

NIXON SIGNS VOTE-AT-18 BILL BUT ASKS FOR COURT TEST; VETOES HOSPITAL GRANTS

'65 ACT EXTENDED

11 Million More Would Be Allowed to Ballot in All Elections

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Text of Nixon's statement
is printed on Page 31.

By JACK ROSENTHAL

Special to The New York Times

WASHINGTON, June 22—President Nixon resolved a political dilemma today by signing into law a historic measure lowering the voting age from 21 to 18—and then immediately calling for a court challenge to decide if it is constitutional.

The measure was a rider on a bill that extends for five more years the protection of the Voting Rights Act of 1965 against racial discrimination. Since its passage, nearly a million Negro residents of Southern states have registered to vote.

The measure lowering the voting age, if it survives a challenge, would make 11 million more young people eligible to vote in the next Presidential election. It goes into effect on Jan. 1 and applies to all elections, Federal, state, and local.

President Nixon emphasized, in a statement, that the voting rights extension was of such great importance that he was giving his approval to the entire measure, despite his serious constitutional doubts about the 18-year-old vote provisions.

Wilkins Hails Signing

Mr. Nixon's action was promptly hailed by Roy Wilkins, executive director of the National Association for the Advancement of Colored People. Mr. Wilkins said the association noted "with satisfaction that President Nixon regards the safeguarding of the Negro's right to vote as a prime consideration in his signing of the measure."

Clarence Mitchell, director of the N.A.A.C.P.'s Washington bureau, said the signing was "an act of statesmanship undegirded by faith in the rule of just law."

Mr. Nixon took pains in his statement to reiterate his support of the 18-year-old vote and his belief that it was the method of achieving it, not the result, that he questioned.

The Constitution leaves the establishment of voting qualifications to the states. Mr. Nixon said he believed, "along with most of the nation's leading constitutional scholars," that lowering the voting age thus required a constitutional amendment, not simply an act

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of Congress.

The dilemma for the President, White House sources said, lay between the constitutional argument and the feelings of youth and Negroes, neither of whom are likely to be attentive to constitutional subtleties.

His answer to the dilemma, in the view of a White House aide, was for the executive branch to seek the aid of the judicial branch in correcting what it regarded as a mistake of the legislative branch.

Mr. Nixon directed Attorney General John N. Mitchell "to cooperate in expediting a swift court test of the constitutionality of the 18-year-old provision."

Speed is essential, he said, because the results of any election under the new law could be clouded by legal doubt unless its constitutionality was upheld by the courts.

Mr. Nixon made it clear that he felt such approval was unlikely, referring to "the likelihood that the 18-year-old vote provision of this law will not survive its court test."

As if to underscore his feelings about this provision, Mr. Nixon signed the bill in his hideaway office this afternoon with only an aide for an audience and with his own silver fountain pen, forswearing the ceremonial signing and distribution of souvenir pens often associated with historic bill signings.

Mr. Mitchell has not yet decided what form the court challenge to the new law would take, but some unusual types of action are being discussed.

"After all, it's a rare situation," a Justice Department spokesman said.

An important consideration, the spokesman said, is which kind of action would produce the most rapid final determination by the courts.

One strong possibility is an

original action—a case initiated in the Supreme Court—thus saving the time required for consideration by lower courts. In such an original action, a state could seek to bar the Federal Government from enforcing the new law.

Since the Department of Justice resists challenges to Federal laws, such an action would have an ironic result. The Administration would be in the position of defending, legally, a provision with which it disagrees against a challenge that, philosophically, it supports.

At Least 36 Countries Now Allow Vote at 18

By United Press International

WASHINGTON, June 22—A spokesman at the Library of Congress said today that at least 35 countries, 13 of them Communist already allowed voting at age 18.

He added, however, that some countries put stipulations on the voting, such as the Union of South Africa, which allows only whites to vote. The spokesman said the list was not complete.

The list did not include colonies, territories, and African nations that do not officially list their voting age.

The non-Communist countries listed were Argentina, Barbados, Brazil, Bolivia, Burma, Ceylon, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Britain, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru, Uruguay, Somalia, the Union of South Africa, Venezuela and West Germany.

The Communist countries were Albania, Bulgaria, China, Czechoslovakia, East Germany, Hungary, Mongolia, North Korea, North Vietnam, Poland, Rumania, the Soviet Union and Yugoslavia.

In his statement, the President urged Congress to act promptly on establishing the 18-year-old vote in what he regards as the correct way—"by amending the Constitution."

He asked Congress "to act now upon the new constitutional amendment" already pending and speed it along to the states for ratification. Approval by 37 state legislatures is required for adoption of an amendment.

Even if upheld by the courts, the new law is not generally expected to result in many of the 11 million potential new voters actually voting.

One study of states that now permit those under 21 to vote showed that only about 30 per cent did so. This compares with 51.1 per cent participation among those 21 to 24 and 75.1 per cent for those 45 to 54, according to census figures.

Controversy over the constitutional issue has obscured several other important—and uncontroversial—provisions of the new law. One is the elimination of long residency requirements for voting in Presidential elections.

Such requirements, sometimes of a year or more, have excluded large numbers in the past. The new law establishes a 30-day residency requirement.

Another new provision extends the present prohibition against the use of literacy tests as a condition to voting registration to all states until 1975.

A further amendment to the Voting Rights Act changes a basic definition. Originally, the act was applicable to any county in which 50 per cent of the eligible residents were not registered or did not vote in 1964.

The year has now been changed to 1968, leaving Southern states covered, but also extending its potential applicability to Manhattan Brooklyn and seven counties in four Western states.