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**PEOPLE FOR THE AMERICAN WAY**

# **The Power of the Ballot**

*The 25th Anniversary of the*

*18-Year-Old Vote:*

*1971-1996*



**PEOPLE FOR THE AMERICAN WAY**

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*1971-1996*

**People For the American Way** is a  
300,000-member, nonpartisan constitutional  
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## *Preface*

"Voting is the first duty of democracy," observed President Lyndon Johnson when he signed the Voting Rights Act of 1965, another milestone in the nation's long journey to extend the most fundamental right to all citizens. Six years later, when the voting age was lowered to 18 with the ratification of the 26th Amendment, there was great national optimism that young Americans would seize the opportunity and invigorate American politics with their participation and idealism.

That promise remains largely unfulfilled. Mirroring trends in the larger society, youth voting remains well below the levels of a generation ago. This disturbing status cannot go unchallenged.

People For the American Way's landmark national study in 1989, "Democracy's Next Generation," revealed that young Americans — by their own admission and in the eyes of teachers — were less involved and less interested in public life than previous generations. Most young Americans did not truly understand the responsibilities of citizenship, often equating it with simply being "a good person." Only 12 percent of the youth surveyed linked citizenship to voting, while the teachers surveyed placed voting and political participation at the top of the list of what it means to be "a good citizen."

Many young Americans have a great interest in important issues facing the country — in education, the environment and economic policy. But the country also has a great interest in its young people — in democracy's next generation. For if young Americans do not understand, develop and practice the responsibilities and skills of citizenship, then we are likely to end up with a troubling oxymoron — a democracy without citizens.

Much needs to be done to revitalize American politics and, especially, to educate and inspire our youth. As a start, PFAW launched First Vote, a classroom-based high school citizenship, voter education and registration program. Now in its fifth year, the First Vote curriculum and award-winning video are used in some 2,000 high schools and have helped more than 300,000 students register to vote. With only slightly more than 40 percent of 18- to 24-year-olds casting a ballot in 1992, and less than 20 percent voting in the 1994 midterm election, First Vote is an important, urgently needed program for encouraging students to become active and informed citizens.

The 25th anniversary of the ratification of the 26th Amendment is a perfect time for the nation — from parents and educators to civic and political leaders — to rededicate itself to attaining the lofty goals proclaimed a quarter century ago when the most cherished right in democracy was extended to millions of young Americans. This is a challenge for all Americans; at stake is our nation's future. It is time to step forward and meet that challenge.

**PEOPLE FOR THE AMERICAN WAY**

# **The Power of the Ballot**

*The 25th Anniversary of the*

*18-Year-Old Vote:*

**1971-1996**

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 Conflict, but never before had youth joined in the public debate with such passion and conviction.

This timely report focuses on the history and evolution of the passage of the 26th amendment, and includes a discussion of the trends in youth voting over the past two decades.



## HISTORICAL BACKGROUND

Attempts to lower the voting age have flourished in time of war, 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-OH) proposing a constitutional amendment to lower the voting age to 18, arguing that "[i]f 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-WV), who would come to be known as the grandfather of the movement to lower the voting age, introduced a similar measure. Neither of these measures were acted upon by Congress; however, in 1943, Georgia decided to allow 18-year-olds to vote in all elections.

The Korean Conflict 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." Jennings 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 18-year-old movement. 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 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 were mixed at best — a number of states rejected the 18-year-old vote, either strictly on its merits or, in many cases, because the proposal 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 the 18-year-old vote were distilled into five basic points.

1. Eighteen-year-olds deserve to vote: Theodore Sorensen, former special council to President 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, the 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, 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 11th 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 vote obviously 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 — by 1970, more than 80 percent of 18-year-olds had graduated from high school, and nearly half had some higher education.

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 was viewed as a benefit for the political process by bringing a new viewpoint into 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 co-sponsors to pass the measure with more than the necessary two-thirds majority. The major obstacle to final congressional action was 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 "[y]oung 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 the Representative Celler would scuttle the legislation once again.

At this point, Senator Kennedy suggested that Congress could enact the 18-year-old vote by statute rather than 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 Cellar 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 of 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.

The Court's decision in *Oregon v. Mitchell* raised the prospect of dual voting systems, one for federal elections and another for state and local elections. Because of the costs and complications of such a 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 - 0, and almost two weeks later the House of Representatives followed suit by a vote of 401 - 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 disagreed about which was the "first state to ratify" — the Minnesota Senate voted to ratify the amendment at 3:04 pm, and just 10 minutes later the Minnesota House completed the state's ratification of the amendment. However, officials in Delaware argued that Minnesota actu-

ally moved too fast, and that Congress had not really proposed the amendment until 3:40 pm, 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 99 days — twice as fast as the ratification of any previous amendment. The 15th Amendment, which gave blacks the right to vote, took more than 11 months to ratify; the 19th Amendment, which extended the right to vote to women, took nearly 15 months.

Final ratification came on June 30, 1971. Several states jostled for the honor of being the 38th state 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 “[t]onight 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 in the evening.

President 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, America's youth are less likely than any of their fellow citizens to exercise the most basic tool of political participation — the vote. Youth voting has declined significantly since the 1972 elections, when almost 50 percent of 18- to 24-year-olds cast a ballot. The low-point was hit in 1988 when less than 37 percent voted.

The decline in youth voting over the last 25 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; mean-spirited political campaigns dominated by 30 second attack ads; and a growing disconnectedness from community involvement as mediating institutions such as labor unions, mainline churches and neighborhood organizations have atrophied. Among youth, some observers have cited additional reasons: the possibility that "Generation X" is more interested in personal matters than in political participation; and, the possibility that these inward-looking tendencies have been reinforced by the attitudes of 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 take the responsibility to educate and inspire the next generation in the values, importance and practice of citizenship.

In 1992, there was a significant five-percentage point increase in voting among 18- to 20-year-olds — 38 percent went to the polls compared to 33 percent in 1988. Among the possible reasons for the turnaround were increased voter



registration efforts directed toward young voters by People For the American Way's First Vote program, MTV and others. Voter registration remains a key to greater voter participation. Although less than 40 percent of 18- to 20-year-olds are registered, more than 70 percent of registered 18- to 20-year-olds do vote.

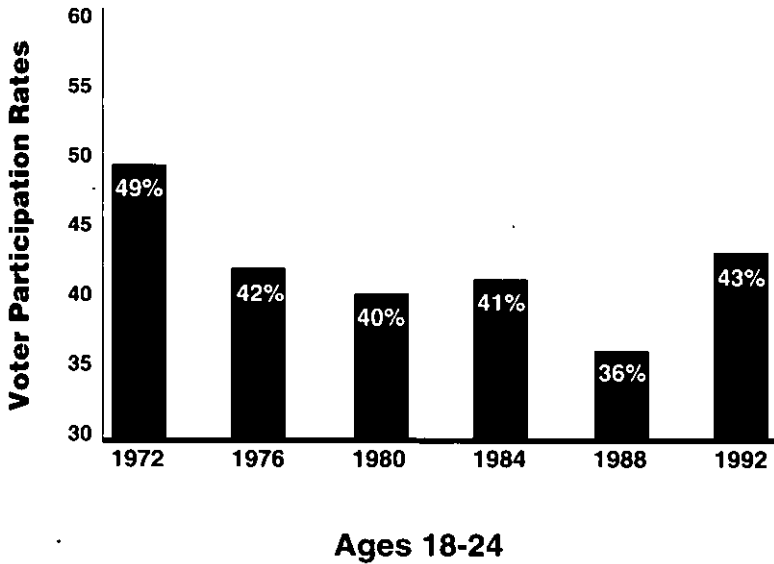
Did the increase in voter participation in 1992 represent the beginning of a new, more encouraging trend? The 1996 elections will provide a clearer answer. The new federal "Motor Voter" law will make it easier for young Americans (and others) to register and, with more young voters on the rolls, political candidates should be more inclined to address issues of importance to them — education, job opportunities, the environment. Increasingly, political candidates may discover that if they ignore the youth vote, they do so at their own peril. During the last four presidential elections, the winning presidential candidate won the youth vote. In 1996, it may also be the case that as young voters go, so goes the nation.

**For more information on youth voter registration and First Vote, please contact:**

**Sandy Horwitt or Jenn Kaplan  
People For the American Way  
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Suite 400  
Washington, DC 20036  
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## Youth Turnout Rates

1972-1992 (Presidential Election Years)



## State Ratification of the 26th Amendment

18

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

### States that never ratified the 26th Amendment

Florida  
Kentucky  
Mississippi  
Nevada  
New Mexico  
North Dakota  
South Dakota  
Utah

**A List of Other  
PEOPLE FOR THE AMERICAN WAY  
Publications to follow.**

## **PEOPLE FOR THE AMERICAN WAY**

### **Publications**

*All publications are available from People For the American Way at 2000 M St., NW, Washington, DC 20036, (202) 467-4999. When two prices are listed, the first price is for People For the American Way members.*

## **Censorship In the Schools**

### **PUBLICATIONS**

**An Activist Guide to Protecting the Freedom to Learn**, 1995, kit, \$11.95/13.95. Provides information and tools for organizing pro-public education advocates to combat censorship efforts, defend public schools from political attacks, and participate in school board races.

**Attacks on the Freedom to Learn**, 1994-1995, 248 pp. \$12.95/14.95 Documents state-by-state challenges to instructional materials in public schools.

### **VIDEOTAPES (VHS)**

**Vista: A Battle for Public Education**, 1995, 11 mins. \$24.95/29.95. Documentary on one California community's successful response to a Religious Right takeover of the local school board. A compelling call to action.

**Redondo Beach: A Stand Against Censorship**, 1990, 14:20 mins. \$15.00/20.00. Documentary on a community's successful resistance to school censorship.

**Censorship in Our Schools: Hawkins County, TN**, 1987, 18:50 mins. \$15.00/20.00. Documentary on community battle over challenge to reading materials. *3/4" version available for \$30.00.*

## **Censorship In the Arts**

### PUBLICATIONS

**Artistic Freedom Under Attack, Volume III**, 1995, 140 pp.  
\$12.95/14.95. Documents state-by-state challenges to artistic expression in 1994.

**Tucson Talks: A Search For Common Ground**, 1994, 40 pp.  
\$5.95/6.95. Examines a recent censorship case and how **People For the American Way's artsave** project worked with a local community exposing intolerance and building free expression.

**Protecting Artists and Their Work**, 1993, 75 pp. \$5.95/6.95  
A summary of federal and state laws protecting art and artists.

**artsave Technical Assistance Kit**, 1992, kit. \$4.95/5.95  
Guide to battling art censorship.

## **Church / State**

### PUBLICATIONS

**Twelve Rules for Mixing Religion and Politics**, 1994. \$5.95/6.95  
Guidelines for appropriate involvement of religion in politics.

## **Youth and Tolerance**

### PUBLICATIONS

**The Power of the Ballot**, 1996, 24 pp. \$5.95/6.95  
Chronicles the history of young Americans' right to vote.

**Invisible Walls: A Study of Racial Division and the Challenge of Building Bridges of Understanding in the St. Paul, MN Area Public Schools**, 1994, 48 pp \$6.95/7.95. In-depth survey of students' and teachers' attitudes toward race relations, and local pilot program.

**STAR Brochure (Students Talk About Race)**. One copy free.  
Describes STAR program; college students lead high school students in discussions on diversity.

**STAR Teaching Unit**, 1995, Available to participating students.  
Diversity education curriculum for STAR volunteers.

**First Vote Brochure**, 1993. One copy free. Describes citizenship/voter registration program for high school students.

**First Vote Teaching Unit**, 1993, 16 pp. Available to participating schools. Democracy and citizenship curriculum companion to *First Vote* video.

**Democracy's Next Generation: A Study of Youth and Teachers**, 1989, 204 pp. \$9.95/11.95. Explores youth attitudes and values on citizenship, civic participation, politics and voting.

**Democracy's Next Generation II:**

**A Study of American Youth on Race**, 1992, 190 pp. \$9.95/11.95.  
Examines race relations and racial divisions among young people.

**Hate in the Ivory Tower: A Survey of Intolerance on College Campuses and Academia's Response**, 1991, 80 pp. \$8.95/10.95  
Documents growth of intolerant behavior on campuses and provides guidelines for response.

**VIDEOTAPES (VHS)** .

**STAR: A New Dialogue About Diversity**, 1993, 8 mins. \$15.00/25.00  
Classroom footage showing STAR race relations program in action.

**First Vote**, 1996, Available to participating schools.  
Part of First Vote high school program on citizenship and voting.

## **General**

### **PUBLICATIONS**

**Congressional Handbook (1995-1996)**, \$9.95 (6.50 each for orders of 10 or more). Lists Members of Congress, committee assignments, and addresses and phone numbers.

**People for the American Way/Action Fund Membership Brochure**. One copy free. An overview of People For's programs, includes return card for membership.

#### **The Spirit of Liberty**

Creative tribute on occasion of People For's tenth anniversary.

Limited edition signed lithographs, \$7,500.

Limited edition poster signed by the artist, \$155.

Poster, \$35.

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*This list does not include research papers on a variety of topics.*

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*The Power of the Ballot* is based in part on a 1991 PFAW publication on youth voting — John Gomperts was co-author of that work.



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THE AMERICAN WAY**

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