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KENNEDY MAPPING VOTE-AT-18 MOVE

Rights Act Plan Would Skirt
Constitution Procedure

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WASHINGTON, Feb. 22 — Two Democratic liberals in the Senate, Edward W. Kennedy of Massachusetts and Birch Bayh of Indiana, are drafting a plan to use the Administration's voting rights bill as a legislative vehicle to reduce the voting age to 18.

Instead of pursuing the time-consuming route of a constitutional amendment, their plan is to lower the voting age immediately through law. They would attach to the voting rights bill a legislative amendment giving 18-year-olds the right to vote in all elections—Federal, state and local.

In the last week, Senator Kennedy has circulated a legal memorandum among some of his colleagues explaining why on legal and political grounds he believes it would be preferable to lower the voting age by law rather than through a constitutional amendment.

Senator Bayh, who as chairman of the Senate Judiciary Subcommittee on Constitutional Amendments has been advocating a constitutional amendment lowering the voting age, was understood to be sympathetic to the Kennedy proposal.

Administration's Stand

The Nixon Administration, carrying out a pledge made by Mr. Nixon during his 1968 campaign, last week endorsed a constitutional amendment that would lower the voting age to 18 in Federal elections. Despite this White House endorsement, it is regarded as unlikely that a constitutional amendment will emerge from the conservative-dominated Senate Judiciary Committee in the foreseeable future.

Senator Kennedy would offer an amendment to legislation — scheduled to reach the Senate floor next week — extending the Voting Rights Act of 1965.

One possible political complication, now being weighed by Senators Kennedy and Bayh, is that introduction of the Kennedy amendment might hamper efforts to obtain the two-thirds closure vote to choke off a Southern filibuster on the voting rights bill.

The Administration has proposed, in effect, to repeal the 1965 law, which was aimed at voter discrimination in Southern states, by replacing it with a nationwide ban on literacy tests. The Administration substitute was accepted last year by the House, but in the Senate a bipartisan coalition is intent on extending the 1965 law with some modifications. While the coalition apparently commands a simple majority in the Senate, it remains unclear whether it can gather the necessary two-thirds vote to break a Southern filibuster.

Might Hold Off

It appears that his amendment might drive away a few crucial votes, Senator Kennedy might hold off his amendment until after closure is obtained.

On the other hand there is some feeling in the Kennedy ranks that the amendment might facilitate closure by shifting the focus of the debate to the voting age and thus placing the Southerners in the position of filibustering against voting rights for 18-year-olds.

By the same political token, the Kennedy-Bayh proposal, once offered on the floor, would be difficult for most Senators to oppose lest they alienate a large bloc of potential new voters.

If adopted by the Senate, the amendment would go to a Senate-House conference committee, where it might run into objections from Representative Emanuel Celler, Democrat of Brooklyn, chairman of the House Judiciary Committee, who in the past has questioned whether 18-year-olds are mature enough to be given a vote.

One legal objection certain to be raised by Southerners is that the Kennedy amendment would infringe upon the constitutional rights of the states to establish voter qualifications.

While acknowledging that states have been given primary responsibility for determining voter eligibility, the Kennedy memorandum argues that under the 14th Amendment Congress has the power to legislate voter qualifications if it finds that the states are imposing unreasonable or discriminatory requirements.