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American Democracy: Why Every Vote Counts

The expansion of suffrage is a huge component of the fundamental American legacy. Starting in the Founding era with white land owners in states, moving to a system of a “Jacksonian Democracy”, the 13th, 14th, and 15th Amendments, the Civil Rights Act of 1960 and its Amendments, the 19th Amendment, and finally, the 26th Amendment all show America's movement to allowing greater opportunities for political expression. However, all of these actions were not taken blindly and without reason. Most of these expansions of rights were based on Lockean guarantees of unalienable rights and human equality, coupled with the Classical Republican ideals of civic virtue and moral education. Greater opportunities for political expression do not mean greater opportunities for uneducated participation. From the inception of our nation, the Founders recognized the need for political education of the public, exemplified by the Northwest Ordinance's provision for the foundation of a public school system. Even expansion of suffrage to people of all races came with education reforms: *Brown v Board of Education* overturned “separate but equal”, increasing the availability of equal education for black people. This is why neither the national government nor the state government can currently justify amending their constitutions to allow sixteen year olds to vote. Sixteen year olds do not perform the same roles in American society that adults do, and, ultimately, lack the political and moral education needed to participate in their government. Additionally, the way our Federal system of government works would

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Introduction

Students from the local high school gathered to hear the opinions of their two senators on lowering the voting age. Senator Stone, in favor of lowering the voting age, reasoned that young people today are better educated and more mature than ever before. Stone also states that to differentiate between sixteen and eighteen year olds is a minute distinction and infringes upon young peoples' fourteenth amendment rights. Overall stating that sixteen year olds should be treated like the young adults they are. Senator Thorne, however, made the argument that sixteen year olds cannot serve their country and therefore should not be permitted to vote and no one can claim discrimination. Thorne continued further stating that the percentage of young voters is significantly low proving disinterest in the younger community. Instead of decreasing the voting age, civic learning should be encouraged and provided among the youth. This thought-provoking decision raises the question, is there justification for amending the U. S or State Constitution to lower the legal voting age from eighteen to sixteen?

America's Foundation

The United States of America was built on the foundation that every individual has certain unalienable rights at birth and that government authority should only be derived from the consent of the governed. These ideals are rooted deeply in the American mindset and are key to the country's existence. The organization of America's government was arranged with careful thought in order to assure that the citizens' rights were protected and that people had a say in their government. Both of these ideals are very important in American society. A citizen's right to vote, therefore, is not an issue to be taken lightly. A common controversy today is the determination of the appropriate age for such a tremendous right.

Legal Adults in America

In the United States, an individual is considered a legal adult once the person has reached the age of majority. The age of majority differs amongst states, but generally one is considered an adult at the age of eighteen. At this appointed age, a person is recognized by the law as one who can manage oneself independently and can be held accountable for one's own actions (USA Legal). Once a person reaches this legal adulthood, the full rights and responsibilities of a citizen are entrusted to them. The individual is no longer considered under the guardianship of anyone. Among a citizen's rights are matters such as; the right to consent to marriage, ability and liability to agree to contracts, ability receive medical treatments on own accord, and so on (USA Legal). Also upon reaching this age, any criminal acts committed by an individual are held completely accountable to the individual alone (Juvenile Law). As this relates to the proposed controversy, a sixteen year old would not be submitted to the same situations as a legal adult. While it may be argued that the two year difference between sixteen and eighteen is not significant enough to disqualify a sixteen year old from voting, the situations and circumstances do. Another vital responsibility of eighteen year olds and older is that they can be drafted into the military in the event of war. This issue is of serious importance because those risking their lives should have the ability to vote for who will be leading them. Sixteen year olds, however, do not have a similar circumstance to relate to.

Court Case and Legality

It was not until the year 1971, when the XXVI amendment was passed, that it was legal for eighteen year olds to vote in all elections (Court Case Summary). Previous to the Voting Rights Act of 1970, the legal voting age for a U.S citizen was twenty-one. The Voting Rights Act of 1970 ultimately lowered the voting age in federal and state elections to eighteen, eliminated the use of a

literacy test requirement to vote for a five year period, and prohibited states from disqualifying voters for not having met state residency requirements (*Oregon v. Mitchell*). In the Supreme Court Case, *Oregon v. Mitchell*, Idaho and Oregon, Texas filed a suit against the United States and Attorney General John Mitchell to challenge the Voting Rights Act Amendments of 1970 (Court Case Summary). The question that was proposed was did the federal government have the ability to lower the voting age to eighteen? In the end, the court decided that the voting age should be lowered to eighteen in national elections, but not state and local (*Oregon v. Mitchell*). However, soon after the decision was made, the XXVI amendment was ratified that lowered the legal voting age to eighteen in all elections. This amendment was formed and ratified because states decided it would be too difficult to keep track of who was eligible for state, local, and federal elections and who was not (Court Case Summary). Therefore, allowing eighteen year olds to vote in all elections was more of a matter of convenience. The Supreme Court's reluctance to allow even legal adults at the age eighteen to vote in all elections proves that there is some matter or matters present to cause hesitation.

Misrepresentation

Another important topic to consider in regards to lowering the voting age is the mindset and development for the individual's brain. "Longitudinal neuroimaging studies demonstrate that the adolescent brain continues to mature well in to the twenties" (Adolescent Maturity). Many scientific studies show that brain development continues into almost a third of a person's life, but particularly the frontal lobes of the brain which are mainly in control of planning, memory, and impulse control (Adolescent Maturity). While brain development cannot be linked as the only reason for action, these factors do contribute to making decisions. Also, studies and observations show that there are certain behaviors that can be linked to most adolescents in all cultures. They

consist of three things: seeking new things, increased risk taking, and seeking more peer-based social interactions (Adolescent Maturity). These behavioral and developmental facts are important to consider because they could potentially cause a sixteen year old to give a vote that is misrepresentative. A few of these causes could result from peer pressure and rebellion against parents. Another cause for a misrepresentative vote is the lack of civic knowledge. Studies show that in the United States, most states do not focus or emphasize the importance of civic learning. Today, thirty-nine states require at least one course of civics, but only eight states mandate a test specifically for government/civics to be administered (Civics Education Testing). In addition, only nine states in the nation require students to pass a social studies test to graduate from high school (Civics Education Testing). These studies prove that many people who graduate do not have a basic understanding of government, economics, or citizenship. Also, according to a poll taken in the summer of 2012, eighty percent of young voters who were asked questions concerning the state's early registration rules, answered incorrectly or did not have an answer (Civics Education Testing). This conclusion displays the vast ignorance in America's youth today about current events. Not only could the adolescent's lack of knowledge about civics and current events provide an uninformed vote, but could also be precarious. It is not truly representative of the nation if voters as young and easily persuaded as sixteen have a significant influence in the polls.

Conclusion

There is no justification for amending the U.S or state Constitutions to lower the voting age from eighteen to sixteen because it is unnecessary and imprudent. Sixteen year olds are not adults and do not face the same circumstances as eighteen year olds do. Scientific study as well as educational studies and polls illustrate the point that sixteen year olds are not completely prepared for such a tremendous decision. The adolescent brain has not had enough time to completely

develop, and the young citizens have not been well educated in civic learning. As a result, a sixteen year old vote may be misrepresentative of the individual's beliefs and opinions. Furthermore, the right to vote at age eighteen should not be lowered for the sake of true representation in the voting booths.

Works Cited

"Adolescent Maturity." *PMC, NCBI*. N.p., n.d. Web. 26 Feb. 2014.

<<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2892678/>>.

"Adult Law and Legal Definition." *N/A*. N.p., n.d. Web. 26 Feb. 2014.

<<http://www.USALegal.com>>.

"Court Case Summary." *Infoplease*. Infoplease, n.d. Web. 26 Feb. 2014.

<<http://www.infoplease.com/us/supreme-court/cases/ar28.html>>.

"Juvenile Law." *TheFreeDictionary.com*. N.p., n.d. Web. 26 Feb. 2014.

<<http://legal-dictionary.thefreedictionary.com/Juvenile+Law>>.

Kuczynski-Brown, Alex. "Civics Education Testing Only Required In 9 States For High School

Graduation: CIRCLE Study." *The Huffington Post*. TheHuffingtonPost.com, 12 Oct.

2012. Web. 26 Feb. 2014.

<http://www.huffingtonpost.com/2012/10/12/circle-study-finds-most-s_n_1959522.html>.

"OREGON v. MITCHELL, 400 U.S. 112 (1970)." *OREGON v. MITCHELL, 400 U.S. 112 (1970)*.

N.p., n.d. Web. 26 Feb. 2014.

<<http://law2.umkc.edu/faculty/projects/ftrials/conlaw/oregonvmitch.html>>.

MLA formatting by BibMe.org.

prevent national amendment to the Constitution until state and local governments could find justification for changing the voting age.

Being an American citizen comes with certain responsibilities. Under our social contract American adults agree to pay taxes, accept the risks of fighting in war, participate in the fair trial of criminals, and submit to adhere to laws passed by Congress and by States. They retain certain unalienable rights outlined in the Bill of Rights and the 14th Amendment, as well as the rights to vote, run for and hold public office. Minors, or those under the age of eighteen, are not required to fulfill these responsibilities. Neither do they retain their full rights under the Constitution, as shown by cases like *TLO v New Jersey*, where certain rights aren't applicable. The Voting Rights Act Amendment of 1970 was the first national document to grant the right to vote to eighteen year olds. The main argument for setting this voting age was proposed by Senator Ted Kennedy, who argued that anyone old enough to fight and die for their country was old enough to vote. Based on this historical precedent, there is no justification for amendments proposing to lower the voting age because sixteen year olds cannot fight in the United States armed forces. They also cannot be summoned for jury duty, are not lawfully punishable under the same standards as adults, and most do not pay taxes. To justify sixteen-year-old voters, sixteen year olds would need to be treated as full adults under the law. For now, the ability to vote in school elections should give minors apt opportunity to experience being engaged in the election process until they are old enough to take on the full responsibilities of being a US citizen.

Another major problem with allowing sixteen-year-old voters is the lack of civic education that sixteen year olds possess. One of the major values from the Roman

Republic that influenced our Founding Fathers was that of moral education. Moral education is the concept involving the idea that civic virtue, or the habits necessary to the success of society, which, in a democracy includes voting, needs to be learned. It stresses the importance of young people learning about their government and about the importance of participating in it. This value was implemented in our government through the establishment of a public school system, and through the 1st Amendment's guarantee of the rights to freedom of press and speech. Even though our government provides for some civic education, its provisions still do not justify lowering the voting age because in most high schools around the nation, a government class is not taken until senior year. Sixteen year olds, who are usually in their sophomore or junior year, haven't had any education in government or politics and therefore are completely unqualified for voting. This lack of civic education would lead to less sixteen year old voters because they would lack the moral education in civic virtue needed to care about government. They wouldn't understand the importance of voting, and even those who could or did would mostly be uninformed voters. The Founders did seek to protect against the uninformed vote through things like the Electoral College, but even so, an influx of uninformed voters could be dangerous, possibly subjecting us to a factional tyranny like James Madison warned us about in Federalist 10. Still, it cannot be argued that there are no civically aware and educated sixteen year olds. This is where education reforms to institute earlier civic education and civic competency tests could come into play. *Lassiter v Northampton County Board of Elections* decided that "the right of suffrage ... is subject to the imposition of state standards which are not discriminatory..." and civic tests administered to minors who wanted to vote could be administered under this standard.

The tests would not discriminate because minors, who don't hold the same responsibilities to their country as adults do, and therefore don't hold their full Constitutional rights, would be given an opportunity to prove that they could be worthy of this right to vote. Tests could also pass *Kramer v Union School District* in that protecting against a mass uninformed vote could be a compelling state interest. It would even be allowable under the Voting Rights Act of 1965 because Section 2 of the Act prohibits any state or local government from imposing any "voting qualification or prerequisite to voting ... in a manner which results in a denial of the right to vote on account of" race or language minority status, not age or civic education.

Justice Louis Brandeis once called the states of our union "laboratories of democracy", and was absolutely correct. If any justification for lowering the voting age were possible, it would be at the state or local level. Civic education reforms, along with civic competency tests could make it possible to justify lowering the voting age to sixteen in these states or cities. At the national level it would be much more difficult and unlikely that any amendment be passed to lower the voting age. This is because amending the U.S. Constitution is an extremely rigorous and difficult process, requiring the consent of $\frac{3}{4}$ of the states, as provided for by Article Five of the Constitution. Any attempt to nationally change the voting age to sixteen would have to be upon precedent from state support of the issue, which right now is not strong enough or justified to warrant such a drastic change. Still, with reforms, the precedent for state amendments is strong. Due to our Federal system, these "laboratories of democracy" began expanding voting rights long before the Federal Government did. Throughout the Jacksonian era, states retained responsibility for most issues of governance, and because of that they addressed many

issues that the Federal Government hadn't. For example, New England permitted blacks to vote before the 15th Amendment, and Wyoming pioneered female suffrage before the 19th. More importantly, Georgia and Kentucky allowed eighteen year old voters long before passage of the 26th amendment. These battles over suffrage requirements were first fought in state legislatures before they moved to the Federal Government, proving that states are essential in kick-starting the democratic process. This also leads us to the conclusion that if states reformed civic education and found reasonable grounds for amending their Constitutions to allow sixteen year old voters, they would have precedent to do so.

According to the New Mexico State Constitution, "[e]very citizen of the United States who is over the age of twenty-one years ... shall be qualified to vote at all elections for public officers." This provision remains in conflict with the 26th amendment of the Constitution, which provides that anyone "eighteen years of age or older" can vote in any election: federal, state or local. The fact that this conflict exists is the perfect example of American Federalism at work; due to the supremacy clause, eighteen year olds in New Mexico retain their right to vote. This federal conflict hasn't disappeared; proposals suggesting lowering the voting age to sixteen have manifested at both the local level, like in New York City, and at the state level, like in Minnesota. Just because proposals have appeared, doesn't mean that they are justified. Without civic education reforms, sixteen year olds still do not perform the same duties in American society that adults do and they still lack the civic education needed to make educated votes.

Legal Voting Age

BACKGROUND

The legal voting age was changed from 21 to 18 years old in March of 1971 as part of the 26th Amendment to the United States Constitution. The debate began during World War I, and intensified during the Vietnam War, because young men would fight for our country, but weren't even able to vote in the same country that they were fighting to protect. As of 2014 the legal voting age is 18, but there are some who still question the logic of this. Students from a local high school gathered one day at lunch to hear from Senator Stone and Senator Thorne's arguments on this idea. Senator Stone was for changing the voting age. He stated that under the 14th Amendment Congress was granted the power to create a distinction between 16 year olds and 18 year olds. He also believes that these teenagers are "more mature and more sophisticated than ever before." He feels that letting them vote will help fully represent the community, and he concludes with the fact that we should give them responsibilities instead of treating 16 year olds like children. Senator Thorne argues strongly against Senator Stone. First, he asserts that 16 year olds can't be drafted to serve in the military. He feels that there will be a low voter turnout because only 59% of 18-24 year olds had registered to vote, showing disinterest. He argues instead that we should teach civics in the classroom to prepare these teenagers to vote at age 18. Lastly, he concludes on how lowering the voting age could backfire in the family with the children "pitted" against their parents.

COURT CASES

Kramer vs. Union School District, 395 U.S. 621, 23 L.Ed.2d 583, 89 STAT. 400 (1969) was a court case in which Kramer, a 21 year old stock broker, tried to sue the school district for

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his right to vote in school district elections. He wasn't allowed his right to vote under a New York Statute because it required property ownership, or having a child attending the school to vote in these elections. He won in the Supreme Court on the basis that all people interested in the elections should be able to vote. *Kramer v. Union* established that those interested in elections should have a right to vote. This case supports lowering of the voting age because there are sixteen year olds who are extremely interested in what is going on in their community, and would like to have a say on things that could affect them in their school as well as their city and country.

United States V. Classic, 313 U.S 299, 315, 61 S.Ct. 1031, 85 L.Ed. 1368 (1941), was a court case where the federal government wanted to sue the election commissioners for violating the United States Constitution by, in essence, by allowing electors to choose party representatives, thereby preventing the right of voters from making the choice. The election officials had placed too many restrictions on how to get on the ballot in Louisiana, so the federal government charged them with interfering with the right to vote. The Supreme Court said that the right to vote in a primary election is a right guaranteed by the Constitution, stating the people who vote should have the right to choose their candidate in their primary election. *United States vs. Classic* shows that for elections to be fair, the number of people who can vote shouldn't be limited. Limiting age gives less of a variety to our elections, calling for a narrowed opinion.

Lastly, *Reynolds v. Simms*, 377 U.S 533, 561-562, 84 S. Ct. 1392, 12 L.Ed.2d 506 (1964), was a court case in which the State of Alabama had failed to redistrict its legislature every 10 years over the past 60 years. Only one quarter of the population lived in districts that were represented by a majority of the senate and House of Representatives. The United States

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Supreme Court held that the elected officials need to reflect a one person, one vote policy. They ruled that the failure to redistrict the voting precincts denied the Alabama voters equal protection of law, whereby only one part of the state was represented, diluting the votes of voters in other districts. *Reynolds v. Simms* helps identify the unconstitutionality in the mass of people who aren't being represented, including literally millions of potential voters ages 16 and 17. These teenagers aren't being represented when a lot of the issues in the elections truly affect them, especially the ones who work and pay taxes. Their rights are being diluted.

THESIS

There is enough justifiable evidence to revise the United States Constitution to change the eligible voting age to sixteen.

ARGUMENT

Changing the voting age to sixteen will help bring about many positive ideas to the community, and to politics. The first thing it will help to establish is getting teens more involved in our community. In this day and age many teenagers have no idea what is happening with the government in their state, or even in the United States, since their opinions won't count either way. Not all teenagers will be interested in politics, even with the right to vote, but there are those who care about what will end up affecting them in their school system, home, and environment. They should be allowed to vote because at this age they could bring a whole different view to politics that deal with the new generation, based upon sociality and technology. They know more about relevant issues dealing with healthcare, education, and the environment than older people who may still be set on ideas that went in accordance with their childhood.

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Many think that lowering the voting age will lead to an even lower percentage of voter turnout, but at least it helps add to our already low percent turnout of 57.5 % of Americans. It is mentioned in the Washington Post, for the 2012 election in South Carolina, 900 deceased people voted. If people are voting more than once based upon fake identities, then allowing new input from sixteen year olds shouldn't negatively affect anyone. If anything it could help balance out the corruption. Across the world other countries have already changed their laws to allow 16 year olds at the ballot, Austria the latest in 2007, joining Brazil, Nicaragua and the Isle of Man. According to fairvote.org, Austria confirms that giving the right to sixteen year olds to take part in elections promotes higher turnout for first time voters and, over time, extending voting rights to people after they turn 16 promotes higher turnout for first-time voters. Allowing these teenagers to vote could actually help increase voting percentage in America over time.

Allowing sixteen year olds to vote, gives these teenagers a head start to being more informed for future elections. It is argued at this age that they are very "immature". Voting isn't based off of immaturity, especially since there is no way to test for it. Also there are many uninformed, immature adults who vote, yet their rights aren't limited. It seems to be the same situation as when African – Americans and women couldn't vote, because of "incompetence." A brain scan actually shows a peak in size starting at age fourteen, but by age seventy it has decreased to the size of a three year olds brain. Allowing sixteen year olds to vote now while they are learning faster, and understanding more, would be beneficial to the political system.

Lastly, it doesn't seem fair that we can trust teenagers with responsibilities like driving, and working- much more potentially life altering situations- yet they can't help out our country by giving one single vote. Many 16 year olds at this age have jobs, and are paying taxes, yet they

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aren't "allowed" to dictate what the taxes are to be spent on, since they are denied the right to vote. A year later some of these teenagers will also join the army in order to serve our country. There is no reason they should fight for our country, but not be permitted to vote in it. Overall changing the voting age will have a positive effect, helping teenagers to become more independent, more aware of important social issues and bringing a new side to politics.

CONCLUSION

Sixteen year olds should gain the right to vote in the Constitution, because it is a right to give the people of America their fair chance to vote on matters that will affect them. By the age of sixteen one is able to drive and pay taxes. Allowing these teenagers to vote helps bring broader input, and voter turnout to the community. Sixteen year olds are able enough to make an informed decision that could help better our community's government system.