

Responsible Voting Age

Voting, and the right to do so, has long been a controversial topic of debate in the United States of America. So much so that there are five amendments to the Constitution that directly affect voting rights. They are the fifteenth, nineteenth, twenty-third, twenty-fourth and twenty-sixth amendments. I would like to suggest yet another amendment to the Constitution in regards to the age in which a citizen should become eligible to vote. I would suggest raising the voting age from eighteen years of age to twenty-five years of age.

Voting in the United States has a long legal history and requires us to go back and examine the Constitution and other amendments that led up to the Twenty-Sixth Amendment. When the founders signed the Constitution in 1788, they left the specifics of voting up to each individual state. Most states only allowed white land owning males to vote. In some states, a person was required to own a certain number of acres to vote. In other states, the land owned had to be of a certain value in order for the owner to gain the right to vote. These restrictions excluded large numbers and groups of people.

In 1868, the Fourteenth Amendment to the Constitution briefly mentioned male inhabitants age for voting as being twenty-one years of age. While the Fourteenth Amendment did not directly affect or change voting rights, it would prove to be an amendment that would be referenced many times when debating voting rights due to its protection of citizen's rights and liberties, which would be interpreted to include voting rights.

In 1870, with the passing of the Fifteenth Amendment, African American males gained the right to vote. The first state to allow African American men to register to vote was Nevada in 1869. On March 31, 1870, Thomas Mundy Peterson of Perth Amboy, New Jersey became the first black person to vote under the authority of the fifteenth amendment. Tennessee was the last state to let African American men register to vote in 1897. Despite this amendment being passed, many people in the South barred the African Americans from voting through various forms of discrimination. Some states required African Americans to recite the entire Constitution while others required them to take literacy tests. It wasn't until August 6, 1965, when the Voting Rights Act was signed into law by President Lyndon B. Johnson that things

began to change. The law aimed to overcome legal barriers at the state and local levels that prevented African American from voting. It also ended such requirements as the literacy tests. African Americans would soon be able to exercise their right to vote as guaranteed under the authority of the Fifteenth Amendment.

Women also had a hard time gaining their right to vote. All over the United States, female activists were infuriated that black males received the right to vote before they did. This sparked a revolution for women everywhere. As far back as the 1820s, some women wanted to do more than housework, but as hard as they tried men would not accept women into politics. Women were arrested and thrown into jail for protesting for their right to vote, and as a result got treated in despicable ways. Some of the prominent women involved in the protests were Elizabeth Cady Stanton and Susan B. Anthony. These two women helped form the National Women's Suffrage Association. Finally, on August 18, 1920, Congress ratified the Nineteenth Amendment giving women the right to vote. Wyoming was the first state to grant voting rights to women and the first state to elect a female governor who also served as the first woman director of the U.S. Mint. Tennessee was the last state to ratify the Nineteenth Amendment. The passing of the Nineteenth Amendment opened the doors for women to become Secretary of State, United States Senate officials, mayors and other important leaders. Thanks to these amazing women, all women in the United States of America now have the opportunity to serve in many different levels of our government.

Voting even had its issues in Washington D.C. The U.S. Constitution did not grant the District of Columbia representation in Congress because they were not a state. They argued for their right to vote with the help of the District of Columbia League of Women Voters. Congress proposed the Twenty-Third Amendment on June 17, 1960, and it was ratified nine months and twenty-nine days later on March 29, 1961. The District of Columbia voted for the first time in the 1964 Lyndon Johnson versus Barry Goldwater presidential election; Johnson came out on top.

Between the years of 1889 and 1910, many of the Southern states enacted poll taxes that required all people to pay a small amount of money just to vote. Many people in the south

wanted the poll tax as a way to prevent African Americans, as well as poor whites, from voting. This is also when the literacy tests, mentioned early, first made their appearance as another way to make it harder for African Americans to vote. These literacy tests were used to deny suffrage to African Americans from 1890 all the way through 1960. President Lyndon B. Johnson was not happy about this procedure. He said, "There can be no one too poor to vote." This brings us to the Twenty-Fourth Amendment which ended poll taxes. Mississippi was the only state that rejected the amendment but Congress had the power to enforce the amendment in all of the United States elections. The poll tax was eliminated on January 23, 1964. Thanks to this Amendment we no longer have to pay a poll tax in order to cast our ballot.

It was not until World War II that the debate to lower the voting age began. In 1942, the United States lowered the draft age to include eighteen year olds. It was during this time that we first heard the slogan "Old enough to fight, old enough to vote." Later, during the Vietnam War this same slogan was adopted by student activists. Congress proposed an extension to the Voting Rights Act of 1965, to lower the voting age in federal, state, and local elections to eighteen. This sparked controversy.

While President Richard Nixon signed the amendment to the Voting Rights Act of 1965, that lowered the voting age to eighteen in federal, state and local elections, he issued a public statement declaring that he believed the provision to be unconstitutional. While he was in favor of eighteen year olds having the right to vote, he believed that Congress had no power to enact it by simple statute, but that it required a constitutional amendment.

The states of Oregon, Arizona, Idaho and Texas sued claiming that this was infringing on their rights. Oregon versus Mitchell was argued on October 19, 1970. Lee Johnson was the petitioner for Oregon and John Mitchell was the Attorney General of the United States. The Court held that the Framers of the Constitution intended for Article One Section Four to grant the states the power to make the laws that govern elections and for Congress to alter the laws if necessary. While Justice William O. Douglas disagreed with the majority ruling to reduce voting age in state and local elections he argued that because voting is a "fundamental right" under the Equal Protection Clause of the Fourteenth Amendment, Congress had the authority

to legislate the voting age at the state level as well as the federal level. In a lengthy dissent from Justice John M. Harlan, he disagreed with Congress' ability to impose regulations on the voting age and said that this was a right reserved for the states. Harlan did agree with the majority opinion to no longer allow the literacy tests. Justice William J. Brennan, Jr., Justice Byron R. White, and Justice Thurgood Marshall all disagreed with the majority's opinion that Congress cannot set the voting age in state and local elections. They stated that while the states have the right to determine qualifications for voting, Congress has the right to legislate the exercise of this power under the Equal Protection Clause. Justice Potter Stewart also disagreed with the majority opinion. He did not believe that Congress could legislate voting in federal elections and that the framers intended this right to be reserved for the State. He further stated that the Constitution does not allow Congress to supersede that right without a compelling interest and he did not believe age qualified as a compelling interest.

Ultimately, the court decided that Congress did have the right to enact the amendments that change the voting age for federal elections, but not state and local elections. The court also agreed to abolish literacy tests at the polling locations and abolish state residency requirements for presidential and vice presidential elections.

Shortly after the court's decision, Jennings Randolph, who was a democratic congressman from West Virginia, re-introduced federal legislation to lower the voting age to eighteen years of age. He had tried to introduce this same legislation many times before, dating back to 1942. Randolph said that he had faith in the American youth. He also said, "They possess a great social conscience, are perplexed by the injustices in the world and are anxious to rectify those ills."

According to the Senate Report, the Twenty-Sixth Amendment was proposed for three main reasons. The first stated that "younger citizens are fully mature enough to vote." The second claimed that eighteen year olds "bear all or most of an adult's responsibilities." The third stated that younger people should be given the opportunity "to influence our society in a peaceful and constructive manner."

On March 10, 1971, the United States Senate voted unanimously in favor of the proposed Twenty-Sixth Amendment that lowered the voting age to eighteen. The Twenty-Sixth Amendment then passed the House by a vote of 401 to 19 on March 23, 1971. It then went to the states for ratification and President Richard Nixon signed it into law in July. Compared to the other amendments, Amendment Twenty-Six had the shortest ratification process of all other amendments – just over two months. The state of Georgia had already lowered its voting age from twenty-one to eighteen back in 1943. Ohio and North Carolina were the last states to approve the Twenty-Sixth Amendment before the official ratification took effect on July 1, 1971.

With this long history of debate over the appropriate voting age, I would like to amend the Twenty-Sixth Amendment to raise the voting age from eighteen years of age to twenty-five years of age. I believe that two of the three main reasons for proposing the Twenty-Sixth Amendment are no longer valid. The first reason was that “younger citizens are fully mature enough to vote.” I don’t believe this is true any longer. The second reason was that eighteen year olds “bear all or most of an adult’s responsibilities.” I don’t believe this is true any longer either. I would also propose that this age group has not utilized their right to vote very well. Studies show that from 1972-2016, eighteen to twenty-four year olds who voted in Presidential elections have steadily decreased from fifty percent to thirty-nine percent.

Additionally, studies show that when you are twenty-five years old, the rational part of your brain has fully developed. The cerebral cortex of the brain is responsible for the higher thought processes and the left hemisphere is the rational side associated with logical and analytical thinking. I believe voting uses the rational half of the brain to analytically think.

I believe that eighteen year olds don’t care what they vote for or why they vote for a particular person. I think that many go out and bubble in a circle just to tell people that they voted. When you vote for a person you cannot do it carelessly. At the age of twenty-five life hits you with its large fist and wakes you up to tell you that you are not eighteen anymore. Hopefully by this age you have realized that your decisions have consequences. Some may even be long lasting or life altering. At the age of twenty-five I do believe one is mature enough to

vote and I do believe that at the age of twenty-five one bears all or most of an adult's responsibilities.

Susan B. Anthony said, "Someone struggled for your right to vote, use it." Many people have paved the way for us to have the right to vote. Your vote counts so make it make a difference.

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