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What does it Take? The Informal Factors that are Conducive to the Passage of a Participatory Amendment

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What does it Take? The Informal Factors that are Conducive to the Passage of a Participatory
Amendment

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Honors Thesis

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Abstract: Hundreds of Constitutional revisions are proposed in our national legislature every year, yet only twenty-seven have been ratified as amendments in the 243-year history of the United States. The Constitution outlines the formal factors required to ratify an amendment, but this paper will focus on the informal factors that are integral to the eventual passage of a participatory amendment. Through case studies of the Nineteenth and Twenty-Sixth Amendments, this thesis examines the factors that contributed to the ratification of these amendments to find similarities in the circumstances that helped propel these bills to eventual adoption as amendments. Non-radical social movements, participation in war efforts, and backlash against radical protests emerge as some important factors conducive to the ratification of such amendments. Although not necessary or sufficient, these factors shed light on the ratification process and what it takes for a participatory amendment to be ratified.

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Chapter 1: Where Amendments Originate

Introduction

The founders of our country anticipated the need for change in the future and decided to include an amendment process to the United States Constitution. The formal process to ratify a constitutional amendment is rigorous in that it requires agreement amongst a vast majority of elected officials in both houses of Congress and state legislatures. Scores of proposed amendments pass through Congress every year with little to show as just twenty-seven amendments have been ratified to date, five of which are considered “participatory” amendments¹. A “participatory” amendment in the context of this study refers to any federal constitutional amendment which expanded the electorate in national elections. In total there are five of these amendments: the Fifteenth, Nineteenth, Twenty-Third, Twenty-Fourth, and Twenty-Sixth Amendments. The objective of this paper is to understand why certain participatory amendments are ratified while other proposed amendments fail. Specifically, I examined the informal factors that are conducive to the ratification of two participatory amendments. I did this by way of the case study method. My cases are the Nineteenth and the Twenty-Sixth Amendments, which has allowed me to assess different factors which played a role in the ratification of these participatory amendments. In this thesis I will be examining the role of governmental institutions and social movements in the ratification of these two cases. Finding similarities in the factors leading to the approval of these amendments will add to the existing scholarship on the ratification of these specific amendments and help to understand the ratification process more generally.

¹ In the 115th Congress alone (2017-2018) there were a total of 71 proposed amendments to the Constitution

My examination of these two participatory amendments provided insight as to which informal factors were especially conducive to the ratification of a participatory amendment. My findings emphasize certain factors that were especially important to the ratification of the two participatory amendments examined in this thesis. In the amendments examined here, both were demanded by subjugated groups long before ratification. Additionally, congressional records established that a sense of urgency existed amongst legislators to ratify these participatory amendments to try and stop radical protests. This thesis also finds evidence that ratification of these amendments was thanks in large part due to social movements which employed nonradical lobbying efforts on the grassroots level to petition at both the state and federal levels. The final important trend in the ratification of these amendments is how they both came at the tail end of large international wars during which the disenfranchised groups successfully embraced expanded societal roles. Congressional records demonstrated that these informal factors proved especially beneficial to the ratification of the participatory amendments examined in this thesis.

This topic is of paramount importance because there are still American citizens, and citizens of American owned territories, who do not have the right to vote which makes future participatory amendments possible (Manza & Uggen, 2004). Groups such as the mentally ill, those in prison, people under the age of eighteen, residents of U.S. territories, and, in some states, people who have been convicted of a crime but are later released from prison after serving their time are all not allowed to vote. These people are currently disenfranchised but can conceivably be granted the right to vote by future participatory amendments. With this understanding I decided to conduct my study to find the factors that increase the likelihood that a participatory amendment is ratified. The factors and trends found here are by no means necessary or sufficient for the ratification of a

participatory amendment but are important to the process and can be used to help predict the success of future participatory amendments.

Literature Review

At the founding of the United States the former colonists, and now Americans, formulated their Declaration of Independence which called for equality among men. Paradoxically, this equality did not apply to large portions of the American public, as they lacked various rights and freedoms, one of which being the right to vote. At the founding, the Constitution left most voting enfranchisement decisions to the states, who restricted the right to vote only to men who owned property and were at least twenty-one years old. Since then there have been hundreds of proposed amendments attempting to increase the electorate, but only a handful have been successfully ratified (Tansil, 1926).

One term that needs to be properly defined before examining the literature on this topic is that of a participatory amendment. In the context of this paper a participatory amendment refers to any amendment to the U.S. Constitution that expanded the electorate in federal elections. There are five participatory amendments under this definition: the Fifteenth, Nineteenth, Twenty-Third, Twenty-Fourth, and Twenty-Sixth Amendments. All of these amendments provided previously disenfranchised groups of people the right to vote in national elections. By modifying the Constitution with these amendments Americans demonstrated their progression towards equality.

To understand the informal factors which affected the ratification of participatory amendments it is important to first understand the formal process for an amendment to the Constitution. There are two procedures to amend the Constitution and both processes were expected to be used equally at the founding (Natelson, 2011). Despite this expectation, only one of the two processes have ever been implemented. The common path for the ratification of an

amendment occurs when Congress proposes a potential amendment that must be approved by a minimum of two-thirds of each house. After being approved by Congress, the proposed amendment must then be passed by three quarters of state legislatures. Once ratified, the proposed amendment is added to the Constitution as law.

There is a second path to ratification that a bill can take, which was added to the Constitution at the urging of Anti-Federalists. This route was added in fear of Congress potentially abusing its power and not adopting a beneficial amendment for personal gain, such as one that would limit Congress's power (Natelson, 2011). This second path to ratification, outlined in Article V of the Constitution, explains that when two-thirds of states vote to form a national convention to discuss constitutional amendments Congress must call for the formation of such a meeting. This convention can propose as many amendments as needed before sending them to the states where three-fourths of state legislators must then approve the amendment(s). Because no amendment has been ratified by this specific process there are questions as to the logistics of such a convention that won't be answered until this process is one day implemented (Rogers, 2007).

These procedures explain the formal process of amending the Constitution, but there exists a magnitude of informal factors that may affect if and when the process will prove successful. One crucial factor in determining the success of a given participatory amendment is the actions of social movements demanding suffrage. Other factors include federal considerations, such as the president's support of an amendment, the actions of individual senators and representatives within Congress, and Supreme Court decisions. All these factors must be properly understood when attempting to understand why a proposed amendment passes or fails.

My examination of social movements was conducted through McAdams' (1982), "political process model." McAdams (1982) emphasizes the importance of three primary factors in the

creation and growth of social movements and adds a fourth factor that will also be important to understanding these developments. “Political opportunities” is the first of these factors and refers to a dramatic change in society that allows for the possibility of reform. “Indigenous organization strength” is the amount of internal resources and organizational structures available to movements. The strength of an organization is constantly changing as members and supporters waver, but for a social movement to succeed it must continuously become stronger and adapt throughout the process. The third factor is “cognitive liberation.” This refers to widespread recognition that the undesirable circumstances are not natural and can be changed. These are the three primary factors of the political process model; “all three conditions are essential, though not sufficient, to the process of legal mobilization” (McCann, 1994, p. 137). In addition to these, McAdams (1982) explains a fourth factor in this model which we will term “external response to insurgents.” This factor refers to how outside institutions and groups react to a specific social movement and is dependent on the strength of the insurgents and the degree that the movement helps or threatens these other groups. This final factor demonstrates that the actions and success of social movements depends not only on internal factors but also on external groups, which may have greater resources available than the typical social movement. McAdams’s political process model expects all the factors outlined above to work interdependently because they all must interact with one another to form a powerful social movement.

Not all scholars agree with the formulation of the political process model. One criticism provided by Morris (2000) argues that the model pays too much attention to external components, such as existing political structures, while largely discounting the well engrained social processes that create social movements. These engrained social processes consist of the “subjective” views of the political structures by insurgents and, it’s argued, that these perceptions are especially

important in bringing social movements together. Scholars also point to some parts of the model that they argue are loosely specified and must be precisely defined in order for the model to be truly comprehensive (Goodwin & Jasper, 1999; Morris, 2000; Polletta, 1999). One such example of this includes the lack of a consensus over the definition of “political opportunities” as it can include any and all factors that affect if people get together, but this definition is trivial as it can conceivably include anything and everything. Other scholars have decided to define “political opportunities” narrowly which causes this theory to become inadequate when explaining any given social movement. This lack of precision reflects the existence of countless political theorists who all define the political process a little differently (Goodwin & Jasper, 1999). Despite these criticisms, the political process model is still viable and employed by scholars when attempting to understand the development and growth of social movements (McAdams, 1982; McCann, 1994; Pellow, 2001). I examined the development of the social movements calling for the ratification of the Nineteenth and Twenty-Sixth Amendments using the factors outlined by McAdams (1982). Using this model, I have highlighted how the movements are similar and differ in regard to the three primary factors McAdams (1982) emphasizes, while also considering external responses to these social movements. This allowed me to get a grasp as to why these specific social movements proved successful at creating institutional change when they did.

Other literature which examines the development and success of social movements also accounts for elite involvement within social movements. Elites bring political power, money, access to certain institutions, and other invaluable resources to social movements making their contributions important for success (Brown-Nagin, 2005). Understanding the significance of elites to social movements, and often times against them, is valuable but certainly not as important as the factors outlined by McAdams (1982). Scholarship on elites’ involvement within social

movements has found them to play no more than a “supportive role” in the perpetuation of the movement; the factors found in the political process model have a much greater impact on the ability for movements to create substantial reforms (Jenkins & Eckert, 1986).

The ultimate goal of the social movements under consideration here was to amend the Constitution and expand the electorate, which could only be done by appealing to elected officials. Examining social movements as an informal factor is a must when attempting to understand these amendments, as scholarship has found direct links between social movements and the changing of legislator’s attitudes (Johnson, 2008; King, Cornwall, & Dahlin, 2005; Wouters & Walgrave, 2017). Wouters & Walgrave’s (2017) experiment on elected officials and protests found that legislators are affected by protests put on by social movements, especially when they are large (numerically) and are unified internally. Researchers have examined other facets of social movements and how various factors affect lawmakers’ opinions. This research has consistently found that legislators are affected by social movements regardless of their predispositions to the political matter (Johnson, 2008; King, Cornwall, & Dahlin, 2005). Understanding that social movements affect the attitudes, decisions, and agenda setting of legislators is why I will be employing the political process model to understand the specific social movements relevant to the Nineteenth and Twenty-Sixth Amendments.

Social movements are just one informal factor that affects the chance that a participatory amendment will be ratified. The second informal factor that will be discussed in this thesis is that of governmental institutions which includes all three branches of the federal government. The first governmental institution we will discuss is that of presidential support. Presidents hold substantial power in setting the policy agenda within Congress due to their access to resources and political elites within Washington (Kernell, 1993). This power is reinforced by the president’s ability to

hold public events which can garner considerable support from the American public and is termed “going public” by Kernell (1993). This grants the president the ability to control policy discussions as congressmembers will avoid resisting the president’s proposed policy when public support is gained from “going public.” The ideas proposed by Kernell’s “going public” are highly contested as some scholars agree while others contest the President’s ability to change public opinions. Tulis’s (1987) conception of the “New Way” of presidential leadership demonstrates one scholar who agrees with Kernell’s theory. Tulis (1987) emphasizes a shift in presidential leadership from one directed at Congress and the courts to one targeting the general public. This shift is argued to have occurred under President Woodrow Wilson and has remained constant as all presidents since have had a “duty” to promote and defend policy initiatives to the public (Tulis, 1987). Understanding this uncovers the reason presidential support must be analyzed, as studies have revealed that the probability that a bill succeeds in Congress is positively related to the frequency with which a president publicly supports that bill (Barrett, 2004). This became especially evident to social movements and the general public during the start of the twentieth century under President Theodore Roosevelt, who vastly expanded the power of the president. Roosevelt began the transformation of the presidential office using the position as a “bully pulpit” (Lunardini & Knock, 1980). This shift towards, what is termed, the “modern presidency” began under Roosevelt and granted the president increasing power to set the national agenda and speak out about certain issues. Using public appeals the president can potentially change the feelings of Americans leading to policy change and amendments, but it is also important to note that “going public” is not sufficient to cause legislative change (Edwards, 2009).

An alternative argument to “going public” argues that presidents react to the public and media when openly supporting legislation (Bodnick, 1990; Edwards III & Wood, 1999). Barrett

(2004) spends time debunking these arguments, but we cannot totally discount such criticisms of Kernell's (1993) "going public" because causality has not been sufficiently proven. The issues with "going public" are based around the question of causality and arguments that say the president only supports bills that he/she knows will gather great support among the general population (Canes-Wrone, 2001). The ideas proposed by Kernell (1993) are further refuted by Edwards (2009) who emphasizes that presidential power does not consist of persuasion and instead, "presidents facilitate change by recognizing opportunities in their environments and fashioning strategies and tactics to exploit them" (Edwards, 2009, p. 188). Under this understanding American presidents do not cause change by "going public" (Kernell, 1993) with persuasive arguments but instead are given the opportunity to institute change when the political environment proves favorable for such revision. Scholarship is mixed when attempting to quantify the extent that a president's public support of legislation affects the chances that a statute will be passed. Despite disagreement over exactly how much a president's support of legislation affects its chances of ratification and where the prompt to offer the support comes from, the executive office appears to hold considerable power in setting the policy agenda, especially the domestic one (Barrett, 2004; Edwards III & Wood, 1999).

Another factor under the umbrella of governmental institutions is the support of individual congressmembers for each amendment. All bills in Congress have sponsors who introduce and support the proposed legislation. These men and women could potentially play an important role in attempting to pass the specific bill they introduce because they have "the strategic advantage of defining the contours of debate and affecting the general policy direction taken" (Frantzich, 1979, p.410). The power of sponsors is further emphasized by terming the original sponsor of a bill "the father" of that specific bill, as occurred with the Senator who sponsored the Twenty-Sixth

Amendment (Grossman, 2012). I also originally considered analyzing the roles of cosponsors of these amendments due to their support of the proposed amendments, but previous research has found cosponsors to have little effect on the outcome of bills (Wilson & Young, 1997). Congressional sponsors of proposed amendments are important insiders who can play an integral role in determining if an amendment manages to be ratified, making it critical to analyze their actions within Congress.

The final governmental institution this thesis will examine is the U.S. Supreme Court. The participatory accomplishments of both amendments studied here were first debated within the Supreme Court. The Supreme Court holds ample power as the foremost court of the United States and thus has a considerable effect on policy making, as Congressional bills must be constructed in a way that is deemed constitutional by the Court (Rice, 1982). This relationship is asserted to be inverted by Rosenberg (2008) who argues in support of, what he terms, a “constrained court” which claims that courts are not effective at producing major social change. This understanding of the Supreme Court’s lack of power is based around multiple factors including the Court’s inability to enforce their decisions as they instead rely upon the executive and legislative branches for implementation. The opposite of Rosenberg’s (2008) “constrained court” is, what he termed, the “dynamic court” which argues that the courts are effective in producing significant social reform because they lack electoral constraints the other branches of government must consider. Rosenberg is a firm believer in the “constrained court” view but other political science scholars argue that the court’s power in creating social change lies somewhere in the middle of Rosenberg’s dichotomous “constrained” and “dynamic” courts (McCann, 1994; Scheingold, 2004). We can see hints of a more “dynamic court” as the Supreme Court can overturn legislation that it finds unconstitutional, which grants it a role in the shaping of laws as Congress must construct bills to avoid court censure.

The Court can also impact legislators by forcing Congress to pass bills that reverse or modify court decisions (Stumpf, 1965). This was the basis of the Twenty-Sixth Amendment, as the court ruled in *Oregon v. Mitchell* that a simple statute could not change the voting age in state and local elections (Fish, 2012). Congresspeople are thus forced to consider the rulings of the Supreme Court when constructing legislation and if they wish to circumvent the court, an amendment or congressional override is necessary (Barnes 2004; Rice, 1982). Congressional override can be exercised when court decisions are found to be errant and allows for the displeased group to revisit the issue in a location, like Congress, that may be more equipped to deal with the matter (Barnes, 2004). Congress and the courts are in constant dialogue when formulating change and congressional overrides are just one way this dialogue can unfold. Constitutional amendments are more difficult to ratify than congressional overrides are to enact but have much more permanent places as law.

These are all the informal factors that I will analyze in the context of the Nineteenth and Twenty-Sixth Amendments. Previous research has demonstrated that social movements and governmental institutions both play a role in affecting legislators and the formation of bills and amendments. Although there is literature pertaining to each of these factors generally, there is a gap in the literature comparing these informal factors to one another and the power that each holds over the lawmaking process. Without a proven theoretical framework comparing the impact of each of these informal factors with one another I will not be able to determine the extent that each factor affected the ratification of these amendments. Instead, I will be examining these factors and comparing them across amendments to understand the commonalities and differences between the two. This will allow me to highlight important features in the passage of each of these two

amendments and to better understand the informal factors that affect the ratification of participatory amendments.

Methods

A mix of methodological approaches were used while conducting research for this paper to find the similarities and differences in the factors that contributed to the ratification of these two participatory amendments. I decided to study participatory amendments as there have been a sizable number of these bills which expanded the American electorate, and because future expansions to the electorate are possible due to some Americans, and citizens of American territories, lacking this crucial right (Manza & Uggen, 2004). While examining the existing participatory amendments I found that the most logical way to conduct research for this project would be by way of a case study. This approach provides an in-depth, understanding of each amendment and allows for informed comparisons of the two.

While selecting my cases I decided to pick two of the five participatory amendments. These participatory amendments consist of the Fifteenth, Nineteenth, Twenty-Third, Twenty-Fourth, and Twenty-Sixth Amendments. I decided against studying the Fifteenth Amendment, which enfranchised men of color, due to its unusual post-Civil War, Reconstruction heritage, and its close connection to the Thirteenth and Fourteenth Amendments (which would make untangling the three difficult). I also chose to not study the Twenty-Third Amendment, which gave citizens in the District of Columbia the right to vote in Presidential elections, because of its miniscule effects on citizens outside of Washington D.C. The Twenty-Fourth Amendment, which made poll taxes illegal, was also not included in my case selection due to its ratification being more about protecting Jim Crow laws in the South than actually enfranchising a group of people (Jenkins & Peck, 2013). The Twenty-Fourth Amendment was promoted and passed by Jim Crow proponents

who supported poll taxes but expected that the ratification of this amendment would set a precedent of needing a constitutional amendment to dismantle future Jim Crow legislation. This was understood to be more favorable by Southern Democrats, when compared to a simple congressional act to remove components of Jim Crow, because it is much more difficult to ratify an amendment than to pass a congressional statute. Unlike these three amendments, the Nineteenth and Twenty-Sixth Amendments enfranchised massive groups of people nationwide, without being ratified in conjunction with other amendments, and lacked any obvious ulterior motives. These two amendments allowed me to create a most similar case design because of their successful enfranchisement of large groups of disadvantaged people. Both cases were successful in their goals but also ratified under different temporal conditions which helped to gain an understanding of the informal factors leading to the passage of participatory amendments in general. This ultimately provided me with a “most similar” case design while also including elements of a “least similar” case design. Additionally, the Twenty-Sixth Amendment was chosen as it can be differentiated from the Nineteenth Amendment due to its enfranchisement of a group that wasn’t permanently disenfranchised because they would gain the right to vote in a few years once they became of age (Shklar, 1991). Both amendments that I have studied were ratified in the twentieth century, in 1919 and 1971 respectively. The movements associated with these amendments were well entrenched by the time of their ratifications, as the amendments had been debated and/or demanded for decades prior. This made compiling the information relevant to the ratification of each of the amendments complicated because factors leading to their ratification span decades.

This thesis was conducted by way of inductive research as I looked to compile data on the factors leading to the ratification of both these amendments and used this data to create a theory outlining the factors that are conducive to the ratification of a participatory amendment. Employing

a qualitative method of study, I highlighted the factors which contributed to the ratification of each of these participatory amendments before examining both together to fully answer the question posed in this thesis. Most of the information gathered was found through non-numerical observations of historical documents. Throughout this study I also pay careful attention to understanding why these particular amendments were ratified when they were. Both of these amendments were demanded by different groups for decades before their implementation (Cultice, 1992; McMahon, 2000; Offen, 1999), so this thesis also considers why they were ratified when they were and not earlier or later.

To better understand the questions this thesis attempts to answer there are several themes that must be analyzed in the context of both participatory amendments. The first of these themes is the impact of mass social movements on the ratification of each amendment. To study the impact of social movements on the ratification of these amendments I examined several different sources of primary documents. First, I examined the mission statements, constitutions, meeting minutes, and other primary documents from the major social movements involved in advocating for each of these amendments. During this analysis I highlighted the motivations and tactics used by each group for pursuing legislative change. I then emphasized the ideas found in the primary documents I analyzed and looked for similarities across social movements, both within each amendment and across the two. This task was daunting due to the large number of social groups on both the national and state levels advocating for these amendments, especially the Nineteenth Amendment. Due to my inability to examine every social movement group in depth, I focused on the largest national groups, by number of members, to understand their impact on the ratification of these amendments. Specifically, regarding the Nineteenth Amendment, I examine the American Woman Suffrage Association (AWSA) and the National Woman Suffrage Association (NWSA), which merged in

1890 to form the National American Woman Suffrage Association (NAWSA). Regarding the Twenty-Sixth Amendment I researched the Youth Franchise Coalition, which brought together numerous established organizations around the cause of youth enfranchisement. All these groups were large national organizations that helped pressure for their respective participatory amendments and must be examined to gain an understanding as to how social movements affected the ratification of these amendments.

As mentioned previously, my analysis of these social movements is largely in the context of McAdams's (1982) political process model. I analyzed these movements by looking at the three primary factors that he explains in the model to understand how these social movements took hold and managed to pressure for the legislation they sought. I examined the start of these movements through their constitutions and founding members to understand what "political opportunities" occurred and allowed these groups to form and challenge their disenfranchisement. I also search for major political changes or cultural events that occurred around the time of the creation of these movements to understand this shift in "political opportunities." Additionally, I accounted for elite support and any outside aid received by these movements from other groups or individuals that were important to establishing and strengthening the movements. This examination fits under McAdams's (1982) classification of "indigenous organization strength." Finally, I examined the founding histories of each social movement to understand how and why they formed, reached "cognitive liberation," and were able to aggressively push for enfranchisement. These three factors in the political process model help me to understand how each of these movements managed to form and grow to better understand what's needed for social movements to successfully press for participatory amendments.

Another important theme that has emerged from the literature in understanding the factors conducive to a participatory amendment being ratified is the support, or lack thereof, by the sitting presidents. In answering the question presented by this thesis, I examined how the sitting presidents reacted to the proposed amendments and demands from social movements. I chose to examine the presidents' support of these bills due to their ability to easily pronounce ideas and opinions to a national audience. It remains an open question if the presidents' positions and public support for these specific participatory amendments affected the chances of ratification. To help understand this, I highlighted the commonalities and any differences in the support provided by presidents for these amendments.

To compile information on presidents' support of these participatory amendments I examined their position on each amendment, their speeches regarding the amendments both in and outside of Congress, and any meetings they had with social movement leaders or elites supporting the amendments. To gather these materials, I primarily used the University of California Santa Barbara's American Presidency Project². This database contains public presidential documents dating back to President George Washington and are all available and searchable in one single database. For each amendment I thoroughly searched by relevant president for key terms related to each amendment. It was of little use to search the database by the terms "Nineteenth Amendment" and "Twenty-Sixth Amendment" because I was searching for speeches and documents from prior to the ratification of these amendments. Instead I used search terms such as "women's suffrage," "social movement," "enfranchisement," and "right to vote" when finding documents related to the Nineteenth Amendment. For the Twenty-Sixth Amendment I used the

² Access to this database can be found with the following link: <https://www.presidency.ucsb.edu/>

following search terms: “youth enfranchisement,” “right to vote,” “lowering the voting age,” and “youth vote.”

During my analysis of the presidents’ impacts on the Nineteenth Amendment I investigated the role that President Woodrow Wilson played on the eventual ratification of the amendment due to his considerable support for women’s suffrage during his second term (Amar, 2005; Lunardini & Knock, 1980). My analysis of the Twenty-Sixth Amendment focused on additional presidents that the literature revealed as having played an important role in its ratification. Specifically, I analyzed President Dwight Eisenhower, President Lyndon Johnson, and President Richard Nixon’s role in the ratification of the amendment as they all publicly supported lowering the voting age (Fish, 2012; Sarabyn, 2008).

The second factor that fits under the classification of governmental institutions is the support of individual Congress members. These individuals were examined to try and understand their actions within Congress and how they were able to gather support for the ratification of these amendments. I examined how these congressional leaders supported their respective participatory amendments to see if similar actions were taken within the contexts of each of the amendments studied in this thesis. To gain this information I primarily referenced congressional floor debates. Regarding the Twenty-Sixth Amendment, I also gave especial attention to my examination of Senator Jennings Randolph, who is termed the “father” of the Twenty-Sixth Amendment due to his sustained support for its ratification (Grossman, 2012). The Nineteenth Amendment, on the other hand, lacked a single major sponsor and instead was more of a people’s movement with much of the pressure for the bill coming from grass root mobilizations. Due to this I examined all of the debates surrounding the proposed amendment in depth and was able to find particular senators and representatives who were especially great advocates for youth suffrage.

All of this information relating to congressmembers' actions was uncovered from digitized congressional records. These records were found online through various databases and are quite plentiful; the hardest part of the process was finding the documents useful to this thesis amongst thousands of pages of records. To facilitate this, I used the government's database "govinfo.gov," which contains congressional records that are searchable by key terms and year. To find information about congressional actors I searched names, like Senator Jennings Randolph, in the database during the three years leading up to the eventual ratification of the Twenty-Sixth Amendment. I then searched the three years of congressional documents leading up to these two amendments with key terms such as "women/woman suffrage," "youth suffrage," and "right to vote". This allowed me to find when the issues were being debated in the House and Senate. I then read the transcripts of the debates to understand what factors were being used to construct arguments both for and against the proposed amendments. These documents not only allowed me to discover how proponents of each amendment framed their support in Congress, but also gave me useful insight as to what factors were on the minds of Senators and Representatives at the time they debated these participatory amendments. I also specifically looked for references to the other informal factors I am studying in this paper, the use of extreme language, and any other themes that emerged as recurring in the framing of these issues by congressmembers. Understanding what the congresswomen and men were debating in the months approaching the ratification of these amendments gave valuable insight as to which factors examined in this thesis were especially salient in legislators' minds.

The final crucial informal factor that fits under my governmental institution classification is the role of the Supreme Court in affecting the eventual ratification of these amendments. To study the role of the U.S. Supreme Court on the ratification of these amendments I have examined

the major cases and decisions pertaining to each respective participatory amendment. In doing this, I first explained the outcome of the cases and how these outcomes supported or conflicted with the goals of affected groups such as social movements, legislators, and the executive branch. I then examined similarities in the cases across the two amendments to get an understanding of the justification the courts used when deliberating the legality of expanding the electorate in various ways. For the Nineteenth Amendment I looked at *Minor v. Happersett* (1874) which was a case that examined how female suffrage fit in with American citizenship (Brozovich, 2002). To study the Supreme Court's effect on the passage of the Twenty-Sixth Amendment I reviewed the case of *Oregon v. Mitchell* (1970), which challenged the legality of the federal governments requirement of states to lower their voting ages to eighteen (Fish, 2012). There are hundreds of other Supreme Court cases relating to these amendments (Brozovich, 2002; Fish, 2012; Podolefsky, 1977), which I will not include in my analysis because research has demonstrated they are far less substantial than the two mentioned above. This is because these other cases did not gain as much attention from lawmakers and failed to set a court precedent of disenfranchisement. Despite this, these two specific cases were chosen as they set the precedent for future challenges for enfranchisement and played a considerable role on the dynamic of the movements for participatory amendments. To study these cases I analyzed the court's judgment, dissenting opinion, and any public remarks made by the justices, legislators, or social movement leaders regarding the cases. I also looked for references to the court's decisions in the debates within Congress and social movements to understand how the cases changed the approaches by these groups to accomplish their goals.

The historical inductive approach that I employed for this thesis has some important strengths but also some weaknesses. Strengths of this approach include the accessibility of most

of the information I used due to its availability in public government databases and social movement records, many of which have been digitized. This approach also allowed me to compare the congressional debates over these participatory amendments to see what factors were commonly cited amongst legislators when considering both of these amendments. My research design also permitted me to lay out the information relevant to the question posed by this thesis and synthesize a potential theory to answer the question. One weakness of this approach is that even with all my research, there will always be more documents relevant to the question. Another weakness of this approach comes with the interpretation of the relevant factors as measuring an exact impact of each is impossible; so, I instead outline what occurred and make deductions from there. Finally, this approach is weakened because I am only examining two cases as opposed to the five established participatory amendments. To have a truly representative sample and make considerable deductions a larger case study is required examining all five participatory amendments. Yet, these two cases examined in this thesis provide a first look at the factors conducive to the ratification of participatory amendments.

Chapter 2: The Nineteenth Amendment

The Nineteenth Amendment is the first of the two participatory amendments I analyze in this thesis. Here in the analysis section I will explain my findings pertaining to the Nineteenth Amendment and the informal factors that could have played a considerable role in the ratification of the legislation. I begin with an analysis of the social movements linked to this amendment followed by an examination of the governmental factors related to the Nineteenth Amendment. Examining the Nineteenth Amendment helped to highlight some of the key informal factors in its ratification. Social movements, specifically the NAWSA, helped shift popular opinion in favor of woman suffrage while being careful to avoid radical protests. President Woodrow Wilson was also demonstrated to be especially important to the ratification process because of his consistent support for a female suffrage amendment starting in his second term. Congressional records pertaining to the debate over a female suffrage amendment also repeatedly argued that women should be granted the right to vote because of their important contributions to the World War I war effort. These congressional records also repeatedly referenced the actions and data compiled by the NAWSA which demonstrates the importance of this social movement in shaping discussions within Congress. We will now transition to first examine the social movements in support of ratification of the Nineteenth Amendment.

Social Movements

With our focus on the Nineteenth Amendment, we will now transition to looking at the role of social movements in ratification. Social movements have long been successful in bringing the ideas of the populace to the forefront of public discussion and sometimes congressional debate. Understanding the power of these movements and their ability to pressure for change is important when considering the informal factors relevant to the ratification of participatory amendments.

When a large social movement demands change, legislators are forced to either support or resist the group. As the movement grows and gathers more support, lawmakers have greater incentive to support change to remain in line with their constituents' opinions (Barrett, 2004). The power of social movements in the context of both participatory amendments analyzed in this thesis will be understood using McAdams's (1982) political process model.

The major social movements related to the Nineteenth Amendment were the National American Woman Suffrage Association (NAWSA), the American Woman Suffrage Association (AWSA), and the National Woman Suffrage Association (NWSA). Women had begun organizing to accomplish political goals together in July of 1848 following the Seneca Falls Convention, which is widely viewed as the start to the American women's rights movement (Offen, 1999). Prior to winning the right to vote, women in America worked through various organizations to help promote the passage of other legislation. One example of this is how women played an integral role in the ratification of the Eighteenth Amendment through various roles within the temperance movement. This previous work and experience led to connections to the Abolition, Populist, and Progressive movements, which proved helpful for the women's movement as they were able to garner resources, support, and enrollment. (Banaszak, 1996). These networks provided invaluable experience to the women's movement and were a key part in their ability to mobilize and pressure legislators for the Nineteenth Amendment. With these connections it is unsurprising that the women's suffrage movement took hold especially in the early twentieth century. McAdams (1982) recognized the importance of connections like these with his "indigenous organization strength" factor and we can see that the suffrage movement had strong indigenous strength due to connections activists had with other movements. However, women suffrage groups had to navigate these relationships cautiously so as to reap the benefits without

the negative effects, such as making enemies with the strong liquor lobby, that associations with these groups brought (Burt, 2000). Evidence of this is especially prevalent within congressional debates regarding female suffrage, as the arguments advanced consistently discussed how the temperance amendment fit with proposed women's suffrage. Representative John Moon even argued that representatives who voted in favor of the Eighteenth Amendment must vote in favor of woman's suffrage as to not be hypocritical. He argued this because he believed constituencies held the same opinion on both these different issues and the desires of the constituents are a representative's top priority (Cong. Rec. 56, 766, 1918). Moon's logic proceeded as he explained that if a legislator voted in favor of the Eighteenth Amendment, in line with their constituents demands, they must do the same with female suffrage due to the linkage between the two proposals.

Examining the social movements associated with the ratification of the Nineteenth Amendment has led me to focus my study on the American Woman Suffrage Association and the National Woman Suffrage Association. These two groups merged in 1890 to form the National American Woman Suffrage Association, making it the largest woman's suffrage organization in the U.S. These national organizations were integral to the women's suffrage movement; they united individuals from across the country, and their actions in mobilizing constituencies on the state-level were the primary driving force behind the formation of state-level suffrage movements (McCammon, 2001). The power held by these groups is further evident by the attention they received from political figures. One such politician was President Woodrow Wilson who personally spoke with the President of the NAWSA, Dr. Anna Shaw, and others about their grievances in 1913 when the movement gained enough leverage to warrant a discussion with the sitting president (Pusey, 2015).

Due to its temporal proximity the NAWSA certainly had the most direct effect on the ratification of the Nineteenth Amendment out of these three social movement organizations. To get a better understanding of this movement an examination of its predecessors is necessary. The first group we will examine is that of the National Woman Suffrage Association. The NWSA was formed in 1869 by Elizabeth Cady Stanton and Susan B. Anthony in New York City. Anthony and Stanton formed the NWSA after failing to endorse the Fifteenth Amendment due to its addition of the word “male” to the U.S. Constitution. Stanton and Anthony firmly opposed the amendment and instead insisted that suffrage should be universal and not based upon sex (Heider, 2005). On the other hand, Stone and the AWSA saw the Fifteenth Amendment as a step towards women’s suffrage and thus endorsed it which led to the suffrage movement’s split and the formation of the AWSA and NWSA (Social Welfare History Project, 2011). The Fifteenth Amendment was an important catalyst in the women’s suffrage movement as it helped provide activists with “cognitive liberation.” This is an important part of the Political Process Model and was achieved by the Fifteenth Amendment because women saw that their disenfranchisement could be challenged and changed, just as occurred with the long repression of the black man. The NWSA was concerned with a variety of women’s issues including the ease of divorce and women having property rights but their primary goal was outlined in their 1883 Constitution which states, “Article 2.- the object of this Association shall be to secure NATIONAL protection for women citizens in the exercise of their right to vote” (National Woman Suffrage Association, 1883). One important thing to note in this Constitution is the emphasis placed upon the word “national” by putting it in all capital letters. As the only word spelt out in solely capital letters out of the six articles in the constitution, the NWSA is demonstrating that they want female suffrage immediately by way of a federal

suffrage amendment. This difference is especially important as it separates the group from the AWSA which advocated suffrage on a state-by-state basis.

The NWSA was engaged in a variety of strategies to accomplish their goals including litigation, protests, and petitions. In November of 1876 Elizabeth Cady Stanton created a petition that called on all American men and women to sign and demonstrate their refutation of the argument that women do not want the vote. This petition also called upon women active in the movement for the black vote to again become activists, but this time for their own suffrage, “we urge the women of this country to make now the same united effort for their own rights that they did for the slaves at the South when the thirteenth amendment was pending” (Buhle & Buhle, 2005, p. 305). After failing to have the Fifteenth Amendment applied to women in *Minor v Happersett*, suffragists called upon the “indigenous organizations” (McAdams, 1982) which had previously organized and could be tapped into to advance the cause of female suffrage. Links to the temperance movement were also repeatedly referenced in the proceedings of the NWSA. Susan B. Anthony for example explained that women were also the leaders of the temperance movement and were important in demonstrating the capabilities of women and providing support for the growing female suffrage movement (National Woman Suffrage Association, 1884, p.36). The NWSA also noticed changing political circumstances when advocating for suffrage. These changes included the increase in Eastern European immigrants which women used to argue that these men had far less of a claim to the ballot than women, but still enjoyed the right. This was recognized in the 1889 NWSA Convention in a speech given by Olympia Brown. Brown also noted that women had become increasingly educated due to their ability to attend colleges and universities which entitled them to the vote far more than “the riff-raff of Europe” (Buhle & Buhle, 2005, p. 320). With the dramatic increase of Eastern European immigration, suffrage activists

recognized the “political opportunities” (McAdams, 1982) available to them and exploited these to argue in favor of female suffrage. The NWSA was extremely active both on the national and state level in advocating for woman’s suffrage but was not the only social movement active at the time.

The American Woman Suffrage Association was the competing sister organization of the NWSA and was founded by Lucy Stone and others in 1869. The AWSA was concerned solely with gaining female suffrage, as opposed to the NWSA which also advocated for fair divorce laws and education for women. The AWSA differed from the NWSA largely because of the means they employed to gain the vote. The AWSA’s plan for achieving this differed from the NWSA in that the AWSA wanted female suffrage through a state-by-state approach, “the American Suffrage Association has always recommended petitions to congress for a sixteenth amendment. But it recognizes the far greater importance of petitioning the State legislatures” (Buhle & Buhle, 2005, p.308). The previous statement was given by the chairman of the AWSA, Lucy Stone, in February of 1878. She argued in favor of a state-by-state approach to suffrage because that’s where the Constitution left the power and because she had no expectations for representatives of states without woman suffrage to ever refer such an amendment to their state legislatures. Stone’s ideas here are especially evident in the AWSA’s 1880 Constitution. The preamble of the document spoke of their methodology for achieving the vote and stated that a national organization was needed to coordinate women suffrage efforts that, “embody the deliberate action of the State and local organizations” (American Woman Suffrage Association, 1880, p.2). Furthermore, the second article of the document outlines the objects of the social movement and in section one it is stated that the object was, “to form auxiliary State Associations in every State where none such now exist, and to co-operate with those already existing” (American Woman Suffrage Association,

1880, p.2). The AWSA's Constitution very clearly demonstrates the primary goal of the organization and the means to which they would achieve this goal. Being so different from the NWSA's tactics, the AWSA's plans were newsworthy as evident by their inclusion in a newspaper at the time, *The Independent*, "it [the AWSA] also makes the delegated body of representatives from states and societies the controlling power" ("American Woman's Suffrage Convention," 1869).

The AWSA also differed from the NWSA in that it allowed both men and women to make up its ranks, including officer positions. This difference couldn't be clearer as the NWSA thought that only women should be leading the movement for woman's suffrage, while the AWSA had a man as their first president, Henry Ward Beecher, in addition to other men holding officer positions (American Woman Suffrage Association, 1880). The AWSA, although smaller than the NWSA, was able to promote their ideas nationally in part thanks to *The Woman's Journal*. This periodical was the largest of the time advocating for national suffrage and was founded by Lucy Stone and Henry Blackwell, both of whom held officer positions in the AWSA (Heider, 2005). The journal ran from 1870-1917 and included various topics especially targeting women including poetry, international affairs related to women's rights, achievements of American women, and most importantly, information relating to state movements in granting women the right to vote. The first publication outlined the goals of the periodical, "[a weekly newspaper] devoted to the interests of Woman, to her educational, industrial, legal and political Equality, and especially to her right of Suffrage" ("The Woman's Journal," 1870). Each weekly edition consisted of about eight pages entirely dedicated to issues relating to women. Due to little competition in this niche of the market, Mott and Blackwell's newspaper became nationally renowned and was a crucial part of the AWSA's ability to inform the public about women's issues. This is the case because the journal

impacted the suffrage movement by providing individual women with information pertaining to their position in society and the need for change. With this information, ordinary women were able to connect with the ideas of the organization and be “cognitively liberated” (McAdams, 1982) as they recognized that their suppressed position was unfair and subject to change.

The Woman's Journal epitomized the original strategy of the AWSA as it attempted to educate and gain support from the general populace. Although *The Woman's Journal* was now here to stay, Mott, Blackwell, and the AWSA realized that their strategy for suffrage needed to be modified after Nebraska voted down a proposed female suffrage amendment in 1882. They thus decided to concentrate on lobbying state legislatures rather than general populace appeals because the general populace “were usually less enlightened than their legislators” (Wheeler, 1981, p.280). This change in strategy was further evident in a letter Henry Blackwell sent Lucy Stone on September 17, 1880. Blackwell, after arguing for a suffrage amendment, wrote of his humiliating defeat in front of a Massachusetts committee. Blackwell blamed the failure on him not having a single ally on the elected committee (Blackwell, 1880). The AWSA's then shifted in strategy although they maintained that the best way to accomplish suffrage was by way of a state-by-state strategy.

The AWSA's state-by-state strategy was found to have little success which helped fuel the later formation of the NAWSA. The struggles of this approach are evident in the existence of 480 campaigns, across thirty-three states, between 1870 and 1910 to get states to issue a referendum. Of these 480 attempts, just seventeen times did the states agree to allow a vote, and of these only two referenda succeeded, both after the AWSA merged with the NWSA in 1890 (Flexner, 1959, p. 222). The 1890 merger took three years of negotiations between the leaders of the AWSA and NWSA but was understood to be mutually beneficial, especially among the younger leaders of

both organizations. One young leader in particular was essential to the merger, Alice Stone Blackwell (the daughter of Lucy Stone) who led the negotiations and ensured the two groups would come together as the NAWSA (NWHM, 2020). The original factors that forced the creation of these two rival suffrage groups, over about two decades, became less and less prevalent. Both the AWSA and NWSA wanted women to have the right to vote above all else and both had made very little progress in achieving this goal since their formation in 1849. So rather than continue competing, the two groups merged in 1890 to form the National American Woman Suffrage Association which was devoted to obtaining female suffrage, separating itself from its radical image, and utilizing any and all beneficial situations for promoting this cause (Buhle & Buhle, 2005). When the two groups finally merged, Elizabeth Cady Stanton was elected the first President amongst other prominent suffrage leaders including Susan B. Anthony, Carrie Chapman Catt, Lucy Stone, and Henry Blackwell. The NAWSA would have just under two million members by the time of the Nineteenth Amendment's ratification and undoubtedly helped gain women the right to vote through grassroot mobilization and petitioning of legislators. The rapid strength achieved by the NAWSA can be credited to the work of the NWSA and AWSA independently. These two groups provided considerable "indigenous organizational strength" (McAdams, 1982) to the NAWSA with their established organizational structures and considerable resources. The work of these groups prior to the formation of the NAWSA were crucial in helping to form the backbone of the social movement.

The culmination of both the AWSA and NWSA's goals and strategies is evident in the NAWSA's Constitution which instituted ideas from both bodies. The Constitution outlined the two primary goals of the social movement as, "(1) to secure the vote to the women citizens of the United States by appropriate national and state legislation, and (2) to increase the effectiveness of

women's votes in furthering better government" (National American Woman Suffrage Association, 1920, p. 7). To accomplish these goals the Constitution continues by explaining that the NAWSA will organize, support, and form auxiliary groups in all of the states, regardless of if they had adopted female suffrage or not. The Constitution also explained that every year the NAWSA would host a national convention to vote on plans and discuss the achievements of individual states. One thing that is clear from the NAWSA's Constitution is that they wanted to form state-based organizations to supplement the national organization and ensure true grassroots mobilization. Through the decades this strategy would prove important to the NAWSA's progress as each national convention would include testimonies from representatives of each state. These statements would explain the state specific measures being employed across the country as it was understood that each state had its own challenges in advocating suffrage (National American Woman Suffrage Association, 1913).

From the start, the NAWSA used the force behind their social movement to directly address legislators. The exact size of the NAWSA at the founding is uncertain because some state-based suffrage auxiliaries failed to properly census their members and supporters. Despite this, the secretary of the NAWSA, Rachel Foster Avery, reported in 1893 that the NAWSA, "has thirty-three auxiliary States, two hundred and forty-nine local and county societies, aggregating thirteen thousand one hundred and fifty members" (National American Woman Suffrage Association, 1893, p.16). Much of this rapid membership can be credited to the work and accomplishments of the AWSA and NWSA in the previous years. The NAWSA was founded on the basis that they would avoid radical attempts to promote change which included protests, pickets, and hunger strikes, all of which would later be used by the smaller, more radical suffrage organization, the National Women's Party (NWP). This was decided upon to try and limit the power of the "external

responses to insurgents” (McAdams, 1982) as larger external groups would be more hostile to the movement if the NAWSA was considered to be especially radical. Instead the NAWSA attempted to convince legislators that suffrage was necessary by employing logical arguments for the right to vote. One such example of this is when Elizabeth Cady Stanton spoke before the House Committee on the Judiciary on January 18, 1892. The NAWSA was able to appear before Congress quickly after conception due to its prestige gained because of its birth coming from two well-established organizations. Although men and women had been appearing before the committee for decades to discuss suffrage, this 1892 speech by Stanton was concerned with drawing attention to women’s inability to self-determine their lives because of their lack of rights (“Hearing of the woman suffrage association,” 1892). Although one of the first times a member of the NAWSA testified before a congressional committee, this was certainly not the last time suffragists would appear before Congress. This is especially true of the NAWSA because of their focus on achieving change by conservative means.

In addition to organizing state-based associations for women suffrage and petitioning Congress for a suffrage amendment, the NAWSA also held annual national conventions to discuss suffrage. Beginning in 1893, the proceedings of the National American Woman Suffrage Association’s yearly national conventions were printed in pamphlets and sold (depending on the year) for about fifteen cents each. These documents were printed until 1920 and contained important information relating to the association’s strategy and upcoming lobbying efforts. In 1899 alone, NAWSA spent \$298.70 on printing and postage of the meeting minutes which were then sent to all auxiliaries (National American Woman Suffrage Association, 1900, p. 18). Although this seems like a small number, it was about 3% of NAWSA’s entire 1899 budget which demonstrates the association’s commitment to informing Americans about the developments of

female suffrage. Overtime the amount of money spent by the NAWSA on printing this material increased, but at the same time the NAWSA's budget grew rapidly largely due to membership dues and donations from wealthy members (National American Woman Suffrage Association, 1904, p.49). NAWSA's national conventions were especially important in coordinating the nationwide strategy for achieving suffrage. At some point, typically the start, during every convention the state delegates would spend a minimum of a half an hour discussing "state reports" which would include the developments of auxiliary suffrage associations in various states (National American Woman Suffrage Association, 1902). These testimonies would then be used while planning the national approach to suffrage to effectively coordinate the movement based on the needs of the auxiliaries.

Although there existed several militant woman suffrage organizations, the NAWSA received accolades from Senator Key Pittman because, "they [the NAWSA] have conducted their campaign in a ladylike, modest, and intelligent way" (Cong. Rec. 56, 10843, 1918). The NAWSA was not classified as a militant suffrage group because they opted for traditional lobbying and petitions to legislators as opposed to picketing or protesting outside the White House in Washington D. C. March 3, 1913 is the sole exception to NAWSA's antimilitant strategy. On the eve of President Wilson's inauguration, the NAWSA staged an unprecedented public march in Washington D.C. The movement was organized and run by Alice Paul and Lucy Burns and featured over eight thousand women of professional, university, and homecare backgrounds marching in the parade (Dodd, 2008). A massive crowd also assembled to observe the march as many of the spectators harassed and jeered the women in the parade. The crowd quickly got out of hand and the police presence was not equipped for the near riot that occurred resulting in "over a hundred people were taken by ambulance to the hospital for treatment of their (mostly minor)

injuries” (Dodd, 2008, p.370). Paul, Burns, and NAWSA’s parade garnered extensive media attention and allowed for Paul to stand before the Senate just three days later to testify as to the goals, aims, and reactions to the march. Although a success, NAWSA leadership did not want protests to continue in this fashion because they were opposed to the violence that ensued and instead favored civil appeals to legislators. Lucy Burns and Alice Paul, who spearheaded this radical protest, then broke from the NAWSA to form the National Woman’s Party (NWP) in 1916 (Buhle & Buhle, 2005). The NWP was far smaller and much more radical than the NAWSA and attempted to lobby for female suffrage with pickets outside the white house, marches in D. C., and, upon arrest, hunger strikes. Although the 1913 march in Washington D. C. succeeded in some respects, the NAWSA wanted to distance itself from these more radical efforts. Radical forms of lobbying proved especially harmful during World War I when questioning female suffrage publicly was interpreted as being anti-American. Advocating change along more traditional routes proved beneficial for the NAWSA, as evident in Senator Pittman’s statement, because Congress and legislators responded favorably to their “ladylike” actions. This was the ideal reaction for the NAWSA as “external responses” (McAdams, 1982) from Congress were in their favor because of their avoidance of radical protests.

As demonstrated in President Wilson’s speeches and the congressional record, a lot of the calls for female suffrage were made on the basis of women’s participation in WWI. This, in large part, can be credited to the NAWSA and their organization of women to aid in the war effort. Beginning in 1917 the NAWSA created a “War Service Department” and Nettie Rogers Shuler, the Corresponding Secretary of the NAWSA, explained at the 1917 national convention that, “our Association met and offered, in so far as it was able, the services of our more than two million women to the Government” (National American Woman Suffrage Association, 1917, p.87). With

the United States' sudden entrance into the First World War in 1917, women had to fill expanding roles on the home front as men went overseas to fight. This is a clear example of McAdam's (1982) conception of "political opportunities." WWI provided incredible opportunities for women to contribute in the public sphere to the American cause. This allowed for the possibility of change via suffrage because women were able to demonstrate their value to the United States in a time of vulnerability. The NAWSA opened itself up to the war effort by creating the War Service Department which allowed women to work for the benefit of the U.S. through the NAWSA's existing network while demonstrating women's patriotism. By devoting considerable resources to the war effort, the NAWSA demonstrated women's dedication to the U.S. and civic responsibility. The NAWSA's War service Department had five sections which corresponded to the five principal tasks they identified as being essential to the war effort, "(1) money raising, (2) growing and conserving food, (3) caring for children and other dependents, (4) guarding public health, (5) protecting women in industry; and, of course, the usual tasks of nursing and providing clothes and bandages" (National American Woman Suffrage Association, 1919 , p.175-176). Suffragists, because they had demonstrated an exceptional ability to organize, were an obvious place for government officials to turn when help was needed during the Great War. The NAWSA played an integral role in organizing citizens to efficiently complete the tasks required of women during WWI. Although the NAWSA supported the American war effort, they did not give up in calling for female suffrage. In a 1918 speech titled "woman as a war measure," Carrie Chapman Catt, the president of the NAWSA, explained how the greatest threat to the Axis powers was democracy. She argued that enfranchising women was essential to democracy and would help to halt the Kaiser's attempts to spread autocracy. "All these aims [of the war effort] call for votes; there can be no self determination of people as to their form of government without votes" (Catt, 1918).

Catt's speech was designed to show that for democracy to prevail in this war the United States must first ensure democracy to all its citizens at home, clearly demonstrating the extent to which WWI changed women's "political opportunities" (McAdams, 1982). While a considerable amount of the NAWSA's resources had to be diverted away from lobbying for suffrage and to the war effort, this dedication to the patriotic cause proved to be important when the Nineteenth Amendment was ratified.

During the war, the NAWSA held a meeting in Indianapolis on April 17, 1918 during which the presidents of each of the forty-eight states' auxiliaries of the national association met and prepared a resolution. This resolution was especially influential as it reached and influenced members of Congress. Senator John Shafroth read the resolution to the entire Senate before highlighting and agreeing with key arguments in favor of female suffrage. The primary argument of the resolution presented by him referenced the Declaration of Independence and the inconsistency in fighting for democracy without female suffrage. Shafroth closed his argument and discussion of the NAWSA's resolution stating: "let us end this inconsistency and enthuse all of our people by adopting the joint resolution for a constitutional amendment granting equal suffrage to all of the governed of our States and Nation" (Cong. Rec. 56, 5805, 1918). Here Senator Shafroth referenced the NAWSA's 1918 national convention when arguing to grant women the right to vote. Meeting minutes from the convention were readily available to legislators, like Shafroth, who's reading of them demonstrated how Congress was responding to and considering the NAWSA's actions. Even after Congress voted in favor of a female suffrage amendment in 1919, the NAWSA continued to meet in 1920 to ensure the legislation was ratified. Carrie Chapman Catt, President of the NAWSA, explained how she was continuously lobbying legislators in state governments, especially Tennessee to ensure that the federal amendment would

be ratified (National American Woman Suffrage Association, 1920). This national convention in 1920 would be the last for the NAWSA as the Nineteenth Amendment was ratified later that year. The NAWSA's success in lobbying legislators through grassroots mobilization and contributing to the war effort finally proved triumphant as universal suffrage was adopted across the country.

Presidential Support

The Nineteenth Amendment was ratified during the second term of President Woodrow Wilson, who served from 1913 to 1921. At the start of his presidential tenure, President Wilson, a native of Virginia, carried many of the sexist ideas of womanhood common amongst southerners (Lunardini & Knock, 1980). He came to office during the height of the women's suffrage movement and was forced to address the issue due to its salience nationwide. Rather than become involved in the heated debate during his campaign, Wilson, in May of 1911, said that the issue of women suffrage should be left to each individual state, as opposed to the national government (Johnson, 2009). These original statements advocating for states' rights in deciding this issue would be used by anti-suffragists for years, even after Wilson publicly changed his opinion on the matter (Cong. Rec. 58, 86, 1919). During December of 1913 President Wilson met privately with representatives from the National American Woman Suffrage Association (NAWSA) but again declined to publicly support women suffrage despite showing concern for the movement (Johnson, 2009).

Women suffrage social movements, such as the NAWSA, paid little attention to obtaining presidential support for their cause until President Wilson came to office (Lunardini & Knock, 1980). Social movements' new focus on presidential support was due to the expanding power of the president during the start of the twentieth century. President Wilson finally publicly supported women suffrage during a speech on October 6th, 1915 when he explained that he would vote in

favor of New Jersey granting women the right to vote but maintained that the issue should be left to the states (NWHM, n.d.). This confirms the “New Way” of presidential leadership outlined by Tulis (1987). Here we start to see the shift of Wilson’s leadership to becoming more targeted to the general populace which becomes even more pronounced later in his tenure. Throughout his tenure as president, Woodrow Wilson remained sympathetic to the women’s suffrage movement but continuously failed to back national reform. His support and sympathy for the movement is especially evident from his September 9, 1916 address to the National American Woman Suffrage Association convention in Atlantic City. Wilson was optimistic about the women suffrage cause and explained that he would be an ally to the movement: “I have not come to fight against anybody, but with somebody” (Wilson, 1916). This convention was seen by some social movement leaders, such as Carrie Chapman Catt and Nettie Rogers Shuler, to be Wilson’s transformation towards support of the women suffrage cause (Johnson, 2009). The speech was cautious and contained no specifics as to what President Wilson would do to support the movement; but Wilson also notably did not mention states’ rights at all, which he had previously emphasized as the solution to the issue.

Following the 1916 speech President Wilson began to support women’s suffrage, but only behind closed doors by meeting with various social movement leaders and congressmembers. On January 8, 1918, just two days before the House of Representatives was set to vote on a women suffrage amendment, President Wilson invited twelve state representatives to the White House and convinced them to endorse the suffrage amendment in the upcoming vote (Lunardini & Knock, 1980). The following day, Wilson finally publicly came out in support of a women suffrage constitutional amendment. Although Wilson will continue to appeal directly to legislators on this subject, it is obvious here that Wilson is forming what Tulis (1987) terms, the “New Way” of

presidential leadership. Wilson is argued to be the first President to adopt this and it is evident that his strategy began this shift as he started to make more and more public appeals for suffrage as opposed to targeted congressional appeals. This shift took a lot of time as Wilson still targeted individual legislators while supporting the Nineteenth Amendment, but we do see him targeting the general populace more and more with his arguments. Wilson starting this shift will become especially evident in our analysis of the Twenty-Sixth Amendment as we see the presidents' who supported that bill focusing almost solely on general populace appeals.

Individual and targeted appeals to specific House and Senate members were not uncommon for President Wilson when attempting to gather congressional support for women's suffrage. Such personal appeals continued during the Senate deliberations of the amendment; Wilson even wrote a personal letter to the Governor of Kentucky after the passing of Kentucky's elected senator, Senator Ollie M. James. In the short letter (as cited in Hay, 2000) from August 30, 1918, Wilson urged the Governor to appoint a prosuffrage successor because of "how serious the consequences of a rejection may be" (p.220). President Wilson's support of female suffrage is further evident in a letter he wrote to Carrie Chapman Catt on June 7, 1918, in which he explained how he hoped that the Senate would move quickly and pass a suffrage amendment prior to the end of their current session (Cong. Rec. 56, 7995, 1918). Although an exaggeration, Senator Smoot emphasized the significance of President Wilson's letter: "the letter has already been published, I suppose, in nearly every paper in the United States" (Cong. Rec. 56, 7994, 1918). From here on out President Wilson was a firm supporter of women's suffrage by way of a constitutional amendment; he even delivered a speech to the Senate professing his commitment to enfranchisement on September 30, 1918 (just one day after Carrie Chapman Catt and William Gibbs McAdoo asked him to further support the proposed amendment) (Amar, 2005). Wilson framed his argument in the context of the

first World War, claiming that “the passage of this amendment is a vitally necessary war measure” (Wilson, 1918a). Woodrow Wilson repeatedly argued that women were an essential component of the war effort at home, and that enfranchisement was necessary to show the world that America was committed to democracy. Despite Wilson’s support for the amendment, the vote failed the very next day by just one vote (United States Senate, n.d.).

President Wilson did not give up and instead continued to support women’s right to vote during his annual speech to Congress on the second of December in 1918, noting that “the least tribute we can pay to them [women] is to make them the equals of men in political rights as they have proved themselves their equals in every field of practical work they have entered” (Wilson, 1918b). Wilson’s support for women’s suffrage was certainly understood within Congress and played a role on congressmembers supporting the legislation. One such example of this is Representative Campbell Cantrill calling for legislators to ignore their constituencies and instead follow the President’s recommendation, “follow the President’s advice and vote for this [woman’s suffrage] amendment. It will not do to follow the President in this great crisis in the world’s history on those matters only which are popular in your own districts. The true test is to stand by him, even though your own vote is unpopular at home” (Cong. Rec. 56, 764, 1918b). When the issue of suffrage appeared before the Sixty-Sixth Congress, some representatives again demonstrated their commitment to following President Wilson, “[President Wilson] sent us a message from across the waters, so anxious is he for woman suffrage. But I prefer to follow the President” (Cong. Rec. 58, 88, 1919). This steadfast support of President Wilson is applied to his opinion regarding female suffrage in the midst of the First World War and even after in 1919. These statements demonstrate Wilson’s ample power as some legislators would follow his policy decisions unwaveringly. In May 1919 President Wilson made another important contribution to the

ratification of the amendment in Paris when he convinced Senator William Harris to vote in support of suffrage at the urging of Alice Paul (Lunardini & Knock, 1980). With the support of other members of Congress, the amendment succeeded and went to the states for final ratification. Wilson again supported the amendment during this stage and wrote to representatives within Oklahoma (“Urges Oklahoma,” 1920), North Carolina (“Urges North Carolina,” 1920), Delaware (“Delaware vote,” 1920), Louisiana (“Baton Rouge,” 1920), West Virginia (“Wilson intervenes,” 1920) and, at the urging of Catt, Tennessee (“Tennessee will act,” 1920) asking them to approve the proposed amendment. Woodrow Wilson started his presidency maintaining that the issue of women’s suffrage should be left to the states. This all changed as he became a major proponent of a constitutional amendment guaranteeing women the right to vote at the urging of social movement leaders during his second term as President. It is important to emphasize that President Wilson was not a steadfast supporter of suffrage but instead began supporting the movement at the urging of social movements. This contradicts Kernell’s (1993) idea of “going public” because President Wilson tended to react to the public and social movements in his support of the Nineteenth Amendment. This instead supports Edwards’s (2009) hypothesis on presidential influence as President Wilson became more accepting of the woman’s suffrage campaign after recognizing the changing political and social ideologies. By the time Wilson became committed to the cause, the NAWSA was well established and had met with Wilson privately on multiple occasions. Despite this, Wilson still played an important role in ratification because he provided the issue with additional salience and was able to successfully petition legislators and states to ratify the amendment.

Congressional Actions

The second governmental institution that this thesis will analyze to understand its effect on the ratification of these participatory amendments is the actions of congressmembers. These men and women are responsible for crafting our laws and can have a major effect on ratification of amendments with continued and strategic support (Frantzich, 1979). Examining the discussions within Congress regarding women suffrage sheds light on the informal factors considered when passing the legislation. Similar to what later occurred with the Twenty-Sixth Amendment, support for woman suffrage within Congress followed certain trends.

In the years leading up to the ratification of the Nineteenth Amendment, congressmembers continuously entered petitions for and against women suffrage from their constituencies. These documents would contain thousands of signatures from men and women across the country to advocate for or against women's suffrage (Cong. Rec. 56, 220, 1917; Cong. Rec. 56, 701, 1918). Such constituent based lobbying efforts were repeatedly brought up in both houses of Congress. With few forms of communication available by which a constituent could contact their Senator or Representative, petitions became important to the suffrage debate as they demonstrated the beliefs and desires of citizens regarding the issue. These female suffrage petitions appear so commonly in the congressional record but there were still many more in circulation that were not entered in this source (Cong. Rec. 56, 1683, 1918). The frequency in which these petitions appeared is epitomized by Senator Smoot's objection to a pro suffrage letter from President Wilson being entered into the congressional record. Senator Soot stated, "the Senator from Kansas knows that just a few days ago we had four or five pages of thee Record filled with petitions and letters upon this [female suffrage] subject. I can not see what earthly good can come from having the Record encumbered with letters of any kind" (Cong. Rec. 56, 7994, 1918). Petitions, especially of the pro-female

suffrage sort, were constantly being discussed in Congress and began to become too repetitive and cumbersome for some Senators, like Reed Smoot. The congressional documents also reveal that these petitions were largely mailed to representatives and senators on small scales. Rather than massive national petitions, although some did exist, these pleas for suffrage came from small local groups such as “the State Teachers’ Association, Baton Rouge, La.” (Cong. Rec. 56, 6081, 1918) or the “Equal Franchise League, of Stamford [Connecticut]” (Cong. Rec. 56, 5468, 1918). State specific petitions were also submitted by anti-suffrage groups and presented within Congress. Two such petitions were entered into the record by Senator Henry Lodge (MA) from “the anti-suffrage associations of New England and New York” (Cong. Rec. 56, 5739, 1918). Although pro-suffrage petitions were mentioned in both houses of Congress with greater frequency during the years preceding the Nineteenth Amendment, anti-suffrage pleas were still commonly sent to Congress from constituents.

Congressmembers in favor of granting women the right to vote also repeatedly referenced the war effort as justification, just as President Wilson had. This idea was epitomized by the following statement made by Representative Jeannette Rankin which received a considerable amount of applause amongst representatives in the House: “how shall we explain to them the meaning of democracy if the same Congress that voted for war to make the world safe for democracy refuses to give this small measure of democracy to the women of our country?” (Cong. Rec. 56, 772, 1918). With the United States’ involvement in World War I on the basis of protecting democracy (at least from an Americentric viewpoint), many saw the lack of universal suffrage in the U.S. as contradicting this goal. The war was also used by legislators, such as Representative Ira Hersey, to justify enfranchising women because of their contributions to the American war effort: “the Red Cross women in the hospitals, in the ambulances, thousands on the battle fields,

risking their lives standing by man's side in this great world war" (Cong. Rec. 56, 778, 1918). Congressmembers recognized that women were not only aiding the war effort on the front lines but also through war industries at home (Cong. Rec. 57, 232, 1918). However, other members of Congress used the war effort to argue that female suffrage should be put on hold until after the war as to focus all efforts on the conflict (Cong. Rec. 56, 3426, 1918). Finally, some congressmembers completely disconnected female suffrage from WWI, arguing that "we won every war we ever were in without woman suffrage and prohibition." Here, Senator Brandegee continued by stating that women should not be attempting to create revolution at home and instead, "they had better go home and knit bandages and pick lint and get ready to take care of their brothers and sons and fathers who are going to be shot to pieces in the trenches abroad" (Cong. Rec. 56, 6151, 1918). Following his statement, Senator Gallinger briefly interrupted to say that women were contributing considerably to the war effort before Senator Brandegee completed his argument and the topic of discussion shifted to the economy of aeroplanes. The United States proved victorious in the First World War in November of 1918 without providing female suffrage, and legislators like Representative Edward Denison picked up on this, "the President [Woodrow Wilson] came before us and said that it was necessary to vote for woman suffrage, in order to win the war. Does the gentleman stand by the President in that? [Laughter.]" (Cong. Rec. 57, 1345, 1919). Antisuffragists were now able to defend their position by demonstrating that a key argument in favor of suffrage was ill-founded and that it was only advanced because of the lack of any other justification for providing women the right to vote (Cong. Rec. 57, 2907, 1919). These anti-women suffrage legislators were also now able to frame the previous attempts at female suffrage as attempts to usurp the power of the states and blatantly ignore and disrespect the Constitution (Cong. Rec. 57, 3968, 1919).

A primary argument used against the enfranchisement of women was that the shaping of the electorate should be left to the states. As put by Representative Parker of New Jersey, “it is a fundamental right of the locality to determine its own electorate” (Cong. Rec. 56, 764a, 1918). This argument acknowledged the enfranchisement of African Americans by the Fifteenth Amendment, but explained that this amendment was not a precedent, but instead was simply an unusual exception caused by the Civil War. The only other option to grant women the right to vote would be for each individual state to pass an amendment to their constitution granting such suffrage (Cong. Rec. 56, 765, 1918). The issue of states’ rights was largely to blame for the eventual failure of a woman’s suffrage amendment in the House of Representatives on January 10, 1918. The House rejected female suffrage by a vote of 131 yeas to 273 nays with many anti-suffrage representatives citing the 1916 Democratic and Republican platforms in their decisions. These platforms supported female suffrage but insisted that the change come from the states. Representative William Gordon explained that voting for a female suffrage amendment was morally wrong because of these platforms: “any man in this House, whether Democrat or Republican, who votes for this [female suffrage amendment] resolution, and who did not in the campaign in 1916 publicly repudiate that plank in his platform, is guilty of bad faith with his constituents, every single one” (Cong. Rec. 56, 769, 1918). Having been elected under the aforementioned platforms, congressmembers were largely forced to vote against female suffrage to avoid hypocrisy in 1918, regardless of their individual opinions. In later debates over women’s suffrage, proponents of a constitutional amendment repeatedly referenced the plan of leaving enfranchisement to the states. They argued that this process was completely unjust because women in states such as New York already had the right to vote while women in other states, such as Tennessee, lacked suffrage (Cong. Rec. 56, 10782, 1918). Congressmembers emphasized this

injustice and used it as justification when arguing for universal female suffrage. These legislators were also able to point to some Western states that had already enfranchised women as counterexamples to various claims, such as Representative Edward Little's belief that women in politics would tear apart households (Cong. Rec. 58, 80, 1919). In addition to referencing Western states, legislators, like Representative John Raker, also pointed to foreign countries such as England, Canada, Australia, New Zealand, and others as positive examples of enfranchising women (Cong. Rec. 58, 82, 1919).

Members in both houses of Congress also repeatedly referenced fairness when attempting to promote female suffrage. The right to vote in the United States is considered a privilege by the Supreme Court (*Minor v Happersett*, 1874) but some legislators including Senator John Shafroth questioned this, "it [voting] is a privilege that exists after man has assumed all the powers of government and has said: 'This right shall not be extended except with my consent.' That is not fair; it is simply an assumption, a usurpation of power" (Cong. Rec. 56, 2777, 1918). Appeals arguing that man's domination at the polls was unfair were not uncommon because, by the late 1910's, many Americans began to understand that the prohibition of women from the polls was unjust. These feelings of injustice stemmed from the belief that women's suffrage is a natural right and women deserve the ability to participate in their country's affairs especially because "we allow idiots and lunatics to vote [if they are men]" (Cong. Rec. 56, 10782, 1918).

Senators and Representatives in their respective chambers of Congress also repeatedly referenced education and intelligence in arguing both for and against female suffrage. Some congressmembers argued that women simply did not possess the intellect to vote. Senator Andrieus Jones argued against this claim, using evidence such as "by the census of 1910 there were about 22,000,000 educated women over 21 years of age and about 2,000,000 illiterate ones" (Cong. Rec.

56, 10926, 1918). When discussing female suffrage, pro-suffrage legislators repeatedly referenced women as “patriotic and intelligent” to help counter the female deficiency claims of anti-suffragists (Cong. Rec. 56, 10979, 1918). Representatives from states where women suffrage was already instituted were also able to attest to the brilliance of women elected to their state legislatures. One such example is Representative William Newell’s statement: “they are all women that we have elected to the two branches of our State legislature, and I would willingly submit them to a comparison with an equal number of men legislators” (Cong. Rec. 58, 87, 1919). States such as Colorado were able to provide direct evidence as to the abilities and intelligence of women in political settings. The intelligence of women was also argued by congressmembers, like Representative Adolphus Nelson, to be necessary for the U.S. in attempting to reconstruct the world because of the incredible destruction caused by World War I (Cong. Rec. 58, 83, 1919).

A joint resolution for granting female suffrage was repeatedly argued for and against within the Senate during 1918, but the timing of the vote for the proposed amendment had special importance. One such example of this occurred on the 27th of June when a motion to vote on the proposed amendment was made in the Senate. After debate, a roll call, and discovering that a quorum was present, Senator Andrieus Jones revoked his motion because other senators feared that a vote would be rushed and result in failure since the prevailing belief was that the Senate should focus their energy on a bill regarding federal revenue relating to the war effort (Cong. Rec. 56, 8353, 1918). The proposed constitutional amendment was tabled again after a similar situation occurred on June 6th of the same year. On June 6th, Senators in favor of female suffrage wanted to ensure the amendment would pass with the necessary two-thirds majority and noticed that of the senators present that day they would not succeed in the vote and decided to delay. Such actions were picked up on and criticized by anti-suffrage senators, but pro-suffrage men held the majority

and thus could manipulate the process in favor of their objectives (Cong. Rec. 56, 7411, 1918). The importance of the personnel present for a vote is evident by the Senate's vote on the joint resolution for female suffrage on February 10, 1919 which failed by a vote of 55 (yeas) to 29 (nays), but was quickly reintroduced for consideration by Senator Wesley Jones (Cong. Rec. 57, 3062, 1919).

With the start of the Sixty-Sixth Congress in 1919 the woman suffrage amendment was quickly taken up once again in the House. With strong bi-partisan support for a female suffrage amendment by this point, congressmembers of both political parties wanted to ensure that their party's support for the amendment was on record, likely for future political reasons. One example of this was demonstrated by Representative Claude Kitchin who repeatedly emphasized the attempts of the previous Democrat controlled Congress in ratifying a female suffrage amendment to ensure the now Republican controlled Congress would not receive all the credit (Cong. Rec. 58, 81, 1919). Despite both parties seeking credit for the eventual adoption of a female suffrage amendment, there still existed individual legislators opposed to the amendment because of the issue of states' rights and setting a precedent (Cong. Rec. 58, 81, 1919). One of these legislators was Representative Frank Clark who firmly believed that enfranchising women through an amendment would end states' rights and allow for a "Pandora's box" of other federal changes to dominate the will of each state (Cong. Rec. 58, 89, 1919). The other arguments frequently employed against the 1919 vote on the proposed amendment were simple sexist remarks which argued that women belonged in the home and did not desire nor belong in the political sphere (Cong. Rec. 58, 89, 1919; Cong. Rec. 58, 92, 1919). After about two hours of debate in the newly formed House of Representatives during the Sixty-Sixth Congress, the proposed amendment was

put to a vote. On May 21, 1919 the House voted in favor of the proposed constitutional amendment by a two-thirds majority, 304 (yeas) to 90 (nays) (Cong. Rec. 58, 94, 1919).

The Senate was now forced to examine the issue of a women suffrage amendment and did so just a couple of weeks later. The first idea to appear in the deliberations over the amendment in the Senate was introduced by Senator Pat Harrison and suggested a change to the proposed amendment that would limit its application only to white women (Cong. Rec. 58, 557, 1919). The issue of enfranchising black women had appeared occasionally throughout previous deliberations in Congress, but this change was here supported by sixteen senators (and opposed by fifty-nine) demonstrating the racist ideology prevalent at the time. With the failure of this proposed change the Senate was then able to deliberate upon the passage of the woman suffrage bill approved by the House. The debate followed a very similar structure to the House as much of the opposition came on the grounds that this issue should be left to the states (Cong. Rec. 58, 561, 1919). Some pro-suffrage senators from states with female suffrage, like Senator James Wadsworth of New York, even sided with this argument. This demonstrates how the states' rights issue was larger than just about female suffrage (Cong. Rec. 58, 616, 1919). With expectations that the proposed amendment would be ratified, some anti-suffrage senators proposed that this amendment should instead follow the constitutional convention path to ratification as a last-ditch attempt to get more participation from the people and states (Cong. Rec. 58, 566, 1919; Cong. Rec. 58, 567, 1919). Understanding that woman suffrage, if left to a popular vote, would likely fail, some senators who prioritized states' rights felt that this was the only just option to enfranchising women while respecting the wills of the people and states. The attempts to accomplish this repeatedly failed leading up to the final vote as Senator James Phelan argued that it was just a delaying tactic to push female suffrage further into the future (Cong. Rec. 58, 633, 1919). After hours of debate and

proposed amendments to the female suffrage amendment, on June 4, 1919 the Senate finally voted in favor of woman suffrage by a vote of fifty-six yeas, twenty-five nays, and fifteen senators not voting (Cong. Rec. 58, 635, 1919).

The Supreme Court

Aside from social movements, congressmembers, and presidential support provided to the Nineteenth Amendment, the decisions of the Supreme Court was also an important informal factor to the ratification of this participatory amendment. As the highest court in our country, the decisions of the Supreme Court affect the actions that the other branches of our government must take when creating and enforcing legislation. This is especially evident with the issue of women's suffrage, which was challenged within the Supreme Court (on more than one occasion) prior to the ratification of the Nineteenth Amendment. One Supreme Court case was especially prevalent in setting the precedent for the need of an amendment to expand suffrage to women. This case was *Minor v. Happersett* (1874), which examined how women suffrage fit in with American citizenship (Brozovich, 2002).

Minor v. Happersett was brought before the Supreme Court after a Missouri woman, Virginia Minor, attempted to register to vote in the 1872 presidential election. Her attempt to register was rejected by the registrar, Reese Happersett, so Minor and her husband decided to sue Happersett. Their case was based around the privileges and immunities clause in the Fourteenth Amendment which stated that "no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States" (U.S. Const. amend. XIV). Under the Fourteenth Amendment, anyone born in the U.S. is considered a citizen; Minor argued that since she was a natural born citizen the state of Missouri could not stop her from voting. Her case rested upon the assumption that the right to vote falls under "the privileges or immunities of citizens"

(U.S. Const. amend. XIV). The court first had to determine if Minor was considered a citizen of the U.S. Answering this question proved simple for the court, as a natural born woman's status as a citizen had never been questioned or abridged previously in the U.S. This, in addition to interpretation of English common law, allowed the court to unanimously conclude "women have always been considered as citizens the same as men" (*Minor v. Happersett*, 1874).

The Supreme Court then had to determine if female suffrage applied under the "privileges and immunities of citizens." The justices answered this conundrum with a strict no because had such a change been intended then "it would have been expressly declared" (*Minor v. Happersett*, 1874) and not left up to implication. The justices then reasoned that, at the founding, individual states restrictively outlined who would have the privilege to vote in their state constitutions. The existence of disenfranchisement located within state constitutions further backed their argument that had women suffrage ever been intended it would have been expressed in legislation, just as disenfranchisement is specifically authorized. Indeed, "nothing less than express language would have been employed to effect so radical a change" (*Minor v. Happersett*, 1874). Concluding their affirmation of a lower court's decision, the justices who presided over this case explained that they were upholding the decision not because it's what is right, but because it is what is written in the law. The decision also contains multiple invitations for Congress to enfranchise women; but maintains that if suffrage is to be applied to women it must explicitly come from the states or Congress. The Supreme Court in this case reinforced the conception of Rosenberg's (2008) "constrained court." This is the case because the court recognized that female disenfranchisement may not be just and invited legislators to change the situation. The Supreme Court here is clearly relying on outside actors for social change to occur as they are unable to craft or enforce legislation on their own due to the separation of federal powers.

Chapter 3: The Twenty-Sixth Amendment

We now have a firm understanding of the three informal factors related to the Nineteenth Amendment and will shift our focus to an identical analysis of the Twenty-Sixth Amendment. First, this chapter examines the social movements advocating for the Twenty-Sixth Amendment. Then, I examine the governmental institutions pertaining to this particular amendment. Throughout this chapter I keep in mind earlier findings pertaining to the Nineteenth Amendment to help set up the conclusion chapter's comparison of the factors related to both amendments. This examination of the Twenty-Sixth Amendment finds certain informal factors to be notably important to the ratification process. First and foremost is the importance of the social movement, the Youth Franchise Coalition, in compiling data for legislators and establishing a nonradical grassroots mobilization for enfranchisement on both the state and national levels. Congressional records also indicate that legislators wanted to enfranchise eighteen-year olds to end radical protests plaguing college campuses across the country. These same documents also demonstrated that the Twenty-Sixth Amendment was ratified in part because of legislators' arguments pertaining to young American's great contributions to the Vietnam War effort. Presidential support for this amendment also proved useful for ratification as various presidents modestly supported youth enfranchisement while in office. To begin this chapter, we will now shift our focus to social movements which advocated for the ratification of the Twenty-Sixth Amendment.

Social Movements

Despite its ratification occurring in 1971, the movement advocating for lowering the voting age began during the Second World War after President Franklin D. Roosevelt passed legislation which lowered the minimum age of the military draft from twenty-one to eighteen. Immediately following this legislation in 1942, Oklahoma's representative, Victor Wickersham, proposed an

amendment to lower the voting age to coincide with the military draft. Decades of debate over the potential change and several proposed amendments then ensued.

Social movements appeared during this period of debate demanding that the government lower the voting age. These groups included relatively new organizations like the Youth Franchise Coalition, which worked exclusively to promote youth suffrage, but relied heavily on existing organizations with other goals in addition to youth suffrage. The Youth Franchise Coalition pressured for the ratification of the Twenty-Sixth Amendment by coordinating a national campaign across multiple states and smaller social movements for an amendment that would lower the voting age. All these movements to lower the voting age were centered around the slogan, which became especially popular during the Vietnam War, “old enough to fight, old enough to vote” (Abraham, 1954; Amsden, 2011). This slogan was founded upon the cognitive capacity of teenagers, as advocates of lowering the voting age argued that eighteen-year olds were capable of making informed political decisions just as they were able to sacrifice their lives for their country (Amsden, 2011). Furthermore, research into this subject has found that the previous civil rights movements that enfranchised women (Nineteenth Amendment) and the poor (Twenty-Fourth Amendment) had increased Americans’ sympathy for deprivations of rights, especially to soldiers during the Vietnam war (Fish, 2012). This sympathy allowed the social movements to garner significant support and press for change. There was a considerable amount of pushback against lowering the voting age to eighteen when movements first began; but, by the time of ratification, support for such an amendment was widespread (both the Democratic and Republican party platforms supported youth suffrage in 1968) (Amsden, 2011).

The Youth Franchise Coalition (YFC) was formed in 1969 when groups such as the Young Men’s Christian Association (YMCA), National Association for the Advancement of Colored

People (NAACP), and National Education Association (NEA) decided to form an organization dedicated to lobbying for a constitutional amendment (“40 years ago”, 2019). All in all there were thirty three members of the YFC (U.S. Senate Committee on the Judiciary, 1970, p.44). The combination of the YMCA, NAACP, and NEA brought together a range of youth, educational, and civil rights organizations to collectively work for a youth enfranchisement amendment. These groups provided the YFC with a significant amount of “indigenous organization strength” (McAdams, 1982). Groups like the YMCA, NEA, and NAACP were well established by the late 1960s and managed to pool their resources together to form the YFC. The YFC’s success relied heavily on these connections which supported the movement for youth suffrage with their available resources. As calls for enfranchising eighteen-year olds increased during the Vietnam War, the Youth Franchise Coalition was created to streamline the social movement and lobby both local and federal legislators. As stated by the *New York Times*, “the Youth Franchise Coalition, [is] a Washington-based group that has organized state drives to extend the vote” (“15 states to act,” 1970). Following its creation, the Youth Franchise Coalition was immediately on the radar of legislators such as Representative William Ford, “I am happy to note today the organizational meeting of the Youth Franchise Coalition which will spearhead activities aimed at extending the right to vote to those who have reached the age of 18” (115 Cong. Rec. 2824, 1969)”. With considerable “indigenous organizational strength” due to its founding originating from several well-established social movements, the YFC quickly situated itself on the radars of influential legislators.

One concern that the Youth Franchise Coalition was forced to address were the student protests occurring through the late 1960s and early 1970s. These protests were harmful to the youth suffrage movement. As stated by the director of the Youth Franchise Coalition, Ian R. MacGowan,

“student disorders have created resentment, and many adults won’t give voting power to young people, whom they consider ‘irresponsible.’ The outcome in specific state referendums this fall [1970] will depend to a large extent on how much trouble there is on each state’s campuses” (“15 states to act,” 1970). MacGowan’s statement here is unsurprising because even those most supportive of youth enfranchisement recognized that these militant protests were not helping their cause. In 1969, the “father” of the Twenty-Sixth Amendment, Senator Jennings Randolph, told members of the Youth Franchise Coalition at the NEA headquarters that campus disorders were slowing Congress’s consideration of youth suffrage and that success would never be achieved as long as their image was “of militant demonstrators and beatniks” (“young lobby group,” 1969). This sentiment was also repeated by Senator Bayh who told the group that “student unrest will lead some people to question the wisdom of lowering the voting age” (“young lobby group,” 1969). Senators Bayh and Randolph were two of the largest proponents of a youth suffrage amendment yet had considerable concerns with the student protests which were turning popular and legislators’ opinions against enfranchisement. These radical protests were frowned upon by society and contributed to negative “external responses” (McAdams, 1982) to the YFC, like the negative feelings towards radical protests which advocated for the Nineteenth Amendment. To successfully achieve enfranchisement the YFC had to convince legislators that youths should have the right to vote while overcoming negative conceptions relating to young Americans’ unruliness on college campuses. Understanding that many eighteen to twenty-one year olds in the United States, including the YFC, were not a part of these radical protests, Senator Barry Goldwater argued, “what about the supposedly mature persons who would deny the right to vote to nearly 11 million citizens just because a tiny minority has engaged in militant behavior?” (U.S. Senate Committee on the Judiciary, 1970, p. 132). Not all legislators linked the militant actions of some young

Americans to the entire suffrage campaign, but some did which forced the above statement to try and separate the two. Ian MacGowan made similar statements on behalf of the YFC because they did not want to be associated with these unruly actions. Alan M. DiScuillo, a researcher for the YFC, argued in front of the Senate Committee on the Judiciary against linking the youth suffrage movement with the militant strategy based upon a logical fallacy, “opposition to a lower voting age on the grounds of student disorders amounts to the fallacy of begging the question,” he continues by referencing a survey across college campuses which, “concludes that without sufficient political influence, they [college students] often turn to the streets and violence” (U.S. Senate Committee on the Judiciary, 1970, p. 59). Here, DiScuillo reasoned that anyone who was against youth suffrage because of radical youth protests is arguing in a circle because the premise of their claim (radical youth protests) doesn’t support the conclusion (that youths are too immature to vote) but instead assumes its truth. The militant protests plaguing college campuses at the time forced the YFC to respond accordingly as various arguments were used to separate these militant protests from the YFC’s conservative work with legislators to limit the negative “external responses” to the YFC.

The Youth Franchise Coalition was also able to frame their support for youth suffrage in terms of the Vietnam war. As anti-war sentiments intensified across the United States, the Youth Franchise Coalition was able to link enfranchising eighteen-year olds with ending the war. This is especially evident in a 1970 advertisement published in the New York Times titled “what can one American do to end this illegal war?” The fourth item on the checklist to help stop the Vietnam War was, “4. Support the movement to lower the voting age to 18. Write your Senators and Congressman and/or encourage the lobbying efforts of Youth Franchise Coalition” (“what can one American do,” 1970). This was not the only occurrence of such ads appearing in newspapers in an

attempt to link the Youth Franchise Coalition with helping to solve the increasingly unpopular Vietnam War (“we the undersigned writers,” 1970). The Vietnam War provided the YFC with the “political opportunity” (McAdams, 1982) to challenge for youth suffrage during a period in which young Americans were taking on increasingly important roles in the U.S. The Vietnam War completely changed the American way of life and provided the opportunity for young Americans to demonstrate their worth to the U.S. and petition for reform.

The Youth Franchise Coalition was the most referenced social movement when it came to congressional discussions relating to lowering the voting age to eighteen. Senator Jennings Randolph explained the actions of the group to the entire Senate in 1969, “the YFC has established a national network of organizations. In every State, they are bringing local voting groups and interested individuals together to create steering committee for a unified campaign-to lower the voting age. Additionally, YFC is working with Members of the Senate and the House of Representatives” (Cong. Rec. 115, 23523, 1969). Senator Randolph’s statement regarding the YFC demonstrates the salience that they had in the national debate pertaining to youth enfranchisement. The work of the YFC was also important to congressional debates because they compiled information that was then used to justify youth enfranchisement. One such example this comes from a statement made by Senator Bayh, “according to a publication of the Youth Franchise Coalition, the Governors of 20 States have indicated support for lowering the voting age to 18” (U.S. Senate Committee on the Judiciary, 1970, p.126). The YFC was able to compile important information regarding youth suffrage through their lobbying efforts which was then used to create arguments for youth suffrage.

The Youth Franchise Coalition’s work in promoting youth suffrage on the state level is also evident in the congressional record which contained a twelve page long section titled: “Youth

Franchise Coalition State-by-State Rundown” (U.S. Senate Committee on the Judiciary, 1970). This report provided to Congress by the YFC contained a breakdown of each of the fifty states’ youth suffrage actions. Each state was broken down into four parts to provide information relating to if the governor of that state supported youth suffrage, if there was a referendum or legislation pending, if the YFC had an organization in the state, and, the most substantial section, which broke down state specific laws, social movements, and other advancements in pursuit of youth suffrage (U.S. Senate Committee on the Judiciary, 1970). For example, the YFC’s breakdown of Alaska explained that the governor supports youth suffrage, there is a YFC campaign operating in the state, and that there would be a referendum vote on the topic in August 1970. The fourth and most detailed section explained that: Alaska’s legislators voted in 1969 to send a referendum to the citizens; how the Youth Franchise Coalition was “contacting legislators on the issue and supplying statistics, brochures, and buttons” (p.607); the positive feelings about enfranchising youth in the state amongst state officials (U.S. Senate Committee on the Judiciary, 1970). Detailed breakdowns similar to the Alaskan example provided above were done for each of the fifty states and demonstrated the grassroots efforts of the YFC. The Youth Franchise Coalition and their member organizations were essential in gathering and presenting information related to youth enfranchisement in an attempt to get legislators in Congress on board with suffrage as well. Although “cognitive liberation” was well established for people involved in the movement by this point, this report contained information crucial to educating legislators and the public about their cause. With this information, uninformed readers could become “cognitively liberated” (McAdams, 1982) regarding youth suffrage because they can see that the undesirable disenfranchisement of young Americans could be challenged and changed.

The effort of the Youth Franchise Coalition in promoting youth suffrage demonstrated that young Americans were committed to earning the right to vote. This went a long way with some legislators including Representative Glenn Anderson, “young persons are demonstrating their desire for the right to vote by mobilizing a broad national effort. They are not merely sitting back asking Congress to give them this right but instead are mounting a broad-based campaign across the country,” Anderson then specifically mentions the YFC in relation to this, “another group, Youth Franchise Coalition, has been set up in cooperation with the National Education Association for a concerted national effort to secure passage of a constitutional amendment to extend voting rights to 18-year-old citizens” (115 Cong. Rec. 2827, 1969). By organizing on the grassroots level and later petitioning Congress and state legislatures, the YFC demonstrated considerable commitment to youth enfranchisement. The YFC compiled useful information regarding youth suffrage and was able use this information, among other tactics, to pressure Congress into eventually adopting the Twenty-Sixth Amendment

Presidential Support

The Twenty-Sixth Amendment received support from various presidents because the idea of lowering the voting age to eighteen had been prevalent for decades prior to ratification (Abraham, 1954). The first president to provide substantial support for such an amendment was President Dwight Eisenhower. Revising his immediate predecessor’s (President Truman) disinterest, President Eisenhower publicly supported lowering of the voting age in his 1954 State of the Union speech- a speech that gave the issue publicity and helped to garner greater support for an eventual change (Fish, 2012; Grossman, 2012). This was Eisenhower’s first State of the Union address and was powerful in its call for youth suffrage. “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” (Eisenhower, 1954b). Here Eisenhower, as did most proponents of lowering the voting age, linked his argument to the idea that soldiers should be given the right to vote. Eisenhower’s call for youth suffrage is brief and appears just prior to his closing remarks; but it is meaningful, as he makes this call during his first-time addressing Congress as a whole. Towards the end of Eisenhower’s 1955 State of the Union Address he again briefly urged Congress to pass an amendment that would lower the voting age (Eisenhower, 1955). This was the last of Eisenhower’s State of the Union addresses that called for youth suffrage despite his delivering of six more such addresses in the years to follow.

Eisenhower’s public support for lowering the voting age in federal elections does not extend much past these two speeches. The sole exception to this is an address he gave on September 23, 1954 at the Hollywood Bowl, when he made a brief statement that the next Congress must address lowering the voting age (Eisenhower, 1954a). Another similarly short mention of lowering the voting age occurred in a 1956 White House statement explaining that Eisenhower and Republican congresspeople would meet later that afternoon to discuss the issue (Eisenhower, 1956). Eisenhower did not release any other statements regarding the meeting or what was discussed with the members of Congress.

The second of three presidents found to have played a role in the ratification of the Twenty-Sixth Amendment was President Lyndon Johnson. While President Eisenhower spoke of youth suffrage on just a few occasions, and in very little detail, President Johnson provided much more support for the movement, including lengthy speeches advocating the change. Johnson was an outspoken supporter of lowering the voting age in the midst of the Vietnam War, which had adopted a draft just one year after Johnson took office in 1963. It is notable that President Johnson’s continuous support for youth enfranchisement did not prove successful while he was in office.

This contradicts “going public” (Kernell, 1993) because we see congressmembers continue to resist youth enfranchisement despite considerable public support for it. Instead we see more support for Edwards (2009) hypothesis as President Johnson (and President Nixon as we will see) attempted to fashion his pro-suffrage strategy around the war effort as he recognized the political opportunity to do so. While in office, Johnson used his position as president to promote lowering the voting age and favorably compared the movement to the women’s suffrage movement (Sarabyn, 2008).

Much of Johnson’s first years in office were focused on promoting civil rights legislation that would end the disenfranchisement of black Americans, especially in the South. Later in his tenure as president, Johnson began to also promote youth suffrage more fervently. In June of 1968 Johnson showed commitment to the youth suffrage movement in a speech entirely dedicated to the issue. During the speech President Johnson reviewed each of the four previous amendments that had expanded the electorate and emphasized how beneficial they all proved for America. Johnson provided a number of reasons for youth enfranchisement, including: their service to our country; their being treated the same as adults in court; greater communication, which exposes youths to the current political issues; and their increased levels of education (Johnson, 1968b). Just prior to concluding the speech, President Johnson emphasized that it was now the time for such an amendment to be ratified because it had received bi-partisan support for years and had been proposed more than fifty times in the 90th Congress alone (Johnson, 1968b). Later that same year Johnson again called for the enfranchisement of youths and also requested that all state and local governments include youth fellowship programs such as the one that existed in the White House (Johnson, 1968a). President Johnson’s speech indicated how he valued young Americans’ ideas in his administration and hoped for greater youth engagement in governance nationwide.

President Johnson's successor, President Richard Nixon, played a similar role in the ratification of the Twenty-Sixth Amendment. By the time Nixon was elected president, the youth suffrage movement was well entrenched in American society and did not need much additional support for enactment. Nixon was a supporter of granting America's youth the right to vote and was a proponent of this change coming by way of a constitutional amendment. Nixon quickly expressed his support for youth suffrage in October of 1968 after speaking with young leaders across the country. As he stated in a radio address, "the reason the voting age should be lowered is not that 18-year-olds are old enough to fight-it is because they are smart enough to vote" (Nixon, 1968). Nixon's argument for youth enfranchisement during his presidential campaign explained that the youth of the day were much better educated than their parents at the same age, and thus had the capabilities to knowledgably participate in the American democracy. Just four months later, Nixon again publicly mentioned his administration's commitment to youth suffrage by way of a constitutional amendment, using the same reasoning as the aforementioned speech (Nixon, 1969). Nixon's speech was also referenced by Representative Herbet Lee when he was explaining the various sources from which support for youth suffrage was coming (Cong. Rec. 115, 14232, 1969). President Nixon had a short tenure in office prior to the ratification of the Twenty-Sixth Amendment but in this time he aggressively pursued a youth franchise amendment with various public appeals. Like President Woodrow Wilson with the Nineteenth Amendment, President Nixon's support of the amendment was in reaction to the public and widespread social movements calling for the enfranchisement of youths. This confirms the hypothesis of Bodnick (1990) that presidents tend to react to the public and media when supporting legislation. We also see a limited confirmation here of Kernell's (1993) "going public" as Nixon appealed to the general population on multiple occasions when supporting youth suffrage to garner additional support. This is only

limited though because there is clear evidence that President Nixon took up the issue after it had already gained considerable public and media attention.

During Nixon's tenure as President, Congress passed the 1970 Voting Rights Act's extension which contained a provision lowering the voting age to eighteen in all federal and state elections. Nixon supported the goal of the bill but not the means employed to accomplish it. He hesitantly approved the bill but argued that a constitutional amendment was necessary to effectively lower the voting age in both state and federal elections because a simple congressional statute would crumble under court consideration (Fish, 2012). In an April 1970 letter to leaders in the House of Representatives, President Nixon admitted that youth suffrage "by statute is one of expediency. It appears easier and quicker [than by constitutional amendment]" (Nixon, 1970). Nixon continued in his preference for a constitutional amendment by explaining that first passing a statute would delay youth suffrage and provide young Americans with a false sense of hope because they would be granted suffrage just for the Supreme Court to revoke it on the grounds of constitutionality. This letter was not taken lightly by some representatives who mentioned it or entered it into the congressional record on multiple occasions. This was done to further back their position which maintained the need of a constitutional amendment for youth suffrage and demonstrated that Nixon's letter did have an influence in the House (Cong. Rec. 116, 14494, 1970). Furthermore, Nixon compared this movement to the women's suffrage movement in an attempt to dispel fears that a youth suffrage amendment would fail if sent to the states for ratification (Nixon, 1970). Nixon was correct and youth suffrage was rejected by the court as a constitutional amendment was deemed necessary to lower the voting age in state and local elections (see discussion of *Oregon v. Mitchell*). With little opposition to the concept of lowering the voting age to eighteen now, Nixon and proponents of youth suffrage had to do little more to support youth

enfranchisement. This was because Congress was now forced by the Supreme Court to pass a constitutional amendment to enfranchise eighteen-year-olds, just as Nixon had predicted in his 1970 letter to House leaders. In concluding this section on the presidents' support of the Twenty-Sixth Amendment we can turn to a statement made by Glenn Anderson on the House floor: "Presidents Eisenhower, Kennedy Johnson, and Nixon have endorsed the proposal to extend the right to vote to 18-year-olds. The time has come to grant young people full participation in our Democratic process" (115 Cong. Rec. 2827, 1969). Representative Anderson's declaration clearly linked the need to finally pass legislation enfranchising America's youth to the actions of the aforementioned presidents; in addition to President Kennedy, who also supported youth enfranchisement but made no considerable attempts to accomplish it.

Congressional Actions

The next governmental institution that played a role in ratifying the Twenty-Sixth Amendment is Congress. Social movement pressure and presidential advocacy all target the Congress as it is the organization that must act for the amendment to be passed. But Congress both responds to these pressures and also contains actors that shape the debate, either in pushing for ratification or by resisting it.

The idea of youth suffrage was first introduced in Congress in 1942 by Senator Arthur Vandenberg but took nearly three decades for Congress to gain the necessary support to institute the change (Johnson, 1968b). During this time, unlike the Nineteenth Amendment, the Twenty-Sixth Amendment had a single major proponent for ratification within Congress: Senator Jennings Randolph from West Virginia. As the "father" of the Twenty-Sixth Amendment, Randolph consistently supported youth suffrage by way of constitutional amendment (Grossman, 2012). This is especially evident in congressional records as Senators like Ted Kennedy commend Senator

Randolph's continued support for youth suffrage over the decades (116 Cong. Rec. 6936, 1970). Even when the topic of discussion in Congress was different or focused on a larger related matter, Senator Randolph would make arguments supporting youth suffrage (Cong. Rec. 115, 16737, 1969).

Examining Senator Randolph's support for enfranchising America's youth has raised some consistent ideas. Challenges to granting youth suffrage were based largely in tradition and the belief that the issue of voting age should be left to the states as opposed to the federal government (Cong. Rec. 115, 4638, 1969; Cong. Rec. 115, 4957, 1969). In a speech to the Senate introducing his ninth attempt to lower the voting age, Senator Randolph attempted to offset such arguments stating "our young people constitute a well informed and very visible age group" before continuing his argument stating that, "for the majority, it [eighteen] signals the end to their formal education. They have learned the democratic process through participating in student and extracurricular activities" (115 Cong. Rec. 865, 1969). This ideal was repeatedly referenced while justifying youth suffrage. Various congressmembers believed that American teens were excited to vote after completing their high school civics classes but would be discouraged from participating by the time they finally came of age due to these three years of disenfranchisement (115 Cong. Rec. 5692, 1969). A Republican task force strengthened Randolph's point: "there is a natural tendency to lose interest in politics and government between the time that young people first become aware of the political system and the time that they presently become eligible to participate in it" (Cong. Rec. 115, 22257, 1969). Randolph offered a third justification for youth suffrage that directly referenced the popular slogan used amongst social movements at the time, "there is truth in the words, 'if they are old enough to fight they are old enough to vote.' Young men under arms are carrying out the policy of our Nation without the privilege of participating in the determination of that policy" (115

Cong. Rec. 866, 1969). This was just the start of Randolph's speech to Congress as he outlined a barrage of reasons to enfranchise those between the ages of eighteen and twenty-one. These rationales included that eighteen-year-olds can drive, sue, purchase guns, be treated as adults by the courts, create wills, purchase insurance, produce energetic and new ideals, represent America abroad, and participate in activism (115 Cong. Rec. 866, 1969). Randolph's 1969 introduction of his joint resolution for a constitutional amendment also referenced the Republican and Democratic platforms of 1968 and their commitment to lowering the voting age (115 Cong. Rec. 866, 1969). Senator Randolph did not provide these reasons just once but would repeat similar reasoning several more times leading up to the ratification of the Twenty-Sixth Amendment (Cong. Rec. 116, 6349, 1970). Almost identical justification for youth suffrage was delivered within the House of Representatives also during 1969 by a variety of representatives, many of whom would also cosponsor the proposed youth suffrage amendment (115 Cong. Rec. 2826-2829, 1969; Cong. Rec. 115, 14233, 1969; Cong. Rec. 115, 24952, 1969).

Another trend in congressmembers' support of youth suffrage is how they repeatedly compared this movement with that of the women's suffrage movement. The Nineteenth Amendment was ratified during the lifetimes of many of the 1960s congressmembers and was used to favorably compare female enfranchisement with the current issue of youth suffrage. Statements such as Representative Peter Rodino's, "now I believe most strongly that the same positive results achieved by women's suffrage will accrue from lowering the voting age to 18" (115 Cong. Rec. 2829, 1969) were common within the House when providing justification for the proposed Twenty-Sixth Amendment. Senators also defended youth suffrage with such comparisons to the Nineteenth Amendment. One example of this is Senator Joseph Tydings statement: "the fears expressed against extending the vote to persons under twenty-one are just as invalid today as these

same arguments were a half century ago when they were used against the universal suffrage” (Cong. Rec. 115, 4957, 1969). Fifty years after the ratification of the Nineteenth Amendment, Americans were fully committed and appreciative of the expansion of suffrage to women. Congressmembers then strategically used this previous success to promote youth suffrage as they understood how similar the two ideas of enfranchisement were.

Another common trend within both houses of Congress when attempting to garner support for youth suffrage was the reading of youth’s letters and accomplishments. Various senators and representatives introduced such documents to the rest of Congress to demonstrate the capabilities, maturity, and dedication to suffrage amongst America’s youth. Congressmembers often prefaced these documents by saying something to emphasize the capabilities of young people in their search for suffrage. One such introduction was done by Connecticut’s former representative, Representative William Leon St. Onge: “I think the approach of these young people is commendable and deserves to be encouraged. They are using the democratic way and process, rather than force and violence” (Cong. Rec. 115, 7621, 1969). Representative Onge then went on to read a letter from a high school student who was seeking the right to vote to demonstrate his intellectual capabilities. In promoting youth suffrage, the introduction of such documents composed by young Americans was not uncommon and one tactic employed to garner greater support for the suffrage movement (Cong. Rec. 115, 22427, 1969; Cong. Rec. 116, 3449, 1970). Other documents were also repeatedly introduced in Congress when justifying lowering the voting age. These documents were often taken from newspapers, magazines, or surveys which advocated for lowering the voting age using similar justification as mentioned above (Cong. Rec. 115, 11534, 1969; Cong. Rec. 115, 12982, 1969; Cong. Rec. 115, 19983, 1969). Opinion polls were also frequently introduced by congressmembers to show how the public felt about lowering the voting

age. One such example was reported in July of 1969 by Representative Shirley Chisholm, “opinion polls have shown that 64 percent of the American voting public favors lowering the voting age” (Cong. Rec. 115, 21301, 1969). Various references to such polls were likely included by congressmembers when supporting youth suffrage to demonstrate that constituencies largely wanted their delegates to help lower the voting age.

Amidst the student protests and violence that erupted on college campuses across the country during the end of the 1960s, congressmembers theorized youth suffrage as a potential solution to the issue. These protests largely criticized the Vietnam war, among other social and civil rights issues. Struggling to solve the outbreak of violence, youth suffrage was offered as a potential solution to the problem by Senator Philip Hart: “lowering the voting age will not eliminate protest by the young. But it will provide them with a direct, constructive, and democratic channel for making their views felt” (Cong. Rec. 115, 35923, 1969). These violent protests which were plaguing the United States surprisingly played a role in support for youth suffrage. Lowering the voting age was one proposed solution for the issue (as was to reform the military draft and expanding public service opportunities for young Americans) (Cong. Rec. 115, 41132, 1969). It was expected that youth suffrage would allow these students to express their grievances in a more productive and democratic way.

Congressmembers also considered foreign developments when considering joint resolutions to lower the voting age. Representative James Howard, a consistent supporter of youth suffrage, emphasized to his fellow congressmembers how England had “reduced its voting age requirements from 21 to 18 on January 1, 1970” (Cong. Rec. 116, 863, 1970). The Soviet Union, Bulgaria, Rumania, Hungary, and Latin America were all also mentioned in Congress when discussing pioneers of youth suffrage (Cong. Rec. 116, 9907, 1970). These examples were all

provided to demonstrate that granting eighteen-year-olds the right to vote was not outrageous and instead was being adopted in countries around the world.

By 1970 a large majority of both the House and Senate supported youth suffrage. The question now, as explained by Senator Marlow Cook, was if the federal government could change voter qualifications nationwide by a simple statute, “the question of allowing 18-year-olds to vote has become not whether but when and how” (Cong. Rec. 116, 6433, 1970). Some congress members firmly argued that lowering the voting age by way of statute was constitutional thanks to the Fourteenth Amendment, the Supreme Court case, *Katzenbach v. Morgan*, and the opinions of major constitutional scholars (Cong. Rec. 116, 6111, 1970). Senator Albert Gore Sr., among others, were unsure as to if such a statute would hold under judicial review and favored a constitutional amendment but recognized that a statute would be much easier to pass, “if it is possible to do it through legislation, constitutionally and effectively, I would favor that, too. Perhaps legislation on the subject would facilitate the approval of a constitutional amendment” (Cong. Rec. 116, 4469-70, 1970). The statute process to achieve youth suffrage was largely favored over the constitutional approach because of the sense of urgency that existed in granting youth the right to vote (Cong. Rec. 116, 6651, 1970). This urgency was related to trying to stop the student protests plaguing universities across the country. Such urgency led Congress to include a youth suffrage amendment in the 1970 Voting Rights Act despite others in the Senate firmly believing that youth suffrage can and should be passed independently through a constitutional amendment (Cong. Rec. 116, 6118, 1970; Cong. Rec. 116, 6669, 1970). In March the Senate finally managed to lower the voting age to 18 through H.R. 4249 which amended the 1965 Voting Rights Act to include youth suffrage and extended its duration. The legislation was passed by a vote of 64-12 and was immediately followed by the recognition of key senators who promoted

youth suffrage over the previous decades, including Senator Randolph (Cong. Rec. 116, 7336, 1970).

Immediately after the Voting Rights Act of 1970 enfranchised youths, the questions surrounding its constitutionality by way of statute were brought up in Congress as editorials nationwide questioned the new legislation. One such example of this was Senator Randolph's mentioning of a Washington Post article which stated, "the founding fathers unquestionably intended to leave voting age requirements to the states" (Cong. Rec. 116, 7491, 1970). Just days after lowering the voting age by statute, members of Congress were aware of the criticisms regarding their decision (Cong. Rec. 116, 8804, 1970). This caused legislators to continue promoting enfranchisement by way of a constitutional amendment despite lowering the voting age by statute just days earlier. "If we now wish to make lowering of the voting age national policy," claimed Senator John Rarick, "we should again follow the Constitution-we should amend it- not abrogate it. Otherwise our action is only a dangerous nullity" (Cong. Rec. 116, 8493, 1970). Individual senators also continued to question the recently approved statute in the following weeks and months. One such example of this was Senator Ervin's statement: "regardless of the merits extending the franchise to younger Americans, this attempt to circumvent the process of constitutional amendment is a dangerous affront to our constitutional form of Government" (Cong. Rec. 116, 12759, 1970). Some members of the House, such as Roman Hruska, were also hesitant to accept the amendments to the voting rights bill that were passed by the Senate largely over questions of constitutionality (Cong. Rec. 116, 13734, 1970). Despite eventually passing, this problem caused issues for the extension of the 1965 Voting Rights Act as some representatives in the House supported its extension but strictly opposed lowering the voting age by way of statute. This led Representatives such as Sam Steiger to oppose the bill on the grounds of constitutionality

despite supporting extending the Voting Rights Act and granting youth suffrage (Cong. Rec. 116, 19031, 1970; Cong. Rec. 116, 20166, 1970). Similarly, some congressmembers were not supporters of the way the issue of lowering the voting age was handled. Although they supported the extension of the Voting Rights Act of 1965 whole heartedly, Representative Emanuel Celler for example, argued the two pieces of legislation should have been dealt with separately: “we [the House Judiciary Committee] had no hearing on the lowering of the voting age bill, important and far reaching as that proposal was. There was no reference of it to a committee, it just came to us out of the blue” (Cong. Rec. 116, 31844, 1970). This debate within Congress also contained a third position endorsed by members who believed that lowering the voting age should be left to the states as opposed to the federal government (Cong. Rec. 116, 19764, 1970). Despite these objections the House of Representatives approved the amendments proposed by the Senate and agreed to lower the voting age by way of statute. Nixon, despite believing it was unconstitutional, then signed the bill into law shortly after Senator Jehnings Randolph sent him a telegram urging him to approve the legislation, “I understand your concern and questions over the statutory approach to a lower voting age. However, I supported this approach because such a change is so necessary and because we have provided for immediate court tests” (Cong. Rec. 116, 20692, 1970). Nixon’s reception of this telegram may have influenced his readiness to sign the legislation as he certainly favored the “immediate court tests” Senator Randolph spoke of to finally get an answer as to the constitutionality of their bill. Upon signing the legislation Nixon informed Congress that the Attorney General would expedite the court test process so as to settle this issue and allow Congress to pass a constitutional amendment depending on the outcome (Cong. Rec. 116, 20830, 1970).

After the Supreme Court rejected the 1970 Voting Rights Act's lowering of the voting age in state and local elections, congressmembers immediately turned to a constitutional amendment as the solution. Just a day following the Supreme Court's decision, Senator Gale McGee explained the next step for Congress: "we should move ahead expeditiously to provide, through a constitutional amendment to be proposed to the States, for a uniform voting age in all elections in all parts of this great Nation" (Cong. Rec. 116, 43268, 1970). A uniform voting age was demonstrated as necessary by states because it was predicted that providing separate ballots for those between the ages of eighteen and twenty-one would be incredibly expensive (Cong. Rec. 117, 3437, 1971; Cong. Rec. 117, 5491, 1971). During Senate deliberations this expense was referenced as to why Congress must move rapidly in passing a constitutional amendment to save states money and confusion in the upcoming 1972 election (Cong. Rec. 117, 5516, 1971). While many congresspeople immediately turned their attention to a constitutional amendment following *Oregon v Mitchell*, opposition to such legislation persisted amongst some legislators. These policymakers cited the recently failed statewide youth suffrage referendums in states such as Florida, Michigan, and Connecticut as evidence that youth suffrage proponents were in the minority in most states. This reasoning was common amongst youth suffrage opponents, as they firmly believed in leaving the issue to the states where, according to the Constitution, it belonged (Cong. Rec. 117, 241, 1971).

Finally, on March 9, 1971 the Senate began their formal consideration of S.J. Res. 7, another amendment proposed to lower the voting age. In the opening remarks Senator Bayh again outlined the three main reasons for enfranchising eighteen-year-olds, which had been repeated time and time again in deliberations over youth suffrage. These primary reasons were that: eighteen-year-olds are mature enough to vote; these teens have many of the same responsibilities

as adults; and eighteen-year-olds would contribute to society and the political system (Cong. Rec. 117, 5489, 1971). Now the speed at which youth enfranchisement would be adopted was again of paramount importance, but this time amending the constitution was seen as the most expedited way to accomplish such change. The other option was to amend each and every states' individual constitution which was not feasible (especially by the time of the 1972 election) (Cong. Rec. 117, 5818, 1971). The senators then recited previous arguments relating to extending the right to vote to eighteen-year-olds and outlined recent state actions in attempting to incorporate youth suffrage. After hours of debate on March 10, 1971 the Senate finally voted on the measure in which 94 senators voted in favor of the bill and six did not vote at all. Following the vote, Senator Quentin Burdick thanked Senator Randolph for his decades-long effort to enfranchise American youth (Cong. Rec. 117, 5830, 1971).

With the Senate's approval of a youth suffrage amendment it was now left to the House for approval before being sent to the states for ratification. The Senate's approval of the measure proceeded to put pressure on the House to pass the legislation quickly. Representative James Kee of West Virginia explained, "the U.S. Senate has already passed this constitutional amendment unanimously. Therefore, we must act swiftly to insure sufficient time to ratify it before the 1972 elections" (Cong. Rec. 117, 7293, 1971). Following this introduction, the bill was put to the House floor where debate ensued. Representatives raised the same reasons, as mentioned above, for and against passing the legislation. One new justification in opposition to the amendment came from a Representative from Michigan, Edward Hutchinson. Despite supporting the idea of youth suffrage, Hutchinson explained he would vote against the proposed amendment because the citizens of Michigan had overwhelmingly voted against youth suffrage in a recent referendum (Cong. Rec. 117, 7535, 1971). With considerable polling having now been completed across the United States

as to constituents' feelings about youth suffrage, representatives had to weigh their personal feelings about youth enfranchisement against the desires of their constituents. After about two hours of debate and a closing argument against youth enfranchisement on the basis of a slippery slope fallacy (a dissenter argued that this relatively small enfranchisement would lead to a chain of events and an unfavorable ending), the House voted in favor of the amendment 401-19 with twelve representatives not voting. Both houses of Congress had now passed a youth enfranchisement amendment and the issue would go to the states where three-fourths of state legislators were needed to vote in favor of the proposed Twenty-Sixth Amendment. This took just four months to reach the three-fourths minimum and the Twenty-Sixth Amendment was added to the U.S. Constitution on July 5, 1971.

The Supreme Court

The final governmental institution we will look at is that of the Supreme Court. The Supreme Court had an effect on the need for the Twenty-Sixth Amendment with the case of *Oregon v. Mitchell* (1970). This case challenged the 1970 Voting Rights Act which was passed by the United States Congress and forced states to lower the voting age in state and local elections to eighteen. In *Oregon v. Mitchell*, a 5-4 ruling granted the legality of this statute's application to all federal elections but found it unconstitutional when applied to state and local elections (Fish, 2012). Justice Hugo Black explained the court's decision based largely around Article I, § 2 of the Constitution, which granted individual states the power to set voting requirements in local elections. As stated in Mr. Black's opinion, the only restriction on states in setting voting requirements comes when matters have "been curtailed by specific constitutional amendments" (*Oregon v. Mitchell*, 1970). Justice Black, and the four other justices who sided with him, interpreted the Constitution in a way that did not allow the 1970 Voting Rights Act to enforce

requirements on state and local elections. Had this decision not been effectively erased by the subsequent Twenty-Sixth Amendment, states like Oregon, who objected to lowering the voting age, would've had to provide specific federal election ballots to those between the age of eighteen and twenty-one. Such ballots were understood to be complicated and expensive for localities to administer, which was then used as an argument in support of passing a constitutional amendment to lower the voting age (Cong. Rec. 117, 2255, 1971; Cong. Rec. 117, 3437, 1971).

Oregon v. Mitchell was highly divisive amongst the Supreme Court justices. The 1970 Voting Rights Act contained additional legislation including laws to end voting discrimination on the basis of race in elections; but youth suffrage was the cause of practically all the disagreement amongst the justices. One dissenting opinion came from Justice John Harlan, who believed that Congress could not constitutionally interfere with voting requirements in state, local, and even federal elections. Referencing the Nineteenth, Twenty-Fourth, and Twenty-Sixth Amendments, Harlan argued that they were "forceful evidence of the common understanding in 1869, 1919, and 1962, respectively, that the Fourteenth Amendment did not empower Congress to legislate in these respects" (*Oregon v. Mitchell*, 1970). Harlan referenced the previous participatory amendments in his decision to show how Congress had historically understood that they lacked the unilateral power to enfranchise large groups of people without the amendment process. Other justices disagreed with the final decision of the court for different reasons. Justice William Douglas, for example, believed that Congress unilaterally held the power to lower the voting age in local, state, and federal elections. Douglas's opinion noted that "since the right [to vote] is civil and not "political," it is protected by the Equal Protection Clause of the Fourteenth Amendment which in turn, by § 5 of that Amendment, can be "enforced" by Congress" (*Oregon v. Mitchell*, 1970). Continuing with this form of logic, Douglas insisted that lowering the voting age must fall under

the interest of equal protection because youth disenfranchisement is unfair considering the “national defense responsibilities imposed on them” (*Oregon v. Mitchell*, 1970). Clearly referring to eighteen-year-olds being drafted into the military, Justice Douglas insisted that having a voice in the government that was drafting them is only fair under the equal protection clause. Despite the three primary differing opinions as to the constitutionality of youth suffrage in the 1970 Voting Rights Act, Justice Black’s opinion was held as the decision of the court. This ruling then forced Congress to pursue a constitutional amendment if it wished to enfranchise eighteen-year-olds in all local, state, and federal elections. Congressmembers then saw the need for a constitutional amendment: “the constitutional amendment,” noted Representative James Kee, “is made necessary by the decision of the Supreme Court of the United States... To have a dual system of voting is not only confusing, but misleading” (Cong. Rec. 117, 7293, 1971). Thus, we can conclude that the Supreme Court operated in accordance with Rosenberg’s “constrained court” view in this case just as it had regarding the Nineteenth Amendment. The Court recognized an issue with the 1970 Voting Rights Act and could only deem it unconstitutional. The Court lacked the power to make any meaningful change based upon this and instead had to rely upon Congress to pass legislation that would address the issue.

Chapter 4: Conclusion

So, what informal factors are conducive to the ratification of a participatory amendment? This thesis has now thoroughly examined informal factors including social movements, the Supreme Court, congressional actions, and presidential support as they relate to the Nineteenth and Twenty-Sixth Amendments. Through examination of congressional records, newspapers, speeches, and other primary documents we now have an understanding as to how these informal factors affected each of the amendments and their ratification processes. This conclusion section will now interpret what we have learned and compare these two participatory amendments to gain a better understanding as to which informal factors were especially conducive to these amendments.

In our analysis of the Nineteenth and Twenty-Sixth Amendments a few trends have appeared. In both cases, demands for enfranchisement from these subjugated groups persisted long before their respected amendments were ratified. Congressional records also demonstrated that there was a sense of urgency in attempting to ratify these amendments to end radical protests. Additionally, both amendments were vigorously sought by their respective social movements which employed nonradical lobbying efforts through grassroots mobilization at the state and federal levels. Finally, the Nineteenth and Twenty-Sixth Amendments were also both ratified at the tail end of two major wars in which the disenfranchised groups took on additional responsibilities both at home and abroad. These trends may help us identify favorable conditions for the ratification of future participatory amendments.

To begin, in the ratification process of both the Twenty-Sixth and Nineteenth Amendments we find a sense of urgency amongst pro-suffrage legislators in seeking ratification to stop radical protests. In the case of the Nineteenth Amendment, the principal social movement, the National

American Woman Suffrage Association, was firmly against radical protests including picketing and large-scale marches. Although neither of these forms of protest may be considered “radical” to us today, during the early twentieth century such organizing was unprecedented, especially amongst women. So, in 1913 when Lucy Burns and Alice Paul staged a large march on Washington on behalf of the NAWSA, it is unsurprising that it gained a considerable amount of media attention as scores of women were hurt or arrested. By vowing to not participate in such marches again, the NAWSA denounced this form of radical change. Radical protests were demonstrated within both movements for the Nineteenth and Twenty-Sixth Amendments to be harmful because they would legitimize negative “external responses to the insurgents” (McAdams, 1982). To ensure the success of their respective social movements, activists decided to avoid these avenues of change and instead focused on lobbying legislators while also disseminating information to the public to “cognitively liberate” citizens and commit them to change. Regarding the Nineteenth Amendment, this was recognized by legislators who complimented the “‘ladylike’ actions” of the NAWSA and were far more responsive to their conservative methods of change as opposed to the radical attempts of the NWP (Cong. Rec. 56, 10843, 1918). Similarly, leading up to the passage of the Twenty-Sixth Amendment there was a sense of desperation amongst legislators to pass the legislation to stop the violent student protests of the late 1960s. These student protests largely objected to the U.S. involvement in Vietnam. Although it was understood that ratifying a youth enfranchisement amendment would not end these protests completely, it was expected that it would certainly go a long way in helping. Senator Philip Hart made this connection explicitly arguing that enfranchising youth would provide a “direct, constructive, and democrat channel for making their views felt” (Cong. Rec. 115, 35923, 1969). Legislators began to realize that youth enfranchisement would help with these radical protests and, out of a sense of urgency, enfranchised

eighteen-year olds in the 1970 Voting Rights Act, despite widespread and justified criticisms that enfranchisement via a statute was unconstitutional. Following *Oregon v Mitchell* (1970) the need for a youth enfranchisement amendment was understood and rapidly passed through both houses of Congress and ratified by three-fourths of state legislatures within seven months. Although this rapid passage is also linked to the need for uniform voting qualifications by the 1972 election, stopping the radical protests plaguing college campuses was what drove the urgency to enfranchise youths in 1970. These two participatory amendments thus demonstrate Congress's willingness to negotiate with conservative disenfranchised organizations to try and end radical protests.

An additional commonality that appeared from this case study is how both participatory amendments were sought by large grassroots organizations that attempted to distance themselves from the radical protesters of the previous paragraph. Regarding the Nineteenth Amendment, the AWSA and NWSA were integral precursors to the eventual formation, and success, of the NAWSA in 1890. These groups provided essential resources to the NAWSA when it was formed and helped the group quickly become nationally renowned. McAdam's (1982) Political Process Model took this into account with the "indigenous organization strength" factor. The social movements in favor of both amendments covered here unsurprisingly relied heavily on indigenous organizations, especially when first starting. The NAWSA was also able to successfully take advantage of the expanding "political opportunities" (McAdams, 1982) caused by World War I and leverage their organizational strength with about two million members. This strength gave the NAWSA the ability to meet privately with President Wilson on multiple occasions, speak before both houses of Congress, and have their ideas and progress repeatedly cited in congressional hearings. By advocating change directly to legislators in state governments, and importantly the federal government, the NAWSA was able to apply considerable pressure on legislators to take

their cause seriously and enfranchise women. The Youth Franchise Coalition similarly petitioned for change through traditional mediums and grassroots mobilization. The YFC, like the NAWSA, also had considerable “indigenous organizational strength” as it was formed from a unification of numerous youth associations and took advantage of expanding “political opportunities” provided by the Vietnam War (McAdams, 1982). The YFC compiled information relating to support for youth enfranchisement, spoke before both houses of Congress, and was favorably referenced in the congressional records for working with legislators (Cong. Rec. 115, 23523, 1969). Both the NAWSA and Youth Franchise Coalition were massive social movements demanding the enfranchisement of their respective factions. They both employed nonradical lobbying measures through traditional mediums to pressure legislators into ratifying participatory amendments. It is also worth noting that both the NAWSA and YFC attempted to achieve change on the state level prior to petitioning for a federal amendment. By focusing on the state level first, both groups experienced some success in achieving suffrage in various isolated states. These states were important for the organizations as they proved to be “testing grounds” for the new form of enfranchisement and were able to demonstrate the potential successes of expanding the electorate in the rest of the country. Both movements attempted to achieve federal enfranchisement and failed prior to the eventual ratification of the amendments which demonstrates that the social movements require some time to establish themselves and perfect strategies to petition federal legislators.

The Nineteenth and Twenty-Sixth Amendments were also both ratified at the end of two major wars, WWI and the Vietnam War respectively. These two major wars provided social movements with the necessary “political opportunities” to petition for change. The wars opened up additional roles for women and eighteen-year olds both at home and abroad. By skillfully taking on these roles, the subjugated individuals proved that they were contributing members of the

country and should be awarded the right to vote. Given McAdam's (1982) Political Process Model, the role of these major wars certainly contributed to the formation and success of the social movements in both cases. The gravity in which these wars affected the ratification of both participatory amendments is clearly evident in social movement strategies and congressional records. The NAWSA for example created the "war service department" to aid the American war efforts. By creating this department, the NAWSA was stressing their patriotism and ability to be contributing citizens which proved integral to their eventual success as congressmembers repeatedly referenced the NAWSA's, and more broadly women's, considerable contributions to the war effort. Similarly, the Twenty-Sixth Amendment was ratified in the midst of the Vietnam War in which young men were being sent to war at an unprecedented rate because of the military draft. Presidential speeches and congressional debates demonstrate support for enfranchising young Americans because of their service in the Vietnam War as the slogan, "old enough to fight, old enough to vote," consistently linked enfranchisement with youth's service in the military (Cong. Rec 115, 22257, 1969). In the case of both the participatory amendments examined here, the wars acted as essential catalysts for their eventual ratification. The importance of "political opportunities" to social movements and their success is clearly in operation here as WWI and the Vietnam War were essential to the arguments and eventual adoption of these participatory amendments. Through increased participation in the wars, women and young people were able to demonstrate their dedication to America which warranted their right to vote. Although a major war may not be necessary for the ratification of a participatory amendment, it is certainly conducive, especially when the disenfranchised group take on a larger role in society because of war needs.

It is also worth noting that both the Nineteenth and Twenty-Sixth Amendments had substantial support from U.S. presidents leading up to their ratification. President Wilson, in the

case of the Nineteenth Amendment, avidly supported female suffrage by way of a constitutional amendment later in his tenure. By meeting with members of the NAWSA, publicly supporting female suffrage in speeches, and writing personal appeals to legislators, President Wilson affected the opinions of many influential people to help them become more sympathetic to the movement. This surprisingly went to the extent that individual legislators advocated for female suffrage on the basis of “standing by” the president no matter what during the war (Cong. Rec. 56, 764, 1918b). The Twenty-Sixth Amendment received similar presidential support, although more diluted because Presidents Eisenhower, Johnson, and Nixon all supported lowering the voting age. Through state of the union addresses, public speeches, and letters/addresses to Congress these three presidents all supported youth suffrage which helped draw attention to the issue. Presidential support for these participatory amendments proved to be substantial and were repeatedly referenced in congressional debates over the participatory amendments. This allows us to conclude that when presidents decided to “go public” (Kernell, 1993) in support of these participatory amendments they were able to rally support for the cause. It is also important to acknowledge that all four of the aforementioned presidents only began to support their respective enfranchisement measures once well-established movements were in place. This supports Bodnick (1990) and Edwards III and Wood’s (1999) theory that presidents react to the public and media when supporting legislation. Although presidents are not spearheading these suffrage initiatives, getting them on board with the enfranchisement movement proved to be especially beneficial in attempts to achieve the right to vote.

With this we have a greater understanding as to what informal factors are conducive to the ratification a participatory amendment. All of the aforementioned factors certainly played a role in the ratification of the Nineteenth and Twenty-Sixth Amendments and can be applied

conservatively to generalize what is needed for potential future participatory amendments. The social movements in both cases seemed to play one of the largest roles in ratification because of their ability to harness grassroots mobilization and petition legislators both on the state and federal levels. A well-established and conservative social movement seems to be almost necessary to pass a participatory amendment because of their ability to pressure legislators without inciting considerable counter-movements that radical protests repeatedly caused. The expansion of political opportunities also played a considerable role in ratification because suffrage was of especial importance during the tremulous times of war due to social movements effectively linking the two. WWI and the Vietnam War both allowed disenfranchised groups to play a greater role in the United States which was favorably observed by the American public and legislators. Although a war may not necessarily be required for future participatory amendments, disenfranchised groups do need to demonstrate their value to the United States for legislators to think that they deserve the right to vote. Additionally, people attempting to organize and pressure the government for future participatory amendments should avoid radical means of protest as congressmembers seemed to uniformly denounce such attempts to inspire change. There was an urgency to enfranchise both groups of Americans amongst legislators to stop radical protests, but when it came down to it, legislators favored working with conservative social movements while altogether avoiding radical activists. Lastly, examination of these amendments suggests that gaining presidential support should be a prerogative of social movements as the sitting president can hold considerable sway over legislators' decisions and public opinion through various sorts of appeals. Understanding these favorable conditions could be used by future advocates for the enfranchisement of groups such as the mentally ill, youths below the age of eighteen, prisoners,

residents of U.S. territories, and those not given the right to vote after serving specific prison sentences.

In addition to the informal factors examined in this thesis, future scholarship should examine the ways in which the mass media affects the ratification of participatory amendments. Although outside the scope of this study, the news media is prevalent in our country, so it is not surprising that coverage presented by news outlets affect lawmakers, especially when focused on constituents' legislative demands. Studies of this phenomenon have consistently found that the media does affect the agenda of policy makers both on the state level and on the national level (Tan & Weaver, 2009). The extent that the policy agenda is affected by the media does differ depending on the issue at hand and the amount of coverage the topic receives. Certain political issues, such as domestic ones, have been found to affect policymakers' agendas and opinions to a greater extent than others (Soroka, 2002). The media both sets the public agenda (Shaw, 1979) and frames how the public thinks about an issue using different "media frames" (Goffman, 1974). These "frames" in the context of the mass media refer to how media outlets can portray information in different ways as to promote one interpretation of the information and curb others. The biggest issue with studying the extent that the media affected policymakers is the issue of causality due to lawmakers' inherent salience in American society. The interaction between the media and political actors goes in both directions as each affects the other (Wolfe, 2012; Wolfe, Jones, & Baumgartner, 2013). This is problematic but the media is a very powerful institution in our country and provides the average American with updates regarding political initiatives. This makes an examination of how large of an impact, if at all, it has on a participatory amendment's chances of being ratified important to better understand the informal factors related to their ratification.

The case study completed in this thesis has provided us with an in-depth analysis of the informal factors related to the passage of the Nineteenth and Twenty-Sixth Amendments. One weakness of this approach in answering which informal factors affect participatory amendments more broadly is that we have only completed an in-depth analysis of two of the five participatory amendments. To get a broader understanding of participatory amendments, an in-depth analysis of the Fifteenth, Twenty-Third, and Twenty-Fourth Amendments' relationship to these informal factors is required. Additionally, examining congressional records has demonstrated what factors were especially prevalent in debates regarding these participatory amendments but the true scope that each informal factor affected ratification is impossible to quantify. This is largely the case because all these informal factors affect one another at the same time they are affecting the chances of ratification, which makes pinpointing causality difficult. Although this thesis was conducted thoroughly with academic rigor, we cannot truly generalize to all participatory amendments without examining additional informal factors (i.e. the media) and the remaining participatory amendments.

To conclude, this thesis has examined how social movements, presidents, the Supreme Court, and congressional actors affected the ratification process of the Nineteenth and Twenty-Sixth Amendments. Social movements have been found to generate considerable grassroots mobilization to pressure for participatory amendments, especially when they do so through conservative approaches. Movements for participatory amendments in the cases here also proved especially effective, on state and the federal level, during and immediately after major wars in which the disenfranchised party took on expanded and important roles in American society. It was difficult to make sweeping generalizations about the Supreme Court in this study because it played a very different role in both the Nineteenth and Twenty-Sixth Amendments. Despite this we see

clear evidence supporting Rosenberg's (2008) "constrained court" ideal because the Supreme Court failed to effectively produce social reform and instead relied on other institutions. Although not conclusive, the information gathered here sheds additional light on the process of ratifying participatory amendments, especially the Nineteenth and Twenty-Sixth.

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Cong. Rec. 56, 10994 (1918) (statement of Sen. James Phelan).

Cong. Rec. 57, 232 (1918) (statement of Sen. Lawrence Sherman).

Cong. Rec. 57, 1345 (1919) (statement of Rep. Edward Denison).

Cong. Rec. 57, 2907 (1919) (statement of Rep. Harold Knutson).

Cong. Rec. 57, 3062 (1919) (statement of Sen. Charles McNary).

Cong. Rec. 57, 3968 (1919) (statement of Rep. William Gordon).

Cong. Rec. 58, 80 (1919) (statement of Rep. Edward Little).

Cong. Rec. 58, 81 (1919) (statement of Rep. Claude Kitchin).

Cong. Rec. 58, 82 (1919) (statement of Rep. John Raker).

Cong. Rec. 58, 83 (1919) (statement of Rep. Adolphus Nelson).

Cong. Rec. 58, 86 (1919) (statement of Rep. Eugene Black).

Cong. Rec. 58, 87 (1919) (statement of Rep. William Newell).

Cong. Rec. 58, 88 (1919) (statement of Rep. Frank Clark).

Cong. Rec. 58, 89 (1919) (statement of Rep. Frank Clark).

Cong. Rec. 58, 92 (1919) (statement of Rep. Frank Clark).

Cong. Rec. 58, 94 (1919) (statement of Rep. Frederick Gillett).

Cong. Rec. 58, 557 (1919) (statement of Sen. Pat Harrison).

Cong. Rec. 58, 561 (1919) (statement of Sen. William Borah).

Cong. Rec. 58, 566 (1919) (statement of Sen. William Borah).

Cong. Rec. 58, 567 (1919) (statement of Sen. Albert Fall).

Cong. Rec. 58, 616 (1919) (statement of Sen. James Wadsworth).

Cong. Rec. 58, 633 (1919) (statement of Sen. James Phelan).

Cong. Rec. 58, 635 (1919) (statement of Sen. Albert Cummins).

Cong. Rec. 115, 865-866 (1969) (statement of Sen. Jennings Randolph).

Cong. Rec. 115, 2824 (1969) (statement of Rep. William Ford).

Cong. Rec. 115, 2826-2829 (1969).

Cong. Rec. 115, 2827 (1969) (statement of Rep. Glenn Anderson).

Cong. Rec. 115, 2829 (1969) (statement of Rep. Peter Rodino).

Cong. Rec. 115, 4638 (1969) (statement of Rep. John Rarick).

Cong. Rec. 115, 4957 (1969) (statement of Sen. Joseph Tydings).

Cong. Rec. 115, 5692 (1969) (statement of Sen. Richard Schweiker).

Cong. Rec. 115, 7621 (1969) (statement of Rep. William L. St. Onge).

Cong. Rec. 115, 11534 (1969) (statement of Rep. John M. Zwach).

Cong. Rec. 115, 12982 (1969) (statement of Rep. James H. Quillen).

Cong. Rec. 115, 14232 (1969) (statement of Rep. Herbert Lee).

Cong. Rec. 115, 16737 (1969) (statement of Sen. Jehnings Randolph).

Cong. Rec. 115, 19983 (1969) (statement of Rep. Edward Derwinski).

Cong. Rec. 115, 21301 (1969) (statement of Rep. Shirley Chisholm).

Cong. Rec. 115, 22257 (1969) (statement of Rep. Lawrence Hogan).

Cong. Rec. 115, 22427 (1969) (statement of Rep. William Steiger).

Cong. Rec. 115, 24952 (1969) (statement of Rep. William Steiger).

Cong. Rec. 115, 35923 (1969) (statement of Sen. Philip Hart).

Cong. Rec. 115, 41132 (1969) (statement by Sen. Hugh Scott).

Cong. Rec. 116, 863 (1970) (statement of Rep. James Howard).

Cong. Rec. 116, 863 (1970) (statement of Rep. James Howard).

Cong. Rec. 116, 4469-70 (1970) (statement of Sen. Albert Gore Sr.).

Cong. Rec. 116, 6111 (1970) (statement of Sen. Ted Kennedy).

Cong. Rec. 116, 6118 (1970) (statement of Sen. Barry Goldwater).

Cong. Rec. 116, 6118 (1970) (statement of Sen. Jehnings Randolph).

Cong. Rec. 116, 6433 (1970) (statement of Sen. Marlow Cook).

Cong. Rec. 116, 6651 (1970) (statement of Sen. Ted Kennedy).

Cong. Rec. 116, 6669 (1970) (statement of Sen. Gordon Allott).

Cong. Rec. 116, 6936 (1970) (statement of Sen. Ted Kennedy).

Cong. Rec. 116, 7336 (1970) (statement of Sen. Mike Mansfield).

Cong. Rec. 116, 7491 (1970) (statement of Sen. Jehnings Randolph).

Cong. Rec. 116, 8493 (1970) (statement of Sen. John Rarick).

Cong. Rec. 116, 8804 (1970) (statement of Rep. Harold Gross).

Cong. Rec. 116, 9907 (1970) (statement of Rep. Charles Diggs).

Cong. Rec. 116, 12759 (1970) (statement of Sen. Sam Ervin).

Cong. Rec. 116, 13734 (1970) (statement of Rep. Roman Hruska).

Cong. Rec. 116, 14494 (1970) (statement of Rep. John Ashbrook).

Cong. Rec. 116, 19031 (1970) (statement of Rep. Sam Steiger).

Cong. Rec. 116, 19764 (1970) (statement of Rep. Chester Mize).

Cong. Rec. 116, 20166 (1970) (statement of Rep. Richard Poff).

Cong. Rec. 116, 20692 (1970) (statement of Sen. Jehnings Randolph).

Cong. Rec. 116, 20830 (1970) (statement of President Richard Nixon).

Cong. Rec. 116, 31844 (1970) (statement of Rep. Emanuel Celler).

Cong. Rec. 116, 43268 (1970) (statement of Sen. Gale McGee).

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Cong. Rec. 117, 2255 (1971) (statement of Rep. John Anderson).

Cong. Rec. 117, 3437 (1971) (statement of Sen. Birch E. Bayh).

Cong. Rec. 117, 5489 (1971) (statement of Sen. Birch E. Bayh).

Cong. Rec. 117, 5491 (1971) (statement of Sen. Birch E. Bayh).

Cong. Rec. 117, 5516 (1971) (statement of Sen. Jehnings Randolph).

Cong. Rec. 117, 5818 (1971) (statement of Sen. Marlow Cook).

Cong. Rec. 117, 5830 (1971) (statement of Sen. Quentin Burdick).

Cong. Rec. 117, 7293 (1971) (statement of Rep. James Kee).

Cong. Rec. 117, 7535 (1971) (statement of Rep. Edward Hustchinson).