the United States. Feeling so strongly that this legislation is unconstitutional, I cannot vote for it. The proper course to accomplish this result is by an amendment to the Constitution.

Mr. MONAGAN. Mr. Speaker, apart from the merits of this legislation, I want to express objection to the manner in which it has been brought before the House.

It may well be that I shall vote for this resolution since I definitely support the civil rights aspect of this bill and would not want to see the Voting Rights Act terminate by lapse of time. At the same time it is indefensible that the section relating to voting rights for 18-year-olds has been inserted in this legislation by the other body and that that body holds a pistol to our head with the threat of nonpassage of the main provisions of law.

Everyone acknowledges that there are constitutional questions about lowering the qualifying age for voting otherwise than through a constitutional amendment. Certainly this broad extension merits some discussion in this body. In addition, in Connecticut the proposal to lower the age will be on the voting machines this November. The chairman of the Judiciary Committee, the gentleman from New York (Mr. CELLER) has indicated his preference for action through the constitutional amendment process and it is this method which I would prefer to see us use.

Mr. SKUBITZ. Mr. Speaker, there is a proper time and place to do everything. It is unfortunate that the Senate has decided to attach to the Voting Rights Act of 1965 a rider that purports to enable Americans between the ages of 18 and 21 to vote in Federal, State, and local elections.

The real question now is not if we should lower the voting age but what is the proper method. In my opinion voting approval of this rider is wrong. The proper way to lower the voting age is through a constitutional amendment. Most constitutional lawyers support the belief that the best way is by amendment because the Federal statute could be declared unconstitutional in the future. It could throw the electoral process into a mess during a serious period of legal uncertainty. Thus, in the long run it would be most frustrating for our young people.

Therefore, I believe that the 18-year-old vote rider should be separated from the Voting Rights Act. Then we could make a better decision on the merits of the act itself.

Thus, in a nutshell, I believe the people should be able to make their individual decisions by voting in State referendums to decide this constitutional question or by the action of the State legislatures.

Mr. FASCELL. Mr. Speaker, I rise in support of House Resolution 914, to agree to the Senate amendments to House Resolution 4249, to extend the Voting Rights Act of 1965. The Senate amendment to lower the voting age to 18 years of age for all national elections is especially significant.

In my judgment, young people today are better equipped than ever before to exercise, responsibly, the voting privilege. Our Nation must meet today's challenges with all the resources we have available. Today's largely untapped resource is the abundance of young dedicated American citizens between the ages of 18 and 21.

The city commission of Miami has publicly expressed unanimous support for the pending proposal to lower the voting age to 18. I submit the commission's resolution for the RECORD:

Whereas, young people all over the country have demonstrated their interest in our governmental and foreign affairs.

Whereas, in the wake of the present violence we feel it necessary to give youth a constructive and peaceful means in which they may channel their concern and grievances.

Whereas, we find that more and more young people have had to take on many responsibilities and we feel that they should be given equal rights to make decisions that affect them.

Now therefore, be it resolved that as of May 13, 1970 the City of Miami Commission supports the Congressional proposal to lower the voting age to 18 and urges Congress to concur with this resolution.

Mr. OTTINGER. Mr. Speaker, I rise in full support of House Resolution 914, providing for our agreement to the voting rights amendments passed by the Senate.

Just as the landmark Voting Rights Act of 1965 was one of the proudest achievements of the 89th Congress, the amendments before us today may well be the single most important piece of legislation we will consider during this session. During the first 5 years of the act, more than 800,000 black citizens have registered to vote, the percentage leaping from 20 percent of those eligible to 52 percent in States where Federal examiners have been used, and the number of elected black officials has risen from 78 to nearly 500 in the Deep South.

Our work is far from done, however, because of the enclaves of white resistance to the enfranchisement of black people. In almost 200 counties in Alabama, Georgia, Mississippi, and South Carolina, we are confronted with the distressing fact that less than 50 percent of eligible black people are registered. It is incumbent upon us to build further upon the achievements of the act, which the Senate version of H.R. 4249 will continue in effect for another 5 years, in addition to putting a nationwide ban on literacy tests and establishing uniform national residency requirements for voting in presidential elections, thereby allowing all people who have moved to a new area at least 30 days before an election to register and vote.

Mr. Speaker, the revolutionary feature of this bill is the granting of the vote to 18-, 19-, and 20-year-old citizens. The traditional 21-year minimum age is no longer justifiable in our sophisticated society. It actually dates back to medieval times when a man was deemed not able to bear armor until he became 21, and we have clung to this outmoded stand-

ard far too long. If an 18-year-old is mature enough to bear arms in defense of his country, if he is expected and required to pay taxes, if he can be tried as an adult in our courts, and if he has the right to marry at 18, then we have surely discarded the notion of immaturity at 18 in every area except enfranchisement. With our extensive media communication, up-to-date newspaper reporting, and advanced education in the workings of our political system, there is no reason to affirm that people below 21 are not as qualified to vote as 21-year-olds were during the early days of the Republic.

The equal protection clause of the 14th amendment gives Congress a clear mandate to legislate minimum voting qualifications including age, a conclusion attested to by the most eminent of our constitutional scholars. In Katzenbach against Morgan the Supreme Court in 1966 by a 7-to-2 vote held that Puerto Rican citizens in New York could not be denied the right to vote because of their failure to pass a literacy test in English, a decision based on the 1965 Voting Rights Act, granting clear recognition of the power of Congress to legislate nationwide voting qualifications.

There can be little doubt that the constitutionality of this provision will be tested early in the courts, but there is no substance to the charge of opponents of this bill that its passage would create havoc in a future election. The 18-year-old vote is not authorized until January 1, 1971, and the Supreme Court can expeditiously hear and rule on this issue long before any elections are held.

The important need for this move is the increasing alienation of our young people from the governmental decisions which affect their lives so profoundly. We can do much to restore the faith of these young citizens in the American political system by enfranchising so many who have demonstrably shown their intelligence, maturity, and sense of responsibility about the future of this Nation.

Mr. Speaker, as we moved toward consideration of this important legislation, we beheld the Nixon administration's southern strategy creeping up to Capitol Hill once more as a familiar blight. The heavy lobbying effort being mounted against the voting rights amendments prove once again that the administration, in pursuit of future election victories, is willing to write off millions of blacks as not being worthy of American citizenship. In opposing this bill the President is also confirming the wide gulf between his policies and the legitimate wishes and aspirations of millions of our young people into whose hands the direction of the Nation's affairs will soon be placed.

In these troubled times we need more participation in the political process, not less. The enfranchisement of qualified Americans is only fit and in keeping with the tenets upon which our representative democracy is based. I urge my colleagues to pass this bill overwhelmingly and thereby demonstrate their faith in the system which must be kept responsive to the times.

Mr. PODELL. Mr. Speaker, we have before us today one of the most important pieces of legislation to come before Congress this session. I am speaking specifically of the amendment to the Voting Rights Act giving the 18-year-olds the right to vote.

The issues surrounding this measure have created strong constitutional and emotional overtones. There have been strong and cogent arguments raised on both sides of the issue of the constitutional authority of the Congress to act on this matter. I am convinced, however, that Congress has the constitutional obligation to adopt the amendment.

This is clearly an issue whose time has come. If Congress refuses to act today, it has no choice but to renounce its claim to leadership in the ongoing struggle for individual rights.

I have long been aware of the inequities present within our voting system. The denial of the 18-year-olds' right to vote has become one of the most serious of these inequities.

In 1965, as a member of the New York State Assembly, I introduced the first constitutional amendment calling for a reduction in the voting age to 18. That bill passed the assembly by a vote of 121 to 25 but was killed in the senate. I believe that the time has come to remedy this inequity once and for all.

Through the years, I have argued that youth must have a say in the decisions in which they have so large a personal stake. These words ring truer than at any time in the past. The decisions reached by our Government not only intimately affect our youth, but have become the force behind their deep concern and dedicated action.

At the same time, our young people are the most dedicated and the most knowledgeable in our Nation's history. The change in the quality of the education process, the introduction and widespread use of television, radio, and periodicals, have made the young person today as aware of what is going on as most adults. I feel that he is capable of making important decisions and should be trusted to do so.

The issue today has assumed a new urgency. The depth of our youth's commitment must not be underestimated and their arguments should be considered.

In the past months, Representatives on Capitol Hill have had the opportunity to meet and discuss important matters with many students. Such discussions covered a broad range of issues.

I consider myself most fortunate for my office was visited by hundreds of these individuals. Mr. Speaker, it was impossible to talk to these young people and not go away with a sense of their intelligence, their sophistication, their dedication, and their cogency.

Youth is confronting the issues head on. They are well placed for action, and the potential of their numbers have become an important political reality.

The great majority of the youth in this country reject the use of violence. They are appalled by its doctrinaire use and are dismayed by the counterviolence that it inevitably breeds.

Yet, we must provide some channel of expression for this generation's intense concern. They have been mobilized and their expectations aroused.

The vote will be one avenue for the channeling of political activity. If it is true that we still look upon the vote as the ultimate weapon in our society, as the instrument by which citizens may peacefully challenge the status quo, then this Congress must provide the right to vote to our 18-year-olds.

This system has worked well in the two States which have the 18-year-old vote—Georgia and Kentucky. This Congress cannot claim to be upholding and enforcing the 14th amendment, which provides for the equal protection of the law, when it denies the right to vote to these individuals who are so informed about the issues of our society and who have so great a stake in their content.

Congress clearly has the constitutional obligation to pass the amendment giving the 18-year-old the right to vote.

Mr. RODINO. Mr. Speaker, I rise to urge the House to recede and concur in the Senate amendments to H.R. 4249, the bill to extend the Voting Rights Act of 1965, with respect to the discriminatory use of tests and devices.

As the author of the Committee on the Judiciary reports on the Voting Rights Act of 1965 and H.R. 4249, the measure before us, I can fully attest to the overriding necessity to extend all of the provisions of the Voting Rights Act for an additional 5 years.

On the basis of our subcommittee hearings, reports of the Commission on Civil Rights, and Federal court litigation over the past 5 years, I am profoundly convinced that the failure to continue all the remedies of the Voting Rights Act would encourage a return of manipulative changes in voting laws and other subterfuges to deny the right to vote to large numbers of our citizens on the basis of their race or color. We must not retreat in our defense of the exercise of the franchise, free of discrimination.

Mr. Speaker, I urge concurrence in the Senate amendments not only because I favor those provisions which would extend the Voting Rights Act of 1965. I also support those other provisions in the Senate amendment which would statutorily lower the voting age to 18 in State and local, as well as Federal elections. I support the voting age reduction both on the merit of the change and on the basis of its constitutional soundness.

I believe the right to vote is fundamental to full citizenship and participation in a system of representative government. In the recent past, the unpropertied and women were among those to whom the right to vote was denied. But today these citizens freely exercise the franchise. Nevertheless, approximately 10 million Americans who have reached their 18th birthday, but not their 21st, are denied the right to vote today.

Reasons for retaining 21 as a minimum age for voting are not very convincing. In the 11th century it may have been appropriate to judge a man's maturity by his sheer physical ability to bear the weight of a knight's armor; but

nine centuries of history have destroyed the notion that the responsibilities and privileges of adulthood should be denied until the age of 21. In many States an 18-year-old can legally take a job, drive a car, buy liquor, even make a will, or he may enlist in the Armed Forces. In many States a women of 18 can marry without the consent of her parents. Indeed, a substantial percentage of all women between the ages of 18 and 21 are married. I need hardly remind Members of the House that 18-year-olds are vulnerable to the military draft. Recent figures show that approximately one-third of the American troops in Vietnam are under 21. Nearly half of those killed in action are under 21. I agree with Abraham Lincoln, who said:

I go for all sharing the privileges of the Government who bear its burdens.

There is abundant evidence that today our young citizens bear a heavy burden and obligation of their Government.

I also believe that the statutory reduction in the voting age will be sustained by the Supreme Court. I believe that the Congress possesses the power under the equal protection clause of the 14th amendment to legislate whatever is necessary and proper to effectuate the protections guaranteed by that amendment. This conclusion was made manifest by the Court over 4 years ago in *Katzenbach* v. *Morgan*, 383 U.S. 301. The Supreme Court in recent years has been extremely severe in reviewing State laws which restrict or deny the right to vote. For example, without an act of Congress, the Court has overturned the poll tax requirement, the disqualification of soldiers at military posts, and the requirements of property holding or parentage of schoolchildren for voting in a school bond election. *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966); *Carrington* v. *Rash*, 380 U.S. 89 (1965); *Kramer* v. *Union Free School District*, 395 U.S. 621 (1969).

I believe that this line of decisions together with the holding in Morgan fully support a reduction in the voting age at this time. Furthermore, I totally disagree with the President and others who claim that congressional action in this area will place an intolerable burden on the Supreme Court. Rather, I believe that congressional action in this area will provide substantial aid to the Court. There is no doubt in my mind that cases challenging the validity of present voting age requirements will be filed throughout the country. Some have already been filed. When these cases come to the Court for final decision, the burden will be much heavier if the Congress does not act. A declaration of congressional intent in this area will buttress the final decision the Court reaches.

I urge my colleagues to concur in Senate amendments to H.R. 4249, and approve the rule.

Mr. HUNGATE. Mr. Speaker, first, I favor extension of the Voting Rights Act of 1965 in substantially the same form as it now exists; second, I favor submission to the States of a constitutional amendment authorizing the 18-year-old vote, provided three-fourths of the States concur.

The right of all citizens of all races, religions, creeds, and nationalities to vote in all areas of our country is a fundamental one.

Legally I think the question of the 18-year-old vote should properly be handled through a constitutional amendment. I have serious doubts that the Congress has power to grant the 18-year-old vote in all States without a constitutional amendment. Since our Government unhesitatingly drafts 18-year-olds to fight and die in support of our freedom and since throughout much of this country they may marry, make wills and be taxed, I think it is most difficult to deny them the right to vote for the Government whose commands they execute.

It is perhaps not surprising that groups which find themselves denied a voice in the decisions which affect their destiny feel estranged and alienated and regard it as "the Government" rather than "our Government."

For these reasons, I would favor submission of a constitutional amendment to all of the 50 States so that if three-fourths of them agreed, then the right of 18-year-olds to vote could be established as part of our Constitution, just as the right of women to vote was established as part of our Constitution.

I see no more reason to join a Voting Rights Act with an 18-year-old vote proposal than I do for mixing onions and apricots. Except for the exotic procedural rules of the other body we would not be forced to consider such hydra-headed legislation. Therefore, I support the effort to return this measure to conference so that two separate issues may be considered separately.

Mr. ANNUNZIO. Mr. Speaker, today the House is considering the Voting Rights Act amendments and I want to go on record in strong support of this bill. It is true that the Senate has added amendments to the House version of the voting rights bill, but these changes are good and necessary ones. This bill is a stronger, more powerful one because of these changes. There is no question but that the Voting Rights Act of 1965 has enabled thousands to vote who never had done so before. We must not let them down now.

You are familiar with these Senate provisions: To extend the coverage of the Voting Rights Act of 1965 to those States and counties where a literacy test was required on November 1, 1968, and where fewer than 50 percent of the voting age population actually voted in the 1968 presidential election and to retain the provision which requires Federal review of new voting laws enacted by those States covered by the act. This is a most important provision, for we all know too well how black citizens were denied their rightful vote by various and sundry voting laws and requirements.

Mr. Speaker, what I really want to stress today is the importance of the Senate amendment to lower the voting age to 18. This has been a hotly contested issue. Some believe Congress has no authority to change the voting age by statute. I am not one of those. I feel this issue is too important to be haggled over. Moreover, the evidence for statute change is convincing. The Supreme Court in Katzenbach against Morgan made it quite clear that Congress does have the authority to legislate in this area, if it makes a finding of discrimination and denial of equal protection of the law as prohibited by the 14th amendment.

There can be no question, Mr. Speaker, that our young people deserve the vote. It is they who are being asked to give their lives in Vietnam. Our youth are vitally interested in our world and they deserve to be allowed to take part in it. If people cannot exercise their will through proper channels, history shows that they take to the streets. Why, then do we hesitate, when the answer is so obvious? Why do we delay?

Senator MANSFIELD recently said:

Lowering the voting age to 18 will tend to bring about a better and more equitable balance in the electorate of the nation. As life expectancy rises, the number of older voters increases. A corresponding expansion in the number of younger voters will not only broaden the political base of the Government, it may well provide concurrently a more balanced approach in the nation's general political outlook.

Although the median age of the American population is going down—about 27 now—the median age of the American voter is going up—about 45. Thus, lowering the voting age would, indeed, bring our political process into balance.

Public opinion is very definitely for lowering the voting age. In the recent Gallup polls on this question, between 56 and 66 percent of the public favored such action.

Our young people today are the best educated ever. Their enthusiasm and concern for the world cannot be denied. Why do we hesitate when we have so much to gain?

I feel strongly that in a democratic society access to the ballot is a fundamental source of power. In the Voting Rights Act of 1965 we guaranteed this right to our black citizens, let us now extend this right to those 18, 19, and 20. It is sensible to do so. Let this issue now be resolved.

Mr. COHELAN. Mr. Speaker, I rise in support of H.R. 4249, the Voting Rights Act, as amended by the Senate. I support this bill because it represents a viable attempt to guarantee equal voting rights for all of our citizens. I am happy to be able to vote for this bill.

The key provisions of this bill are that it extends for another 5 years the Voting Rights Act of 1965. I think we are all familiar with the success of this legislation in terms of increased voters registration in areas where discrimination was a known fact and a common practice. We must continue to move ahead in this direction by extending this legislation for yet another period of time.

Another key provision is the nationwide ban on literacy tests would indeed lend a more equitable and juridicial character to this bill. The simple fact that literacy tests exist implies a sense of discrimination and inhibits citizens from registering. It is time we eliminate all vestiges of our electoral system which further prejudice and discriminate.

Another section of importance is establishing uniform residency requirements

for voting in presidential elections—a person need only reside in an area 30 days prior to the election. We live in an age of increasing mobility—voters should not be penalized by strict residency requirements—a change like this would provide for a more interested and enthusiastic electorate.

Mr. Speaker, I am especially pleased with the provision extending the vote to all 18-year-olds. The present cut-off age of 21 years necessarily eliminates a large number of our citizens from assuming a rightful place in our political process. Who is to say that an 18- or 20-year-old does not have the same potential or ability to be politically informed as a 21- or 35- or 43-year-old? Our young people have assumed the responsibilities of fighting our wars, of paying taxes, of taking positions in the business world, of being married and raising families. Why should they be denied the right to vote?

Our social and educational systems are such that our young people today are more aware of national problems and responsibilities. Their enthusiasm should not be stifled but should be nurtured. They should be allowed to play a rightful and meaningful part in our political process. I can think of no better way to provide for an informed and caring electorate than to extend the privilege to vote to our young people. They have certainly exhibited an interest and I feel it is a genuine and concerned interest. It should be given its proper outlet—by allowing them to express their choice at the polls. I feel that extending the vote to 18-year-olds will be a positive step toward a more informed electorate and will stimulate and encourage our young people to work within the political system.

We are witnessing a terrible crisis in our country today—many young people have lost confidence in political authority and institutions. Political rhetoric will no longer satisfy their energies—nor will it reinforce their faith in the system. We must allow them to take their rightful place in the system by giving them the right and the corresponding responsibilities of the franchise.

I know that some are concerned about the constitutional precedents for this action. But I have investigated these arguments thoroughly and am convinced that the Congress has the constitutional authority to take this step. I am further convinced that the Congress has now an important responsibility to take this step.

I urge my colleagues on both sides of the aisle to support this bill.

Mr. FRIEDEL. Mr. Speaker, I support wholeheartedly House Resolution 914, and urge all Members of this House who have a deep desire to insure a constructive future for the United States to support this most important measure. If there ever were alienated groups in our society today, it is the black and the young. All men of good will must want—and work to get—these all important groups into the mainstream of American life. What better way than by making possible the passage in this body today of the excellent Senate passed version of the Voting Rights Extension Act. The pending resolution will make this possible.

As one who, thank God, has had a long and fruitful public life, let me say that if there ever has been an era in the history of our great and beloved country where we needed a measure to truly bring us together we need it now. House Resolution 914 can go a long way in making this possible by permitting the House to accept the Senate-passed version of the Voting Rights Extension Act.

How many of us in recent weeks have heard the young people say "they just don't hear us" or "they just don't want to change the system." Let me as one Member tell you that I have heard these voices and I believe that we can change and bring about a new era where the catch phrase, "the generation gap," can at last be forgotten and millions of young people can begin to work within the system to improve things.

Mr. Speaker, who among us really prefers to have our young people disenchanted and condemning the system rather than participating in its operations? By voting for the pending resolution today, we can make these young people participants—not just protesters.

Now some people have said that the 18-year-old vote by this means is unconstitutional and they have cited legal precedent in support of their position. The Senate-passed version of the voting rights legislation would provide for a speedy and expeditious court test of the constitutionality of the 18-year-old vote provision.

The opinions of the legal question which have come to my attention from our leading law school faculties persuade me to the view that the Supreme Court will ultimately uphold the constitutionality of this approach. What I simply cannot understand is why the Nixon administration, with its much-publicized goal to "bring us together," would be 180 degrees to the contrary in opposing this type of constructive utilization of the energies of our young people.

What it all boils down to is, do we want today to allow or permit a constructive outlet for the tremendous commitment and energy which the vast majority of our young people have demonstrated they have. By voting for House Resolution 914 we can provide no clearer sign that the Congress, and specifically the House of Representatives, welcomes the interest and active participation of all young Americans in our historic political process. By providing the 18-year-old vote today, our action will make useful and valuable the activism which is now being wasted and frustrated and thereby causing further domestic unrest.

On protecting and extending the landmark legislation which we passed in the 89th Congress to protect voting rights of our black citizens, we must not, in 1970, abandon the constructive course we have at long last embarked on. The 15th amendment was ratified in 1870 and it took almost 100 years to put teeth into it and make it work. We are just now beginning to see the results of significantly larger numbers of black citizens participating in the elective process. The literacy test was a scourge for far too many years which prevented millions of our citizens from exercising their franchise.

Again, Mr. Speaker, the Nixon administration appears to be going in the opposite direction from its stated theme "bring us together." The administration offered substitute measure which unfortunately passed this House last year by three votes eliminated the preclearance requirement and shifted the exclusive jurisdiction over voting rights cases from the District of Columbia Federal Court to local Federal courts. In effect, this action permits reinstatement of discriminatory voter registration practices and eliminates the requirement that States file voting law changes with the Justice Department. It would leave ultimate enforcement of this important constitutional right in the hands of the Attorney General who would have complete discretion over what suits would be filed in southern district courts rather than to the more sympathetic Federal court here in the District of Columbia.

The Senate, wisely, in my view, amended H.R. 4249 to restore the original language and intent of the 1965 act and at the same time extend its provisions for 5 additional years. The Senate bill would also establish once and for all a nationwide ban on literacy tests and provide for uniform residency requirements for voting in presidential elections.

Mr. Speaker, in conclusion, and as I said at the beginning of my remarks, we simply must take positive steps to protect the future of our democratic system. Our young and black people are currently disenchanted, rightly or wrongly, with many aspects of our system. By voting for House Resolution 914 we can go a long way in allowing these valuable people to have their day in that most sacred of all courts of last resort, the U.S. electoral system.

Mr. PODELL. Mr. Speaker, we have before us today one of the most important pieces of legislation to come before Congress this session. I am speaking specifically of the amendment to the Voting Rights Act giving the 18-year-old the right to vote.

The issues surrounding this measure have created strong constitutional and emotional overtones. There have been strong and cogent arguments raised on both sides of the issue of the constitutional authority of the Congress to act on this matter. I am convinced, however, that Congress has the constitutional obligation to adopt the amendment.

Mr. BUSH. Mr. Speaker, I am somewhat distressed that legislation as vital as the Voting Rights Act has been obliterated by the Senate rider permitting entry into the franchise of 18-year-olds.

The Voting Rights Act is extremely important. As passed by the House the bill would suspend all literacy tests, provide uniform residence requirements for those who want to vote in presidential elections, grant the Attorney General the authority to station voting examiners and observers in any jurisdiction to enforce the right to register and to vote, and launch a study of the use of literacy

tests and other devices that may be abridging the voting rights of individuals. The most important feature of the House version is that it discontinues the punitive and discriminatory provisions of the 1965 act—provisions aimed at one section of the country. I have some philosophical problems with the Senate version of this bill. I would like to see the House stick by its version.

I am pleased that the issue of 18-years-olds voting is being debated in the Congress and in the country, but I am sorry that it is in connection with this bill. Personally, I feel that these young people are entitled to vote. The voting patterns in Georgia and Kentucky—States which permit 18-year-olds to vote now—have not changed. My experience in going around to many campuses is that the average 18- and 19-year-old today is, because of improvements in our educational system, better able to make sound judgments than I was when I was 19.

This privilege should be extended to our young people by the States or by constitutional amendment. I have introduced a bill that would enfranchise 18-year-olds by constitutional amendment. I feel that this should not be accomplished by statute. The Katzenbach against Morgan decision upon which the Senate based its argument that 18-year-olds can be enfranchised by statute only makes sense when looked at in the context of the mainstream of the 14th amendment litigation, policing State restrictions on ethnic minorities. The restrictions affecting young people simply do not fit into this category.

Mr. REID of New York. Mr. Speaker, I rise in strong support of House Resolution 914, providing for agreeing to the Senate amendments to H.R. 4249, the Voting Rights Act amendments.

The action of this House last December in failing to extend the Voting Rights Act in its present form was reprehensible and a backward step. We have the opportunity today to rectify that error by accepting the Senate amendments which do provide for the extension of the Voting Rights Act without crippling amendments.

In addition, the Senate bill adds three very important provisions respecting the right to vote in general. First, the bill expands the temporary ban on literacy tests to make it national rather than regional in scope and effect. Second, the Senate bill includes a nationwide uniform authorization for persons to vote in presidential and vice presidential elections if they have resided in a State since the first day of September preceding the November election. This provision is absolutely essential if the right to choose the President and Vice President is not to be circumscribed by the exigencies of moving in today's mobile society. I introduced a bill in 1969 to accomplish this, and I am glad to see it included in the Voting Rights Act.

Third, and most important, the Senate bill provides for extending the right to vote to 18-year-olds. The challenge of youth is perhaps the greatest domestic challenge facing the United States in the 1970's. The concern of our young men and women over the political and social future of our country has been well demonstrated. They have campaigned for candidates of their choice; they have been far ahead of their government in indicating the need for change. In these endeavors, they have shown an extraordinary degree of commitment to principle, a great faith in democratic institutions, and a desire to work within the system.

It is an undeniable fact that in 1970 our youth are better educated and better equipped to cope with the responsibilities of citzenship in a democratic society than ever before.

It is undeniable that in 1970 our youth have a greater degree of sensitivity toward political issues than ever before, and a potent desire to channel their energies toward much needed change.

And it is also undeniable that we have perpetuated a grievous situation in which some 11 million of our citizens have borne the responsibilities of citizenship while failing to be endowed with their right to participate in shaping their responsibilities. These 11 million citizens bear the responsibilities of military service, of adult punishment under the criminal law, and many face the responsibilities of employment and providing for families.

I submit that this situation should no longer be allowed to exist. I submit that the principle of concurrent rights and responsibilities forbids it.

It is my firm belief that the function of the Congress is clearly to legislate; it clearly is not to second-guess upon the constitutionality or validity of its legislation. Historically and uncontestably, this is the function of our courts.

The constitutionality of lowering the voting age to 18 by legislative fiat has been eloquently argued on both sides. I, for one, am convinced of this procedure's validity, and I am hopeful that the courts will have the opportunity to rule on the matter without delay.

My view in this regard is sustained by Profs. Paul Freund and Archibald Cox of Harvard Law School—Mr. Cox is a former U.S. Solicitor General—and by a unanimous opinion of the Association of the Bar of the City of New York. To use the constitutional argument to defeat this legislation is not only to extend the invidious discrimination which exists toward our youth, but to abdicate our sacred legislative functions.

Moreover, enactment of the 18-year-old vote now will be a clear indication at this critical time of our confidence in our young men and women and of our desire to work with them in strengthening our democratic procedures.

As for the Voting Rights Act itself, to fail to extend it as is would be an invitation to a number of States to resume and step up certain discriminatory practices which are repugnant to all men of conscience.

To fail to extend the Voting Rights Act as it is would be to betray the principles for which many Americans fought and for which some died—Martin Luther King, Jr., Medgar Evers, Mickey Schwerner, James Chaney, Andy Goodman, and others.

The purpose of the Voting Rights Act of 1965 was to secure full enfranchisement and the right to participate fully in political activities for all citizens. Considerable progress has been made toward that goal in the Southern States, but there is indisputable evidence that as one type of discrimination is eliminated, yet another barrier to political participation is created by the warped imaginations of those who seek to prevent black Americans from assuming an active role in politics.

I would submit that the job is not yet finished, that black registration is nowhere as high as it should be and that as registration goes up, harassments to running for office and voting also go up. This, I believe, is clear evidence that the Voting Rights Act must be continued for another 5 years without its application to the South diluted by nationwide coverage. To do otherwise will be to permit the States of the South to return to their discriminatory practices. Failure to pass this bill could result in the resumption of literacy tests, gerrymandering and a change from elective to appointive offices in some cases.

The bill that the House passed in December would give the Attorney General nationwide authority to bring voting rights suits to challenge discriminatory practices and laws. This would move the struggle to obtain electoral justice from the ballot box to the courtroom—with its attendant delays—and thereby vitiate the very success of the Voting Rights Act.

Almost a year ago, the distinguished ranking minority member of the Judiciary Committee, the gentleman from Ohio (Mr. McCULLOCH) said:

> As I understand the provisions of the Administration bill which pertain to the heart of this controversy, they sweep broadly into those areas where the need is least and retreat from those areas where the need is greatest.

Mr. Speaker, the voting rights provisions and the extension of the franchise to 18-year-olds are critically important to this Nation at this time. To fail to enact them would be a dereliction of responsibility, a most callous indication of lack of faith and broken commitments, and an invitation to further discord and division in America.

Mr. EDWARDS of California. Mr. Speaker, passage of the Voting Rights Act of 1970 will stand as the greatest achievement of the 91st Congress. By keeping faith with all Americans, white, black, brown, or yellow, and by enfranchising the 18- to 20-year-olds, this Congress will do more to bring this Nation together than any other single act could do. We can give no clearer indication of our confidence in these young Americans and no clearer sign of welcome into the democratic process from which they have been excluded. We can expect as a result a vast infusion of fresh talent and energy into our tired and lame political institutions. With the age barrier down, with a major cause of youthful frustration removed, we can expect

the healing processes to begin immediately. This is the first major step toward reconciliation, a great day for Congress and the Nation.

Mr. WAGGONNER. Mr. Speaker, I have managed to discuss this bill before us with a number of my colleagues from all parts of the Nation and of both parties and of all shades of political philosophy and I am disturbed by what many are saying to me.

A general theme runs through the comments of many of those who favor passage of this bill and that is, though it is undoubtedly unconstitutional, we cannot vote against the 18-year-olds.

The younger generation, be they 18, 19, 20 or whatever relatively young age, is complaining about the lack of sincerity and the lack of courage in the convictions of some adults in the so-called establishment. This is a prime example of it, it seems to me. If there is a Member here who believes this process of changing the voting age is unconstitutional, and there are many, then they should have the courage to say so and vote so. But that is not the case, I am sorry to say.

The chairman of the House Committee on the Judiciary has said that it is unconstitutional. How else can a sincere man vote then? He must vote "no." He must vote to send this measure to conference and that is what I will do.

The previous question on the rule should be voted down and this bill sent to conference because the Senate has rewritten the House-passed bill on voting rights and added the extraneous matter of lowering the voting age. It is wrong to agree to these major changes with no debate and no conference. I remind you that no committee of the House has given any consideration to either the Senate version of the voting rights bill or the 18-year-old provision. We are being asked to ignore all these changes for fear of arousing the youth of the Nation. I say that we will arouse them, if at all, because we do not have the courage to vote against something we do not believe in out of fear of political reprisal. You underestimate the 18-year-olds if you think they are not smart enough to see this.

The equal application to all States which the House-passed voting rights bill provided for has been stripped away in the Senate version and we are back again to the same old, discriminatory legislation that hits at a few Southern States and winks at the rest. There is supposed to be equity in the law, but in this doctored version of voting rights, there is no equity for those Southern States being singled out for unequal treatment.

As for the vote for the 18-year-olds, I personally have no reservation about giving it to them if that is the will of the people, but there is a constitutional method for making this change and that is what we should follow.

Let no man delude himself that this proposal has popular support. I remind you that 14 States have rejected similar proposals by referendum or constitutional revision—the States of Connecticut, Hawaii, Idaho, Maryland, Michigan, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, and Tennessee.

Ten other states already have a lowered voting age question on their ballots in 1970 that do not lower the age to 18. They are Colorado, Maine, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, South Dakota, Washington, and Wyoming. In these States they propose lowering the age to 20 or to 19. Other States may have such a proposal later in the year.

I agree with President Nixon when he asked that this 18-year-old rider be separated from the bill and that we follow the procedure that is provided for in the Constitution, the one way that will leave no doubt as to its validity: by Constitutional amendment. This is the path of reason and the path I advocate we take.

I have enormous faith in the judgment of the people and if they want the age lowered, they should have it.

I urge those Members who are saying in private that this is unconstitutional to have the courage of their convictions and vote so and say so. You will not lose the respect of the 18-year-olds. It is the only sure way to earn their respect.

Let us approach this question in a constitutional manner, not by being stampeded out of political fear. This does no credit to individual Members or to the House as a whole.

Mr. STOKES. Mr. Speaker, I rise in support of the resolution. Almost a year ago today, when the Nixon administration was clearly showing the first signs of equivocation on the House bill—H.R. 4249—to extend the 1965 Voting Rights Act, I stated here on the floor that all those who supported the attempt to kill this measure would be intentionally aligning themselves with the forces of bigotry and reaction. I attempted to delineate the absence of both morality and logic in the administration's arguments against the bill, and called on the consciences of my colleagues to resist that overt maneuver to quash one of the most effective civil rights measures ever enacted.

As you know, Mr. Speaker, that speech was made in vain. On December 11, in what I later described in a newsletter to my constituents as "the most disappointing moment" of my brief congressional career, the House narrowly adopted the administration's substitute proposal, thus apparently terminating the Voting Right Act. It was not a day to be proud of in a country founded on the concept of the equality of all men.

But, now events have taken us full turn, and the Members of the House are presented with one of life's rarest moments—the chance to "do it all over again." The other body has taken the precise action which I recommended in that speech last year by incorporating the salient features of the substitute bill in a package with a Voting Rights Act extension. No one ever doubted the desirability of the administration's suggestions that the Congress impose a nationwide ban on literacy tests and eliminate unwarranted registration requirements for voting in presidential elections. Indeed, a special Democratic National Committee task force of which I was a member recently made identical recommendations in its final report.

Yet, neither of these bear directly on the issue of discrimination against black voters in the South. That was, and should continue to be, approached under the authority of the tougher, more specific provisions of the Voting Rights Act. Certainly, the need still remains. In a report published less than a year ago the U.S. Commission on Civil Rights recounted a tale of horrors they had recently observed in Mississippi local elections which could easily have been written at the turn of the century. Bomb threats; intentional deceptions regarding how to file and when and where to vote; armed white deputies "encouraging" nonparticipation—it is all there. No, Mr. Speaker, the need still remains. The central question is whether the will of this body to continue to insure equal justice under law does likewise.

18-YEAR-OLD VOTING

Moreover, should we pass the pending resolution the House will today have the opportunity to not only rectify past error, but also to include in that rectification a measure which I have always considered another badly needed reform in our democratic system. I refer, of course, to the extension of the voting privilege to 18-, 19-, and 20-year-old Americans.

The rationales for passage of this provision are as familiar as they are persuasive. Each year, statistics clearly reflect an increase in the number of young people between 18 and 21 who are marrying, having families, paying taxes, and accepting all other responsibilities of citizenship. Seventy-nine percent of our youth in that age bracket now have high school educations. In 1920, 17 percent did. Similarly, 47 percent of today's 18-year-olds attend college. The figure for 1920 was 18 percent. And the most familiar contention of all is still the most persuasive—if the young men of those ages can be required to fight and die half a world away, because a handful of men here in Washington have the power to declare that their fighting and deaths are "in the public interest," then surely those young men have a right to help determine who those men exercising such power will be.

I have only come across two basic arguments against the 18-year-old provision. The first and easily the more impressive is that the provision is unconstitutional. Those against extending the right by statute have put together a very impressive list of constitutional lawyers who agree with their position. But so have the supporters. With the scholars thus split, we have no choice but to make our own analysis and decide the question in the light of present political realities.

It would not seem to require an unreasonably broad reading of section 5 of the 14th amendment and Katzenbach against Morgan to substantiate the provision. In Morgan, which upheld the Kennedy amendment to the Voting Rights Act prohibiting enforcement of New York's English literacy requirement

for voting, the Supreme Court strongly indicated that the Congress did have the power under section 5 to assure equal protection by imposing its own judgments on matters falling within the purview of the 14th amendment. In refusing to second-guess the Congress' actions, the Court noted:

It was well within Congressional authority to say that this need of the Puerto Rican minority for the vote warranted Federal intrusion upon any state interests served by English literacy requirements. It was for Congress, as the branch that made this judgment to assess and weigh the conflicting considerations. . . . It is not for us to review the Congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did.

Applying this test to the present situation, it would appear highly likely that the Court would be just as hesitant to question our judgment now as before. It would be very difficult to argue that there exists no "basis upon which we might resolve the conflict," particularly in view of the statistics and facts concerning the present responsibilities and intelligence of persons between 18 and 21. Consequently, it is my opinion that should the measure pass, it holds every chance of being upheld in the courts.

With the constitutional question resolved, the issue is reduced to one of political judgment. Enter here the opponents second, and worst, argument—that the philosophies, life-styles, and political activism of a number of young people within this age group somehow indicates a lack of requisite maturity to merit the franchise.

The argument is almost absurd enough to collapse on its own, but is pernicious enough to warrant a further comment. America has never produced a group of young people as sensitive, aware, and socially conscious as those 10 million youths now between 18 and 21. They care desperately for their country, and especially for its less fortunate citizenry. They are concerned about what they perceive as an immoral war in Indochina frittering away our human and spiritual resources, the poisoning of the environment they will be expected to live in, and the twin paradoxes of poverty among riches and racism in a nation dedicated to brotherhood. Should these concerns reflect immaturity, our society is in grave need of a healthy dose of immaturity. But it is obviously not immaturity—in fact it is quite the contrary. These young people have much to offer the political processes. To whatever degree they are now disenchanted from those in authority, granting them the power to directly influence the election or defeat of those officials can only diminish that alienation. They will be good citizens, and our democracy will be the beneficiary of their participation.

Mr. CONYERS. Mr. Speaker, although my colleague, the Honorable SHIRLEY CHISHOLM, and I were present today during the debate on the passage of House Resolution 914, we were both unexpectedly called off the floor and were unable to respond to the final passage rollcall vote. As a cosponsor of legislation extending the Voting Rights Act of 1965, and having testified before the Judiciary Committee in support of extension of the Voting Rights Act, as well as having cosponsored legislation supporting the right and necessity of 18-year-old voting, this legislation is as extremely important to me as it is to Mrs. CHISHOLM and we deeply regret the fact that we were unable to cast our vote on final passage, notwithstanding the fact that the bill passed by an overwhelming majority. Had I been present I would have voted most enthusiastically in support of House Resolution 914.

Mr. HUTCHINSON. Mr. Speaker, back in 1907 Charles Evans Hughes, then Governor of New York, said in one of his speeches that the Constitution is what the judges say it is. More than a single generation of our people have been taught that the U.S. Supreme Court is the final arbiter of the Constitution, and some Members of this House, I fear, are of the opinion that whether an act is constitutional or not is no concern of theirs. They say constitutionality is the responsibility of the Court, not the Congress.

I absolutely disagree, Mr. Speaker. Every Member of the House is sworn to support the Constitution. I am sworn to support it, and I cannot, nor can any Member discharge his oath of office by casting his vote without regard to constitutionality. If the Congress is to maintain its equal station as a coordinate branch of the Government, it cannot do so by abdicating to the Court all considerations of whether congressional acts are constitutional. The Court does not expect Congress to do that. On the contrary, the Court assumes that Congress acts within the limits of the Constitution, and that every Member considers the constitutional question in deciding how he shall vote. The Court has great respect for acts of Congress. It conceives its duty to uphold the constitutionality of congressional acts if at all possible, upon the basis that Congress, too, is sworn to support the Constitution, and would not act without regard to its provisions.

We are now debating, for a single hour, a resolution, and at the end of this hour the House will vote that resolution up or down. Its adoption will mean the House has concurred in Senate amendments to the voting rights bill, and Congress will have attempted by statute to establish a uniform voting age, at 18, in every election throughout the land, whether the candidates be for local, State, or National office, and whatever may be the issue submitted to the electorate.

Out of a sense of deep conviction, Mr. Speaker, I submit that Congress is without power to fix a voting age by statute, and under my obligation to support the Constitution I must vote against legislation I believe to be unconstitutional.

Ours is a Federal Republic. Each of us has a dual citizenship. We are citizens of the United States, but each is at the same time a citizen of the State wherein he resides. Not all of our rights accrue to us because we are citizens of the United States. Some come to us through our status as citizens of our respective States. Among the rights we have as State citizens is the right to vote. We vote in our capacity as citizens of our State, not as citizens of the United States, when we participate in choosing the presidential electors to which our State is entitled, when we elect a U.S. Senator from our State, when we send a Member to this House from our State, when we elect our State Governor and our State legislature, and other officials both State and local which our State constitutions and our State laws provide shall be chosen by the people. Likewise, we act in our capacity as citizens of our State when we decide issues at the polls by referendum.

The qualification to vote, in our system, are determined by State constitutional provision. Congress has no function in it. The Federal Constitution is very clear on the point. At no place does it confer upon citizens of the United States the right to vote. Instead, it limits the power of the States to prescribe voting qualifications for those of their citizens who are also citizens of the United States. These limitations upon State power are definite and clear. In prescribing voting qualifications, no State may deny citizens of the United States the right to vote because of race, color, previous condition of servitude, or sex; or for failure to pay a poll tax in any election at which a Federal officer is to be elected. The Constitution does not deny State power to fix any age as the minimum age for voting. Indeed, it recognizes that power in the States. But it provides that any State which denies citizens of the United States who are citizens of that State the right to vote, being 21 years of age, shall pay the price of reduction in the basis of its apportionment in this House.

In the law there is a maxim of construction, that general language must not be construed to negate specific provisions. The Constitution is rightly interpreted only when vigor is attributed to all of its provisions. No provision is properly construed if it makes useless some other; and certainly the broad phrases of the 14th amendment should not be favored over the specific provisions of the Constitution. Instead, the 14th amendment should be interpreted with the other provisions of the Constitution in mind, and meaning given to them all.

And so I arrive at the decision in Katzenbach against Morgan, about which much has already been said in this debate today. Among the provisions of the 1965 Voting Rights Act is the one which superseded New York State's statutory requirement that in order to vote there citizens must demonstrate an ability to read English. We said it would be sufficient for a prospective voter to show six grades of education in a school under the American flag where the dominant language was Spanish. At issue before the Court was the constitutional power of Congress to invade in this way New York State's power to set voter qualifications. Resorting to its practice of searching strenuously for some way to uphold a congressional enactment, the Court

rested its decision on the enforcement section of the 14th amendment, by which Congress is empowered to enforce, by appropriate legislation, the provisions of the article. The Court had accepted the argument that the particular provision of law at issue was intended by Congress to further secure to citizens of the United States residing in New York the equal protection of the laws.

In its reasoning, the Court said that in order to exercise its powers under the 14th amendment, Congress might direct a course of action at variance with State law, even though the State law might be constitutional. When that happens, of course, the State law is superseded because of the supremacy clause in the Federal Constitution.

Congress based its power to enact the Voting Rights Act of 1965 primarily on the 15th amendment, under which it may enact appropriate legislation to prevent any State's denial of the right of citizens of the United States to vote on account of race or color. Congress found that literacy tests were being used in some States as a device to deny black citizens their right to vote. It suspended such tests in those States during a period of 5 years, and set up Federal machinery to assure any citizen otherwise qualified an opportunity to register to vote without regard to his race. The Voting Rights Act, I repeat, was based primarily on the 15th amendment, not the 14th.

In the face of a simple extension of the 1965 Voting Rights Act for another 5 years, the present administration sought an alternative. Turning from the 15th amendment to the equal protection clause of the 14th amendment, the administration proposed to suspend literacy tests throughout the United States. No one had previously suggested any constitutional impediment to literacy tests in themselves. The case against them could be made only when they were used as a device to deny citizens the voting franchise on the ground of race or color. In order to suspend them across the country, the test or device concept was abandoned, and the equal protection concept adopted. But to uphold that proposition, Congress would have to be found with power to supersede otherwise constitutional State voting qualifications. Katzenbach against Morgan was relied upon.

The administration's alternative in the House went still further. It overturned State voting requirements as to residency within the State. In deference to the right of the States to protect their own local elections and the qualifications to vote in local elections, the alternative in the House pretended to reach only Presidential elections. In order to vote for electors of President and Vice President within a State, Congress says in the bill we are now debating that a citizen can vote there even if he cannot comply with the residency requirements of that State. We set up a lesser requirement which will stand in lieu of the State law or Constitution. But having got the Federal foot in the door, we go no further at the present time. We seem to have overlooked the fact that the States already have the power on their own to provide lesser residency requirements in order to vote for President, and that many States have used that power. Their constitutions and their laws already meet this problem which has been engendered by the mobility of the population. Is it either necessary, desirable or wise to assert Federal power—particularly when it is based upon a tenuous and untried concept of constitutional law—to deal with a problem the States are already meeting? I think it is not.

I regret my decision, when this bill was before us in Committee of the Whole, that I did not offer an amendment to strike the residency provisions. I did not believe them constitutionally within the power of the Congress then, and I am of that same opinion still. The reason I did not offer to amend the bill by striking out the residency provisions was that after seeing how poorly an amendment to strike the nationwide literacy provisions had fared, I know it would be a waste of the time of the House. But both nationwide literacy test bans and lesser residency requirements to vote for President within a State, based upon an extension of the reasoning in Katzenbach against Morgan, rest uneasily upon a weak foundation.

Encumbered with these unconstitutional provisions, I could not in good conscience vote for the Ford substitute for the voting rights extension which passed the House.

But when the bill reached the other body they did it more constitutional mischief. If Katzenbach against Morgan in effect amended the Constitution to empower Congress to define voter qualifications, Senators argued, then here was a vehicle to accomplish a uniform voting age at 18 throughout the country. And they amended the bill accordingly. Now it is again before us, through this resolution. How unwise it is, my colleagues, to vest in Congress the power to set voting qualifications.

If Congress can say that citizens of 18 can vote on all questions and in all elections now, it can by statute increase the age to 20 or 21 or reduce it to 16 or 17.

If Congress can reduce residency requirements to vote for President in the several States, it can at some future time increase them.

If Congress can constitutionally govern voting age qualifications in all elections, it can govern residency requirements in all elections—and it can control all other voting qualifications within the States.

Consider if you will, ladies and gentlemen, what this all does to the role of the States in our governmental system. Repeatedly, the people of State after State have turned down proposals to lower the voting age. Oregon did it only 2 or 3 weeks ago. The people of my own State of Michigan did it in 1966. Every indication is that they would defeat the proposal more overwhelmingly now than then. In 1966 they defeated it nearly 2 to 1. What an affront to the people of States would it be for us to cavalierly set aside their decisions at the polling places and in the ballot box, and impose upon them conditions contrary to their will, when it is universally agreed that their own decisions have been completely constitutional. Such decisions have been within their power to make, and the people of the States retain that constitutional power, even after Katzenbach against Morgan.

How unwise it is for Congress to overturn the constitutional decisions of the people of the States made in their voting booths, through an assertion of new found power which rests on a tenuous and untried concept of constitutional law, a power which exists only so long as Katzenbach versus Morgan stands as the latest interpretation of the law of the land. We had best not rest our powers upon judicial decisions, because those decisions are overturned, more frequently in recent years than heretofore. Katzenbach versus Morgan did not break virgin ground. The Court had considered section 5, the enforcement section of the 14th amendment before. And in order to erect Katzenbach versus Morgan, the Court, in effect, overruled earlier decisions. Just as Katzenbach versus Morgan overturned the civil rights cases of 1883, Katzenbach versus Morgan may be overturned in the future—and perhaps sooner than later.

If Katzenbach against Morgan actually holds that Congress has power under the 14th amendment to supersede constitutional State law with the assistance of the supremacy clause, consider how completely this new doctrine overturns the interpretations made by those who lived during the period the 14th amendment was adopted and who understood its great purposes. The 1883 civil rights decisions held:

> Until some State law has been passed, or some State action through its officers or agents has been taken, adverse to the rights of citizens sought to be protected by the Fourteenth Amendment, no legislation of the United States under said Amendment, nor any proceeding under such legislation can be called into activity.

On the contrary, under the doctrine of Katzenbach against Morgan, Federal legislation can now be called into activity even though every State action is clearly constitutional.

If the Congress now has power to enact any legislation deemed by it appropriate to further the equal protection of laws to be enjoyed by citizens of the United States within the several States, it may in like manner implement the due process clause and may revitalize the privileges and immunities clause in the 14th amendment. The amendment thus loses its character as a limitation upon State action and becomes a grant of power to the Federal Government. When that time arrives, our federal system will be utterly destroyed, and any purpose of the States in our system may be gone. Then, it may be asked how long the American people will be willing to support a dual system of government, State as well as Federal. Then, it may well be, there will be a unitary governmental system, with a single legislative power in the Congress alone. And it could all come about without the need for any further amendment of the Constitution as such. Under Katzenbach against Morgan, Congress may be found to exercise concurrent legislative power with the States. When Congress acts, State law is superseded.

I am deeply concerned about the road of constitutional interpretation we are starting to travel. If Congress may, by mere statute, set aside State action legitimately exercised in the matter of the residency and age qualifications to vote, it may take to itself the whole power to control voting qualifications. I cannot believe this course to be constitutional. I shall vote to amend the resolution now before us, to the end that the bill may be sent to conference. And if the resolution is not amended, I shall vote against it.

To vest in Congress the power to define voter qualifications is most dangerous. If Congress can control the qualifications to vote within the States, it can define the electorate which shall choose the Congress. The Constitution specifically provides that the voters for Congress within each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. The power to define those qualifications rests with the people of the State under our system and guaranteed to them by the 10th amendment. No legislative body should have power to define the electorate which chooses it. The Constitution gave no such power to Congress. Neither did the 14th amendment.

The doctrine of Katzenbach against Morgan is unsound constitutional law. It cannot stand without being destructive of our system. The Congress should not seize upon it as authority for asserting a power the people of the States never delegated to it.

Mr. EDWARDS of Alabama. Mr. Speaker, the question of lowering the voting age qualification to 18 is a very serious one. It involves more than just determining whether 18-year-olds are qualified to participate in the electoral process. It encompasses the entire question of State-Federal relationships and the powers reserved to the States.

Many would argue that it is very wrong to wait any longer in granting the voting franchise to 18-year-olds. They contend that 80 percent of the group between 18 and 21 is high school educated and many are in college. They argue that this group is probably among the most informed citizens in the country.

Basically what they say is true. In speaking to high school and college groups in the First District of Alabama and elsewhere I continue to be impressed by their high level of education and their great awareness of and concern for the world about them. For all its critics, our educational system is turning out well-educated, concerned, and able citizens.

However, all this is completely beside the point in considering the attempt to change voting qualifications by a congressional act. There are two pertinent passages in the Constitution which would certainly seem to preclude this action.

The first is section 2 of article 1 of the Constitution which sets forth the qualifications of voters in the following way:

> Electors in each state shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Clearly the Founding Fathers intended that national electoral qualifications be determined by the States. However, the supporters of the statutory age change point to the 14th amendment of the Constitution for authority. But in doing so they ignore a very important section of that amendment. Section 2 of the 14th amendment reads:

> But when the right to vote at any election . . . is denied any of the male inhabitants of such State, *being twenty-one years of age*, . . . the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state. (Emphasis added.)

Mr. Speaker, there is no way anyone could possibly construe that the legislatures that ratified this amendment in 1868 intended to transfer their powers of determining voter qualifications to the Federal Government. In fact the amendment implicitly confirms that right in my opinion.

What then is the answer? Is opposition to the Senate amendment a vote against permitting 18-year-olds to participate in elections? Well, of course not.

The proper way of granting 18-year-olds the right to vote is either through constitutional amendment, just as women were granted the right to vote through ratification of the 19th amendment, or through State law. But if we are to pursue this matter on a national basis, then I must say as a matter of fact that I would vote for a Constitutional amendment in order to permit the people of the United States to decide the question of giving the 18-year-olds the right to vote.

Mr. Speaker, the American people have a right to express their will clearly in a matter that changes the basic structure of the Constitution. And their will can only be clearly expressed through consideration of a constitutional amendment properly presented to the states for ratification. This is the constitutional approach. We cannot allow political expediency to override the clear mandate of the Constitution.

Mr. ICHORD. Mr. Speaker, I have long been a champion of 18-year-olds voting and in this respect no person can accuse me of being a "Johnny-come-lately," for I favored the concept back before it was popular among the 18-year-olds. It was 17 years ago that I first introduced a bill in the Missouri Legislature to amend the Missouri Constitution to permit 18-year-old voting. I have not changed my mind. If the Nation considers a young man old enough to fight, he should be considered as old enough to vote. I favor an amendment to the U.S. Constitution enfranchising 18-year-olds; however, Mr. Speaker, I cannot abuse the Constitution by trying to give 18-year-olds the right to vote by statute. This, in my opinion, is what the House of Representatives is being asked to do today. I strongly favor the concept of 18-year-old voting, but I just as strongly favor the concept of adhering to the oath I have taken. I did not officially become a Member of this body until the following oath was administered:

> I, Richard H. Ichord, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

"To support and defend the Constitution" is not a sworn responsibility that can be passed on to the President or the courts. It is the duty of each Member to study and interpret the Constitution to the end that no action on his part will be violative of the grant to govern from the people. The passage of this law will directly violate the Constitution. I cannot follow the political advice given to me by one Member of this body whose views are exactly opposite from mine. He is opposed to the concept of 18-year-old voting but is voting for the measure. "Why worry about the matter," he says. "Go ahead and vote for the bill. Make the 18-year-olds happy and the Supreme Court will throw the matter out."

Mr. Speaker, this is exactly what the Supreme Court will do, I believe, if H.R. 4249 is passed purporting to give 18-year-olds the right to vote. It is clearly unconstitutional on its face. Let us examine the Constitution.

Article I, section 2, respecting the election of Representatives to the Congress and the 17th amendment respecting the elections of Senators recognizes that voting qualifications are governed by State law. Article I, section 4 gives Congress the power to regulate the times, places, and manner of holding elections of Senators and Representatives but the Congress has no power to prescribe voting qualifications. This is a power which is reserved to the States or to the people under the 10th amendment subject to the restrictions imposed upon the States by the 15th amendment which forbids the States from denying the right to vote on the ground of race, color, or previous condition of servitude; the 17th amendment which prohibits the denial of voting rights on the basis of sex and the 24th amendment which prohibits the denial of the right to vote for President, Vice President, Senators, and Members of the House for failure to pay a poll tax. It is true that the equal protection clause of the 14th amendment would also operate to restrict arbitrary limitations upon the right to vote. But how can any court, either liberal or strict constructionists, say that 21 years is an arbitrary limitation under the equal protection clause of section 1 when section 2 of the same 14th amendment dealing with congressional apportionment and designed to reduce the representation in Congress of States which deny voting rights to blacks speaks of denial of the right to vote to any of the male inhabitants of such State, being 21 years of age. Section 2 therefore explicitly sanctions 21 years as a voting age qualification. How can section 1 be construed as denying 21 years?

Nor can I understand how the case of *Katzenbach* v. *Morgan*, 384 U.S. 641, can logically be used by the proponents of granting 18-year-old voting by statute as a basis for constitutionality. Katzenbach against Morgan dealt with the literacy problem. It did not deal with the age problem which is explicitly men-

tioned under section 2 of the 14th amendment. I fully realize that Katzenbach against Morgan contains some very broad language but the Katzenbach against Morgan case dealt with the Voting Rights Act of 1965; it did not concern an effort on the part of Congress which flies directly in the face of the constitutional provisions I have heretofore mentioned. But even if Katzenbach against Morgan could be construed as giving Congress the power to establish voting qualifications let me remind the Members that we do not now have the same Court that we had when Katzenbach against Morgan was decided.

Mr. Speaker, the granting of 18-year-old voting cannot be effected by statute. It can only be done on the national level by an amendment to the Constitution. Such action can only serve as a mockery of the Constitution. I do not see how the Supreme Court could possibly sustain the act. Thus, this attempt will serve only to raise uncertainties and result in the cruel disillusionment of thousands of young people who hope to be able to vote.

Also, Mr. Speaker, though I may be in error as to the future action of the U.S. Supreme Court, a dangerous precedent will have been set. If Congress may at will eliminate classifications at the whim of the moment, the way has been paved for the Congress to assume the role of a superlegislature for all of the States. We will no longer have a constitutional form of government but a parliamentary form. Congress will be supreme.

Mr. Speaker, I support the voting right provisions of H.R. 4249, but if the Congress insists upon abusing the Constitution by retaining a grant of 18-year-old voting I cannot vote for the bill. Eighteen-year-old voting cannot be granted on the national level without an amendment to the Constitution. I have no alternative except to vote against the bill even though I favor the principle.

One of the major problem which this Nation suffers is a spreading disdain for law. We will be perverting the Constitution, in my opinion as a matter of expediency. Such disdain for the Constitution can only succor those who would substitute force and fiat for a rule of law. A dangerous precedent will have been set. If the bill passes, the President should veto the bill promptly. The Supreme Court should not be required to consider such a political football at a time when the Court is already under great strain. I ask the Members to vote down the previous question.

Mr. PRICE of Illinois. Mr. Speaker, the pending House Resolution 914 to take from the Speaker's desk H.R. 4249 and agree to the Senate amendment should be approved. H.R. 4249, as amended is a logical and necessary extension of the Voting Rights Act of 1965. It provides effective safeguards against racial discrimination at the polls; we have seen that tremendous headway has been made in this area during the recent years. Congress cannot deny the positive effects of the voting rights act and must not impede further progress toward the full realization of the 15th amendment of our Constitution.

The most controversial components of this legislation are, of course, the provisions under title III, which define the voting rights of 18-year-olds. I have long recognized the need for such revision in the present voting laws. Several States already have established age limits below the Federal requirement, and no problems have resulted from these statutory provisions. It seems unfair to deny enfranchisement to those under 21 years of age who do not live in those States.

It has been estimated that by 1972 there will be over 11 million citizens between the ages of 18 and 20. We know that those who do violence to lives and property are in the minority and that the overwhelming majority of our youths are deeply concerned with the preservation or reinstatement of our Democratic ideals. I feel that certain of our present problems can be alleviated if we allow our youths this constructive medium for their voices.

Considering the age at which our youths marry, have children, and pay taxes; considering the age at which they are treated as responsible adults by our criminal courts; considering the age at which they are called upon to defend their country; and considering the fact that, due to increased communications through various media, the youths of today are better informed and educated than most adults were several years ago: We should enfranchise these young people in order that they do have the opportunity to register their views electorally in addition to the opportunity they presently have of campaigning for candidates of their choice.

The constitutionality of our action has been supported by the Nation's leading legal scholars. Although the Supreme Court will be the ultimate authority, certain precedents indicate the firmness of the legal ground on which we are treading today.

At this crucial time in our Nation's history, we are faced with the increased alienation of our youth. As one who originally sponsored a resolution providing for a constitutional amendment granting the right to vote at age 18, I have no qualms with the procedure provided here of granting the same right by statute. I say this in light of the Supreme Court decision in the case of Katzenbach against Morgan—1966—which sustains congressional authority to supercede State laws dealing with elections. Therefore, I urge my colleagues to vote to curtail this situation for the future welfare of our great land.

Mr. MINSHALL. Mr. Speaker, the resolution before us asks the House to confirm, without benefit of hearings and with only 1 hour permitted for debate, an amendment lowering the voting age to 18. This amendment was impulsively added by the Senate to the Voting Rights Act amendments we in the House passed last December 11.

Since the Senate acted on impulse, it is our clear responsibility to act with thoughtful deliberation today, mindful that the Constitution guarantees to the American people their right to work their will on this issue through constitutional amendment.

This is the manner in which the 15th amendment was adopted to assure the right of all citizens to vote, regardless of race, color or previous condition of servitude. It was also by constitutional amendment that women were granted the vote under the 19th amendment. This is the procedure which has remained unchallenged until now throughout our entire 182-year history of constitutional Government.

Are we to be stampeded in this crowded hour of time today into overthrowing nearly two centuries of unchallenged precedent? I refuse to be. I do not support the hasty, ill-considered statutory action being demanded of us today. Political pressures or political expediency cannot persuade me to vote for lowering the voting age in this manner.

If we are to lower the voting age, let us go about it in the proper way which, if it receives the necessary approval, will not be jeopardized by years of possible court entanglement.

Let us work the will of the people by submitting the 18-year-old issue to the procedure required for adoption of an amendment to the Constitution: the approval of two-thirds of the U.S. House of Representatives and of the U.S. Senate and ratification by three-fourths of the States.

This is the correct, the constitutional and the truly representative means of extending the franchise.

Mr. LLOYD. Mr. Speaker, I previously supported H.R. 4249, the voting rights bill, when it was originally before the House. As one who has consistently over the years voted in favor of the elimination of all artificial discriminations based on race, color, or religion, it is completely logical to me that the voting rights legislation, upon which this Congress acts, should apply to all of the 50 States rather than to target in on a minority.

After passage of the voting rights bill by this House, the Senate added an amendment to reduce the voting age of all voters in the United States from 21 to 18, and this is the principal issue which faces us today.

Originally, over the years I have not been in favor of reducing the voting age to 18 because I never felt the restriction was discriminatory, inasmuch as every individual is given the authority at the appropriate age, and all of us over 21 years of age have been subjected to the same so-called discrimination. On this issue, mine has been the experience of a convert.

In recent months I have attempted to study this issue in considerable depth and have talked to many of my colleagues who represent those States where the 18-year-old vote has been authorized by State statute. I have been impressed by the fact that in every case these colleagues have given unqualified endorsement to the 18-year-old vote and have said the general pattern of election returns has not been significantly altered by extending this vote to this added group of individuals.

It has also been my privilege to communicate closely with hundreds of younger people in the last few years and to analyze with them their concern for

issues resolved by the voters which eminently affect their lives but concerning which their influence is substantially reduced because of their inability to vote. I can state flatly that the abusive, violent campus militants dramatized by our communications media do not represent the great body of our youth whom I believe to be the greatest young people in our Nation's history.

In my political campaigns since 1952, I have purposely devoted part of my campaigning time to going door to door and meeting the voters. In recent years I have done this between the hours of 5 and 7 p.m., when most of the family is at home. From this personal experience, I am not aware that those over 21 have any greater interest in election issues than those between the ages of 18 and 21. As a matter of fact, I believe that by reducing the voting age, we will provide an input of idealism, enthusiasm, concern, and unprejudiced judgment, existing in larger measure in the young, that will be an asset in our quest for better government. I am particularly impressed by their idealism so often lacking in cynical adults, and I believe this country needs this renewal of idealism. In addition, by reducing the voting age to 18, we will open up a meaningful flood plain in which our younger people can constructively channel their great energies and enthusiastic desire to participate in the social and economic progress of their country. Everyone admits that developments in education and communication permits our younger people to have greater intellectual maturity than existed in our pioneering days.

It would be easy to find procedural and other reasons to dodge this issue, but I do not choose to do so. The Senate amendment provides that the courts shall act expeditiously in passing judgment on the constitutionality of the language authorizing the 18-year-old vote. Rather than finding a way to dodge the issue, I prefer to take advantage of the opportunity we have today to make constructive use of a great human resource. There will be those who say this is too liberal a view. As I have said in other issues involving civil rights, it seems to me that the constructive conservative view is to make beneficial use of all our natural and human resources. If we do not conserve, develop, and benefit from the huge potential of this human resource, we are not properly utilizing the tools which will move civilization forward but are preserving and protecting needless and debilitating handicaps.

Mr. Speaker, for a long time I have been advising decent students and other concerned young people to steer away from violence and revolution and to work constructively within the system. This legislation provides that gateway of opportunity and admits them into the system.

Mr. PREYER of North Carolina. Mr. Speaker, I support the Voting Rights Act of 1970. There are provisions of this bill with which I disagree but the arguments in favor of its passage are far more compelling than specific objections to particular actions that many of us have.

We are a divided, frustrated, and bewildered country. Calm men such as John Gardner speak of social disintegration and grave danger. He said:

> While each of us pursues his selfish interest and comforts himself by blaming others, the nation disintegrates: I use the phrase soberly: the nation disintegrates.

The conservative Fortune magazine recently put it this way:

> For the first time, it is no longer possible to take for granted that the U.S. will somehow survive the crisis that grips it.

It is vain to hope that we can solve our crisis by somehow eliminating controversy. There is no chance whatever that we can avoid controversial and divisive issues in the future. What we can do is to improve the process by which we discuss and reach decisions on issues—and the improvement must be quick and it must be visible.

As Fortune puts it:

> The first and overriding goal of this torn country must be reconciliation.

Reconciliation does not mean sweetness and light. Mainly, it means achieving unity "through a shared sense of forward motion, of hope." The malaise from which we are suffering is a loss in the belief that we are moving forward, that we are making some progress in a worthwhile direction.

It would be calamitous at this time to take a backward step. When reconciliation is our greatest need, it is disastrously wrong to say to 18-year-olds, "we do not think you should vote because some of you are causing too much trouble." When unity is so badly needed, it is wrong to say to blacks, "we are not yet sure of your capacity to be full citizens, so we will keep these literacy tests."

There have been hopeful signs in the last few weeks that we are moving toward reconciliation. Students are turning to the system, relying on the ballot box for results, rather than on the bullhorn in the streets. Great universities are reasserting standards of civility in speech and conduct, and returning to their role as institutions of reasoned analysis rather than battlegrounds of mass emotions. The excesses of the past few years, the incredibly loose talk about the rottenness of our society and all our institutions is slowly moderating. We are haltingly regaining our sense of balance. We are beginning to realize again what most of us have really always believed—that the ideal end of government is progress, not instant perfection.

It is absolutely crucial that we make progress—highly visible progress—toward some goal that the mass of mankind regards as worthy of man's best effort.

A vote for this bill is a vote for moving forward, rather than turning back. It is a vote for reconciliation and against divisiveness. It is a vote for including Americans, rather than excluding them, from our decisions and concern. It is drawing a circle to bring people in, rather than closing one to keep them out. It is a vote for cooperation, rather than confrontation; for dialog, rather than rhetoric; for understanding, rather than self-righteousness; for our common humanity rather than the differences among men. It is a vote for hope.

Mr. SCHADEBERG. Mr. Speaker, I rise in opposition to House Resolution 914, providing for agreement to the Senate amendments to the bill H.R. 4249, the Voting Rights Act amendments. I do so because the Senate version is entirely different from the bill which passed the House with my support, and because the provision which would reduce to 18 the voting age for National, State, and local elections is in my opinion unconstitutional.

The Republican Party has historically supported a reduction of the voting age from 21, the age requirement as contained in section 2 of the 14th amendment of the U.S. Constitution.

But this historical support by a party dedicated to reform and progress has never included in its consideration an approach in violation of the three separate provisions of the Constitution which vest power to set voting qualifications in the States: article I, section 2; the 10th amendment; and the 17th amendment.

It is Congress' responsibility to pass constitutional legislation. Proponents of the 18-year-old change have stated that the Supreme Court would be able to decide the issue in time for the national elections in 1972. But, since when does Congress willfully abdicate its responsibilities to the Supreme Court? Besides, a memorandum from William H. Rehnquist, Assistant Attorney General points out:

> While the delayed effective date of the Act undoubtedly assures sufficient time for a final decision of the Supreme Court of the United States prior to the first of the 1972 Presidential primaries, it allows completely in sufficient time for the numerous municipal election regularly scheduled in the spring of 1971, and for any sort of determination prior to the holding of bond elections.

In the best traditions of Federalism; Congress is under a constitutional mandate to pass upon the constitutional issues in legislation, with power having been given the courts to decide if legislation as passed Congress violates any individual's rights. Much criticism has been leveled at the Supreme Court for legislating in its decisions. The approach being contemplated today would hand to the Supreme Court total responsibility over a question about which there is little doubt as to its unconstitutionality.

From all that has been written on the issue, there is almost total unanimity that the provision is unconstitutional. As just one of the many constitutional authorities who have come out against the lowering of the voting age for local elections by congressional statute, Mr. Paul G. Kauper of the University of Michigan Law School states:

> The proposal has monumentous consequences. If enacted it would be a bold and unprecedented intrusion upon the acknowledged power of the states to fix voting qualifications and would raise what I regard as very serious and substantial unconstitutional questions.

Mr. Speaker, the Congress is supposed to be a responsible body. We all know that there is only one permissible procedure—the one which was used 50

years ago in enfranchising women—and that is by a constitutional amendment. To attempt to lower the age requirement by statute is to follow expediency in the face of pressure and thereby make a mockery of all that we stand for.

I favor a reduction in the voting age; I always have. Young persons who have finished their high school education, who are of draft age, who are required to pay taxes, and who are legally responsible for their actions, should be given the opportunity to partake of the greatest freedom on the face of the earth: To vote in totally free elections and to thereby decide the issues by electing the men who run our Government.

Young persons should be given irrevocable voting rights. But it must be done constitutionally. They are the ones who will inherit our constitutional traditions which they must live by if they are also going to inherit a stable and responsive government. To bow to expediency would only be to bring on a government based not on the rule of law and tradition, but upon expediency of power and political gain.

Mr. DENNIS. Mr. Speaker, this afternoon we face one of the most far-reaching measures before this Congress, involving:

First, voting rights under the 15th amendment;

Second, the 18-year-old vote by congressional statute;

Third, nationwide abolition of literacy tests by an act of Congress; and

Fourth, congressional statutory abolition of State residential requirements in voting for the President.

All of these issues involve human rights and delicate questions regarding our federal system, and the three last mentioned involve grave questions of constitutionality. That these questions have been placed in one package is regrettable, and it reflects no credit on the procedures of this House that such questions are to be summarily disposed of with 1 hour's debate.

All Members of this body have, of course, a duty to support the Constitution, and that includes a duty not to vote for legislation, however desirable, which a Member believes to be contrary to the Constitution. Under our Constitution, voting qualifications are and always have been determined by the States. I believe that congressional statutory action to abolish residency requirements and nondiscriminatory literacy tests and to establish a nationwide 18-year-old voting age are, alike, contrary to the Constitution. *Lassiter* v. *Northampton County Board of Education,* 360 U.S. 45, upholds the right of the States to adopt and enforce nondiscriminatory literacy tests, and *Katzenbach* v. *Morgan,* 384 U.S. 641, which some rely upon to uphold a nationwide 18-year-old vote by means of congressional enactment, upon analysis fails to do this; and its more sweeping language and philosophy are scarcely likely, I think, to be persuasive in this connection to the present Supreme Court.

I have voted to give the franchise to 18-year-olds, but that was as a member of the Indiana General Assembly, where such a vote ought to be cast and where my successors can do likewise whenever they wish. I did not come here to vote against the provisions of the Constitution of the United States, as I understand them, and, therefore, contrary to my oath of office, and I shall not cast such a vote today.

Mr. TIERNAN. Mr. Speaker, I rise today to express my strong support for House Resolution 914.

Time is of the essence. The 1965 Voting Rights Act is scheduled to expire on August 6. This is the most effective piece of legislation ever passed by Congress. We must insure that discriminatory voter registration practices are not reinstated. But more important than that, there is a long way to go. In over 140 counties in only four Southern States, less than 50 percent of Negroes of voting age are registered.

One of the most important additions to the original bill is the nationwide ban on literacy tests. Prejudice, a learned attitude, spells death to the man or society which it encompasses. It is not restricted to one area of the country or to one class or one race or one age. It must be dealt with uniformly and firmly.

I also strongly support the amendment which would lower the voting age to 18. The arguments pro and con on this provision have been stated again and again. At this point I would merely add that many of our 18-year-olds are far more intelligent, far more aware of what is going on and far more concerned about our quality of life than were many of us at the age of 21.

As for the constitutionality of this point, I personally believe that it does come within the letter of the law. At this time, however, this is a moot question. The answer will only be known by enacting this provision and letting the Supreme Court rule on it.

If those who oppose this section on constitutional grounds are sincere, then let us simultaneously enact legislation which would initiate the groundwork for each State to vote on this provision. This longer process, however, may well last beyond the 1970 and the 1972 elections, and thus the need for passage of the bill before us today is evident.

Mr. Speaker, we are a nation with new and healthy ideas, yet we are a people unable to communicate. The channels of political process must be opened. Violence and apathy are not the only alternatives. There is a third way—the ballot box. Let us insure that it is made equitable; for if it is equitable, I truly believe that it will be effective in helping to solve many of our present problems.

Mr. TUNNEY. Mr. Speaker, many compelling arguments have been put forth with regard to why 18-year-olds ought to be given the right to vote. Many emotional arguments have been presented explaining why this ought not to be the case.

The proponents of this latter view maintain that 18-year-olds lack the necessary maturity; that because of the violence of some student demonstrations and the so-called "radicalism" of some individual students that all 18-year-olds should not be granted the opportunity to vote. Both of these arguments are rather specious in their reasoning and lay more stress on the public's reaction to the campus violence of the recent past than on any other single factor.

I am sure that my colleagues will agree with me that the Congress ought not to be put in the position of merely following the results of the latest Gallup poll nor should they be claiming that one's maturity or political philosophy be considerations for a person's right to vote.

The constitutionality of our action today is strongly supported by many eminent legal scholars. Prof. Paul Freund and former Solicitor General Archibald Cox have correctly pointed out that while States do indeed have the right to establish voting requirements, section 5 of the 14th amendment limits that right. Section 5 gives Congress the power to enforce the equal protection clause of the 14th amendment through appropriate legislation. The Supreme Court took note of this congressional power in 1966 in the Katzenbach against Morgan decision when it upheld a provision of the 1965 Voting Rights Act which banned certain literacy tests as voting qualifications. It stands to reason that if the opponents of this bill use the Morgan decision to support the residency requirement provision as well as the nationwide literacy test ban, they cannot, in good conscience, deny its validity as a constitutional basis for the 18-year-olds vote. Most important in this regard, no matter what the varying opinions of academic scholars might be on this question, the Congress cannot abdicate its responsibility to decide this issue today.

The Supreme Court will, of course, be the final arbiter, but the Congress has an obligation, a duty, to assert its own constitutional power and responsibility and to utilize its own best judgment as to the validity of this measure. It is the Congress that must act today. There is no need to have this question resolved through the process of a constitutional amendment. The time factor alone involved in the adoption of this process is prohibitive. For 30 years, all attempts to pass such an amendment have failed.

As to the emotional argument of trying to tie the few radicals and extremists in with the vast majority of students who want only to have the chance to vote for change within the system, this type of argument smacks of the most blatant type of discrimination—the blanket indictment.

In my opinion, we in the Congress can take no more effective step toward bringing the disenchanted and disenfranchised younger members of our country within the system than by all owing them the opportunity to vote. I feel strongly that if at 18 we can ask youths to die in a war that is not of their making; if we can demand that they pay taxes to support policies in which they have played no role; if society treats them as adults when they commit a crime; if they can marry; if they can assume all of the fiscal responsibilities of an adult, all of the assets and liabilities, then they certainly ought to be allowed the right to vote.

This amendment must pass. We must allow our youth the opportunity to work within the system, responsibly and effectively, toward achieving the changes that they want to make in our world—the changes that are so obviously needed. They must be given the right to vote.

To those who say that our youths' actions on the streets of our country prove them unworthy of this right. I say that their actions and their courage in South Vietnam and Cambodia prove them more than worthy. In our country today, we have the most promising generation of youth that the world has ever seen. To deny them a chance to influence the political process and the governmental institutions of America, legally and effectively, would only widen the generation gap and prove true the contention that we, as legislators, as representatives of the "establishment" lack the courage and vision needed to help make a better America and a better world. Mr. Speaker, today, the House of Representatives as a body, and each and every Member, individually, has the opportunity to cast a vote for the future of our country, to cast a vote for reason, for change.

I urge my colleagues to join with me in support of the amendment to give 18-year-olds the right to vote.

Mr. HUNT. Mr. Speaker, today we make a momentous decision involving the voting rights for American citizens and the lowering of the voting age to that of 18 years. It is deplorable that these two separate items have been combined by the other body for the sole purpose of exerting its will over the duly constituted House of Representatives. I have long objected to the passage of bills coming from the other body in this manner and it is necessary today to once again voice my objections. The right of an 18-year-old to vote in the United States is a matter of constitutional law. I would most heartily and most readily support a bill to permit the placing of the question of the 18-year-old vote on any and all State referendums in accordance with the Constitution. However, when 435 Representatives are called upon to decide for approximately 185 million American citizens the question as to who should vote then it appears to me that we are grossly overstepping the bounds of our duties and the Constitution we have sworn to uphold. Four States have lower voting ages, hence the 185 million figure.

In my estimation the right to vote is sacred and I believe that all men in the armed services should have that right to vote immediately upon being inducted or volunteering to serve in the Armed Forces. This would dispel the argument that "if you are old enough to fight you are old enough to vote." To this I heartily subscribe.

On the other hand, I want to reiterate that we should follow the Constitution, support a constitutional amendment, and send it to the 46 remaining States for ratification.

Today, I would like to support the voting rights bill which is one part of the measure we are discussing but I cannot in good conscience do so because of the unconscionable and unconstitutional attempt to have the 18-year-old vote legalized throughout this land by blackjack methods. It is a constitutional question and should be treated as such.

Mr. THOMPSON of Georgia. Mr. Speaker, I regret that because of the rule under which the voting rights bill came to the floor, I was not allowed an opportunity to speak to the Members of the House. While I realize that the vote will already have been taken by the time these extension of remarks appear in the RECORD and will have no bearing on the Members' vote, I do, nevertheless, wish to include these remarks in the RECORD with particular reference to the relevance of the Minor against Happersett case.

Mr. Speaker, those who would attempt by simple statute to grant the right of 18-year-olds to vote apparently base the constitutionality of such actions on Katzenbach against Morgan, wherein it was held that section 5 of the 14th amendment grants to the Congress the right to enact laws to enforce the prohibitions contained in the 14th amendment by appropriate legislation.

They further contend that under this decision, Congress can make an affirmative statement that it is found that the denial by the States to 18-year-olds of the voting franchise is a violation of the equal protection clause and once such a determination is made, then the statute may legally be enacted.

Mr. Speaker, no one quarrels with the fact the Congress, under section 5 of the 14th amendment, does have the right to enact laws to enforce prohibitions contained in the 14th amendment. However, Mr. Speaker, it is very apparent that the mere fact that Congress may deem the denial of 18-year-old voting by the States to be a denial of the equal protection of the law in no way amends the Constitution as it is now written nor does it reverse one of the most applicable cases on voting rights ever to be decided by the Supreme Court.

In October of 1874, the Supreme Court, in a landmark case on women's suffrage—Minor against Happersett—clearly set forth the premise that the Constitution, as it was then constituted, reserved to the States the right to determine which citizens shall have the right to vote. The Court in Minor against Happersett pointed out that the 14th amendment which contains the equal protection clause, as well as the privileges and immunities clause, also provided that no State should exclude any male citizen 21 years of age or more from voting unless it was willing to suffer a penalty by having a proportionate reduction in its representation in the House of Representatives of the U.S. Congress. The Court immediately stated:

> Why this, if it was not in the power of the legislature to deny the right of suffrage to some male inhabitants? And if suffrage was necessarily one of the absolute rights of citizens, why confine the limitations to male inhabitants? Women and children are, as we have seen, "persons." They are counted in the enumeration upon which the apportionment is to be made. But if they were necessarily voters because of their citizenship, unless clearly excluded, why inflict the penalties for the exclusion of the males alone? Clearly, no such form of words would have been selected to express the idea here indicated if suffrage was the absolute right of all citizens.

And still again—

> After the adoption of the 14th Amendment it was deemed necessary to adopt a 15th as follows: "The right to citizens of the U.S. to vote shall not be denied or abridged by the U.S. or any state on account of race, color or previous condition of servitude." The 14th Amendment had already provided that no state should make or enforce any law that would abridge the priviliges or immunities of citizens (and, of course, the 14th Amendment also provided for equal protection of all citizens at this time) of the U.S. If suffrage was one of these privileges and immunities, or equal protection which was then provided in the 14th Amendment), why amend the Constitution to prevent its being denied on account of race, etc.? Nothing is more evident than that the greater must be included with the lesser and if all were already protected, why go through with the form of amending the Constitution to protect a party?

Thus, Mr. Speaker, we see that in Minor against Happersett, which has not been overturned, the right of citizens to equal protection of the law was already included in the 14th amendment as were the privileges and immunities upon which the decision was based at the time of the passage of the 15th amendment. Therefore, it is very clear, Mr. Speaker, that the States do possess, subject to the constitutional prohibitions, the right to determine suffrage.

If a State desires to grant the voting franchise to 12-year-olds, it may do so. The Constitution and subsequent amendments only state that the States: may not deny the right to vote to any male over the age of 21 without having its representation reduced in the Congress—14th amendment—may not deny the franchise to any citizen because of his race or color—15th amendment—or may not deny the franchise to any citizen because of sex—19th amendment. Why was it necessary to pass the 19th amendment when the equal protection clause was already included in the 14th? It is clear, Mr. Speaker, that for the Congress to usurp by statute the reserved right of the States to determine suffrage, weakens the very foundation of our republican form of government which is guaranteed by the Constitution.

This is only one reason why I feel that it is unwise for the Congress to pass a statute to give the franchise to 18-year-olds when such rights are reserved to the States. I support 18-year-old voting just as I support the constitutional prohibitions against discrimination based on race, color, or sex, but it should be legally accomplished by constitutional amendment as clearly provided in the Constitution, and not by this "backdoor" route of an illegal statute.

Mr. BURLISON of Missouri. Mr. Speaker, the record will reflect that in December when the Voting Rights Act was initially before this body I voted for the administration substitute and against a simple extension of the Voting Rights Act. I think my remarks at that time are particularly appropriate here and were as follows:

> Mr. Chairman, my vote will be cast against a straight and simple extension of the Voting Rights Act of 1965 and in favor of the ad-

ministration substitute. I take this opportunity to briefly point out a couple of pertinent matters.

First, after observing elections in my district for three decades, I can say without fear of contradiction, a higher percentage of Negroes than whites vote there. Certainly there is no criticism of my Negro friends and constituents. Rather, it is a commendation to them. I would vigorously contest any effort of intimidation or discrimination against them.

Next, it should be emphasized that I oppose literacy tests as a criterion for voter eligibility. In my opinion a lack of formal education does not deprive a citizen of the requisite judgment for casting an intelligent vote. I believe in applying this philosophy to all the States of the Union and not to those only of a particular region, and I would protect the vote of the unschooled citizen, whether he be black, white, red, or brown. The vehicle to do this is the substitute and not a simple extension.

It is seen that the fundamental reason for my vote at that time was the failure to apply the literacy test prohibition to all States in the Union rather than just a few States from a particular region. This great defect was cured in the other body. Therefore, logic and reason would demand that I support House Resolution 914, which would send the voting rights bill in its present form to the President for his signature.

However, the other body, in its wisdom, added to the Voting Rights Act a provision lowering the voting age by Federal statute to 18 years. I have always been in favor of extending the franchise to our young people. In fact, the first speech I ever made as an adult citizen and practicing lawyer was made in favor of this proposition. Nothing has happened in more than a decade since that speech was made to change my viewpoint. However, I must in candor admit that the backlash from campus violence and disruption has adversely swayed many who otherwise would favor lowering the voting age. Because of this mood which now pervades in this country I feel it apropos to further explain my affirmative vote on this resolution, as it pertains to the 18-year-old vote provision.

I have a special affinity and appreciation for the youth of America and I try to practice what I preach. For example, two of my three top assistants are under the age of 25; the other one is under 30. This is a rare and unique situation in a congressional office. I cannot help but be proud to say that I am the only Member of Congress among the 435 U.S. Representatives and 100 Senators that can make this statement.

The present generation of young Americans is possibly the most concerned, most involved generation in memory. They are deeply involved in the issues of our time; the issue of war and peace, the fight against environmental pollution, and the fulfillment of the promise of our Nation. Like any involved and active group in the United States the young people of today have among their number a few extremists, whether they be the flower children, dropouts, or the ultra militant anarchists. It is unfortunate that these few attract the bulk of the headlines and national attention when in fact the vast majority of young people today are working incessantly, if less obtrusively, toward making our Nation an even better place to live. These people have something to say and they will be heard. I say that now is the time to insure that they have open to them the most effective, most desirable, and most legitimate channel for that voice—the right to vote.

There are 12 million of them. Twelve million between the ages of 18 and 20. They are students, husbands, wives, and workers. Except for their age they are little different from any other group of Americans. There is, however, one thing that sets them apart; that deprives them of the exercise of their citizenship. Only 4 percent of their number are able to vote for the leaders that govern them.

Sixty percent of them work full time. Six percent are serving in the armed services and 47 percent are enrolled in college. As is apparent from the figures, many are both college students and are working full time. One of them is working for me. Three and a half million 18- and 19-year-olds are in the labor force working at adult jobs with adult responsibilities, yet they cannot vote.

What is it about this group that we should single them out like felons and idiots and deprive them of the right to vote? Is it that they lack the knowledge to cast an intelligent vote? In 1966, 70 percent of the 18- to 20-year-olds were high school graduates—the highest in our history. Of the same group in 1960 only 62 percent could make the same claim. In 1950 the figure was 58 percent and in 1948 it was 48 percent. More than 5 million of the disenfranchised are getting advanced education at colleges, universities, and vocational schools.

In the early days of the Republic when the arbitrary figure of 21 years was set as the age requirement for the right to vote the average 18 years old had 5 or fewer years of education. He had no radio, no television, no magazines, and probably no newspapers to read. Perhaps then there was a justification for denying the vote to young people. But, today we have a generation which grew up with Walter Cronkite, NBC White Paper, Time magazine, and television debates. Special courses in high school prepare the young people to be responsible citizens and voters. Yet between the time they graduate from high school and when they get their first opportunity to vote may be 3 or more years. By then their enthusiasm may have waned.

In 1960 a study was undertaken at the University of Kentucky to study student voting habits. The test showed that in Kentucky where 18-year-olds can vote, 80 percent did so. Contrast this with the statewide figures which indicated that only 59 percent of the general public voted in the same election. Kentucky is not exceptional in the apathy of its voters. Nationwide only about two-third of the eligible voters vote in presidential elections and less than 50 percent vote in off year congressional elections.

Sure they are enthusiastic and idealistic. They must be. Eighty percent of them vote when they are given the opportunity. I was always taught that these are virtues. But, because of their enthusiasm, their idealism, and their reluctance to compromise with injustice their detractors call them immature. The same argument was made against giving women the right to vote and it proved groundless. I am sure it is equally groundless as applied to young people.

Let us look at the States that have lowered the voting age. Let us examine how they have fared. If the young people vote irresponsibly it should show up in the voting patterns of those States. The votes for radical political parties should show a marked upward trend and there should be a tendency to vote against the older candidates. On the contrary, the statistics show just the opposite. Alaska, which allows 19-year-olds to vote went for Kennedy, Johnson, and Nixon with no measurable vote for splinter parties, as did Hawaii which allows 20-year-olds to vote. Kentucky has allowed 18-year-olds to vote since 1955. In presidential elections they have voted Democratic twice and Republican twice. The Socialist Labor Party received only half as many votes in 1956, when 18-year-olds could vote, as it did in 1952 when they were excluded.

This is not to say that lowering the voting age was the sole reason for the decline in the vote for the Socialist Party, but it should assuage the fears of those who are apprehensive of a trend toward radicalism if young people are allowed to vote. Georgia has allowed 18-year-olds to vote since 1943 and we all know of that State's record for stability. Some of the most able and most eloquent spokesmen for the conservative viewpoint come from States which allow young people to vote—Senator RICHARD RUSSELL, of Georgia; dean of the Senate, JOHN SHERMAN COOPER, of Kentucky; and HIRAM FONG, of Hawaii.

Eighteen-year-olds are uniformly held to adult standards of criminal behavior. An 18-year-old and a 30-year-old committing the same crime are subject to the same penalty. I can vouch for that as a three-term prosecuting attorney. In the eyes of the law they are mature enough at that age to make possibly the most important decision of their lives—the decision to marry. Yet they cannot vote.

The millions of young people out of high school and working to support themselves and their families are taxed to the same extent as other citizens but they have no voice in the choice of their representatives. This lack of representation may be reflected in the inequitably high taxes for single people. Since the majority of single wage earners are young and unable to vote, their interests have not received as much attention as they deserve. However, I might say, in passing, that we did close the gap some with the Tax Reform Act of 1969.

There are some who would deny the voting franchise to the young because of the unrest which presently pervades our college campuses. But these critics assume that the rioters represent the mainstream of American youth. I am unwilling to accept that premise. I say the rabble rousers represent the fringe radical extreme. But even if we admit that the mainstream of our youth is

turning to turmoil, it would seem wiser to first give them the opportunity to express themselves at the ballot box rather than at the tinderbox.

Finally we come to the argument most often made for allowing young people to vote. I refer of course to the "old enough to fight—old enough to vote" argument. It is true that the qualities that make a good soldier do not necessarily make a good citizen, but I think it is morally imperative that if a man be compelled to risk his life for his Government on a foreign continent, he be permitted a voice in the selection of its leaders. Twenty-five percent of the fighting men in Vietnam are under 21. Forty-eight percent of those who die are under 21. That means approximately 20,000 have died. Well in excess of 100,000 have been permanently disabled. Many have been decorated for their valor, but few have the right to vote.

One of those in favor of lowering the voting age is Henry Boucher, mayor of Fairbanks, Alaska. He said:

> I think one of the greatest mistakes that we make as a nation is the blocking out of our young people in areas that create an unequal and opposite reaction. I feel that their involvement in our city and our State is vital to the future of Alaska as a pioneering State. I am sure that greater involvement by the young people would certainly be of great benefit to those States that are not privileged to have it.

Presidents Eisenhower, Kennedy, Johnson, and Nixon have supported a lowering of the voting age, but I think Sam Rayburn, the late beloved Speaker of the House of Representatives for longer than anyone else in history, capsulized it best when he said:

> It makes me tired to hear all this talk about the young generation going to heck in a hack. They are a lot smarter than I was at their age.

Mr. SYMINGTON. Mr. Speaker, it is argued that a statutory extension of voting rights to Americans between 18 and 21 sacrifices constitutionality on the altar of political expediency. How can that be? Most of those who support the extension today face electorates this fall which do not contain one voter under 21. How expedient is that? I would argue rather that thousands of young Americans in that disenfranchised age group have been sent to their final and untimely rest by authorities they had no political power to select or oppose. By that token hardly a corner of South Vietnam could not by now be considered an altar of political expediency.

Mr. MARSH. Mr. Speaker, it is my feeling that the Congress is proceeding in the wrong way in its effort to permit 18-year-olds to vote.

My own view has been that the establishment of the criteria of voting, including the age requirement, is a matter that should be handled in one of two ways; that is, either by action of the individual States, or by constitutional amendment.

Traditionally it has been within the purview of the States to establish the necessary qualifications for voting; however, in the matter of the minimum age it has been my view that an amendment to the Constitution would be in order, and I would support such an amendment. Proceeding in this manner in effect would refer the matter to the judgment of the several States in order to obtain the necessary ratification to make the amendment operative.

For these reasons, I think it is unfortunate that we are proceeding in this manner, which seeks to accomplish the result by simple statute rather than constitutional amendment. It remains to be seen whether the Court will sustain such a course of action or not.

Although I voted for the original Voting Rights Act amendment in the House several months ago, to make the Voting Rights Act applicable to the 50 States, I note that the legislation before us includes the voting age provision as a rider to the version of the voting rights bill developed in the other body. This version failed to follow the House action, and, on the contrary, with certain variations, returned to the old voting rights bill which discriminated against some of our States, principally in the South, and including Virginia.

The fact that the other body did not follow the House proposal on the voting rights bill is regrettable, as it continues a piece of legislation which is not fairly applied on a nationwide basis.

Mr. VANIK. Mr. Speaker, I will vote today to allow the House of Representatives to accept the entire Voting Rights Act as amended by the other body. The approval of the resolution before us will save the bill from going to a conference committee or returning to the Senate. The approval of the resolution will mean final passage of this vital bill.

For several reasons, today's vote will be one of the most crucial and decisive votes of this Congress.

First of all, a "yes" vote today will mean that the Voting Rights Act of 1965 will be extended for 5 more years. If the resolution before the House fails, the bill could be returned to the Senate where it could face a nearly endless filibuster. Since the Voting Rights Act expires on June 30, 1970, this would remove the protection of this law from millions of Americans in the up-coming elections. The Voting Rights Act has been a success. Since passage of the act in 1965, approximately 800,000 citizens have been registered to vote in five Southern States. Prior to this act, only 29 percent of black Americans of voting age in these States were registered to vote; 52 percent of them are registered today. However, an extension of the act is needed. The U.S. Civil Rights Commission has testified before the House Judiciary Committee that resistance continues to equal suffrage. Passage of the act is needed to maintain the gains of the last 5 years and eliminate the disparities and discriminations which remain.

Second, acceptance of the resolution before us will provide approval of a Senate amendment extending the right to vote to all persons 18 years old or older in all elections after January 1, 1971.

The amendment to extend the franchise to our young citizens is vital for many reasons.

Today, through great advances in our educational system, the young citizens have generally acquired an education comparable to that of a 22-year-old citizen 20 years ago. Education has become much more serious, much more intense, and of significantly greater quality and quantity.

While some may argue that 18-year-old citizens lack judgment sufficient to undertake the responsibilities of government, I must take the other side. It seems to me that judgment is one of the accrued benefits of education. Nor is it necessary for judgment to result entirely from harsh and cruel experience. One of the chief aims of education is to provide a substitute to harsh and costly experience.

It is also argued that younger citizens are not likely to be wage-earners or property owners and, therefore, should not be given the vote. In reply, I must point out that the fundamental principles of our Government provide for equality in voting rights, there can be no discrimination against those who lack either income or property.

In my experience in the 22d District of Ohio, I have visited most of the secondary schools and the middle schools. The intelligent awareness of the young students was one of my most gratifying experiences. They are well informed, inquisitive, and eager to participate. This proposal provides that opportunity.

Presently, except in four States which have seen the wisdom of permitting a lower voting age, a youth leaves high school and the place where he has been trained in the duties and rights of citizenship and enters the armed service, the work force, or a school or university. In every sense he moves into the mainstream of the Nation, into the economy, into service to his country, into the intellectual centers of the Nation—yet he cannot vote.

For 3 years the young citizen does not think of voting; he does not develop the habit of voting; he has been told of the duties of citizenship all his life, yet now he is denied the practice of citizenship.

By lowering the voting age, America's youth will be able to move directly from the high school setting into the practice and habit of voting; there will be no disruption. Instead the youth will begin the practice of voting and—hopefully—maintain it throughout life.

Another reason for lowering the voting age is that it will give America's youth, which is such a major part of our population, a greater representation, a greater voice in the direction of the country. If we believe in representative government, we must give greater representation to this major section of our population. For years, the average age of the American population has been dropping. The median age in our country is now approximately 27.7 years and dropping lower. Young people of America are indeed the great majority. They deserve representation.

It is my hope that the extension of voting rights to our young citizens will serve to retain them in our society. We need their talent, their idealism, their

hopes, and their aspirations. The future of our Nation depends on a unity of our people. We can no longer countenance the divisions which result from race, sex, or age. This is a Nation of free people. We have taken giant strides to bring about equality among the races. Women have gained throughout the years a substantial part of their goals of equal rights. And now we deal with the rights of our younger citizens. We invite them to full citizenship; we invite them to vote and to seek office. We urge them to do their thing as we must do it—at the ballot box instead of the street.

Mr. RARICK. Mr. Speaker, the measure before us may be rhetorically brushed aside as merely amendments to the Voting Rights Act. Yet, I remind our colleagues that this is not the bill which passed this House earlier this year. This is a brandnew bill, rewritten in the other body, which, in addition to including the constitutional question of granting the right to vote to the 18-year-olds, seeks extension for an additional 5 years of the Voting Rights Act, not nationwide, but only to a handful of States situated in the southern part of the United States.

We in the South realize it is easy for people outside our area to continue to use us as scapegoats—to inflict political punishment against our people in order to bargain for bloc votes outside the South.

We, of the often-persecuted and colonized South have—for 5 years—pointed out the inequities of the unconstitutional, highhanded Federal intervention into the rights of our people to have some voice in our voting laws—denying us the self-determination enjoyed by other States but which was denied us by the Voting Rights Act—reducing our States to the condition of conquered provinces and our citizens to the status of less than 100 percent Americans.

As the plain political retribution, and in an effort to load the voting rolls of certain Southern States with large numbers of patently unqualified individuals, who would react like puppets to the machinations of the left, this so-called Voting Rights Act was passed.

It cleverly utilized a bizarre formula relating the votes cast in the 1964 presidential election to the voting registration in the jurisdiction, to someone's idea of what the voting registration should have been at the time. And by the time the mystical formula was applied, only the States which had cast their electoral votes for Senator GOLDWATER were placed under Federal supervision.

Now that the act is due to be extended for 5 years, it has been suggested that the formula be applied to the 1968 presidential election, instead of the 1964 election, but the proponents of Federal oversight disapprove, pointing out that most of the Southern States currently penalized would be relieved of their present Federal supervision.

This then is the request of House Resolution 914 to continue a double standard of laws to repress fellow Americans merely because they live in the South.

Additionally, the amendments of the other body, to prevent extending and applying to the Nation as a whole the Voting Rights Act, has brought before the House a most remarkable measure—among other things, a right to vote for 18-year-olds by an act of Congress completely bypassing the Constitution and, yes, our oath of office.

For many years the question of adjustment of the minimum age for exercising the franchise has been discussed and debated. These debates have, until now, taken place in the forum reserved by the Constitution for such decisions—the legislatures or conventions of the several sovereign States. Now, ignoring the Constitution, for the simple and obvious reason that the procedures prescribed by that basic charter cannot be operated by a minority, we have the new order of things before us as a statute, and a Federal statute at that.

The determination of the qualifications of voters is a matter expressly reserved to the States in their sovereign capacity. That may, as some have, elect to grant the franchise to different age groups within the State, on the basis of the local experience and the local political philosophy. This is as it was intended to be, and there has been no valid or legal reason shown why the States should be deprived of this power.

The power in the State to regulate voter qualifications is correct and proper for the same reason that it is correct and proper that the several sovereign States should separately denounce what acts are deemed by their people to be crimes within their borders. It is also a part of the same political philosophy of a federal system which holds that such other determinations as the age at which individuals are held to be criminally responsible for their own acts, or liable in tort for their own wrongs, or free to marry or to take other important actions without the consent of their parents or guardians, is properly a determination of the several States, and can be beneficially variable among them, relating in each State to the conditions which exist therein.

So it is with such things as the age at which a child may be licensed to drive, or to hunt, or permitted to drink, or to handle explosives, or to drop out of school, or to consent to many acts which may be detrimental to him. In all of these cases we have found it wise to leave to the people of the States the control over their own destinies.

So we have done with the franchise, and experience, wisdom, and the lessons of history prove we should continue to do. Where we have elected to take national action regarding the franchise we did not hesitate to adopt the course provided by the Constitution—a constitutional amendment. We did this to provide that all citizens might vote, and that women might vote. We have done it, albeit unwisely, to abolish the payment of a tax to the State as a prerequisite to the exercise of the franchise. If we now wish to make lowering of the voting age national policy, we should again follow the Constitution—we should amend it—not abrogate it. Otherwise our action is only a dangerous nullity.

A cursory examination of some of the emotional arguments made for this violation of the Constitution indicates at once how specious and dishonest they are. I will dispose of two of the most common quickly.

OUR 18-YEAR-OLDS ARE OLD ENOUGH TO FIGHT—THEY'RE OLD ENOUGH TO VOTE

It is said that those young men of 18 who are old enough to be drafted—to fight for, to risk their lives for, and to die for their country should be allowed to vote. This is an appealing non sequitur.

It presupposes that the qualifications for both military service and voting are the same, and that all who are eligible for that service should be permitted to vote. It logically disenfranchises all of those Americans who are not eligible for military service—including all of the women of the country. It would result, carried to its own logical conclusion, in an electorate consisting exclusively of honorably discharged veterans.

I doubt that any State legislature would refuse to face up to any proposal that it amend the election laws, or Constitution, to extend the right to vote to any man serving their country in the Armed Forces or honorably discharged—regardless of their age.

Likewise, most sensible observers have noted that the screaming mob espousing this slogan are not veterans nor fighting men but rather draft dodgers, draft card burners, and revolutionary vandals who have no intention whatsoever of fighting—at least not for the United States.

MEDIAN AGE PROPAGANDA

It is said that the median age of Americans is only 27 years—the mark of an ever younger population, and that the decreasing median age makes it necessary, as a purely democratic process, to lower the minimum age for voting. This argument is neither true nor relevant—another word which is often heard these days.

First, the median age has nothing to do with the qualifications of the electorate. It is a statistic, and as any statistic is only valuable in its proper setting.

That the median age of our population is 27 years only means that there are as many Americans under that age as there are over it. So what? There is also a median height, a median weight, a median blood pressure or red blood count, a median income, and a median almost anything else subject to measurement. Of the half of the Americans who have not yet attained the age of 27 years, a significant percentage have not attained the age of 18 years—or 15 years—or 10 years—or 5 years—some are still infants in their mothers arms. But we are not yet counseled that these children must vote—in the interests of responsible government.

On the fallacy of the decreasing median age, the most recent statistical abstract of the United States sets the matter to rest, once and for all, I hope. Instead of being a decreasing figure, it is an increasing one. True, since 1950 it dropped from an alltime high of 30.2 years to its present level of 27.7 years. But from the time of its first census significance in 1820, it has risen from 16.7 years. Thus, if the shifting age median

relates to the franchise, we should be considering raising the minimum voting age by the 11 years the median has risen, and establishing it at the age of 32 rather than the present age.

A statistical abstract follows:

STATISTICAL ABSTRACT OF THE UNITED STATES—1968

Total resident population excluding Armed Forces abroad

Year:	Median age all classes
Conterminous United States: [2]	
1790	(1)
1800	(1)
1810	(1)
1820	16.7
1830	17.2
1840	17.8
1850	18.9
1860	19.4
1870	20.2
1880	20.9
1890	22.0
1900	22.9
1910	24.1
1920	25.3
1930	26.4
1940	29.0
1950	30.2
1960	29.6
United States:	
1950	30.2
1960	29.5
1967 [3]	27.8

[1] Not available.
[2] Excludes Alaska and Hawaii.
[3] Estimate as of July 1.

Source: Dept. of Commerce, Bureau of the Census; Fifteenth Census Reports, Population, Vol. II, Sixteenth Census Reports, Population, Vol. II, Part 1, and Vol. IV, Part 1; *U.S. Census of Population:* 1950, Vol. II, Part 1; *U.S. Census of Population 1960*, Vol. 1, and Current Population Reports, Series P-25, Nos. 367 and 385.

THE 18-YEAR-OLDS TODAY ARE MORE INTELLIGENT AND BETTER INFORMED THAN ANY OTHER GENERATION

No one making this argument has ever bothered to produce the slightest proof of either of these assertions.

To the contrary, records in our public schools, the Selective Service System, and our Armed Forces show a constant decline in both intelligence and aptitude averages.

The common experience of adults—especially employers—is that today's young people cannot spell, cannot read, and cannot reason.

Yet, this is not to say that many of our young are not proficient in parrotting loudly the emotional slogan programed into them by the left-wing pseudo-intellectuals dominating our schools and the mass media.

The emotional aspects of the arguments suggest that some want the 18-year-old vote, expecting to exploit youth as another bloc vote.

The overwhelming majority of the American people have at the polls indicated their rejection of a teenage vote.

Should this body adopt the Senate amendments, our action will notify the people back home that they understand the need for an intelligent, responsible electorate far more than their representatives.

We have heard frequent suggestions that we ignore sound legal arguments that the teenage vote by statute is unconstitutional. I am reminded of my oath of office:

I, John Rarick, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

I urge that the previous question be voted down.

Mr. ROBISON. Mr. Speaker, the House is considering what may prove to be one of the most crucial and timely pieces of legislation that has come before it in recent years. This legislative package contains not only the Voting Rights Act extension, but also a provision extending the franchise in all elections—local, State, and National—to those citizens who are 18 years or older. While I would not suggest that one portion was any more or less important than the other, I do recognize that a great deal of controversy and uncertainty has been raised about the 18-year-vote legislation, and therefore I shall direct my remarks to that portion of the package.

The right to vote for one's representative government is the underlying rationale of our entire system of government. During our Nation's history, various groups of people have found themselves without the right to vote, but gradually and steadily we have extended the franchise to most portions of our population. Today, however, there is a large segment of our population which is denied access to the voting booth. This group is not delineated by race, by sex, by education, or by wealth, but rather by age. All but four States have established age 21 as the age at which one can first cast a vote, even though many of these same States grant other important privileges and responsibilities to those under that age.

Since voting qualifications were seemingly left to the several States to determine individually, there has been a great hesitancy on the part of Congress to make legislative decisions affecting this area. But it should be noted, parenthetically, that there is at least some question as to the actual delegation of this responsibility, since the Constitution speaks only generally about voting qualifications; besides which it would seem we could leave open this question of the ability of Congress to act directly on the question of voting qualifications because of the existence of the 14th amendment.

For, with the adoption of that amendment, congressional power and responsibility in this regard found clear and definite constitutional recognition. As section 5 of that amendment provides:

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

And it has to be on the strength and the authority of the 14th amendment that we rest the main thrust of our efforts to remedy, by legislation, what some of us view as a denial of equal protection of the laws to this Nation's young people.

I would note that the two prior extensions of the franchise—giving the vote to women and striking down poll taxes—were accomplished by virtue of a constitutional amendment, and therefore such a method stands as compelling precedent. However, I would suggest that, had Congress done by legislation what the States did by amendment, such legislation would still have been upheld by the Supreme Court as a legitimate exercise of Congress' 14th amendment powers.

In order to relate the 18-year-old vote to the congressional legislative power granted by the 14th amendment, an analysis must be made of the role that voting plays in our form of government. If we are to have a truly representative form of government, that government must be responsive to the wishes and views of all qualified voters. This is a matter which transcends State borders, it is a matter which defies local variations. Rather, as our Nation grows "smaller" due to advances in travel, education, and communication, the franchise becomes a national concern and has a national effect. There are two groups in our Nation which are excluded from the elective process in significant numbers—black citizens and those young people under 21. This legislative package is aimed at bringing to significant numbers in both groups the right of suffrage.

One cannot speak on this subject without mentioning the divisiveness which currently threatens to tear our country apart. We, as a nation, believing in the viability of our Government and its ability to respond to all citizens, constantly implore those with divergent views to "work through the system" and yet, in the case of those under 21, there is not truly such an opportunity. Our plea in this regard is viewed as largely empty rhetoric, or as establishment-oriented, or, worst of all, as offering a false hope.

There are those who submit that Congress has certain limited powers—powers which cannot be expanded no matter how compelling the case. They argue that since the Constitution seems to leave the right to set voting qualifications to the States, the only way of extending the franchise is through a constitutional amendment. I would submit that this analysis falls short of the mark because it erroneously interprets the action we are considering.

A good deal of confusion has stemmed from those of us who endorse the legislative power of Congress in this area. We have been talking about desire, preference, timeliness—that sort of thing—but we have not been addressing ourselves to the underlying and necessary question: Is there something about restricting suffrage to those 21 or older which is unconstitutional? I believe that, when viewed in such a light, the answer is clearly "yes." The equal protection clause of the 14th amendment prohibits discrimination between similar groups which is not founded in reason; and section 5 of the 14th amendment gives to Congress not only the power but also the duty of correcting those inequities.

After reading the available materials and giving this matter long and serious thought, I believe that there are essentially three ways that Congress has the

power to declare that denying the vote to 18-year-olds is an invidious discrimination and to take corrective legislative action:

First. Through a broad and liberal reading of Katzenbach against Morgan.

Second. By determining that the State action in denying the vote to 18-year-olds does not advance or protect any valid State interest.

Third. By determining that even were there some valid State interest, that it is outweighed by other competing interests which are constitutionally more important.

KATZENBACH AGAINST MORGAN

Although I certainly do not profess to be a constitutional scholar, it is my understanding that Morgan can be read in such a way as to vest in Congress the ability to make determinations that certain State activities are constitutionally impermissible as violative of the 14th amendment. Not only can Congress make determinations as to those activities which fall within the purview of existing Supreme Court decisions, but Morgan seems to give Congress the power to make independent decisions as to what is constitutionally permissible—thereby carving out new areas of equal protection.

Some contend that such ultimate decisionmaking is, and must be left exclusively within, the province of the Court, for to allow Congress access to this area puts it in competition with the Supreme Court and thereby disturbs the system of checks and balances. However, it would seem to me, both in logic and as I understand the thrust of Morgan, that such a role on the part of Congress need not infringe on the Court's jurisdiction as long as Congress makes factual findings while leaving the legal findings to the Court. Thus, it would be entirely consistent with Morgan for Congress to find that, as a factual matter, to deny the vote to an 18-year-old is impermissible as being an irrational and an invidious discrimination.

Congress could make this decision by making its own factual assessment that an 18-year-old of today is equal in judgment, maturity, character, education, and knowledge to a 21-year-old of 50 or 100 years ago. Having made such a factual determination, Congress could then conclude that, by failing to allow 18-year-olds access to the voting process, the States were violating the equal protection clause of the 14th amendment.

NO STATE INTEREST PROTECTED

As I have said previously, I believe that Morgan is just the "frosting on the cake," and is not necessary to a finding that Congress has acted within its powers by passing legislation granting the vote to 18-year-olds. Thus, apart from Congress carving out a new area of equal protection on the strength of Morgan, I believe that past Supreme Court decisions lead to the inevitable conclusion that the State practices in question are unconstitutional, and therefore subject to corrective legislative action by Congress by virtue of section 5 of the 14th amendment.

Those Court decisions teach us that all discrimination is not, in and of itself, violative of the 14th amendment. If there is a rational relationship between the discrimination and some valid State interest, then that discrimination might not be unconstitutional. Hence, if limiting suffrage to those 21 or older is based on a valid State interest; if that limitation actually serves to further that State interest; and if that State interest is not outweighed by some more important consideration, then such a discrimination might well be lawful.

What are the possible State interests to be protected by limiting the right of suffrage to those 21 or older?

First, is the interest of having an electorate which is sufficiently aware of the issues to cast an intelligent vote. Although this would appear to be a valid State interest, denying the vote to 18-year-olds does not seem to further that State interest. All of the evidence would suggest that present-day 18-year-olds are as intelligent and knowledgeable as ever before, and certainly as much so as the 21-year-old of 50 or 100 years ago.

Second, a State has an interest in having its electorate cast a mature vote. This likewise is a valid interest, but once again that interest does not appear to be served by denying 18-year-olds a vote for we are all constantly made aware of the increasing maturity of the vast majority of our young people, of their ability to digest sophisticated ideas, and of their ability to perform tasks requiring great emotional restraint.

Third, it is argued that a State has a valid interest in insulating itself from radical political thought—but this is not a legitimate State interest. It is imperative to distinguish between poor judgment and radical political opinion. The danger is evident: If we allow States to preclude 18-year-olds from voting because of their possible political opinions, the next step is to deny the vote to others who harbor similar opinions. As the Supreme Court noted in Carrington against Rash:

> Fencing out from the franchise a sector of the population because of the way they may vote is constitutionally impermissible.

Additionally, in looking at State interest, it is helpful to note that those States which have already granted the vote to those under 21 have experienced no harmful effects. It would seem, then, that no valid State interest is served by denying the vote to 18-year-olds and therefore the conclusion must follow that denying suffrage to that segment of our population is constitutionally impermissible.

ANY STATE INTEREST IS OUTWEIGHED

Were we to assume that there is some valid State interest which is actually served by limiting the vote to 21-year-olds, the Supreme Court decisions indicate that such an interest may not be sufficient to support that discrimination which it engenders. If the State's interest is minor compared to the effect or the likely effect of the discrimination, then the discrimination is invalid as a violation of equal protection. In the case of limiting the vote to 21-year-olds, I would argue that any State interest is more than outweighed by the necessity and the desirability of extending the franchise.

Those factors which, on balance, outweighed State interests in this area bear mentioning, and I do so, Mr. Speaker, to adequately prepare the record and the legislative history of this measure so that the Supreme Court, in passing on this legislation can observe that the Congress has affirmatively found certain facts which, in its judgment, outweigh any conceivable State interest to the contrary.

Age 18 is normally the age at which most young people finish high school, and having thus completed the basic portion of their education they have absorbed a great deal of information about our Nation's history, our Government, our national objectives, and our shortcomings. This information and knowledge about our basic political structure allows them to be better voters—better in many cases than their parents since the knowledge is so fresh in their minds. In a number of States age 18 signifies the age at which a minor comes of age and is liable for his debts and contracts; and by so allowing him to obligate himself, those States have found him to be both mature and intelligent. Other States use age 18 as the point in time when an individual can enter into marriage without parental consent. Some States use 18 as that age at which a person is liable for criminal prosecution as an adult rather than as a juvenile.

The Congress, by means of the Selective Service Act, has determined that every male citizen who reaches age 18 must register for the draft and be available for induction. Indeed, our recent actions and those of the President place more of the burden of carrying on our wars on the younger men of our country. It is certainly logical to suggest that those who are subject to the draft should have some voice in their Government.

A related argument is that, having once been drafted, that person is subject to the warlike whims of his Government. Long ago this Nation felt that governmental policy which affected those who had no voice in determining that policy was a serious enough matter as to support a revolt. Certainly military obligation without representation is on a par with taxation without representation. This argument takes on additional weight when one looks to the casualty figures in Vietnam, and finds that a substantial portion of those who have given their lives for their country were under 21 and not able to voice their support of or opposition to that war.

These arguments are often dismissed as emotional, but I would suggest that we should not confuse emotion with concern. There is a rational basis for reducing the voting age, and that basis far outweighs any possible State interest to the contrary. It is on this analysis that Congress has made a factual finding that the State interests to limit the voting roles do not rise to the level of the interests to be served by lowering the voting age. The facts, Mr. Speaker, speak loudly and convincingly that lowering the voting age is mandated.

I would add one additional observation supporting the congressional finding of a 14th amendment violation. Since two States peg the voting age at 18, one at 19, one at 20, and the rest at 21, it would appear that these State practices give rise to a denial of equal protection. Young people under 21 are able to vote for Senators and Representatives in four States, while their counterparts in the other 46 States are not so privileged. Thus, the inconsistencies between the States give rise in national elections to the situation that some people under 21 are represented while others are not. Such a situation, on a national scale, also appears to me to be constitutionally impermissible.

There is one additional point that ought to be clarified, Mr. Speaker, for the legislative history of the 18 vote legislation in the Senate is somewhat unclear. There is some question as to when Congress intends this legislation to go into effect. Section 305 provides:

The provisions of Title III shall take effect with respect to any primary or election held on or after January 1, 1971.

This section was specifically added after the Senate became aware that a number of fall elections could be placed in doubt if those under 21 could vote in those elections while the Supreme Court might have this matter under consideration. To correct that uncertainty, section 305 was added. However, it is important to note that section 305 only refers to a "primary or election" and does not make reference to the other incidents of the extension of the franchise, such as registration or entering an election as a candidate prior to January 1, 1971, if the election takes place after that date. This law becomes effective upon signing by the President, but certain incidents of the law are delayed until 1971.

I specifically make this point, Mr. Speaker, since I understand that, currently, preparations are being made to test this legislation when and if Congress passes it. Since we wish those tests to start as soon as possible, it is our desire to have the matter become justiciable for the Supreme Court as of the date of signing by the President. With that in mind, the Congress intends the legislation to go into effect immediately, but to limit its effect to those actual elections which occur after January 1, 1971, so that the Court test will cause as little uncertainty in the elective process as possible.

To summarize, I would like to dwell for a moment on what Congress is attempting to do by passing this legislation, and equally important, what we are not trying to do. Most proponents of the entire Voting Rights Act, as amended by the Senate, have argued either that 18 is preferable to 21 as the age at which the voting franchise should be granted, or they have argued that lowering the voting age would take too long by the constitutional amendment. The opponents of the legislation have urged that the Constitution vests in the States the ability to determine voting qualifications and, therefore, the State legislatures should, through a constitutional amendment, voice their preference.

While there is some validity in all of these arguments, I believe that these analyses put the horse before the cart. As I read the Constitution and as I understand the upcoming vote, Congress is not substituting its preference for that of the States, but rather we are exercising our judgment under section 5 of the 14th amendment and deciding if limiting the vote to 21 denies equal protection.

Although it is the duty of the Congress to correct the infringement on equal protection by appropriate legislation, and although we are not authorized to delegate that responsibility to the States, it must be recognized that the States could, by constitutional amendment, cure these defects. There are, however, two cogent reasons for turning away from that alternative.

First, the experience in some States over the past year in turning down proposals to lower the voting age to 18 serves warning to Congress that the States may be unwilling to cure this denial of equal protection.

Second, even if the States would pass such a curative amendment, the soonest this could be done—in historical perspective—would be 9 months and the average passage time for amendments is over 22 months. Our responsibilities under the 14th amendment do not allow us to compel this group to so suffer the denial of equal protection.

In passing this legislation then, our vote is not one of preference, for preference most of us believe is a question left to the States. Our vote does not reflect our views on the desirability of the constitutional amendment vis-a-vis the statutory approach—no more so than our view of equal protection dictates—because they are not alternatives to one another. They are separate questions and not interchangeable. Before one can advocate a constitutional amendment, he must resolve the question of equal protection.

It is then this question of equal protection to which the House is addressing itself. On the strength of the factual evidence available, we are led to the inescapable conclusion that the restriction of the vote to some age other than 18 serves no valid State interest and is therefore violative of equal protection. In that regard, Mr. Speaker, I urge my colleagues to pass the Voting Rights Act as amended by the Senate.

Mr. BINGHAM. Mr. Speaker, the legislation currently before the House, the Voting Rights Act as amended by the Senate, which includes a provision to extend the vote to 18-year-olds, is a momentous measure. After careful study of the many difficult issues raised by this legislation, I have concluded that it merits support, and I shall vote for it.

The 18-year-old vote, of course, has stimulated much attention and controversy, as well it should. In my judgment, young people between 18 and 21 are, on the whole, quite capable of assuming the responsibilities of enfranchisement and using their voting power carefully and wisely. Despite the behavior of a small minority of young people who seem willing to resort to violence and other extra-legal tactics to try to achieve their political ends, the vast majority of today's young people are anxious to participate fully in the political system and to seek improvements through legitimate political means.

I have been concerned, however, about the question of the most appropriate means of extending the vote to 18-year-olds from both a legal and practical point of view. To extend the vote by statute, as this legislation would do, raised the possibility of throwing future elections into chaos. I am now convinced, however, that an act of Congress will help resolve uncertainties about the validity of future elections rather than create or intensify them. Harvard law professor and constitutional expert Paul A. Freund has summarized this conclusion very well in a letter to the majority leader, as follows:

Without a statute, there is almost sure to be litigation on the model of the poll tax case, attacking the 21-year requirement as an unreasonable classification in present conditions of life and education. Such a challenge would indeed create an embarrassment for the (Supreme) Court. It is probable that, without a statutory alternative, the Court would feel obligated to reject the complaint, and would thereby exacerbate the feelings of a great many young people. An Act of Congress would provide the Court with a strong underpinning for a judgment of unreasonableness, and would furnish an appropriate replacement. . . . There remains the tactical question of expediting the measure, so that elections will not be clouded by uncertainties. This could be done by a suit, in the original jurisdiction of the Supreme Court, brought by a state against the Attorney General, who is given enforcement powers under the Act. Or a suit could be brought in a lower federal court by a voter under 21 who is denied registration, or a voter over 21 if those under 21 are granted registration. These suits would warrant calling a three-judge court, with direct appeal to the Supreme Court.

I trust that, should this legislation be approved by the Congress and enacted into law, as I hope it will, these tests of the law will be made promptly and decisively so that future elections are in no way interfered with.

Finally, Mr. Speaker, the question of the 18-year-old vote must not lead us to ignore the other important provisions of this legislation. In particular, this legislation contains a nationwide ban on the use of literacy tests. I have consistently opposed literacy tests on the grounds that, even when formulated and administered with care and without malice, they impose unjustifiable restraints on the right of every citizen to vote and to participate in the political process. When this nationwide ban came before the House earlier this year, it was part of the administration's version of the Voting Rights Act extension, which had the general effect of weakening the voting protections established by the 1965 act. So I was forced to vote against the bill as a whole. The Senate version of the voting rights extension now before us is a great improvement over the House version in its general voting rights provisions, and I am therefore pleased to be able now to

vote for it, with its strong literacy test ban which I have long favored.

Mr. HECHLER of West Virginia. Mr. Speaker, I am proud to be able at last today to cast my vote for a long-overdue reform—extension of the voting franchise to young men and women 18 years of age and over. Ever since I began teaching political science in 1939, I have advocated this reform which is finally coming to pass on this historic day. The strongest argument is that our educational system has progressed so far since the very early years when the voting age was set at 21, that now young men and women at 18 are better prepared than were their ancestors at age 21.

There are, of course, many who would deny the extension of the vote to those who are 18 on the grounds that there is far too much turmoil, rioting, destruction and immaturity among young people of that age. This is the kind of generalization which is very false because there are vast differences in the level of responsibility of both young people and those who are older. An overwhelming majority of young people are law abiding, alert, clear-thinking and fully responsible to exercise all the aspects of citizenship. To deny them these rights is merely to frustrate them, turn them toward using the streets rather than the ballot boxes for the expression of their opinions, and perhaps polarizing them toward the right or left extremist groups.

In the past 12 years, I have had considerable experience with thousands of high-school-age students whom I have brought to the Nation's Capital under my "week in Washington" program. These students, seniors in high schools throughout West Virginia, have each spent a week at a time working in my office, observing the Congress and its committees in session, interviewing officials, analyzing legislation, and performing other duties to acquaint them with governmental processes. The average age of these students is 16 or 17, and I am impressed by their grasp of national issues and their implications.

My neighboring State of Kentucky, which has had the 18-year-old vote along with Georgia for many years, has discovered that this has stimulated a greater degree of interest among young men and women who might otherwise turn toward other interests, social and otherwise, when they could not vote at 18. Also, I am impressed by the fact that as the progress of medical science enables all people to live longer, the average age of the electorate is growing. To balance the danger of developing a kind of gerontocracy, we ought to average out the age of the electorate by enabling those between 18 and 21 to vote.

I would like to pause to pay tribute to an outstanding Member of the U.S. Senate who has been one of the peerless leaders in the fight to enact the 18-year-old vote, the Senator from Indiana, the Honorable BIRCH BAYH. Today, I was proud to note Senator BAYH's presence in the House of Representatives when this body crowned his efforts with the glory of voting on this measure in the House. Certainly the Nation is proud of the indefatigable efforts of Senator BAYH, without which the 18-year-old vote never would have succeeded.

We now hope and trust that the President of the United States will sign this measure which has been so long in coming. The results will, I am confident, provide healthy benefits for the Nation, for the young people, and for the entire electorate as well as the general welfare of our Nation.

Mr. RANDALL. Mr. Speaker, the previous question on House Resolution 914 should be voted down and H.R. 4249, the voting rights bill should be sent to conference.

There are multiple reasons why this course should be taken. The House Rules Committee summarily rejected the requests of countless witnesses to grant an open rule. Today we are forced to consider two matters joined together which should be considered separately. This unnecessary, uncalled for and indefensible procedure, as one editorial writer has put it, is endangering the one, meaning the civil rights voting portion and blurring consideration of the other, meaning the 18-year-old vote.

I supported the 1965 Voting Rights Act and have supported its extension. Moreover, I have clearly pronounced my position before assemblies in the high schools of our district as being in favor of submitting the issue of 18-year-old voting to a State referendum. I have offered to assist in the circulation of petitions for such a referendum. If I were a member of our State legislature I would vote to ratify a constitutional amendment which had been approved by the voters of our State. I firmly believe every registered voter should have the privilege to express his preference on such an important matter as the 18-year-old vote.

My complaint is that our procedure today is unconstitutional. Even if it should later be declared constitutional it is in my opinion an unwise preemption upon the domain of our States. Because I am so deeply concerned about the constitutionality of this action I will not be able to support House Resolution 914.

My opposition to this resolution is not based alone on my conviction that what we are doing is unconstitutional. I am just as strongly opposed because of the procedure we are forced to follow today. House Resolution 914 is not only a gag rule, it is a double gag rule. The rule forecloses all opportunity to constructively amend the Senate version and then it does even worse when it limits the time of debate to 1 hour. This figures about 8 seconds per Member assuming it is possible for each Member to be recognized. Such a way to conduct the country's legislative business. Remember it was under rules like this the House was forced to swallow the Senate-passed open housing bill and the Senate-written surtax bill.

It is rules like House Resolution 914 which disbars House Members from effectively participating in the legislative process. Rules of this kind make the U.S. Congress a unicameral national legislature. The rule of House Resolution 914 makes voting rights a hostage for the proposition of 18-year-old voting and makes the 18-year-old right to vote a hostage to the civil rights extension.

What we are doing today impresses me as being parallel to what happened during World War II when certain foods were rationed and merchants adopted the shoddy practice of what is called tie-in sales. Merchants used this procedure to dispose of some of their undesirable goods by requiring purchasers to take such items as canned carrots or okra in order to get a can of green beans. The Rules Committee is today forcing House Members who may wish to support one or the other in the proposition contained in the Senate-passed bill to take both provisions together when they may be much opposed to one or the other. This is a true tie-in sale.

It should be recalled the vote in the Rules Committee was nine to six. Let us remember then this rule superimposes the wills of the nine Rules Committee members who voted it out over both the rights and responsibilities of all other House Members and I might add because of the constitutional situation it seeks to impose the will of these same nine men over the wills of all the members of the legislatures of our 50 sovereign States.

At the expense of repetition, I emphasize once again that we are today following a most indefensible procedure. No House committee has held hearings on the subject matter of this resolution. No Senate committee has held any such hearings. At the time we expanded the right of franchise to include women there was not only protracted hearings but the right was extended by the 19th amendment of the Constitution, not by a simple act of the Congress.

Not only is our procedure wrong today but it is a tragedy that we must be so restricted by limitation of time. If we adopt this rule the House agrees that it is the second-class body of the Congress. I cannot understand why so many seem so intent to eliminate ourselves as a legislative body.

I intend to refuse to follow the course of political expediency. Eighteen-year-old voting may be popular. We are not talking about popularity but about constitutionality. The 18-year-old voting section is clearly and unequivocally unconstitutional.

Mr. CHARLES H. WILSON. Mr. Speaker, with the passage of the Senate-amended Voting Rights Act, H.R. 4249, the House has once again moved progressively forward in its effort to secure for all of our citizens their basic right to vote. This extension of the 1965 Voting Rights Act was accomplished with careful expedience in order to preserve a law which has done more for black voting registration than any other law in existence.

Beyond this extension, H.R. 4249 provides for a nationwide ban on literacy tests and a nationally uniform residence requirement for voting in presidential elections. Both of these provisions are desperately needed to provide fair and equal opportunity to all voters and potential voters of this Nation. A third

and most essential provision extends the right to vote to 18-, 19-, and 20-year-old citizens. The controversy surrounding this provision is unwarranted.

Mr. Speaker, I would not hesitate to argue that those who can fight for their country have the right to vote in its elections. But there are far more important points to be made. Maturity is difficult to measure. If it can be measured, then let information, intelligence, and understanding dictate the guidelines of maturity. Today's 18-year-olds are more aware, better educated, and better informed than those of yesteryear. These elements contribute to a greater understanding. Violent protests are certainly no measure of maturity or immaturity; they are more aptly frustrations, frustrations which even those over the age of 21 are liable to have at one time or another. Furthermore, many 18-year-olds are married and also pay taxes. If they are disenfranchised, this can constitute the governmental sin of taxation without representation.

If this democratic system is going to extend the right to vote to all of its qualified citizens, then I go on record as saying that our 18-, 19-, and 20-year-olds today are as qualified to vote, if not better qualified to vote, than those older citizens who are recognized today as qualified voters. Also, if we are to gain the all-important confidence of those citizens 18 years and older, we must acknowledge by our legislative confidence their ability, and their right, to vote. I compliment all of my colleagues in the House who have contributed to the passage of this bill.

Mr. LEGGETT. Mr. Speaker, I do not want to appear unappreciative of the constitutional questions raised by this bill. But I suggest that, since the 18-year-old vote would not go into effect for half a year, this issue can and will be resolved in the courts. The real issue before us is whether or not we want our young people to vote.

I do.

There are those who say young people's minds are not sufficiently developed to enable them to vote intelligently. But the people who design intelligence tests have generally found that intelligence increases until about the age of 16, remains constant until about age 29, and from there slowly declines. So it appears that our 18- to 21-year-olds have better neural circuits than do most of the Members of this body.

There are those who say young people lack the information they need to vote. But somehow I doubt we will ever see college students ripping down a Red Cross flag in the belief it was a Vietcong flag, as our middle-aged hard-hat friends did in New York the other day.

There are those who say young people lack experience and maturity. In a sense, this is true. A 20-year-old has not witnessed as much history as has a 40- or 60-year-old. But I suggest this may be as much of an asset as it is a handicap. All too often, older people do not learn from the past; instead, they become fixated by it. How many times have we heard our diplomats vainly try to force the nationalistic struggles of Southeast Asia into the pattern of the Munich disaster they witnessed in their formative years? For how long have we watched our generals trying to fight the Vietnam war as if it were the World War II of their formative years?

We need voters with experience. But we also need voters who are not bound to the mistakes of the past.

There are those who say young people should not vote because they do not hold jobs or pay taxes. But even if this argument were factually sound, which it is not, I think we would have to reject it. Young people have more taxpaying years to look forward to than we do. And in every other sense, they have a bigger stake in the country than we do. They are going to have to live with it a heck of a lot longer than will the people now running it.

But these are debating points. Here is what the question comes down to: Are 18- to 21-year-olds capable of voting responsibly, or are they not?

For my part, the answer is unequivocally affirmative. I have found them to be more idealistic, more concerned, and better informed than their elders, and I believe they also surpass any other generation of young people in our history in these respects.

Mr. Speaker, the country is mired in an aimless and misconceived war in Southeast Asia. We are caught up in a sterile and dangerous arms race. We have poverty, hunger, neglected health and education programs, and we are ridden with racial tension. We tend to look at these things and say we know they are bad, but they were a long time developing and we cannot expect to get rid of them overnight. But the young people could not care less how long it took us to create a problem; they want to know exactly why it cannot be solved overnight. And many times we find there is no reason why it cannot be done, other than our own complacency. And not being able to come up with a reason why it cannot be done, sometimes we go ahead and do it.

So I say we need these young people as active participants in our political system. I say let us give them the vote, and both they and the country will be the better for it.

Mr. COLLIER. Mr. Speaker, it is regrettable that political expediency has so frequently of late been given priority over the preservation of the Constitution of the United States.

On seven occasions during the past 14 years, I have raised my hand in this Chamber to take an oath to uphold the Constitution. I intend to do so today in fulfilling my obligation to that oath when we reach a final vote on H.R. 4249. I do not believe that in deep conviction I can vote for a bill which to me flagrantly violates the Constitution. I do not believe this Congress has the right to abridge the historical and traditional right of the several States to establish voter qualifications except as they violate other provisions of the Constitution.

If this Congress were not as anxious to yield to political pressures stemming from troublesome problems of our day, we could deal with the matter of lowering the voting age as it properly should be done—through the adoption of a resolution calling for a constitutional amendment and permitting the States to ratify or reject the proposition. This was the procedure properly followed when the women of this country were enfranchised by the 19th amendment to the Constitution in 1920.

The fact that the authors of the bill provided for a delayed effective date because of the probability of its being declared unconstitutional by the Supreme Court points to the good judgment of following the constitutional course. I believe that the Supreme Court will be obliged to rule this bill unconstitutional, and this will merely delay the consideration of the issue under the proper procedure.

There are other serious ramifications to this legislation which cause me to regret the hasty, unwise, and politically expedient course of action which it appears this House is about to take today.

Mr. CHAPPELL. Mr. Speaker, consideration by the Congress in setting the voting age for the States is clearly a conflict with the Constitution. The Constitution provides that each State set its voting qualifications. I believe the Voting Rights Act, in setting the age limit for voting, is a further usurpation of power of the States by the Federal Government.

In my own home State of Florida, this very issue will be considered on the ballot in November. This is as it should be. The States should be allowed to consider their own qualifications without interference by the Federal Government.

The Voting Rights Act, which extends the vote to 18-year-olds, likewise extends for 5 years the provision whereby the Attorney General will continue to oversee election procedures in the South. In effect, we are continuing to make five Southern States the whipping boys of the Nation. Under the provisions of this act, they are unable to change any election laws without the approval of the Attorney General. Forty-five States can make any changes their elected officials wish to consider. The Attorney General sends supervisors into these States, just as in reconstruction days, to watch election procedures. We have the same expression of attitude by many in the Congress as during that era—presupposing some wrongdoing on these States' part.

Mr. Speaker, I realize that many in the Congress who are in favor of the Voting Rights Act, are under the impression that by Congress acting to give the 18-year-olds the right to vote, they are voting for harmony and peace within the Nation. But it seems to me, Mr. Speaker, that anytime in this Nation that Congress usurps the power of the States, we are buying a dime's worth of peace at a dollar's cost in liberty. For, as we further erode the States, we further despoil the liberties granted to us under the Constitution and ultimately we destroy the very system of checks and balances which we adopted to protect ourselves.

Mr. Speaker, let us not further assault our foundation of freedom for expediency's sake. Let us leave this responsi-

bility with the States' elected officials, where it rightfully belongs.

Mr. MATSUNAGA. Mr. Speaker, I yield 5 minutes to the distinguished Speaker of the House, the gentleman from Massachusetts (Mr. McCORMACK).

Mr. McCORMACK. Mr. Speaker, this is probably one of the most important bills that has been before this body in many years.

It involves, in the question that is before us today, two very important matters:

One, the extension of the voting rights act.

Now we are all practical legislators. We know that if this bill goes to conference, its extension is seriously endangered.

Second, it involves the voting right at 18 years of age.

The gentleman from California made a very pertinent observation during his remarks. I think it is an observation which strongly supports concurrence in the Senate amendments—when the gentleman from California (Mr. SMITH) said that we are not the Supreme Court of the United States. Of course, that means on the constitutional question that will finally be resolved by the Supreme Court. How true that is.

I, therefore, suggest to anyone, if I might make the suggestion—I would suggest to anyone who believes in voting at the age of 18 and 19 and 20, and who favors the extension of the Voting Rights Act—to be sure that it will not be defeated and prevented from being enacted into law this year.

I would suggest that my colleagues who favor such extension of the Voting Rights Act determine the constitutional question in favor of its constitutionality, because the matter will have to be passed upon by the Supreme Court.

Furthermore, as to the constitutional method, it would take at least 10 to 20 years, in my opinion, before any amendment would get through this body and be adopted by the necessary number of States to provide for voting at the age of 18 and 19 and 20.

On that constitutional question we have such eminent scholars as Dr. Paul Freund of Harvard and Archibald Cox, former Solicitor General of the United States, that the Congress possesses ample constitutional authority to lower the voting age by statute.

We also have a strong indication in Supreme Court decisions such as in Katzenbach against Morgan, by 7-to-2 majority indicating that this question comes within the power and purview of the Congress of the United States.

To me the question is whether or not Americans 18 years of age, and 19 years of age, and 20 years of age are qualified from an educational angle to assume the fullness of citizenship.

At birth they are citizens. Every child born in this country is a citizen. The question is the assumption of the fullness of citizenship. It seems to me that the educational institutions of our country today qualify Americans who are 18, 19, and 20 years of age to assume the fullness of citizenship.

On that point I call attention to the fact that four States of the Union already provide the privilege of voting for those under 21 years of age. One of the leaders, one that has been a leader, is the great State of Georgia.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Louisiana.

Mr. BOGGS. I thank the distinguished Speaker for yielding to me. I congratulate the Speaker on the very fine statement he has made and I concur in what he has said. What the young people of this country want is to be a part of our democracy. They want in. They want to be responsible citizens. In my judgment, there is no more important vote that we can cast in this session than this vote.

Mr. McCORMACK. I also wish to point out in respect to the educational abilities of Americans 18, 19, and 20 years of age that we are talking about citizens. We are not conferring citizenship because they are citizens once they are born. The question is the assumption of the fullness of citizenship, to wit, the vote.

For example, in 1920, just 50 years ago, only 17 percent of Americans between the ages of 18 and 21 were high school graduates. Only 18 percent of them went on to college.

Today, by contrast, 79 percent of Americans in this age group are high school graduates and 47 percent go on to college.

On the question of ability and assuming the fullness of citizenship, clearly the evidence is uncontradicted and overwhelming, and on that ground we shoud not have any hesitancy in making our decision.

I am very happy to see the bipartisan support for the resolution today. That is as it should be. I congratulate my colleagues. I realize that there are some honest differences on the constitutional question. But on that question I urge that any doubts be resolved in favor of constitutionality, because the Supreme Court is going to pass upon the question.

In the closing seconds of the time allotted to me—and I shall not be back here next year—might I make a personal observation. Nothing would make JOHN McCORMACK happier than to see this resolution adopted.

Mr. SMITH of California. Mr. Speaker, I yield 7 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, at the outset, let me make it crystal clear that I favor the right of a person who is 18 years old to vote in local, State, and Federal elections. In 1966, the State of Michigan had a statewide referendum on the question of whether or not we should amend our constitution to permit 18-year-olds to vote. I campaigned for the right of 18-year-olds to vote. I voted for that amendment to our constitution. Regrettably, it was defeated by a vote of 3 to 2 throughout the State.

If the amendment is again proposed—and I undersand that it might be in Michigan in 1970—I will do the same thing. I will campaign for it. I will vote for it.

I am also in favor of a constitutional amendment to the Federal Constitution to authorize the action that is proposed here by a statutory provision. A constitutional amendment can be and should be approved by the House Committee on Judiciary and then the Congress as a whole.

But I am deeply concerned about the constitutionality of a statute passed by the Congress of the United States which would authorize 18-year-olds to vote in municipal, State, and Federal elections.

Comments have been made here this afternoon that two very distinguished members of the Harvard Law School faculty have said that the proposal is constitutional. Mr. Speaker, I have in my hand a number of letters from eminent, recognized constitutional lawyers in a number of outstanding law schools throughout the United States. These are opinions requested by the President of the United States, and each and every one of them, even though in most cases they were for the 18-year-old vote, said that in their opinion a statutory approach is unconstitutional. I agree with such eminent constitutional lawyers as Philip B. Kurland and Gerhard Casper of the University of Chicago, William B. Lockhart of the University of Minnesota Law School, Paul G. Kauper, University of Michigan Law School, Gerald Gunther, professor of law, Stanford University School of Law, Alexander M. Bickel, Charles L. Black, Jr., Robert H. Bork, John Hart Ely, Louis H. Pollack, Eugene V. Rostow of the faculty of Yale Law School, Louis Henkin, Columbia University School of Law, and Charles Alan Wright, professor of law, University of Texas.

I, therefore, urge, Mr. Speaker, that we vote no on the previous question. In the light of these opinions written to the President of the United States, I think it is perfectly legitimate to raise the question whether or not the President could in good conscience sign this proposal if and when it comes to his desk.

But let me say there are other good and sufficient reasons why, in my opinion, we should vote no on the previous question. In the first place, let me point this out, that if this resolution is approved, and the bill is signed by the President of the United States, from the date that it becomes law—if it does—until there is a decision by the U.S. Supreme Court, every State, every municipal and every school board bond issue vote, every millage vote cast will be in jeopardy—every one.

There will be a delay before the Supreme Court will make a decision. In *South Carolina* v. *Katzenbach*, 383 U.S. 301, the delay between the initiation of the law suit and the Supreme Court decision was 4 months. In *Katzenbach* v. *Morgan*, 384 U.S. 641, the delay was 10 months. This would create serious problems.

I contacted a most eminent bond lawyer in the State of Michigan, an attorney who passes judgment in many instances on whether or not a municipality, a State

or school board bond issue is valid. I asked him, Mr. Speaker, this eminent bond attorney, whether he, in his capacity, would validate those bonds and approve their sale. This is what he wrote, dated June 15:

DICKINSON, WRIGHT, MCKEAN & CUDLIP,
Detroit, Mich., June 15, 1970.

Representative GERALD R. FORD,
U.S. Capitol,
Washington, D.C.

DEAR CONGRESSMAN FORD: You have asked for our comments, as bond attorneys in the State of Michigan, as to the possible effect on millage and bond elections in governmental units and school districts in this state of a granting of the voting right to 18 year olds by an Act of Congress which is likely to be immediately attacked in court as being unconstitutional and invalid.

It is our opinion that bonds cannot be issued nor taxes levied on the basis of the results of an election in which the vote of persons under 21 years of age has influenced the outcome of the election, until such time as attacks on the constitutionality of the Act of Congress have been resolved in favor of such Act by the U.S. Supreme Court.

In order to determine the influence of the voters under 21 years of age on the outcome of elections, we will require separate ballots to be issued or separate machines to be used and the votes to be separately tabulated on all bond and millage propositions. We will be able to approve only those propositions which are carried by the required majority of all persons voting including both those voters over 21 years of age and those under and also which are carried by a majority of voters over 21 years of age.

We appreciate that the separation procedures are complicated and expensive and will probably slow the vote in heavily attended elections, but we see no alternative until the constitutional question is resolved.

Yours very truly,

CHARLES R. MOON.

Gentlemen, we put a great burden on ourselves if we, by the action today, put in jeopardy $6 billion of State, municipal, and school board bond issue election. There are usually three to four thousand such elections taken every year, and they involve approximately $6 billion worth of water pollution projects, school buildings, and other programs and projects.

I say we should vote against the previous question and we should take the course of action recommended by the gentleman from California. Vote no on the previous question.

Let me make one other point. This proposition is coming to the floor of the House under the most indefensible combination of legislation and parliamentary procedure I have ever seen. We are, in effect, asked to make a historic decision, and there have been no hearings held in the Committee on the Judiciary in the House on this proposition that Congress can, by a Federal legislative act, give the right to vote to 18-year-olds in local and State elections. Not one hearing has been held on this issue before the Committee on the Judiciary in the House. Not one hearing has been held in the Senate Committee on the Judiciary—not one on this constitutional issue. And we are asked, in less than an hour, to vote on this proposition. It is the most indefensible procedure I have ever seen.

Let me say this also. Very seldom, Mr. Speaker, do I quote, to back up my arguments, a magazine called the New Republic, but in the June 20 issue of the New Republic, there is an editorial, and here is what this editorial says:

KEEP IT BRIEF

The Voting Rights Act of 1965, quite likely the single most effective civil rights measure ever enacted by Congress, expires in August, and it must be extended. Despite some initial equivocation by the Nixon Administration, the Senate voted to extend it, and the Administration ended by supporting it. But the Senate attached a rider to the Act, to enfranchise 18-year-olds in both state and federal elections. This sort of joinder of two separate policies is bad legislative practice, endangering the one and blurring consideration of the other. But worse was to come.

In the House, where a Voting Rights Bill was passed before the 18-year vote was given a piggy-back on it, liberals on the Rules Committee, with the support of the Democratic leadership, succeeded in sending the Senate package to the floor under a rule requiring the House to vote the whole thing up or down. No amendments will be permitted. Anyone who supports extension of the Voting Rights Act but not the enfranchisement of 18-year-olds by simple federal statute has to swallow the rider if he feels strongly enough about the Voting Rights Act, or sacrifice the Act if he really can't stand the rider. And he will have to make up his mind in the course of a debate limited to one hour: half to each side, which means a quarter to the side opposed to the rider.

Now there was a hearing and some debate on the rider in the Senate. There has been no hearing, and no previous debate in the House, not five minutes. Yet there is clearly something of consequence to debate: whether this extension of the franchise by legislative order is desirable, whether it is constitutional and would be so held, and whether, there being at the very least doubt about unconstitutionality, Congress would be acting responsibly in throwing the burden of a difficult decision on the Court, rather than going the route of a Constitutional Amendment. Yet where are the usual guardians of legislative process, of full and free debate? They are silent. They are fighting fire with fire, they tell themselves, for to send the Voting Rights Act back to the Senate by separating the rider from it would be to give another set of arbitrary hierarchs, the Southerners, a chance to filibuster it to death.

But the Voting Rights Act was not filibustered the first time through the Senate, when the Administration was not so firmly committed to it. Was there enough to be gained in this sorry exercise to offset the discredit that the usual advocates of process, of constitutionalism and of democratic reform have brought on themselves? Who will believe that these are really the things they care about, next time they say so?

I say that the resolution should be defeated and the previous question voted down.

Mr. MATSUNAGA. Mr. Speaker, I yield 9 minutes to the chairman of the Rules Committee (Mr. COLMER).

Mrs. GREEN of Oregon. Mr. Speaker, 2 or 3 months ago, I came out publicly for the Senate amendment, providing for the 18-year-old vote, subject to a constitutional court test. Every other member of the Oregon delegation came out for the 19-year-old vote which was on the Oregon ballot in the Oregon primary less than 1 month ago. I believe it is accurate to say that almost every political leader in Oregon actively campaigned for the 19-year-old vote. In spite of this, it went down to a better than 2 to 1 defeat.

I suggest that, as a Representative, I certainly must argue and vote for those beliefs which I hold with the best possible information I have available to me at the time. But it seems to me this includes the obligation to represent the views of the majority of the people of my State and their wishes when I clearly knew them, even though they differ from mine.

Of course, no Representative of the people can sacrifice his or her conscience on any vote. Regarding this issue, there is no question of conscience. Therefore, even though my judgment was that the 18-year-old vote was worthy of endorsement with constitutional review, the majority of my constituents have clearly judged otherwise, and I both respect and yield to their judgment. The mandate has been clearly given by a better than 2 to 1 vote in Oregon. I intend to honor the results of that democratic election.

Mr. COLMER. Mr. Speaker, I appreciate the contribution of the gentlewoman from Oregon, who always contributes substantially to the question under debate. But I regret that I am not going to be able to yield to any other Member because of the limitation on time.

Mr. Speaker, one of the great tragedies of what we are going through here today is that very limitation on time.

Here we are, going to consider a new version of a civil rights voting rights bill. Here we are, going to invade new territory and attempt to amend the Constitution of the United States by statute, all within an hour.

How many Members among you will have or have had an opportunity to voice approval or disapproval of this measure? It is a tragic situation. The beloved Speaker just said it was one of the most historic and important bills to come before this House in years, and yet my beloved Speaker would rush this important piece of legislation through this House with less than an hour of debate.

Many, many times have I risen on the floor of this House and expressed my exasperation at this body becoming a second-class legislative body, permitting the other body to write the legislation. Here we are again doing exactly that same thing and following that same course.

What you are really doing here—those of you who profess great love for this body, and I am sure we all do, including the Speaker himself, and I know that he does—is making of this body a unicameral legislative body. We might just as well quit and ask the other body what they think we ought to do over here; and permit them to write the legislation in the first place.

Now again I am pressed for time, although I admit I have the lion's share of it because I was in position to get it.

But what are we doing here? We are considering this matter under restraints where we do not have time to debate this civil rights bill, this new version that the Senate wrote. I do not even have the time to make a comparison between the House-passed version and the one passed by the Senate. You would think it would

be the duty of the learned chairman and the other members of the Committee on the Judiciary to try to protect the House's position in this matter and send it to conference. We do not have time to discuss that. I am going to dismiss it with this one remark. It makes no difference what you do here today, whether you send this bill to conference in the orderly way or whether you adopt it as is, unless the President vetoes this you are going to have a civil rights bill voted, with all of the hollering about filibusters to the contrary notwithstanding.

Let me say to my learned friend from New York and others that the day of the civil rights filibuster in the other body has passed. So we get down to one question, aside from following the orderly procedures which I think the leadership of this House on both sides ought to be for, of sending this bill to conference and trying to iron out these matters there. We have only one question left, and that is the question of voting rights for 18-year-olds.

Mr. Speaker, the gentlewoman from Oregon referred to what her State has done. Fourteen States have passed on this matter and denied it, and only four have adopted it.

So, maybe, it is not as popular as some of you think it is because of all the campus disturbances. But I am not discussing the merits of this bill. I am discussing the Constitution of the United States and the orderly process of legislating.

Oh, I know that we have gotten briefs here from learned Harvard professors. However, as far as I am concerned I would rather have the opinion of the very learned constitutional lawyers on this floor, to wit, the gentleman from Virginia (Mr. POFF) and the gentleman from New York (Mr. CELLER), both of whom have publicly stated that it is unconstitutional. But, expediency enters into this matter. And this gentleman from New York (Mr. CELLER), still admitting that the 18-year amendment is unconstitutional resorts to expediency.

Permit me to quote from the Constitution of the United States.

First, article I, section 2 of that immortal document provides—

The House of Representatives shall be composed of Members chosen every second year by the People of the several States, and *the electors in each State shall have the Qualifications requisite for Electors of the* most numerous Branch of the State Legislature.

Of course, the word electors as used here is synonymous with voters.

Can anyone deny, from a reading of this provision, that the power to name the qualifications of voters is delegated to the States?

And now I quote section 2 of the XIV amendment as follows:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President or Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any male inhabitants of such State, *being twenty-one years of age,* and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crimes, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens *twenty-one years of age* in such State.

It will be noted, and I wish to emphasize, in this amendment the phrase 21 years of age is used twice. And, I should also like to call the attention of my colleagues to the fact that this amendment is the one relied upon by the proponents of the voting rights bill to give voting rights to the slaves who had just been liberated.

Again, after the Constitution had been amended providing for the election of U.S. Senators by the XVII amendment and not by statute, this amendment repeats section 2 of article I, providing for the qualifications for voters in the election of Senators to be the same as those provided for the election of Members of the House of Representatives. To wit: The electors—voters—in such States shall have the qualifications requisite for the electors of the most numerous branch of the State legislatures. The amendment is as follows:

Amendment XVII: The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. *The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.*

Moreover, the constitutional amendment number X provides:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

And finally, Mr. Speaker, to insure that the Constitution is followed and obeyed by the Members of Congress, article VI of the Constitution provides:

Article VI: The Senators and *Representatives* before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, *shall be bound by Oath* or Affirmation, *to support this Constitution.* . .

Form of oath: "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

Certainly, even the ordinary layman cannot escape, after the most casual perusal of these amendments, the fact that the U.S. Constitution is crystally clear that the qualifications of voters cannot be provided by the enactment of a statutory provision. Of course, there is a way to change the Constitution legally, which the Constitution provides, and I quote the pertinent part of article V of the Constitution:

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; . . .

Assuredly, Mr. Speaker, if this provision to change the voting qualifications making 18-year-olds eligible to vote by statute is adopted, then can it not with equal logic and construction be said that we can change the constitutional provision requiring that the President of the United States be a natural born citizen and 35 years or more of age? Once we embark upon this method of amending the Constitution by statute there is no limit beyond which the reformers cannot go. We might just as well discard the Constitution entirely.

The SPEAKER. The gentleman from Mississippi has 10 seconds left.

Mr. COLMER. Mr. Speaker, may I just get a long count on that 10 seconds, because I wanted to conclude this statement with this remark?

There is no man in this House who has a higher regard for you, Mr. Speaker, than I. I paid my respects to you the other day when we honored you in this Chamber. I hate to see you leave here. But I cannot bring myself, as much as I would like to pay further tribute to you, to violate my conscience in order to give you a farewell sendoff. This is an important matter transcending personal affection.

The SPEAKER. The time of the gentleman from Mississippi (Mr. COLMER) has expired. All time has expired.

GENERAL LEAVE

Mr. SMITH of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the matter now pending before the House and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. MATSUNAGA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. MATSUNAGA. Is my understanding correct that an "aye" vote on House Resolution 914 is a vote to agree to the Senate amendments to H.R. 4249, the Voting Rights Extension Act, so that the bill may then be sent to the President for his signature before the existing act expires on August 6 of this year?

The SPEAKER. The Chair will state to the gentleman from Hawaii that while that is not a parliamentary inquiry, the statement made by the gentleman from Hawaii is accurate.

Mr. MATSUNAGA. I thank the Speaker.

Mr. Speaker, I move the previous question on the resolution.

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Michigan will state his parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Speaker, a "no" vote on the previous question does give an opportunity for one of those who led the fight against the resolution to amend the resolution now pending before the House?

The SPEAKER. The Chair will state in response to the parliamentary inquiry of the gentleman from Michigan that if the previous question is voted down, the resolution is open to amendment. The Chair's response is the same response as given to the gentleman from Hawaii.

PARLIAMENTARY INQUIRY

Mr. WATSON. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WATSON. Mr. Speaker, if this resolution is voted down then, further, it will mean we will follow the orderly procedure and let this matter go to conference and reconcile the differences?

The SPEAKER. The Chair will state that if the resolution is voted down the matter will lie on the Speaker's desk until the House determines what it wants to do with the matter.

Mr. WATSON. I thank the Speaker.

The SPEAKER. The question is on ordering the previous question.

Mr. SMITH of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 224, nays 183, answered "present" 2, not voting 20, as follows:

[Roll No. 175]

YEAS—224

Adams	Dulski	Jacobs
Addabbo	Duncan	Johnson, Calif.
Albert	Dwyer	Karth
Anderson, Calif.	Eckhardt	Kastenmeier
Anderson, Ill.	Edwards, Calif.	Kazen
Anderson, Tenn.	Edwards, La.	Kee
Annunzio	Eilberg	Keith
Ashley	Esch	Kluczynski
Aspinall	Evans, Colo.	Koch
Ayres	Evins, Tenn.	Kyros
Barrett	Fallon	Leggett
Beall, Md.	Farbstein	Lloyd
Bell, Calif.	Fascell	Long, Md.
Bennett	Feighan	Lowenstein
Biaggi	Findley	McCarthy
Biester	Fish	McClory
Bingham	Flood	McCloskey
Blatnik	Foley	McCulloch
Boggs	Ford, William D.	McDade
Boland	Fraser	McDonald, Mich.
Bolling	Frelinghuysen	McEwen
Brademas	Friedel	McFall
Brasco	Fulton, Pa.	Madden
Brooks	Fulton, Tenn.	Mailliard
Broomfield	Galifianakis	Matsunaga
Brown, Calif.	Gallagher	Meeds
Burke, Mass.	Garmatz	Melcher
Burlison, Mo.	Giaimo	Meskill
Burton, Calif.	Gibbons	Mikva
Burton, Utah	Gilbert	Miller, Calif.
Button	Gonzalez	Minish
Byrne, Pa.	Gray	Mink
Carey	Green, Pa.	Mollohan
Carter	Griffiths	Monagan
Celler	Gude	Moorhead
Chisholm	Halpern	Morgan
Clay	Hamilton	Morse
Cleveland	Hanley	Mosher
Cohelan	Hanna	Moss
Conte	Hansen, Idaho	Murphy, Ill.
Conyers	Hansen, Wash.	Murphy, N.Y.
Corman	Harrington	Natcher
Coughlin	Hastings	Nix
Culver	Hathaway	Obey
Daddario	Hawkins	O'Hara
Daniels, N.J.	Hechler, W. Va.	O'Konski
de la Garza	Heckler, Mass.	Olsen
Delaney	Helstoski	O'Neill, Mass.
Diggs	Holifield	Ottinger
Dingell	Horton	Patten
Donohue	Hosmer	Pepper
	Howard	Perkins
	Philbin	Rosenthal
	Pike	Rostenkowski
	Pirnie	Roth
	Podell	Roybal
	Powell	Ruppe
	Preyer, N.C.	Ryan
	Price, Ill.	St Germain
	Pryor, Ark.	Scheuer
	Pucinski	Shipley
	Quie	Sisk
	Railsback	Slack
	Rees	Smith, Iowa
	Reid, N.Y.	Snyder
	Reifel	Stafford
	Reuss	Staggers
	Riegle	Stanton
	Robison	Stokes
	Rodino	Stratton
	Roe	Stubblefield
	Rogers, Colo.	Sullivan
	Rogers, Fla.	Symington
	Rooney, N.Y.	Taft
	Rooney, Pa.	Taylor
		Thompson, N.J.
		Tiernan
		Tunney
		Udall
		Van Deerlin
		Vander Jagt
		Vanik
		Vigorito
		Waldie
		Watts
		Weicker
		Whalen
		White
		Whitehurst
		Widnall
		Wolff
		Wright
		Wydler
		Yates
		Yatron
		Young
		Zablocki
		Zwach

NAYS—183

Abbitt	Flowers	Mizell
Abernethy	Flynt	Montgomery
Adair	Ford, Gerald R.	Morton
Alexander	Foreman	Myers
Andrews, Ala.	Fountain	Nelsen
Andrews, N. Dak.	Frey	Nichols
Arends	Fuqua	Passman
Ashbrook	Gettys	Patman
Baring	Goldwater	Pettis
Belcher	Goodling	Pickle
Berry	Green, Oreg.	Poage
Betts	Griffin	Poff
Bevill	Gross	Price, Tex.
Blackburn	Grover	Purcell
Blanton	Gubser	Quillen
Bow	Hagan	Randall
Bray	Haley	Rarick
Brinkley	Hall	Reid, Ill.
Brock	Hammer-schmidt	Rhodes
Brotzman	Harsha	Rivers
Brown, Mich.	Harvey	Roberts
Brown, Ohio	Henderson	Ruth
Broyhill, N.C.	Hogan	Sandman
Broyhill, Va.	Hull	Satterfield
Buchanan	Hungate	Saylor
Burke, Fla.	Hunt	Schadeberg
Burleson, Tex.	Hutchinson	Scherle
Byrnes, Wis.	Ichord	Scott
Cabell	Jarman	Sebelius
Caffery	Johnson, Pa.	Shriver
Camp	Jonas	Sikes
Casey	Jones, Ala.	Skubitz
Cederberg	Jones, N.C.	Smith, Calif.
Chamberlain	Jones, Tenn.	Smith, N.Y.
Chappell	Kleppe	Springer
Clancy	Kuykendall	Steed
Clausen, Don H.	Kyl	Steiger, Ariz.
Clawson, Del	Landgrebe	Steiger, Wis.
Collier	Landrum	Stephens
Collins	Langen	Stuckey
Colmer	Latta	Talcott
Conable	Lennon	Teague, Calif.
Corbett	Long, La.	Teague, Tex.
Crane	Lujan	Thompson, Ga.
Cunningham	Lukens	Thomson, Wis.
Daniel, Va.	McClure	Ullman
Davis, Ga.	McKneally	Waggonner
Davis, Wis.	Macdonald, Mass.	Wampler
Dellenback	MacGregor	Watkins
Denney	Mahon	Watson
Dennis	Mann	Whalley
Derwinski	Marsh	Whitten
Devine	Martin	Wiggins
Dickinson	Mathias	Williams
Dorn	May	Wilson, Bob
Dowdy	Mayne	Winn
Downing	Michel	Wold
Edmondson	Miller, Ohio	Wyatt
Edwards, Ala.	Mills	Wylie
Eshleman	Minshall	Wyman
Fisher	Mize	Zion

ANSWERED "PRESENT"—2

Hays	Hicks

NOT VOTING—20

Bush	Gaydos	Pelly
Clark	Hébert	Pollock
Cowger	King	Roudebush
Cramer	Kirwan	Schneebeli
Dawson	McMillan	Schwengel
Dent	Nedzi	Wilson, Charles H.
Erlenborn	O'Neal, Ga.	

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Nedzi for, wtih Mr. Hicks against.

Mr. Kirwan for, with Mr. Hays against.

Mr. Clark for, with Mr. King against.

Mr. Gaydos for, with Mr. Hébert against.

Mr. Schwengel for, with Mr. Erlenborn against.

Mr. Cowger for, with Mr. Cramer against.

Mr. Charles H. Wilson for, with Mr. O'Neal of Georgia against.

Mr. Pollock for, with Mr. Pelly against.

Until further notice:

Mr. Schneebeli with Mr. Bush.

Mr. McMillan with Mr. Roudebush.

Mr. Dent with Mr. Dawson.

Mr. DUNCAN changed his vote form "nay" to "yea."

Mr. HICKS. Mr. Speaker, I have a live pair with the gentleman from Michigan (Mr. NEDZI). If he had been present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. HAYS. Mr. Speaker, I have a live pair with the gentleman from Ohio (Mr. KIRWAN). If he had been present, he would have voted "yea." I voted "nay." I withdraw by vote and vote "present."

The result of the vote was announced as recorded above.

The SPEAKER. The question is on the resolution.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 272, nays 132, not voting 25, as follows:

[Roll No. 176]

YEAS—272

Adair	Corman	Hastings
Adams	Coughlin	Hathaway
Addabbo	Daddario	Hawkins
Albert	Daniels, N.J.	Hays
Anderson, Calif.	de la Garza	Hechler, W. Va.
Anderson, Ill.	Delaney	Heckler, Mass.
Anderson, Tenn.	Diggs	Helstoski
Andrews, N. Dak.	Dingell	Hicks
Annunzio	Donohue	Hogan
Arends	Dulski	Holifield
Ashley	Duncan	Horton
Aspinall	Dwyer	Hosmer
Ayres	Eckhardt	Howard
Barrett	Edmondson	Hungate
Beall, Md.	Edwards, Calif.	Jacobs
Bell, Calif.	Edwards, La.	Johnson, Calif.
Bennett	Eilberg	Jones, Ala.
Biaggi	Esch	Karth
Biester	Evans, Colo.	Kastenmeier
Bingham	Evins, Tenn.	Kazen
Blatnik	Fallon	Kee
Boggs	Farbstein	Keith
Boland	Fascell	Kleppe
Bolling	Feighan	Kluczynski
Bow	Findley	Koch
Brademas	Fish	Kuykendall
Brasco	Flood	Kyl
Bray	Foley	Kyros
Brooks	Ford, Gerald R.	Langen
Broomfield	Ford, William D.	Latta
Brotzman	Fraser	Leggett
Brown, Calif.	Frelinghuysen	Lloyd
Brown, Mich.	Friedel	Long, Md.
Brown, Ohio	Fulton, Pa.	Lowenstein
Burke, Mass.	Fulton, Tenn.	Lujan
Burlison, Mo.	Galifianakis	McCarthy
Burton, Calif.	Gallagher	McClory
Burton, Utah	Garmatz	McCloskey
Button	Giaimo	McCulloch
Byrne, Pa.	Gibbons	McDade
Cabell	Gilbert	McDonald, Mich.
Carter	Gonzalez	McEwen
Cederberg	Gray	McFall
Celler	Green, Pa.	McKneally
Chamberlain	Griffiths	Macdonald, Mass.
Clancy	Gubser	MacGregor
Clausen, Don H.	Gude	Madden
Clay	Halpern	Mailliard
Cleveland	Hamilton	Mathias
Cohelan	Hanley	Matsunaga
Conte	Hanna	May
Corbett	Hansen, Idaho	Meeds
	Hansen, Wash.	Melcher
	Harrington	Meskill
	Harvey	

Mikva	Price, Ill.	Steed
Miller, Calif.	Pryor, Ark.	Steiger, Wis.
Miller, Ohio	Pucinski	Stokes
Minish	Quie	Stratton
Mink	Railsback	Stubblefield
Minshall	Rees	Stuckey
Mollohan	Reid, Ill.	Sullivan
Monagan	Reid, N.Y.	Symington
Moorhead	Reifel	Taft
Morgan	Reuss	Taylor
Morse	Rhodes	Teague, Calif.
Morton	Riegle	Teague, Tex.
Mosher	Robison	Thompson, N.J.
Moss	Rodino	Tiernan
Murphy, Ill.	Roe	Tunney
Murphy, N.Y.	Rogers, Colo.	Udall
Myers	Rogers, Fla.	Van Deerlin
Natcher	Rooney, N.Y.	Vander Jagt
Nelsen	Rooney, Pa.	Vanik
Nix	Rosenthal	Vigorito
Obey	Rostenkowski	Waldie
O'Hara	Roth	Watts
O'Konski	Roybal	Weicker
Olsen	Ruppe	Whalen
O'Neill, Mass.	Ryan	White
Ottinger	St Germain	Whitehurst
Patten	Scheuer	Widnall
Pepper	Schneebeli	Wilson, Bob
Perkins	Shipley	Wolff
Pettis	Sisk	Wright
Philbin	Slack	Wydler
Pickle	Smith, Iowa	Yates
Pike	Snyder	Yatron
Pirnie	Springer	Young
Podell	Stafford	Zablocki
Powell	Staggers	Zion
Preyer, N.C.	Stanton	Zwach

NAYS—132

Abbitt	Fisher	Passman
Abernethy	Flowers	Patman
Alexander	Flynt	Poage
Andrews, Ala.	Foreman	Poff
Ashbrook	Fountain	Price, Tex.
Baring	Frey	Purcell
Belcher	Fuqua	Quillen
Berry	Goldwater	Randall
Betts	Goodling	Rarick
Bevill	Green, Oreg.	Rivers
Blackburn	Griffin	Roberts
Blanton	Gross	Ruth
Brinkley	Grover	Sandman
Brock	Hagan	Satterfield
Broyhill, N.C.	Haley	Saylor
Broyhill, Va.	Hall	Schadeberg
Buchanan	Hammer-schmidt	Scherle
Burke, Fla.	Harsha	Scott
Burleson, Tex.	Henderson	Sebelius
Byrnes, Wis.	Hull	Shriver
Caffery	Hunt	Sikes
Camp	Hutchinson	Skubitz
Casey	Ichord	Smith, Calif.
Chappell	Jarman	Smith, N.Y.
Clawson, Del	Johnson, Pa.	Steiger, Ariz.
Collier	Jonas	Stephens
Collins	Jones, N.C.	Talcott
Colmer	Jones, Tenn.	Thompson, Ga.
Conable	Landgrebe	Thomson, Wis.
Crane	Landrum	Ullman
Cunningham	Lennon	Waggonner
Daniel, Va.	Long, La.	Wampler
Davis, Ga.	McClure	Watkins
Davis, Wis.	Mahon	Watson
Dellenback	Mann	Whalley
Denney	Marsh	Whitten
Dennis	Martin	Wiggins
Derwinski	Mayne	Williams
Devine	Michel	Winn
Dickinson	Mills	Wold
Dorn	Mize	Wyatt
Dowdy	Mizell	Wylie
Downing	Montgomery	Wyman
Edwards, Ala.	Nichols	
Eshleman		

NOT VOTING—25

Bush	Dent	Nedzi
Carey	Erlenborn	O'Neal, Ga.
Chisholm	Gaydos	Pelly
Clark	Gettys	Pollock
Conyers	Hébert	Roudebush
Cowger	King	Schwengel
Cramer	Kirwan	Wilson, Charles H.
Culver	Lukens	
Dawson	McMillan	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Schwengel for, with Mr. Hébert against.
Mr. Cowger for, with Mr. McMillan against.
Mr. Gaydos for, with Mr. King against.
Mr. Nedzi for, with Mr. Cramer against.

Until further notice:

Mr. Carey with Mr. Bush.
Mr. Culver with Mr. Erlenborn.
Mr. Dent with Mr. Pelly.
Mr. Gettys with Mr. Pollock.
Mr. Clark with Mr. Roudebush.
Mr. O'Neal of Georgia with Mr. Lukens.
Mr. Kirwan with Mrs. Chisholm.
Mr. Charles H. Wilson with Mr. Conyers.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

POSTAL REORGANIZATION AND SALARY ADJUSTMENT ACT OF 1970

Mr. DULSKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 17070) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 17070, with Mr. PRICE of Illinois in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read through the first section ending on page 156, line 14, of the committee substitute amendment.

AMENDMENT OFFERED BY MR. WRIGHT

Mr. WRIGHT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WRIGHT: Strike out all after the enacting clause and insert in lieu thereof the following:

"SEC. 1. The compensation for each person employed by the Post Office Department is hereby increased by 8 per centum per annum.

"SEC. 2. Any person who, being an employee of the Post Office Department, shall participate in any illegal strike against the Post Office Department following the date of enactment of this Act, shall forfeit his employment by such act and shall thereafter be ineligible for employment or reemployment by the Post Office Department.

The CHAIRMAN. The gentleman from Texas (Mr. WRIGHT) is recognized.

Mr. KAZEN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Seventy-two Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 177]

Adair	Fulton, Tenn.	Ottinger
Ashley	Gaydos	Patman
Baring	Gilbert	Pelly
Bell, Calif.	Hall	Pepper
Bray	Hanna	Pollock
Brock	Hébert	Powell
Bush	Holifield	Reid, N.Y.
Carey	Hosmer	Rivers
Cederberg	King	Rooney, N.Y.
Celler	Kirwan	Rooney, Pa.
Chamberlain	Leggett	Roudebush
Clark	Long, Md.	Schwengel
Clay	McCarthy	Smith, Calif.
Cohelan	McCulloch	Springer
Cowger	McEwen	Staggers
Cramer	McMillan	Talcott
Culver	Meskill	Ullman
Daddario	Mikva	Weicker
Daniels, N.J.	Miller, Calif.	Wilson, Charles H.
Dawson	Murphy, N.Y.	Zion
Dent	Myers	
Erlenborn	Nedzi	
Evins, Tenn.	O'Neal, Ga.	

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 17070, and finding itself without a quorum, he had directed the roll to be called, when 363 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Texas (Mr. WRIGHT) is recognized for 5 minutes.

Mr. WRIGHT. Mr. Chairman, this amendment is the essence of simplicity. It may be the best and most direct way for the House to resolve the principal problem that it wants to resolve, without having to accept a lot of unacceptable provisions that appear in both the committee bill and the Udall administration substitute.

This amendment would strike everything after the enacting clause and insert in lieu thereof two very simple and straightforward provisions.

First of all, it would increase the pay of everyone employed by the Post Office Department by 8 percent.

Second, it would provide that following the enactment of this act, any person who participates in an illegal strike against the Post Office Department of the United States shall thereby forfeit his position of Federal employment and shall thereafter be ineligible for employment or reemployment by the Post Office.

Let us just face the facts.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to my friend, the gentleman from Florida.

Mr. HALEY. That is the law now, is it not, if it were enforced?

Mr. WRIGHT. I will respond to the gentleman that there is in the law a stipulation that anyone striking against the Government may be required to forfeit his rights of employment, but it is my impression that present law does not make this forfeiture mandatory.

Mr. HALEY. I thank the gentleman.

Mr. WRIGHT. Quite obviously, many