

**SENATOR
SAM ERVIN
SAYS**



Senate debate on the extension of the controversial Voting Rights Act of 1965 moved in a new direction last week. By a 64 to 17 vote Majority Leader Mansfield won approval of a constitutionally questionable amendment allowing 18-year-olds the right to vote. The

amendment is subject to a Senate - House conference where house opposition to the 18-year-old vote is said to be strong.

I voted against the statutory change allowing 18-year-olds to vote for two reasons.

First, it seems to me that if the Constitution has any vitality, this provision is plainly unconstitutional. The Senate has pending in Committee S. J. Res. 147, which would submit to the States a constitutional amendment setting the voting age at 18 years throughout the Nation. If we are to deal with this issue, S. J. Res. 147 has the virtue of following the prescribed method for changing our basic constitutional law. On the other hand, the Mansfield amendment, by taking the statutory approach, runs counter to four express provisions of the Constitution. These are: Article I, section 2, Article II, section 1, and the Tenth and Seventeenth Amendments to the Constitution, which spell out in unequivocal language that the States have the power to prescribe qualifications for voting, subject only to the condition that race or sex cannot be used to deny any individual the right to vote.

Second, I think it is unwise to deal with the 18-year-old voting amendment in summary fashion. A change of this magnitude deserves considerable study, and the Mansfield amendment was not even referred to the Judiciary Commit-

tee for review prior to its consideration.

In saying these things, I recognize that there are compelling arguments that 18-year-olds ought to be permitted to vote, because many of our 18-year-olds possess greater educational opportunities than existed two centuries ago. It is said, too, that if a young man can be compelled to enter the service of his country prior to his 21st birthday, he ought to be permitted to vote, and decide who shall represent him in the government of his community, State, and Nation. But there is more to the matter than this.

Any legal age requirement contains a debatable arbitrariness over the standard of maturity. The fact is that much of our present law governing property, business, and contracts is founded upon the English common law precept that 21 years is the legal age for adult judgments. True, four States of the Union--Georgia, Kentucky, Alaska, and Hawaii--permit voting before 21 years. Still, 46 states have set 21 years as their voting age, and this fact alone ought to give Congress pause before it arbitrarily writes a new voting requirement for the entire nation.

The issue now goes to the House, where it is to be hoped that constitutional reverence

will prevail. If not, the Courts may have to say whether there is any meaning left to four provisions of the Constitution which delegated to the States the power to determine voting qualifications.

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