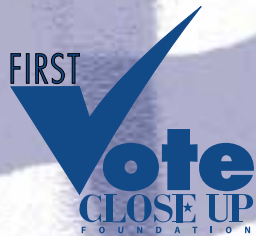




**THE 26TH AMENDMENT:
PATHWAY TO
PARTICIPATION**



CLOSE UP FOUNDATION
sponsor of
FIRST VOTE

**In Partnership with
American Express
2001**

Close Up Foundation

The Close Up Foundation, a nonprofit, nonpartisan, civic education organization, informs, inspires, and empowers people to exercise the rights and accept the responsibilities of citizens in a democracy. Close Up connects individuals of all ages to their communities and institutions through challenging educational programs and products. By building partnerships with the education community, the private and philanthropic sectors, and all branches and levels of government, Close Up makes civic participation a dynamic and meaningful experience.

The 26th Amendment and First Vote

To fulfill the promise of the 26th Amendment, the Close Up Foundation, with support from American Express, sponsors First Vote, the country's largest, classroom-based voter registration and civic education program for high school students. Close Up provides participating schools with an inspirational First Vote video and teacher resource guide free of charge. All age-eligible students are given an opportunity in the classroom to register to vote. Through First Vote, the Close Up Foundation seeks to ensure that all students graduate from high school with a diploma in one hand and a voter registration card in the other.

First Vote

Kenneth I. Chennault
Chairman
President and
Chief Operating Officer
American Express Company

Stephen A. Janger
Vice Chairman
President and
Chief Operating Officer
Close Up Foundation

THE 26TH AMENDMENT

In 1971, the 26th Amendment granting 18- to 20-year-olds the right to vote swept through Congress and the states faster than any previous constitutional amendment. The driving force behind the measure came in large part from the country's youth who raised troubling questions about the legitimacy of a representative government that asked 18- to 20-year-olds to fight and die in the Vietnam War but denied them the right to vote on war-related issues. The voting issue had emerged during both World War II and the Korean War, but never before had youth joined in the public debate with such passion and conviction.

Historical Background

Attempts to lower the voting age have flourished in wartime and languished in peacetime. The first effort came soon after the Civil War when a delegate to the New York Constitutional Convention argued that 18-year-olds should be granted the vote because "we hold men at 18 liable to the draft and require them to peril their lives on the battlefield."

Modern congressional efforts to enfranchise 18-year-olds began in 1942, with Senator Arthur Vandenberg (R-Ohio) proposing a constitutional amendment to lower the voting age to 18, arguing that "if young men are to be drafted at 18 years of age to fight for their government, they ought to be entitled to vote at 18 years of age for the kind of government for which they are best satisfied to fight." In the House, Representative Jennings Randolph (D-W.Va.), who would come to be known as the grandfather of the movement to lower the voting age, introduced a similar measure. Neither measure was acted upon by Congress; however, in 1943, Georgia decided to allow 18-year-olds to vote in all elections.

The Korean War in the early 1950s gave rise to the next effort to lower the voting age. President Dwight D. Eisenhower championed the idea in his 1954 State of the Union address, "For years, our citizens between the ages of 18 and 21 have, in time of peril, been summoned to fight for America. They should participate in the political process that produces this fateful summons." Randolph, by then a U.S. senator, once again introduced a constitutional amendment. The proposal received serious consideration in the Senate, but fell short of the

required two-thirds majority. Kentucky, however, joined Georgia in extending the vote to 18-year-olds. The fact that a second conservative southern state granted 18-year-olds the vote helped pave the way for later action.

Through the 1960s, pressure to lower the voting age continued to build. The political and social upheaval fueled by the Vietnam War gave new credibility to the time-honored theme of the movement to lower the voting age. Not only were young Americans once again asked to risk their lives at war, but this time the war failed to unify the country or receive broad-based public support. In fact, opposition to the Vietnam War made the issue of sending 18-year-olds to war while denying them the opportunity to fully participate in the political process even more difficult to defend. During the 1968 general election campaign, both the Democratic Party and the Republican Party platforms supported the extension of voting rights to 18-year-olds, reflecting an evolution in the American public's attitude: a Gallup poll in March 1969 found that 64 percent supported the 18-year-old vote, as opposed to only 17 percent in 1939.

The Route to Congressional Passage

Immediately following the 1968 campaign, the effort to lower the voting age shifted to the states. Initiatives and referenda on amendments to state constitutions were placed on many state ballots. The results of these measures were mixed—a number of states rejected the proposal, either strictly on its merits or, in many cases, because it was linked to some other proposal that did not enjoy widespread support. However, the impetus for change did not wane. Instead, supporters shifted their efforts back to the federal level.

At this point, there was little disagreement in Congress about the wisdom of lowering the voting age; instead, the focus was on how best to accomplish it. The clearest path was to enact a constitutional amendment.

In the congressional debate, the arguments in favor of lowering the voting age were distilled into five basic points.

1. Eighteen-year-olds deserve to vote. Theodore Sorensen, former special counsel to President John F. Kennedy, testified that “The brunt of fighting and dying in a prolonged and unpopular war falls with particular force on those between the ages of 18 and 21. To them, the debate over Vietnamization, re-escalation, and negotiation is not just a matter of party politics or

abstract foreign policy—it is literally a matter of life and death. Yet they have no voice whatever in the process which determines whether they live or die. If taxation without representation was tyranny, then conscription without representation is slavery.”

- 2. Eighteen-year-olds are treated as adults in other respects.** Eighteen-year-olds were able to make contracts, get married, and buy property and were required to pay taxes and be held responsible for their criminal acts.
- 3. Eighteen-year-olds are well qualified.** The historical reliance on 21 as the age of adulthood can be traced to the eleventh century when it was thought that one had to be 21 years old to be strong enough to wear armor. However, by 1970, this rationale for defending the 21-year-old voting age had no currency. Eighteen-year-olds were considered physically, emotionally, and educationally prepared to participate fully in adult life, including the electoral system. The educational attainment of 18- to 21-year-olds was emphasized—nearly half had some higher education by 1970, and more than 80 percent had graduated from high school.
- 4. Granting the vote will combat youth alienation.** At the end of the 1960s, many young people felt disaffected and disenfranchised, as if they had no stake in the political process. Public concern about unrest among youth was high—a Gallup poll in 1970 found that student unrest had eclipsed inflation, the Vietnam War, and racial tensions as the public's paramount concern. Many inside and outside of Congress argued that granting 18-year-olds the vote would redirect the energy and anger of America's youth into electoral politics, a more acceptable channel for political expression.
- 5. Eighteen-year-old voters will benefit democracy.** The idealism and commitment of young people were viewed as benefits for the political process by bringing a new viewpoint into the political debate. Harvard law professor Paul Freund noted that “we need to channel the idealism, honesty, and openhearted sympathies of these young men and women, and their informed judgments, into responsible political influences.”

Support for the proposed constitutional amendment coalesced quickly. Senator Randolph again proposed the amendment and soon gathered enough Senate cosponsors to pass the measure with more than the necessary two-thirds majority. The major obstacle to final congressional action was

Representative Emmanuel Celler, chair of the House Judiciary Committee, a staunch opponent of the proposal who had routinely killed the measure in committee. Representative Celler thought that “Young people are idealists. They tend to see things as black and white. That makes it easy to manipulate them.” Proponents of lowering the voting age feared that Representative Celler would scuttle the legislation once again.

At this point, Senator Edward Kennedy suggested that Congress could enact the 18-year-old vote by statute rather than by the more cumbersome route of constitutional amendment. The statutory approach was also attractive because it could be attached to the Voting Rights Act of 1970, a piece of legislation that Representative Celler actively supported. Senator Kennedy’s theory, based largely on the Supreme Court’s decision in *South Carolina v. Katzenbach*, was that Congress could use its power under Section 5 of the 14th Amendment to extend the right to vote to 18-year-olds. In *South Carolina v. Katzenbach*, the Supreme Court determined that banning literacy tests was an appropriate exercise of congressional authority under Section 5 of the 14th Amendment. Senator Kennedy suggested that Congress apply this theory by including the 18-year-old vote as part of the Voting Rights Act extension due in 1970.

Both houses passed the legislation, and President Nixon signed it into law, though he continued to voice skepticism about the constitutionality of lowering the voting age through statute.

The 1970 Voting Rights Act called for expedited Supreme Court review of the constitutionality of the statutory approach to lowering the voting age. On December 21, 1970, a deeply divided Supreme Court handed down its ruling on this issue in *Oregon v. Mitchell*. Four Justices maintained that under the previous interpretation of Section 5 of the 14th Amendment, Congress did indeed have the authority to extend the vote to 18-year-olds for all elections. Another four Justices said that Congress had no such authority to establish voter qualifications. Justice Hugo Black cast the deciding vote and wrote the majority opinion. He found that Congress could set voter qualifications for federal elections but that Congress had no authority to establish voter qualifications for state and local elections. In other words, extending the franchise to 18-year-olds for all elections would require a constitutional amendment.

Because the Court’s decision raised the prospect of a complicated, costly dual voting system, Congress recognized that it was necessary to move immediately on a constitutional amendment to standardize the law.

Final Congressional Action on the Proposed Constitutional Amendment

Senator Randolph proposed the amendment as soon as Congress convened in January 1971. The Senate Judiciary Committee held hearings in February. The focus of the hearings was on the need for speedy action because of the difficulties and costs associated with dual voting systems. The proposed constitutional amendment reached the floor of both houses of Congress in March 1971; the Senate passed the resolution on March 10 by a vote of 94 to 0, and almost two weeks later, the House of Representatives followed suit by a vote of 401 to 19.

State legislatures then set about ratifying the 26th Amendment in record time. Five states (Connecticut, Delaware, Minnesota, Tennessee, and Washington) ratified the amendment on the day it passed the House. In fact, Minnesota and Delaware had a disagreement about which was the “first state to ratify”—the Minnesota Senate voted to ratify the amendment at 3:04 p.m., and just ten minutes later the Minnesota House completed the state’s ratification of the amendment. However, officials in Delaware argued that Minnesota actually moved too fast and that Congress had not really *proposed* the amendment until 3:40 p.m. when the president pro tem of the Senate signed the measure, thus making Delaware the first state to properly ratify the 26th Amendment. In total, ratification by the states took only ninety-nine days—twice as fast as the ratification of any previous amendment. The 15th Amendment, which gave black American men the right to vote, took more than eleven months to ratify; the 19th Amendment, which extended the right to vote to women, took nearly fifteen months.

Final ratification came on June 30, 1971. Several states jostled for the honor of being the 38th state (two-thirds majority) to ratify the amendment. The Ohio legislature convened a special evening session for that specific purpose. The Oklahoma legislature was meeting at the same time, so Ohio legislators cut short their debate in order to vote before the Oklahoma legislature could

act. With a leading Republican proponent urging the legislature that “tonight you have the opportunity to enfranchise the largest group of Americans since women were given the vote,” the Ohio House of Representatives ratified the amendment at 8:05 p.m.

President Richard Nixon responded to final ratification of the 26th Amendment by saying: “Some 11 million young men and women who have participated in the life of our nation through their work, their studies, and their sacrifices for its defense now are to be fully included in the electoral process of our country. I urge them to honor this right by exercising it—by registering and voting in each election.”

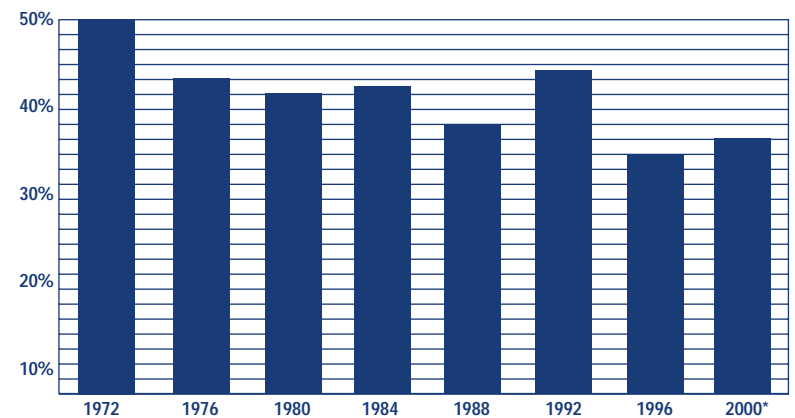
The Decline in Youth Voting and Prospects for Greater Participation

The high expectations associated with the adoption of the 26th Amendment have not yet been realized. Today, American youth are less likely to exercise the most basic tool of political participation—the vote. Youth voting has declined significantly since the 1972 election, when almost 50 percent of 18- to 24-year-olds cast a ballot. In the 2000 election, it is estimated that less than 35 percent went to the polls.

The decline in youth voting over the last twenty-five years parallels the decline in voting among the population overall. Analysts have pointed to a number of possible reasons: a disillusionment with politics in the aftermath of the Vietnam War and the Watergate scandal; the end of the draft; mean-spirited campaigns dominated by thirty-second attack ads; and the atrophy of mediating institutions such as civic organizations, mainline churches, labor unions, and political parties.

Among youth, some observers have cited additional reasons: the possibility that Generations X and Y are more interested in personal matters than in political participation and that these inward-looking tendencies have been reinforced by some parents, teachers, and other adults who have also turned their backs on the political process. The latter is especially troubling since it is essential that each generation takes responsibility to educate and inspire the next generation in the values, importance, and practice of informed citizenship.

At the Close Up Foundation, we are committed to working with educators and others to reconnect young people, democracy’s next generation, to civic participation. We are also committed to reversing the downward trend in youth voting through First Vote, a classroom-based program of voter education and registration for high school students developed in partnership with American Express. The goal is simple, but also ambitious and important: every student should leave high school with a diploma in one hand and a voter registration card in the other. The fulfillment of this goal in the first decade of the new millennium is no less important than the passage of the 26th Amendment was three decades ago.



18- to 24-Year-Old Voter Rates

* estimated

DATES OF STATE RATIFICATION OF THE 26TH AMENDMENT, 1971

| | | |
|--|---|---|
| March 23 Connecticut Delaware Minnesota Tennessee Washington | April 8 Alaska Maryland Indiana April 9 Maine April 15 California April 16 Vermont April 17 Louisiana April 27 Colorado Pennsylvania Texas South Carolina | May 27 Rhode Island June 2 New York June 4 Oregon June 14 Missouri June 17 Wisconsin June 29 Illinois June 30 Alabama North Carolina Ohio July 1 Oklahoma July 8 Virginia Wyoming October 4 Georgia |
| March 24 Hawaii Massachusetts | | |
| March 29 Montana | | |
| March 30 Arkansas Idaho Iowa | | |
| April 2 Nebraska | | |
| April 3 New Jersey | April 28 West Virginia | |
| April 7 Kansas Michigan | May 13 New Hampshire May 14 Arizona | |

Ratified on June 30, 1971.

STATES THAT NEVER RATIFIED THE 26TH AMENDMENT

| | | |
|-------------|--------------|--------------|
| Florida | Nevada | South Dakota |
| Kentucky | New Mexico | Utah |
| Mississippi | North Dakota | |



First Vote

**Close Up Foundation
44 Canal Center Plaza
Alexandria, VA 22314**

Tel: 888-706-3300 • Fax: 703-706-3329 • www.closeup.org

