

Chapter 6: Close Up on the Supreme Court *Oregon v. Mitchell, 1970*



Case Summary

Oregon, Texas, and Idaho brought suit in the Supreme Court against the United States and Attorney General John Mitchell to challenge the Voting Rights Act Amendments of 1970. They claimed that only the States, and not Congress, have the authority to establish qualification rules for voters in State and local elections.

Who decides who may vote?

The Court's Decision

The Supreme Court held, with considerable disagreement, that the federal 18-year-old voting age requirement is valid for national elections, but not for State or local elections. Justice Hugo Black announced the Court's judgment in an opinion that expressed his own views. Four justices agreed with Justice Black that the Constitution gives Congress broad powers to regulate federal elections. These four justices, but not Justice Black, thought Congress also could do so in State elections. They argued that the States have no legitimate interest in excluding 18 to 21-year-old voters, and that the Equal Protection Clause supports the right of people in this age group to vote.

Four other justices agreed with Justice Black that Congress could not regulate the minimum age in State and local elections. These justices thought Congress also lacked the power to set the voting age for federal elections. They argued that under the Constitution, only the States have the right to set voter qualifications.

All justices agreed that Congress can prohibit the use of literacy tests or other requirements that discriminate against voters based on their race in all elections. In upholding the ban on literacy tests, the Court accepted Congress's findings that the tests tended to disqualify a disproportionate number of minority voters.

More on the Case

The decision in *Mitchell* may look like a victory for the States, but it actually left them with a

serious potential problem. Because the Supreme Court upheld the lowered national voting age in federal elections but not in State elections, States were faced with the complexity and expense of keeping track of who was

allowed to vote in various elections. For example, a nineteen-year-old might be allowed to vote for President and Vice President but not for State officials who were up for election at the same time. In 1971, at the urging of the States, Congress adopted a proposed constitutional amendment setting a uniform national voting age of eighteen in all elections. The States promptly ratified it.

The Twenty-Sixth Amendment states:

Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

This was not the first time a constitutional amendment was adopted in order to resolve a national voting issue. The Fifteenth Amendment, ratified in 1870, prohibits abridgment of the right to vote on account of race, color or previous condition of servitude. The Nineteenth Amendment, ratified in 1920, prohibits denial of the right to vote on account of gender. The Twenty-Fourth Amendment, ratified in 1964, restricts States from imposing a poll tax as a requirement for voting in federal elections.

Questions for Discussion

1. Why did the issue in *Mitchell* produce such disagreement within the Court?
2. What was the reason for the Twenty-Sixth Amendment?