The House met at 12 o'clock noon.

Rev. Chester E. Swor, director, Christian Life Crusade, Jackson, Miss., offered the following prayer:

If any of you lack wisdom, let him ask of God, that giveth to all men liberally, and upbraideth not; and it shall be given him. —James 1: 5.

Let us pray.

Heavenly Father, we thank Thee for the gift of minds with which to reason. May we enlink, our finite minds today to Thy infinite wisdom, that we may think unerringly.

We thank Thee for souls, out of which conscience speaks to guide us. Permeate us with Thy righteousness, that we may decide honestly.

We thank Thee for the endowment of willpower to act as wisdom and righteous- ness may command, and to act so that the destiny of our beloved Nation may stand on the solid rock of wisdom, and not on the shifting sands of expediency. Bless our President, our Congress, our Nation.

We pray humbly, urgently. Amen.

THE JOURNAL

The Speaker. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

INTRODUCTION OF LEGISLATION TO ELIMINATE SENSELESS SLAUGHTER OF BABY SEALS AND OTHER OCEAN MAMMALS

Mr. Pryor of Arkansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. Pryor. I am pleased to join with Senator Harris and several of our House colleagues in introducing a bill today to eliminate the senseless slaughter of baby seals and other ocean mammals.

What we are concerned with today is not merely a conservation act to stop the brutality perpetrated on our ocean's mammals. Rather, in a larger sense, what we are doing is to initiate within the councils of our own Government, and hopefully throughout the world, a halt to the spiral of brutality which is too much within us all throughout the world today. A former U.S. Senator once said:

"We are dealing with more than the mere brutalization of animals; we are dealing with the brutalization of people who allow the perpetration of these acts.

Not long ago, I received a letter from a 6-year-old constituent soliciting my help in the movement we are beginning or, I should say, have begun today. In words so simple, yet so right to the substance, he begged:

"Please be kind to the seals and don't let them kill anymore."

Today we begin the effort to translate the wisdom of that 6-year-old boy into legislative action.

TEMPORARY EXTENSION OF CERTAIN PROVISIONS OF LAW RELATING TO INTEREST RATES AND COST-OF-LIVING STABILIZATION

Mr. Patman asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. PATMAN. Mr. Speaker, I have requested this time in order to explain the unanimous-consent request which I shall make at the conclusion of my remarks.

Mr. Speaker, as we know, the H.R. 4246 passed the House by a vote of 381 yeas to 19 nays on March 10, 1971. This bill extended regulation Q authority to March 31, 1973, and the discretionary authority for the President to impose wage-price controls until March 31, 1973. Authority under the regulation Q provisions of law expired effective midnight March 31, 1971, and authority under the discretionary wage-price controls expire if H.R. 4246 is not enacted on March 31, 1971.

H.R. 4246 passed the House on March 10 and was referred to the other body.

In order to prevent any hiatus before final enactment into law of H.R. 4246, the Senate, on March 2, passed and sent to the House Senate Joint Resolution 55 which, if enacted, would provide a temporary extension of regulation Q and discretionary wage-price controls until June 1, 1971. This Senate joint resolution was authored by the chairman and ranking majority member of the Senate Committee on Banking and Currency, Mr. Sparkman and Mr. Proxmire, and the ranking and second ranking minority members of the committee, Mr. Tower and Mr. Bennett.

Mr. Speaker, this temporary extending resolution should be enacted if for no other reason in this instance, the financial community would like to see regulation Q authority extended so that any possibility of chaos ensuing from a temporary cease of authority would be avoided.

This resolution provides for no new laws which have not been previously considered by the Congress. It merely will bridge the gap between the cutoff period of March 31, for regulation Q control and March 31 for discretionary wage-price authority.

The basic legislation of H.R. 4246 was fully endorsed by the administration and I see no reason why this temporary resolution should not be adopted.

TEMPORARY EXTENSION OF CERTAIN PROVISIONS OF LAW RELATING TO INTEREST RATES AND COST-OF-LIVING STABILIZATION

Mr. Patman, Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 55) to provide a temporary extension of certain provisions of law relating to interest rates and cost-of-living stabilization.

The Clerk read the title of the Senate joint resolution.

Mr. Speaker. Is there objection to the request of the gentleman from Texas?

Mr. Gross. Mr. Speaker, reserving the right to object — for I shall object. I am not at all impressed by the gentleman's latest horror and chaos story.

Mr. Speaker, I object.

The Speaker. Objection is heard.

WEEK OF CONCERN FOR POW'S

Mr. Pinnick asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.

Mr. Pinnick. Mr. Speaker, the heart of our Nation beats with sympathy for our nearly 1,600 American servicemen held captive or missing in Southeast Asia. This week of national concern serves as a reminder of their sacrifices and commits us to their continuing support.

During these past years and increasingly in recent months our concern has mounted over the plight of these men. We are very proud of their conduct and their faithful adherence to the high standards set forth in the U.S. Code of Conduct. The great masturbating of the Vietnam War have displayed, while enduring the unspeakable mental and physical hardships of captivity, is in keeping with the highest traditions of our armed services and our country. They deserve our prayers and support.

The attention of all Americans centers on these men as we join together in prayer that they will soon be returned to their families and loved ones. We seek to give visible evidence of this country's determination to gain their freedom. Our dedication should be manifested by continuous pressures for their release through every possible channel. The first step is to press the North Vietnamese to provide all POW's the humane treatment required under the rules of the Geneva Convention. We must serve notice on Hanoi that we are united in our determination to secure their release. Our country is committed to this objective.

WESTERN UNION SERVICE: BAD AND GETTING WORSE

Mr. Pelly asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.

Mr. Pelly. Mr. Speaker, last June 25, I made a statement in the Record under the title, "Western Union Service to Congress Lag." The point was that information which I requested which was pending on the floor of the House did not reach me in time, despite the fact that a telegram had been sent in plenty of time.

Western Union sent a representative to investigate, and in a few days I received
We are also disturbed that the contractor turnover rate for Federal service contracts is reportedly in excess of 90 percent, resulting in extra costs to the Government and the erosion of the stability of labor-management relations in this industry. Even more disturbing are recent press reports that a notorious and repeated violation of the act is about to be relieved from the act's provisions that violators be placed on an ineligible bidder's list.

We intend to explore all of these matters fully and welcome testimony or statements from our colleagues.

**PAN AMERICAN DAY**

Mr. PASCEN. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 338.

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

There was no objection.

The Clerk read the resolution as follows:

_H. Res. 338_

Resolved, That the House of Representatives hereby designates Tuesday, April 20, 1971, for the celebration of Pan-American Day, on each day, after the reading of the Journal, remarks appropriate to such occasion may occur.

The resolution was agreed to.

A motion to reconsider was laid on the table.

**PERMISSION FOR COMMITTEE ON RULES TO FILE REPORTS**

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

**INCREASED CITIZEN'S CONCERN OVER DECREASE OF NATIONAL PRIORITIES**

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, last Thursday, business in Chicago prevented me from returning to Washington in time to participate in either of the two votes on the President's amendment to strike SST funds from the Department of Transportation Appropriation. If present, I would have voted for this amendment, I am on record as paired for the amendment.

At this time, I would like to congratulate my good friend and Chicago neighbor, Sir Yates, for his persistence in leading this fight against a strong and well-financed opposition. As one who has only recently changed his mind on the necessity of Government sponsorship of the SST, I would agree with my colleague, the gentleman from Illinois. Mr. Yates, I agree that this victory is the result of an increased citizen's concern over the direction of our national priorities. I hope that this vote signals the beginning of an increased citizen awareness and participation in government.

**LOWER THE VOTING AGE TO 18**

Mr. Celler. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union, for the consideration of the joint resolution (H.J. Res. 223) proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

**CALL OF THE HOUSE**

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

Mr. Celler. 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:

[Dwyr, Mr. Cohler, Mr. Bolling, Mr. Dick, Mr. Dowdy, Mr. Corbin, Mr. Collier, Mr. Collins, Mr. Corbett, Mr. Cornyn, Mr. Delaney, Mr. Delumin, Mr. Dent, Mr. Diggs, Mr. Dingell, Mr. Dowdy, Mr. Drinan, Mr. Dyer, Mr. Edwards, Mr. Caffin, Mr. McCullogh]

The SPEAKER. On this rollcall 378 Members have answered to their names, a quorum.

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

**LOWER THE VOTING AGE TO 18**

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 223) with Mr. Bolling in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

'The CHAIRMAN. Under the rule, the gentleman from New York (Mr. Celler) will be recognized for 1 minute; and the gentleman from Virginia (Mr. Poppen) will be recognized for 1 hour.'
March 23, 1971

CONGRESSIONAL RECORD — HOUSE

10 million potential voters, or approximately 8.5 percent of the resident population age 18 or over.

Although nine States today permit participation by the 18-to-20-year-old voter—Arkansas, Arizona, Colorado, Connecticut, Massachusetts, Minnesota, Montana, Washington, and Wisconsin—most other States require a 21-year age limit. Hawaii, Maine, and Nebraska require at least 20 years of age. A dual-age voting system will be expensive and administratively burdensome to operate. A recent nationwide survey among local election officials indicates that separate electoral facilities and procedures will have to be developed; separate Federal ballots would have to be prepared for each congressional district. Separate registration, separate voting and separate counting of the newly enfranchised present serious threats of uncertainty and delay in the tabulation of the election results in 1972. Additional voting machines may have to be purchased in order to accommodate the 18-to-20-year-old voter who at present is only permitted to vote in national elections. Mechanisms to lock levers in voting machines under State and local offices may have to be installed, or separate paper ballots listing only Federal candidates may have to be used. Resort to one or more of these procedures would involve additional personnel, additional training, and additional expense.

To suggest that these problems were "caused" by the enactment of the Federal statute or by the decision of the Supreme Court does not offer a constructive remedy to the problems States and localities now confront. Whatever new separate procedures and facilities ultimately are established, election officials estimate that the added costs to State and local governments will be substantial. Estimates of these expenses suggest a nationwide cost of approximately $20 million.

Although recent referendums in several States indicate popular disapproval of the 18-year-old vote, these decisions were made before the Supreme Court upheld the 18-year-old vote in Federal elections. Not only was the 18-year-old vote and the substantial administrative difficulties and expenses that such a system involves, inconceivable to the citizen across the Nation who now will opt for a dual voting system.

Indeed, many State legislatures today are attempting to bring their voting age qualifications into line with the Federal standards in time for the 1972 elections. In New York State, for example, a proposal to lower the voting age is scheduled to be voted on in a popular referendum later this year. I am advised that similar referendums appear also to be scheduled later this year in the States of Kansas, Maryland, and New Mexico. In other States, however, such efforts may fail to produce the desired voting age uniformity in time.

A revision of the State voting age qualification apparently requires an amendment to the State constitution in every State. Processing such a constitutional amendment differs from jurisdiction to jurisdiction. In at least 16 States the adoption of an amendment requires approval by two separate sessions of the State legislature to be followed by a referendum. If the State legislatures meet annually and a number of States require approval by two sessions of the legislature and because every State except Delaware requires a referendum to be held on a proposed amendment, it appears that more than 20 States will be unable to lower the voting age prior to November 1972.

Only an amendment to the U.S. Constitution of the type embodied in House Joint Resolution 223 can guarantee the uniformity of State and Federal voting age requirements by the next national election.

Although individual State efforts to achieve national voting age uniformity by 1972 by State constitutional amendment seem futile, there is a realistic possibility that adoption by the Federal legislature of the proposed new article of amendment now before the House may be ratified. More than 45 State legislatures are meeting this year, and substantially half of that number are scheduled to meet in 1972, and it is likely that special sessions in the fall of 1971 and the spring of 1972 will be held with the issue of reapportionment. A reasonable period, therefore, exists within which the State legislatures may ratify the proposed new article.

ACTION BY THE OTHER BODY

The Senate Judiciary Committee confirmed a Senate resolution to House Joint Resolution 223 as reported by the House Committee on the Judiciary. The Senate resolution, which is identical to House Joint Resolution 223, was approved unanimously by the other body—94 to 0—on Wednesday, March 10. Final action on the Senate resolution in this Chamber will permit prompt transmission of the proposed 26th amendment to the States for ratification.

ANALYSIS OF THE RESOLUTION

The resolution contains the customary provision that the proposed new article to the Constitution shall be valid as part of the Constitution only if ratified by the legislatures of three-fourths of the States within 7 years after it has been submitted to them by the Congress.

Section 1 of the proposed new article would prohibit the United States or any State from denying or abridging the right of citizens of the United States to vote on account of age if such citizens are 18 years of age or older. This provision is modeled after similar provisions in the 15th amendment, which outlawed racial discrimination at the polls, and the 19th amendment, which enfranchised women. The reference to "State" encompasses other governmental bodies within the State such as municipalities, sanitary districts, and school boards. The section contains the provision that the term "vote" includes all action necessary to make a vote effective in any primary, special or general election including, but not limited to, registration or other action required by law prerequisite to voting, casting a ballot, or having such ballot counted properly and included in the totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election.

Section 2 confers on Congress the power to enforce the article by appropriate legislation. Any exercise of power under this section must be "appropriate" to the effectuation of the article, but also must be consistent with the Constitution. This section does not preclude States from enacting legislation implementing the amendment so long as it is not inconsistent with congressional legislation. The power conferred upon Congress by this section parallels the reserve power granted to the Congress by numerous amendments to the Constitution.

Mr. Chairman, the proposed 26th amendment is part of a constitutional tradition of enlarging participation in our political processes. Its approval will eliminate substantial administrative burdens and costs which would otherwise be incurred by the States in the operation of a dual voting system. It will avoid the dangers of uncertainty and confusion inherent in such a system. For these reasons, I urge adoption of the resolution, now. I am confident that the States will ratify before the presidential elections of 1972.

I am informed that a number of the States, as it were, are waiting in the wings to make their bow by way of ratification of this so-called 26th amendment.

I wish to point out that there is a great ground swell for the 18-year-old voting amendment. This movement for voting by youths cannot be squashed. The same effort to stop the wave for the 18-year-old vote would be as useless as a telescope to a blind man. As I said before, even the august body called the House approved the amendment unanimously. Our Judiciary Committee approved the resolution 32 to 2.

It is anomalous that I, the eldest in this body in service, should pump for our youth. Youth will be served. That is an old, ancient saying, which is quite true today.

You know, youth wanes by increasing years, but the increase usually brings wisdom. Of course, I cannot be young again but the increase usually brings wisdom. Of course, I cannot be young again, but the increase usually brings wisdom. Of course, I cannot be young again, but the increase usually brings wisdom. Of course, I cannot be young again, but the increase usually brings wisdom. Of course, I cannot be young again, but the increase usually brings wisdom. Of course, I cannot be young again, but the increase usually brings wisdom. Of course, I cannot be young again, but the increase usually brings wisdom. Of course, I cannot be young again, but the increase usually brings wisdom. Of course, I cannot be young again, but the increase usually brings wisdom.
The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. Poff). Mr. Poff. Mr. Chairman, I yield myself 5 minutes.

Last year when this issue came into focus I announced my support of a constitutional amendment. I reaffirm my position today. And I am so pleased to read that the Congress did not proceed initially on that course, because the result of the course that was chosen has been near disastrous. The Congress erred in failing to take the constitutional amendment route, and then in the drafting of the statute itself, and the Congress erred in at least two particulars. The first error was in the language of the clause addressed to the 18-year-old franchise. That language limits its thrust and effect to primaries and elections. In doing so, it excludes from its impact other anterior steps in the voting process, including nomination, either by petition or by convention.

Finally, the Congress erred in confining the impact of its statute to the denial of the right to vote, when, in fact, if the House intended to be thorough, it should have also proscribed the abridgment of that right.

Now, in the shadow of the Court's decision, we are confronted with what is called, in shorthand terminology, dual voting. As the chairman has indicated, we face next year, unless this process, including nomination, either by petition or by convention,

Finally the Congress erred in confining the impact of its statute to the denial of the right to vote, when, in fact, if the House had intended to be thorough, it should have also proscribed the abridgment of that right.

Now, in the shadow of the Court's decision, we are confronted with what is called, in shorthand terminology, dual voting. As the chairman has indicated, we face next year, unless this process, including nomination, either by petition or by convention, is corrected, confusion, chaos, and possibly other difficulties at the polls.

We have three options as we choose a solution. We have only three. One would be to repeal the faulty statute passed last year and thereby reestablish within each State the voting age in both State and Federal elections. The second would be to allow the individual States individually to decide whether they could live with the duality problem or should adjust their laws to standarize the voting age at 18. And finally, we can standardize the voting age at 18 by approving this constitutional amendment. The third alternative, let us take it, is absolutely unrealistic. The second is altogether unlikely. The third is the only reasonable, feasible, functional choice.

As responsible legislators we must make that decision today. We must propose this constitutional amendment promptly and allow the individual States, as the Constitution explicitly provides, to make their own decision whether the Nation should attempt to live with this problem of dual voting or solve it by this change in our Federal Constitution.

Let me suggest that that change in no way offends our Federalism. On the contrary, it accords with it, because the States would have the opportunity in the amending process to make their own judgments. I repeat, it is the only mechanism by which the States can effectively resolve the dual age voting problem.

It is possible for them to do so seasonably. It will not be long before the primary and the State legislature must act, if they are to do so effectively, sometime before early spring of 1972.

The same frame seems to be very abbreviated, but let me suggest that of the 15 constitutional amendments after the Bill of Rights, 10 were ratified in a time frame of less than 14 months. So if we move promptly, it is reasonable to expect that we can conclude this job in a timely fashion.

Forty-three of the State legislatures are in session this year, and about half that number will be in session early next year. In addition to that, largely because of the problems connected with the decennial census and redistricting and reapportionment of the State legislatures, there are likely to be a number of special sessions of the legislatures in many of our States this fall, and early next year, so it is realistic to expect that we can, if we act now favorably, accomplish this goal in time to permit proper functioning of the voting process next year.

Last year, I believed that the Congress was taking an unwise and unconstitutional approach in attempting to lower the age qualifications for voting in 48 States by Federal statute. It was argued on the floor in this body and in the other body that the legislation was supported by the views of the four dissenting Justices. In the 14th amendment.

When the Supreme Court was confronted with this vexing question, a majority agreed that Congress could not create age qualifications for voting by statute under the 14th amendment. However, although a majority of five Justices found the Congress in error regarding its legal theory, Justices agreed with the Congress. Mr. Justice Black, one of the five Justices who said that the 14th amendment did not uphold the statute, found that the statute was valid—but only for Federal elections—under section 4, article I of the Constitution. And thus, ironically, a view espoused by only one Justice was combined with the views of four dissenting Justices to produce the result that the statute was in part constitutional and in part unconstitutional. In a sense eight Justices dissented from the holding in the case.

The result is the problem of dual age voting. This year, a State law today may vote for candidates for the House, the Senate, and the presidency, but he may not unless he resides in Alaska, Kentucky, or Georgia—vote for candidates for any other office.

Congress now has the opportunity to correct this problem. I believe that the age qualifications for voting in any and all elections should be lowered to 18 because that portion of our citizenry between 18 and 21 years of age has a vital stake in the decisions which guide this Nation. It has demonstrated an increasing awareness of the problems we face, and it is more knowledgeable than any such previous group in our history. Moreover, the right, to vote an anterior, to all other rights. It is so important that it should be placed beyond the power of any legislature either to deny or to abridge it. The vice of the statutory approach is that the Supreme Court or the Congress is free to change its mind each and is capable of doing so quite easily given might easily be taken away.

Today, we have the opportunity to correct the mistake of last year. On March 10, each member of the other body—all 100—went on record in support of a constitutional amendment to lower the voting age. And the administration has indicated its unqualified support for such a constitutional amendment.

What does the proposed constitutional amendment accomplish? It does not grant the right to vote to the 18-year-old citizen. Rather, it guarantees that citizens who are 18 years of age or older shall not be discriminated against on account of age. Just as the 15th amendment prohibits racial discrimination in voting and just as the 19th amendment prohibits sex discrimination in voting, the proposed amendment would prohibit age discrimination in voting, but only against those citizens who are 18 years of age or older. In this regard, the proposed amendment would protect not only an 18-year-old, but also the 88-year-old. A citizen of the United States may still be denied the right to vote for valid reasons, but such reasons may not be race, sex, or age—if he is 18 years of age or older. For example, a State law that prohibits felons from voting would not be affected by the proposed amendment. Just as black felons and female felons are not guaranteed the right to vote by the 15th and 19th amendments, felons who are 18 years of age or older would not be guaranteed the right to vote by the proposed amendment.

The proposed amendment in fulfilling its purpose would produce a considerable overlap with State laws which may appear purely redundant, but which makes clear the true nature of the proposal. Today, the citizen who is 21 years of age may vote in any State. Yet, the proposed amendment would bestow an additional constitutional right upon such citizen—the right not to be discriminated against on account of his age. However, in doing so, I believe that it is fair to say that there is no intent to change that citizen's status in any way. Rather, the proposed amendment would not grant a constitutional right to ignore the State-imposed preconditions. It requires that such citizen register in order to vote, the proposed amendment would not grant a constitutional right to ignore the State-imposed preconditions. If such citizen register in order to vote, the proposed amendment would not grant a constitutional right to ignore the State-imposed preconditions. There is no intention to change the status of the 21-year-old citizen by means of the proposed amendment. If such citizen's right to vote is being denied or abridged, it is obviously not on account of his age. If he claims that his right to vote is being denied or abridged by the State-imposed preconditions, that claim must be resolved by other principles and provisions of law.

What the proposed amendment will do is to place the 18-year-old citizen in the shoes of the 21-year-old citizen. The status of the 18-year-old citizen is changed. He is to be treated under the State voting laws as the 21-year-old citizen was prior to the ratification of the proposed amendment.

JA2715
March 23, 1971

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Hence, the overlap of the proposed amendment serves to make clear its central thrust—to be below on those 18 years of age and older the voting male enjoyed under State law by those who today meet the State age qualifications for which the present amendment is intended, and is less.

Thus, the proposed amendment, rather than establishing an absolute right to vote, prohibits only a certain kind of discrimination.

Moreover, the proposed amendment does not establish that age qualifications for voting must be set at 18. It does ban age qualifications above the age of 18. It does not ban age qualifications below the age of 18. Thus, a State legislature could lower the voting age for elections held within the State to an age below 18. And so long as the Supreme Court's decision in Oregon against Mitchell stands, the Congress could lower the voting age for so-called Federal elections to an age below 18.

The proposed amendment would protect citizens who are 18 years of age or older against discrimination, have not found any attempt in the reports of the Judiciary Committee in either this body or the other body to define what is meant by a "citizen." The reason for the silence in these reports is that the proposed amendment rests on prior law, including section 1 of the 14th amendment, for the meaning of citizenship. Let me say that there is absolutely no intention to tamper with such law. That is true in spite of what is to me the inartful form of the operative clause of the proposed amendment, which reads:

"The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age."

Although the use of commas in that clause might lead one to infer that one must be 18 years of age or older to be a citizen, the members of the committee responsible for this legislation had no intention to establish any such standard. I believe that our purpose would have been better reflected by reporting House Joint Resolution 401, which was sponsored. Its operative clause reads as follows:

"The right of vote to citizens of the United States of the United States who are eighteen years of age or older shall not be denied or abridged by the United States or by any State on account of age."

I find that language truer to our purpose. I hope that it will remain clear to all that House Joint Resolution 401 and House Joint Resolution 223 are identical in scope and meaning.

House Joint Resolution 223 becomes ratified in law, it will do more than simply constitutionalize title III of the Voting Rights Act Amendments of 1970; it will have simply corrected last year's mistake. To illustrate the distinction between the statute and the proposed constitutional amendment, let me underline the following points:

First, the statute was limited to the right to vote "in any primary or in any election." The proposed amendment is much wider. It protects the "right to vote" not only in such elections but otherwise. The "right to vote" is a constitutional phrase of art whose scope embraces the entire process by which the people make their political choices. This includes not only the right to vote for a Congressman or a mayor in a general, special, or a primary election, but also the right to submit a petition or convention or the right to participate in procedures such as initiative or recall where they are adopted. In the words of the committee's report:

"The proposal embodied in House Joint Resolution 223 confers a plenary right on citizens 18 years of age or older to participate in the political process, free of discrimination on account of age."

"This plenary right, of course, refers to citizens' right to make political choices and not to the right to be a choice; that is, a candidate for office."

Second, whereas the statute protected only against the denial of the right to vote, the proposed amendment would provide a way to protect against either the denial or the abridgment of the right to vote. I do not believe that the limited protection of the statute is an indication of a conscious rational judgment. The proposed amendment would also correct this error. Since the purpose of our constitutional law and our statutory law heretofore distinguished denials and abridgments of the right to vote, the oversight in the statute might have proved to be a source of mischief.

Since at every turn we find that the proposed amendment is an improvement over present law, one might reach the conclusion that support for this measure would be unanimous. However, there are some who oppose this measure on the grounds of the States rights doctrine. The argument cannot be predicated on a legal basis because the Constitution itself allocates rights between the Federal and State Governments and whatever becomes part of the Constitution also shares in allocating rights. The argument must rather rest on policy grounds. In my own district, the people voted and extended the right, to vote to those who to-extend the voting franchise to those 18 years of age and older. Only 39 percent were in favor. In my own district, only 37 percent of the people voted for it. In fact, the issue carried in only nine precincts out of the 261 precincts in my district.

It occurs to me that if ever there was a mandate at the ballot box on an issue certainly here is that mandate.

I -know the argument is made there has been additional ingredient added into the situation. In that the Supreme Court in effect wrote a law different from that which the Congress voted and extended the right to 18-year-olds only in national elections. Congress never passed any such law. The congressional act was intended to cover all elections. But the Supreme Court says what we did was, to act only in national elections.

I know that additional ingredient has been added into this situation since the 1970 elections, but at the time the people of Michigan voted on this issue Congress had already signed into law the Voting Rights Act of 1970, which included title III, which purported to extend the right to vote in all elections across the board. State and local, as well as Federal.

Nevertheless, the people of my State resoundingly said "No" and the people of my district resoundingly said "No." So I say to you that if the decision of the people made at the ballot box is to be completely
Mr. PUCINSKI. Mr. Chairman, will the gentleman yield for a question?

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

Mr. PUCINSKI. I appreciate the gentleman's statement that the people of Michigan have by a resounding vote turned down the vote for 18-year-olds. Would the gentleman venture a guess as to what the outcome might have been if indeed the 18-, 19-, and 20-year-olds had been permitted to vote on that proposition?

Mr. HUTCHINSON. I dare say that the result would not have been different in Michigan nor would it have been different in my district, for the reason that it was so overwhelmingly defeated.

Mr. PUCINSKI. But the question is was it defeated by those who are not directly involved in terms of permission to do so. If we had permitted 18-, 19-, or 20-year-olds to vote on this particular question as to whether or not they should be permitted hereafter to vote in elections, do you think the outcome would have been different?

Mr. HUTCHINSON. No; I think the outcome would have been the same.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. Pogue).

Mr. POAGE. Mr. Chairman, I do not have many minutes. It has been some years since the people of Texas voted on this question. They rejected it at that time. I do not know what they will do in the future. I am not trying to say what my State or any State should do within its own jurisdiction, nor am I trying to pass upon whether 18-, 19-, or 20-year-olds or 18-year-olds or 12-year-olds should vote. I am, however, of the opinion that we would do well to maintain our system of a federal union with the States having responsibilities for their local affairs and certainly retaining the right to fix the qualifications of voters for local offices.

I know that there has been a strong argument made that now the States must maintain two separate accounts to determine who may vote only for Federal offices and who may vote for State and local officials, such as justices of the peace. True, as a result of legislation and court decisions the State election officials have to keep two separate sets of ballots and it is expensive. I heard the argument made that in one of the States in the Northeast it cost them $700,000 to meet this double standard and the argument made is that to avoid that expense we should pass this constitutional amendment.

Why do we have to pass a constitutional amendment if, let us say, in Texas they want citizens to vote at 18? Congress does not have to submit to any kind of interference. If Maine or Oklahoma wants to allow 18-year-olds to vote they can allow it without any action by this body. That can be done by the State legislature as it should be. The legislators of any State can right now submit amendments to the State Constitution and if the people of the State involved want it, they can pass it. I have no quarrel with that. If Ohio wants to give the ballot to 16-year-olds that is their right, and if Ohio or any other State to tell Texas what we must do, or do I want Texas to try to control the local affairs of any other State. I do not know why we should be dictated to by some other States, even though three-fourths of the other States want some other age limit.

I do not know why it should be our business here to deny the people of any State the right to determine who are the voters in their States for State offices. The Supreme Court held that is the privilege of the States at the present time. Now we propose to come along and say if a three-fourths majority of the States decide that they want to make some other State give the ballot in local elections to someone 18 years of age, that this majority is justified in imposing their will on the States which may have a different view. I do not believe anything of the kind. I think if Virginia wants to give the ballot to the 12-year-olds it is perfectly all right with me, but I do not want it in Texas, and I do not think the people of Texas want it.

Mr. PUCINSKI. Nor do I think that it is any of the business of this Congress to tell the people of Texas what qualifications they shall set for local elections. That is all that you do if you adopt this constitutional amendment and if it is adopted by a vote of three-fourths of the States. That is all that you will have accomplished. You will not have given any freedom of choice to anybody, because every State in the Union today has that freedom within its own boundaries. Every State right now has the right to let 18-year-olds vote or has the right to cut this down and only give people 40 years of age if they want to. I think that is the way it ought to be. Each State should have the right to decide who is going to vote in their local elections.

Now, why do you want to do this? Is there any good reason for doing this, other than a mean desire to interfere with your neighbor's business? I think we have had enough of this matter of interfering with the business of everyone else. If we will go home and attend to our own business, I believe this country would get along a whole lot better. If there is a Member on this floor who can give any reason for denying each State the right to decide this matter of age of voters in local elections I would respectfully invite him to do so.

Mr. POFF. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. McClory).

Mr. McCLORY. Mr. Chairman, in urging overwhelming approval today of the proposed constitutional amendment extending voting rights to our young citizens 18, 19, and 20 years of age—I want to recall that I have sponsored and supported this measure in Congress.

It had been my hope that the short-circuit route of extending voting rights to these younger citizens by way of legislation in contrast to an amendment to the Federal Constitution might satisfy the constitutional requirements.

It appears that the constitutional requirement was satisfied by our action at the last session insofar as Federal elections are concerned. However, the Supreme Court, in the case of Oregon against Mitchell, ruled on December 1, 1970, that an amendment to the Constitution would be essential to lower the voting age for State and local elections.

Our present dilemma results from the action which we took in the last Congress as construed by the Supreme Court. In other words, we now have a dual system of voting—one applicable to State and local elections—and the other applicable to elections of Federal offices.

According to a report filed in the other body just a few weeks ago, it was shown that in my State of Illinois the Secretary of State, John W. Lewis, estimates that there could be a 4 to 5 increase in election costs because of the need to keep two sets of registration books and two sets of ballots. The chairman of the Chicago Board of Election Commissioners estimated the additional cost for the city of Chicago as ranging from $150,000 to $200,000 at each general election.

By acting speedily here today and submitting this constitutional change to the States for ratification, the confusion and additional expense—some other States, even though three-fourths of the other States want some other age limit—can be avoided.

Mr. Chairman, I had occasion to communicate with the county clerk of Lake County, Mrs. Grace Mary Stern, who advised that the permanent registration records were being equipped with tabs to identify the voters who are less than 21 years of age. As the voters attain their 21st birthday, the tabs are removed and in order that full voting rights can be accorded these young voters. She indicated also that the electronic voting system would require some modification in order to limit the right to vote to citizens who may cast votes for Federal offices. She is endeavoring to reduce added expense as fully as possible but indicates that some additional expense would be incurred, in addition to a certain amount of confusion.

Mr. Chairman, the county clerk of McHenry County, Mr. Vernon Kays, indicates that unless we are able to provide uniformity of voting rights as between citizens between 18 and 21 years of age—and those above that age, McHenry County will be subjected to substantial additional expense—and much confusion.

Mr. Chairman, the Illinois General Assembly is in session at this time, and, according to my advice, will act promptly to ratify this constitutional change. Earlier, I indicated my feelings and action by the States might occur through State conventions convened for this purpose. However, my information is that the State legislatures, in the States which are waiting for us to act and will under-
Mr. Chairman, I am for the 18-year-old vote all the way, but, more important, I am for the elimination of the discrepancy which now exists in the voting rights of those who are 20, 19, and 18. The action we take today can be the most important step in eliminating this discrepancy. I urge a favorable vote of the House.

Mr. Celler. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. Howard).

Mr. Howard. Mr. Chairman, I am very, very happy that this legislation concerning a constitutional amendment for the 18-year-old vote is before the House of Representatives today.

In the 89th Congress I was the sponsor of House Joint Resolution 18 which would have provided for an 18-year-old vote in this country.

In the 91st Congress I was the sponsor of House Joint Resolution 18 which, again, would have provided for an 18-year-old vote.

Mr. Chairman, we have seen the past history on this legislation. We are aware that we did pass legislation for an 18-year-old vote which the Supreme Court determined could only apply in Federal elections.

We are today going to pass a constitutional amendment which will provide for the 18-year-old vote throughout the Nation. I believe that this is fair, that this is just, that this is something that our country should do in order to recognize that our 18-year-olds, our 19-year-olds, and 20-year-olds are adults in America.

But, Mr. Chairman, I believe that the most important thing that we should concern ourselves with today is to see that our 20-, 19-, and 18-year-olds do actually vote in America in all elections.

As we all know, this legislation must be supported by 38 States throughout the country. We also know that many, perhaps, two dozen States in past years have voted down referendum the 18- or 19-year-old vote proposal. I feel that unless we improve this legislation, unless we make it acceptable to people throughout the country, we will never get the 38 States to agree. Therefore, we will not have a truly 18-, 19-, and 20-year-old vote in this Nation.

Mr. Chairman, I shall offer at the proper time an amendment to this legislation which involves a bill I introduced several weeks ago to provide for a moving down from 21 to 18 the age of majority in America under all law.

This is the way Great Britain recently handled the 18-year-old vote. They said, yes, we will give all of the privileges of all the people who are 20, 19, and 18, but we will also give them all the responsibilities of adults at ages 20, 19, and 18, and this means responsibility for signing contracts and many other things.

There is an indication that perhaps this amendment may be out of order; that a point of order may be made against this amendment because it is not germane. I feel that it is absolutely germane. In this legislation we are talking about privileges and responsibilities being given to 18-, 19-, and 18-year-olds.

My amendment reducing the age of majority from 21 to 18 will do exactly the same thing—it will deal with privileges and responsibilities of people 20, 19, and 18 years of age.

I hope that this will be considered, because I feel many people in the House and perhaps many members of the Committee on the Judiciary who may not be in favor of an 18-year-old vote are well aware that we can pass this today. We can say we did it here in the House of Representatives, we got a two-thirds vote on it, and so we are in favor of reducing the voting age, knowing that many State legislatures will not bite the bullet, will not, in view of the recent referendum which they have had on this issue, agree, and in reality we will not have 38 States agree 18-, 19-, and 20-year-old vote in this country. But I feel if we add this amendment to the provision, if we say yes to the young people, we have a right to give you the vote, we not only think you can handle the vote, but also think you are adult enough to handle responsibilities of majority of this Nation, then I feel that we will be able to see in a very short time 38 States agree with what the Senate did a short while ago, and what we are about to do here today, we may then really say to the young people, we believe that you are truly adult.

So, Mr. Chairman, I hope there will not be a point of order made against the amendment. I hope the amendment will be adopted, because I feel this is the only way we can assure that we will see an 18-year-old vote in America.

Mr. Poff. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. Raisbeck).

Mr. Raisbeck. Mr. Chairman, I rise in support of the proposed constitutional amendment, and I want to commend a group of young people who have really tirelessly worked about this issue, because as the gentleman from Virginia stated so well, we are legislating about privileges and responsibilities. Additionally, there will be some people who are only qualified to vote for Federal candidates.

At the present time only three States—Alaska, Georgia, and Kentucky have set their minimum voting age at 18. Montana and Massachusetts adopted a 19-year-old standard, and Maine and Nebraska have set the age at 20. The other States are either in the process of lowering their voting age minimums or are still at age 21.

Since only three States now have 18-year-old voting, the other 47 States must face the problem of providing separate registration and voting for persons in elections for President and for Senators and Representatives in addition to registration and voting for State and local officials. Also, there will be some people who are only qualified to vote for Federal candidates.

At this point in my remarks I include pertinent portions of an excellent review and analysis of the situation as made by Johnny H. Killian, legislative attorney, American Law Division, Library of Congress:

PROSPECTS, IMPLICATIONS, AND RAMIFICATIONS

Any decision of the Court, but especially decisions of a constitutional nature, has myriad radiations, leading off into practical consequences, doctrinal implications, precedent and statistical considerations, which is never developed further. Where the Court is as fragmented as it was in this decision, it is quite difficult to separate one radiation from another. But some things can be said, some with certainty, others less assuredly.

State Election Practices—As a matter of immediate, practical effects, the decision will require the States to institute separate registration and voting for some persons in elections for President and for Senators and Representatives who are not for State and local officials. Additionally, because the residency provisions of the Act, there will be some persons who are only
qualified to vote for presidential elections. Since most of the States conduct elections for federal and state and local officials almost simultaneously, the process of selecting and transporting ballots to persons qualified to vote on every office and especially presidential candidates will be expedited by voting machines.

Too, there will no doubt arise problems of interpretation relating to Titles II and III. For example, the residency provisions of Title II clearly relate only to the vote for presidential electors, but Title II applies in "any" primary election. The court's decision qualifies the "any" to mean any congressional or presidential primary election or election. Clearly, voters between the ages of 18 and 21 will be able to vote for presidential electors in the November election. The wording should make it clear that a vote in a presidential primary is not a vote in a presidential primary election.

In recognition of the many and serious problems created by the Act of Congress and the decision and opinion of the Supreme Court, I joined with several colleagues in urging that a constitutional amendment be offered to the States for ratification which would permit them to avoid most of the problems created by the Congress and the Supreme Court in respect to the 18-year-old vote matter.

Several joint resolutions were introduced to accomplish this result, including House Joint Resolution 225, sponsored by the Committee on Commerce, the Honorable EMANUEL Celler. It was this resolution that the Judiciary Committee, in its Report 92-37—under date of March 9, 1971, and it is this resolution which was passed by the Senate March 10 by a vote of 94 to 0.

As with other recent offerings, it permits the ratification within 7 years by three-fourths of the several States, of an amendment to the Constitution of the United States providing that—

The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

As stated in the committee report—page 6—substantial added costs to State and local governments are involved in maintaining separate procedures for those between 18 and 21 and those over 21. Reports and estimates submitted to the committee, in the Commonwealth, $1.3 million; New York City, $5 million; St. Louis, $2.5 million; New Jersey, $1.5 million; Dade County, Fla., $400,000; Washington State, $8,000; and Chicago, $200,000. .

No doubt similar reports would be obtainable from jurisdictions across the country. The secretary of state of Illinois, John W. Lewis, has estimated that it would cause an increase of from 40 to 50 percent in election costs for our State.

In House Joint Resolution 225, sponsored by Representative Celler, we have a proposal that would lower the voting age to 18 in all elections. It is the product of hours of testimony before the Judiciary Committee and careful consideration of the evidence by members of that committee. It deserves early consideration in this session and, in my opinion, strong support.

The alternative—failure by Congress to make voting standards uniform in all elections—is inadvisable. Sizeable new expenditures, confusion, and electoral delays are all highly probable if States and localities are forced to create a dual-age system of voting. The costs of adapting existing procedures to two different standards would be prohibitive in State and local elections, the other for Federal elections in the 47 States which do not permit 18-year-olds to vote is expected to run between $10 million and $20 million.

The States have shown themselves as favoring an 18-year-old vote. Governors have strongly encouraged such action. At least 24 States either have or will shortly have proposals in their legislatures to lower the voting age to 18. But only 25 of the 47 States which do not allow 18-year-olds to vote could lower their voting age before the 1972 elections, without resorting to some extraordinary procedure, such as a special statewide election. Twenty-two States face procedural delays in their amendment process that would prevent final action to lower the voting age to 18.

A Federal amendment to the Constitution is the only realistic hope in most States for 18-year-old voting before the 1972 elections. It took the States an average age of 15 months to ratify each of the last three amendments to the Constitution. An amendment to lower the voting age would stand an excellent chance of ratification within a similar period.

Adoption of House Joint Resolution 225 is reasonable—and highly practical—means of eliminating the wasteful and unjustifiable costs of a dual-age voting system.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman.

Mr. MICHEL. Mr. Chairman, I appreciate the gentleman's yielding.

My principal concern with this particular measure is one that has to do with permitting 18-year-olds to vote, for instance, in local and municipal elections in college towns. For example what would happen in any community like Urbana, Ill., with an influx of 20,000 or 25,000 students from outside the State coming into that community and being given the opportunity to vote at what age? For goodness sakes, we could have these transients actually controlling the elections, voting city councils and city voters in and out of the community in which they have a dominant voice.

Personally, I feel this is bad. We have seen evidence of this in Madison, Wis., where in one local election the students of the University of Wisconsin were able to band together and elect several officials who could care less how the city was run and who have age by mandate whatever about taxes which have to be raised to fund certain municipal functions in the city.

What should my position be if I am opposed to that kind of thing coming about and am opposed to encouraging this result in any one of the college towns around the country?

Mr. RAILSBACK. Let me just tell you my feelings about that. I hope some of the Members will feel free to participate.

My belief is that the general laws relating to residence should apply. This involves certain criteria which includes...
among other things the intention of the person; that is, where the person intends to reside, and where he does his banking, pays his taxes and whether he is in effect a transient, which would mean that he would be a permanent home or where he intends to return and all of these things. There are a number of criteria.

I would say before a person or before a student should be permitted to register to vote in a community where he is attending college, that he would have to express the satisfaction of the registrar that this was indeed going to be his permanent residence. This should be under oath. I think the laws have been frustrated in some instances. In other words, I think there are students right now trying to register and vote in certain communities who should definitely not be permitted to vote in that area. What you have to do is look at all of the criteria—where they do their banking and where they pay their taxes, and if they have a job, where they would still be living with their parents where their parents live and all of these different criteria.

Mr. Chairman, if the gentleman will yield further, you know in the taking of the census this past year our two boys who were away at school were considered to be residents for census purposes of New Haven, Conn., rather than Peoria, Ill. I thought that was wrong. I thought that their residence ought to be the residence of their tax-paying parents. All our local and State programs that are dependent on these population facts are hurt by the fact that they are considered to be residents of some place other than their hometown.

Mr. RAILSBACK. As I mentioned, I think that the laws of residence are very, very clear. They have been established by a whole series of precedents. My own belief is that these precedents have been frustrated in certain instances where students have been permitted apparently in large numbers to register in their college communities. In my opinion, this is wrong because the chances are that they are going to return to their own community.

Mr. MICHEL. Of course, that is a very easy thing to do because youngsters normally stay in school for 4 years. It would be very easy to register in the first year in college, and then there are 3 or 4 years when it would be no problem at all for them to meet the requirements as to residence.

The same thing is true in coming home during the summer months—a student could register there as well and so for all practical purposes be eligible to vote there.

I, too, feel that this is wrong, but the fact that we both feel this way is not going to provide much comfort to the residents of our small college towns around the country when they are confronted with this kind of situation.

Mr. Chairman, I thank the gentleman very much for his yielding.

Mr. CELLER. Mr. Chairman, I yield such time as he might require to the gentleman from Ohio (Mr. CARNEY).

Mr. CARNEY. Mr. Chairman, I appreciate this opportunity to speak briefly on the joint resolution proposing a constitutional amendment to lower the voting age to 18. This is a compelling argument in favor of the constitutional amendment to lower the voting age to 18 in all elections.

The first and most obvious argument for the right of 18- to 21-year-olds to vote is that if they are old enough to serve in the Armed Forces of their country, they are old enough to vote. It seems basic to me, Mr. Chairman, that if a man can be sent to a far-off land to fight and die for his country, under a democratic system of government he should have a voice in selecting the officials who make these vital decisions.

Second, I believe that 18- to 21-year-old citizens are, on the whole, as informed and as concerned as their elders about the problems facing our country. Moreover, America's youth are better educated than our elders; they are more curious; and perhaps better educated than the youth of any nation in the history of mankind. According to a recent report by the Bureau of the Census, only one out of every 101 Americans over the age of 14 cannot read and write.

Third, if we permit our young people to participate in the political process, the overwhelming majority of them will respond by working constructively within the system rather than going outside the system and resorting to acts of violence to achieve their goals. In this way, the political alienation of our youth will be significantly reduced.

Fourth, our young people will bring fresh ideas and high ideals into the political system about how we can create a more decent America and a more decent world.

Finally, there is an important practical reason why Congress should pass the joint resolution extending the right of 18- to 21-year-olds to vote. The recent Supreme Court ruling on the Federal law extending the right of 18- to 21-year-olds upheld the application of this law in national elections, but declared it unconstitutional in State and local elections. As a result of the Supreme Court decision, any State which fails to lower the voting age to 18 in State and local elections before 1972 will have to institute dual voting and registration procedures. It has been estimated that these dual procedures will cost an additional $750,000 in my own State of Ohio; $1.3 million in Connecticut; $5 million in New York City; $2.5 million in St. Louis; $1.5 million in New Jersey; $400,000 in Dade County, Fla.; $300,000 in Washington State; and $200,000 in Chicago.

Mr. Chairman, immediate, favorable action by Congress on the constitutional amendment extending the right to vote to 18-year-olds and 19 through 20 years old, as well as every one over 21, shall have the same voice in the election of the Congress and in the election of the President, and in determining the policies of our country. I think that is a sharing with these young people of privilege and responsibility that they deserve and for which they are today moving toward the volunteering in the volunteer services of the country.

Mr. PEPPER. Mr. Chairman, I am proud to say that I think we are today moving toward giving the privilege and the responsibility for the carrying on of this great Republic into the hands of these future leaders to one of the most deserving of all of our groups of citizens, those who have borne the burdens of its wars, and in whose hearts are the hopes and promises of our long years ahead.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to my colleague from Florida.

Mr. HALEY. I might say to my colleague that giving the State the right to enfranchise young people is what should