

Prairie View: Fighting to Belong A Case Study

Executive Summary

What happens when twin revolutions—civil rights and student rights—come together in a community with a deep and abiding history of racism and segregation? What tools can voting-rights advocates use to extend the franchise to all voting-age people in the community? What are the possibilities and limitations of university leadership and student activism in the struggle?

This case study explores the pivotal role of Prairie View Agricultural and Mechanical University (PVAMU) in the historic struggles over voter registration, polling places, and other voting-rights issues in Texas.

The case is based on the academic literature, original documents, oral histories, and legal findings, and original interviews with Yael Bromberg, constitutional rights attorney, legal scholar, and principal of Bromberg Law, LLC; Frank Jackson, himself a 1973 PVAMU alumnus and 14-year mayor of Prairie View, who subsequently joined PVAMU as assistant vice chancellor for state relations; Melanye Price, director of the Ruth J. Simmons Center for Race and Justice and professor of political science at PVAMU; and PVAMU student activists Jayla Allen, Priscilla Barbour Randle, and Maia Young.

The case includes the following elements:

- [Video Case Study](#): “Panthers Vote: The Civic Legacy of Prairie View A&M University”
- Written Case Study (this document)
- Original Documents in Exhibits (in appendix or on course landing page)

The case is a part of a larger project on student voting rights that focuses on the history of four institutions: Tuskegee University, Prairie View A&M University, North Carolina A&T State University, and Bard College. Materials for each of these cases, including written case studies, video case studies, recorded lectures, original materials, and the book *Youth Voting Rights: Civil Rights, the Twenty-Sixth Amendment, and the Fight for American Democracy on College Campuses*, are available on the Bard College Center for Civic Engagement website at: <https://cce.bard.edu/get-involved/election/voting-rights/course/>.

Introduction: Marching for Voting Rights

On a cool winter day in February 2008, more than 2,000 students from Prairie View Agricultural and Mechanical University marched seven miles to the Waller County Courthouse to demand full voting rights for students at the historically Black university. Walking over the barren south Texas landscape, about 50

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miles northwest of Houston, the students chanted “No Justice, No Peace” and sang “We Shall Overcome.”

At issue was the county’s decision to cut the number of early voting locations from six to one for the community. That voting site, the county courthouse, was seven miles from the Prairie View campus, which was prohibitive for students without cars or access to appropriate and limited public transportation.

To some, the students’ complaint was trivial. At the time, Texas was one of 30 states that provided early voting. The county commission’s decision to offer only one polling place was bipartisan: Democrats agreed with Republicans that the county lacked the resources to provide a full complement of polling places for early voting. But for voting rights activists, it was just one of many instances when local election officials used technical, small-scale actions to suppress the vote of Blacks and young people.

Under Reconstruction and Jim Crow, state and local authorities used poll taxes, literacy tests, gerrymandering, and onerous registration processes to limit the power of Blacks to participate in the democratic process. Once the Voting Rights Act of 1965 banned such practices—and empowered the U.S. Department of Justice to reject state and local voting regulations that suppressed the vote—Blacks gained a growing say over local affairs. But the county persisted in putting up barriers to voting. For example, between 1975 and 2013, when the State of Texas was subject to preclearance under the Voting Rights Act, the U.S. Department of Justice (DOJ) objected to dozens of proposed voting changes in the state, including three objections against actions in Waller County, most recently in 2002.

The 26th Amendment, which lowered the voting age from 21 to 18, created new rounds of tension over voting rights. Because PVAMU’s student body (8,000) is larger than the rest of the town of Prairie View (6,800), political elites feared the takeover of local government by what they viewed as itinerant students. In 1972, the first election in which 18-year-olds could vote in the U.S., students were required to answer a lengthy questionnaire to prove their residence. The questionnaire asked a wide range of questions that had nothing to do with their actual right to vote in the district (see below).

The Supreme Court declared the questionnaire unconstitutional in *Symm v. United States*, a case that started at Prairie View, because it discriminated against students rather than all voters and was based on a presumption of non-residency. However, the county adopted other tactics to suppress the vote.

Since the civil rights movement, PVAMU students have embraced the tactics of activism. “Once they came to realize that their votes mattered and they elected people that had their best interest in mind and would represent them,” said Mayor Frank Jackson, who also played a key role in the university, “then they would better realize themselves as agents of positive change.”

The battles over voting rights at Prairie View A&M raised a series of difficult questions: How could the basic right to vote be protected in a community with a long history of voter suppression? How could voting rights advocates keep track of major and minor impediments to voting? What combination of voting, advocacy, legal action, and protest could change both the practices and culture of voter suppression?

The World of Prairie View

In America’s centennial year of 1876, the Texas state legislature authorized the creation of the Alta Vista Agriculture and Mechanical College for the Benefit of Colored Youth on a former plantation site in the town of Prairie View.

Later known as Prairie View Agricultural and Mechanical University—PVAMU—the college was created to operate under the system of segregation. The Texas state constitution, also enacted in 1876, stated: “Separate schools shall be provided for the White and Colored children, and impartial provisions shall be made for both.”¹ Prairie View added a wide range of programs over the years as the Black version of

¹ F. Erik Brooks and Glenn L. Starks, *Historically Black Colleges and Universities: An Encyclopedia* (ABC-CLIO, 2011), p. 69.

Texas A&M, the state's white public university for agriculture and mechanics in Bryan.

Two former slaves, state Senator Matthew Haines and Representative William Holland, sponsored the bill under the Morrill Land Grant Colleges Act, the federal law that provided public lands for the creation of colleges. Under federal law, land-grant colleges could not discriminate based on race. Northern schools integrated their campuses; Southern schools created separate schools for whites and Blacks.

Blacks in Texas experienced a brief period of enfranchisement after the Civil War. The Freedmen's Bureau set out to provide education and farming opportunities to formerly enslaved Blacks. Texas also elected a handful of Blacks to public office. Some 2,000 Blacks were elected to federal, state, and local elected positions during Reconstruction, according to historian Eric Foner.² But racist violence persisted.

After the Compromise of 1877—in which the disputed 1876 election was settled by declaring the Republican Rutherford B. Hayes the president in exchange for removing federal troops from the South—the racist planters, merchants, churches, and political elites reasserted white power.³ Blacks were unofficially enslaved once again on sharecropper farms and stripped of their basic rights, like voting and equal participation in public and private affairs. A raft of new segregation laws was reinforced by violence by the government and vigilante groups. By 1903, backed by a resurgent Ku Klux Klan, whites had taken control of the state's politics at all levels.

Every aspect of Blacks' lives was repressed. Not only were Blacks blocked from their basic rights to vote, but they also had inferior access to housing, jobs, and schooling. Frank Jackson, a PVAMU graduate who worked as assistant vice chancellor for state relations at PVAMU and also served as mayor of the city of Prairie View, later remembered: "If we got caught reading and writing on this plantation, we got the hell beat out of us, tied to a whipping post and beat. So ignorance was the order of the day. We learned how to cuss better than we could talk."⁴

Historic Opportunities: Prairie View administrators—like those of other Historically Black Colleges and Universities (HBCUs)—worked within the confines of segregation. Periodically, their faculty, administrators, and students took action to assert their basic civil rights. But mindful of their need to maintain friendly relations with the state government, they avoided conflicts over race. The university saw its job as training new generations of men and women dedicated to service in business and public life. PVAMU enforced strict rules for dress codes, religious observance, and participation in social activities.

Despite its restrictions, Prairie View students got an opportunity they could never find elsewhere. Jackson described the opportunities that he got there:

These folks that have worked at Prairie View ... help kids like Frank Jackson who came out of Luling, Texas, out of the watermelon and cotton fields. Couldn't go to UT, didn't have the grades to go there, but Prairie View said, "Bring that boy on down here. Do you want to be an engineer?" I didn't know what an engineer was. The only engineer I knew was the one that drives a train. They gave me an opportunity to make something of myself and change my life.⁵

Prairie View was a self-contained community, lodged inside a brutal system of racism and economic oppression. Waller County was considered a "sundown" community; when Blacks or other outsiders ventured into the streets after dusk, they could expect to be physically accosted. As in mob-controlled communities, gangs and vigilante groups enforced systems of control. Waller County was a leading

² Eric Foner, *Freedom's Lawmakers: A Directory of Black Officeholders During Reconstruction* (Oxford University Press, 1993), xiii.

³ C. Vann Woodward, *Reunion and Reaction: The Compromise of 1877 and the End of Reconstruction* (Oxford University Press, 1991).

⁴ Frank Jackson, interviewed by Seamus Heady, July 21, 2023

⁵ Patrick Michels, "The Interview: Frank Jackson," *Texas Observer*, June 20, 2016, <https://www.texasobserver.org/prairie-view-mayor-frank-jackson-interview/>.

location for lynchings in Texas between 1877 and 1950.⁶ Because Prairie View was unincorporated, it lacked any direct electoral accountability.

The Rise of Student Activism: Students in the 1950s and 1960s became restive with the PVAMU administration as the civil rights movement challenged segregated schools and public accommodations and demanded equal voting rights. The college still treated its students with a stern paternalism. When students returned to the U.S. from World War II, the administration still tried to control their behavior, from off-campus activities to drinking.

Students were on the verge of rebellion in 1960 as they described their grievances in a formal process. Students complained about male professors having affairs with students while limiting the freedoms of students to date each other. When students threatened to stage a general strike, administrators sloughed off their complaints and threatened to expel any students participating in protests.

In September 1963, Prairie View students rallied to demand the integration of local businesses in Hempstead, the town just west of campus. School administrators refused to endorse the boycott, and Waller County officials restated their commitment to segregation of public facilities. School officials argued that their responsibilities to protect students, under the idea of *in loco parentis*, prevented them from getting involved on either side of a controversial issue like civil rights. Because they depended on the state government for their very existence, they also needed to tread lightly on controversial issues. PVAMU President Edward Evans made his position clear, stating: "I have the same ambitions as any self-respecting Negro—but in my position I have a responsibility to the state and to the parents of the students entrusted to us. Therefore, I can't endorse anything that would endanger their safety."⁷

In response, in October 1963, students at Prairie View announced a boycott of the team's football game against Bishop College on November 9. The Panthers were undefeated that season with a dominant display of power, speed, and strategy. Every year, the Bishop game was the highlight of the season. College activists got commitments from 3,500 students to boycott the team's biggest game of the season and to support the Hempstead boycott. On game day, just 100 students attended the game; in previous years, attendance was about 9,000.

Students issued a list of demands to settle the conflict, including the firing of T.R. Solomon as director of student life. The students said that he opposed the civil rights movement and exerted excessive control over student life, and in general, treated students poorly.

Football played a major role in the culture of Prairie View—and the team played a key role in the evolution of Black football. Even during World War II, when other Black colleges were dropping their programs, Prairie View and Wiley College insisted on playing the State Fair Classic.

After the game, the boycott heated up. On November 15 and 16, white ministers joined picketing at G. Kelley's Steak House and K.C. Steak House on Highway 290. But soon after, the protest energy fizzled with the assassination of President John Kennedy.

The 26th Amendment

Student activism created a new consciousness among young people in America in the 1960s. As young men served in the Vietnam War, a consensus emerged that all young people should have the right to participate in the democratic process.

⁶ David A. Graham, "Sandra Bland and the Long History of Racism in Waller County, Texas," *The Atlantic*, July 21, 2015, <https://www.theatlantic.com/politics/archive/2015/07/sandra-bland-waller-county-racism/398975/>.

⁷ Moises Acuna Gurrola, "Ignored News and Forgotten History: The 1963 Prairie View Student Movement," in *Civil Rights in Black and Brown: Histories of Resistance and Struggle in Texas*, ed. Max Krochmal and Todd Moye, (University of Texas Press, 2021), 30.

Ever since the U.S. lowered the draft age from 21 to 18 during World War II, activists called for the same change in the voting age. President Dwight Eisenhower endorsed the reform in 1954. But it was not until 1971, after hundreds of thousands of young men fought in the Vietnam War, that the crusade for the 18-year-old vote gained steam. “Old enough to fight, old enough to vote” became the rallying cry for the amendment. In addition to serving in the military, 18-year-olds also held jobs, paid taxes, took responsibility for families, and participated in civic affairs.

For decades, Senator Jennings Randolph of West Virginia led the drive to lower the voting age. In 1970, Randolph attached an amendment to the Voting Rights Act lowering the voting age for federal elections. But in *Oregon v. Mitchell*, the Supreme Court ruled that the law did not apply to state and local elections. To create a uniform age for voting would require a constitutional amendment.

Senator Randolph teamed up with his colleague, Senator Birch Bayh of Indiana, in the drive for the 26th Amendment. Bayh, who established the Subcommittee on Constitutional Amendments in the Senate Judiciary Committee, praised the “skill and enthusiasm (younger voters) have infused into the political process.”

The movement quickly attracted broad, bipartisan support. Conservatives, led by President Richard Nixon, often antagonistic to student activism, endorsed the movement. Expanding the franchise, conservative Senator Barry Goldwater said, “will help remove the crusty, shopworn reasons why the policies and goals which are promised to voters never seem to get accomplished.” With the vote, President Richard Nixon said, young people “will awaken them to a new sense of responsibility toward our nation and direct their energies and interests toward the constructive task of making democracy work.”

Major lobbying groups—including the NAACP, the National Education Association, and the American Federation of Labor and Congress of Industrial Organizations—pressed for action on Capitol Hill. Meanwhile, a grassroots lobbying effort pressured state legislatures to embrace the new voting age.

Congress initially passed a law to lower the voting age to 18 and outlaw age discrimination in access to the ballot in 1970, as an amendment to the Voting Rights Act of 1965. In signing the bill, President Richard Nixon warned that the new law could only apply to federal elections and that voting in state and local elections would require a constitutional amendment. In *Oregon v. Mitchell*, the Supreme Court proved Nixon’s point by ruling that state and federal voting rules may be different. Recognizing that a two-tiered system would be a bureaucratic nightmare, support on Capitol Hill grew for a constitutional amendment to lower the voting age.

Congress moved quickly. The Senate passed the amendment unanimously, and the House passed it by a 401-19 margin. It was the quickest amendment to be ratified in U.S. history. Within two months, the necessary two-thirds of all states passed the amendment. The new voting age went into effect on July 1, 1971. The amendment brought 11 million potential new voters into the American system. At a White House ceremony, Nixon said, “America needs an infusion of new spirits from time to time. As I stand here, I sense that we can have confidence that America’s new voters will provide what this country needs.”

Some predicted that the infusion of young people would create an intellectual and moral revolution in the U.S. By 2023, 20 million students were enrolled in colleges across the country. But implementation of the new constitutional right proved difficult. Some politicians eagerly sought the youth vote. But others deployed an array of mechanisms to suppress the youth vote, at least the capacity of young people to vote in their districts. Politicians in areas with high concentrations of young voters, such as college campuses or military bases, feared that the youth vote could fundamentally alter their control over local politics.

The voting rate for young people was 25 percent lower than for senior citizens. The voting gap was partly a matter of the itinerant lifestyles of young people. Often on the move, still developing habits as adults, students, and other young people do not yet have the commitment to civic rituals like voting. But politicians, fearful of the potential power of the youth vote, also worked to suppress turnout. Whether young people voted was a matter of long-term importance, as Jared McDonald and Michael Hanmer note:

“[V]oting decisions are habit-forming and therefore set the pattern for later life. When someone decides to vote for the first time, they become far more likely to engage in future elections.”

Implementation Issues: Few laws are “self-implementing.” To make the right to vote real requires efforts by a wide range of organizations: election boards, motor vehicle bureaus, schools, and more. If students do not have the same ease of registering and voting, they cannot fully realize their rights.

The first major challenge was registration. State and local officials used different standards for determining who constituted a “resident.” They also required students to provide information that they might not have, like a street address, as residents of dormitories on college campuses.

The second challenge is access to polling places. Students often do not have their own cars, and many colleges are located in areas without public transportation. To make voting possible, student voters need polling places to be located nearby, preferably on campus.

A third challenge is maintaining voting rolls. Students can be purged from the voting rolls when they move to a different dorm on campus. For example, if a student lived at 223 Douglass Hall one year and 113 Rockefeller Hall the next, they can be denied their ballot.

A fourth challenge is provisional ballots. If a duly registered student voter lacks perfect proof of residency—if, for example, they are listed as Christine on the voter rolls but C.L. on an ID—they may only be allowed to cast a provisional ballot. But those ballots are often not tallied and may lead to names being purged from records.

The Landmark *Symm* Case

Soon after the passage of the 26th Amendment, students at Prairie View A&M faced a challenge to their voting rights. Waller County election officials refused to register students on the grounds that they were not legitimate residents of the community.

County officials required student voters to fill out a “Questionnaire Pertaining to Residence.” The questionnaire asked about property ownership, auto ownership, participation in church and civic organizations, whether they own property in the county, plans for staying in the county, and more. Some of the questionnaire’s queries might seem reasonable to ascertain residency, even if they were still intrusive:

- Are you a college student?
- If so, where do you attend school?
- How long have you been a student at such a school?
- Where do you live while in college?
- How long have you lived in Texas?
- In Waller County?

Other queries had nothing to do with the prospective voter’s right to participate in an election:

- How long have you considered yourself to be a bona fide resident of Waller County?
- What do you plan to do when you finish your college education?
- Do you have a job or position in Waller County?
- Own any home or other property in Waller County?
- Have an automobile registered in Waller County?
- Have a telephone listing in Waller County?
- Belong to a Church, Club, or some Waller County Organization other than college-related?
- If so, please name them.

The questionnaire quickly led to conflict. A white student named Charles Ballas was recruited to PMAVU to help integrate its Reserve Officers’ Training Corps program. When he requested a voter registration form, the tax assessor and collector of Waller County sent him the questionnaire. He answered as many questions as he could; some of the questions did not make sense to him. When the county rejected his

application, he sued LeRoy Symm, the county official, charging that the questionnaire violated his rights and the rights of his peers under the Fourteenth Amendment and the Civil Rights Act of 1965.

In *Ballas v. Symm*, the District Court Judge James Noel issued an injunction and ordered that Ballas should be allowed to register “due to the ... manifest injustice that would result to the plaintiff if it were not granted.” Because the county did not offer Ballas a hearing following his individual challenge to the rejection of his voter registration form, the court ruled, his procedural rights were violated.

But U.S. District Court Judge James L. Noel Jr. rejected Ballas’s petition to consider the case a class-action suit for 1,500 Prairie View students; in that case, all students were identified as having been subjected to unfair burdens in registering to vote. “The granting of such relief,” Judge Noel ruled, “shall not be regarded as precedential for any purpose.”⁸ As a result, the decision applied to one and only one case. A previous lawsuit had dispatched the argument that students faced discrimination as a class. There, the court explained that their Twenty-Sixth Amendment challenge was denied because the students “were denied registration on the ground of non-residency, and not because two of them are between the ages of eighteen and twenty-one.”⁹ The holding would be short-lived.

In 1976, U.S. Attorney General Edward H. Levi filed an action against Symm, Waller County, and Texas, alleging that the questionnaire denied Prairie View students the right to vote in violation of the 14th, 15th, and 26th amendments. In *United States v. Texas*, a three-judge panel in the U.S. District Court ruled that Prairie View students deserved the same presumption of residency as other people in Waller County pursuant to the 26th Amendment. The three-judge court barred Texas from ever again using the questionnaire. Symm appealed the decision to the Supreme Court. In 1979, in *Symm v. United States*, the Supreme Court summarily affirmed the prior decision that the questionnaire was discriminatory and unconstitutional and improperly denied Prairie View students the same voting rights as others. To date, *Symm* is the only Supreme Court case concerning the 26th Amendment.

The Symm decision provided a strong foundation for the 26th Amendment protections against age-based restrictions on voting rights. But despite this landmark decision, other state and federal court decisions have undermined the youth vote in the intervening years. The challenge of fair voting for young people persists more than a half-century later.

Other Voting Rights Challenges

In the realm of voting rights, no issues are settled forever. From the time of the passage of the Civil Rights Act, anti-voting rights officials have sought to impair the ability to register and vote in countless ways. DeWayne Charleston, the first Black justice of the peace in Waller County, explains:

Since that Supreme Court ruling in 1979, Prairie View students have been under attack. There have been three city councilmen, a county attorney, a minister, a judge, two public officials, all arrested, all indicted, some convicted, after they participated in get-out-the-vote efforts—and 19 students, I might add, were also indicted, after they all participated in some get-out-the-vote or campaign initiatives. We’re talking about the suppression of voting rights since the Supreme Court assured that right in 1979. There was one district attorney who threatened to send any students to jail if they dared attempt to vote in Waller County. Nothing happened to him. The Justice Department, the district attorney—nobody slapped him with any criminal offense for his intimidation of voting rights. It is a long, storied history.¹⁰

⁸ *Ballas v. Symm*, 351 F. Supp. 876 (S.D. Tex. Nov. 13, 1972), aff’d, *Ballas v. Symm*, 494 F.2d 1167 (5th Cir. 1974), abrogated by *Whatley v. Clark*, 482 F.2d 1230, 1234 (5th Cir. 1973).

⁹ *Wilson v. Symm*, 341 F. Supp. 8 (Mar. 29, 1972), abrogated by *Whatley v. Clark*, 482 F.2d 1230, 1234 (5th Cir. 1973).

¹⁰ “Sandra Bland Laid to Rest; First Black Judge in Waller County Demands Sheriff Resign Over Her Death,” *Democracy Now*, July 27, 2015, https://www.democracynow.org/2015/7/27/sandra_bland_laid_to_rest_first.

The struggle over voting rights in Prairie View and Waller County was never-ending and exhausting. Waller County, said Mayor Frank Jackson of Prairie View, “can best be described as ground zero in the long march for slavery to freedom here in Texas.”¹¹

Gerrymandering: Drawing electoral boundaries has always been subject to abuse. Historically, both parties have drawn boundaries to either concentrate or disperse voters. Gerrymandering uses three methods to limit the voting power of voting blocks: packing, stacking, and snaking. (For more details, see Exhibit 5.)

In the 1980s, Waller County cracked the Prairie View community by running elections by precinct—small subdivisions of districts—even though they were in the same district. Voters could lose their vote if they went to the wrong precinct to vote, even if it was in the right district. The problem was especially dangerous when precinct locations were changed from year to year. Students showing up to vote in one precinct could be refused a ballot because they were registered in another precinct—even if both precincts were in the same district. “You couldn’t vote,” said Frank Jackson, the former mayor. “You’d say, ‘Wait a minute, I’m voting in Prairie View,’ but they’d say, ‘We don’t have your name on the roll.’”¹²

Legal Intimidation: After the 1990 Census, in 1992, 19 residents of Prairie View, including 14 students, were indicted for improperly voting. Quickly known as the Prairie View 19, charges were quickly dropped against four. Five of the remaining defendants faced two third-degree felony charges for aggravated perjury and illegal voting, with a penalty of 10 years for each charge. The other ten were charged only with illegal voting.

The issue arose because the PVAMU campus has two separate precincts for registering to vote. If a student moves from one dorm to another, she may unknowingly need to register in the new dorm. The student newspaper, *PV Panther*, explained the issue:

A student may have lived in Banks [dorm] the first semester when she filled out the voting registration card. Then, the next semester, she moved to Drew [dorm], yet the registration card went to Banks. If she does not know to pick it up in Banks, the card is returned, and she is dropped from the roll. When it’s time to vote, the student’s name isn’t on the roll, but she knows she has registered. Therefore, she signs an affidavit stating she’s registered. However, when it is further checked and realized that she has been dropped from the voting roll, charges of illegal voting and aggravated perjury are brought against the student.

The school rallied around the “Prairie View 19.” Mayoral candidate Frank Jackson organized a march of hundreds of students from the campus to the county seat of Hempstead. Eventually, the U.S. Justice Department intervened to induce local officials to drop the charges.

The issue highlighted the problem of gerrymandering at the precinct level. As Jen Ramos, communications director for Young Democrats of America, noted, “It is easier to manipulate voting on a college campus. Students move around dorms. There’s confusion about addresses and moving. It’s a perfect storm of voter suppression. It’s understandable, but it’s not right by any means.”¹³

Threats: In a replay of the *Symm* controversy, Waller County District Attorney Oliver Kutzman in 2003 published a letter in the local *Waller Times*, threatening to charge anyone who voted without meeting his

¹¹ “One Texas School’s Long Walk of Political Engagement Politics,” *PBS News Hour*, November 5, 2012, <https://www.pbs.org/newshour/politics/picture-this-more-than-1000>.

¹² Patrick Michels, “Prairie View’s Longtime Mayor on Sandra Bland and Texas’ Legacy of Racial Trauma,” *Texas Observer*, June 20, 2016, <https://www.texasobserver.org/prairie-view-mayor-frank-jackson-interview/>.

¹³ “Once Again, Voting Controversies Surface at Prairie View A&M,” November 2, 2018.

definition of a resident. He said that students could not use a campus address as their legal residence on their registration forms. Conviction carried a sentence of up to ten years in prison and a \$10,000 fine.

“Students do not, on any campus, have lawful rights to a special definition of ‘domicile’ for voting purposes,” he said. Hendrik Maison, the president of the student body at PVAMU, responded: “They’re happy to have students spend money in the community and provide jobs to the residents, but they don’t want students to have a say in how they are governed during their years of residency.”¹⁴

In January 2004, Attorney General Greg Abbott took the students’ side. “No more or less can be required of college students during the voting registration process than any other Texas voter,” he said. The next month, Abbott declared that “students in Texas may no longer be subjected, whether by statute or practice, to any presumption with respect to ‘residence’ not also applied to all voters in Texas.”¹⁵

Gone Fishin’: In 2006, Waller County Commissioners Court resorted to a long-ago tactic of Texas officials—closing the office entirely.¹⁶ The move came after a voting rights group, the Waller County Leadership Council, filed a formal complaint with the state attorney general alleging that the board had engaged in a systematic effort to repress the vote. “After waiting three to four hours to vote, students at the university were required to cast provisional ballots because their names were not on election rosters,” said the council’s spokesman, Herschel Smith. Registration would be taken over by the county tax office and the county clerk.

Voting Rights and a School Bond Issue: Nothing illustrated the importance of voting—and the often desperate fight to get voters registered—more than a \$49.3-million school bond issue in Waller County in 2008. Devised by a small group of bankers, developers, and politicians, the bond issue would finance the construction of three new schools and a football stadium in white sections of the county. Those projects would use almost all of the bond issue, leaving just \$220,000 to renovate a predominantly Black elementary school built in the 1950s.

DeWayne Charleston, a longtime activist and justice of the peace who grew up in Prairie View, led the opposition to the bond issue. It was, he thought, a textbook case of the importance of elections. The problem was that the vote was scheduled for May, after students left campus for the summer. He signed up 700 students to vote and brought the application forms to the elections administrator’s office in Austin. For weeks, he tried and failed to get confirmation that the state approved the registration cards. When he could get no answer, he began a 150-mile protest march to Austin that attracted TV and newspaper publicity.

Five miles into the march, Attorney General Greg Abbott called Charleston. Abbott agreed to see him. Abbott confirmed that the applications had been received and deemed valid. They had been kept in a filing cabinet in a district attorney’s office. The problem, Abbott and his aides said, was that state officials would take 30 days to process the forms, which would be too late for students to qualify to vote. But Abbott intervened to get the registration cards processed.

To provide even more political heft against the bond issues, Charleston also recruited two students at Prairie Valley A&M to run for the school board. Both were honors students with a fervent interest in politics. Both lost their races but have gone on to successful careers.

Charleston worked with a young lawyer named Ty Clevenger, who contested the legitimacy of the board’s decision to call the election because it had not published a public notice in local newspapers (the only

¹⁴ “D.A. Resigns Over Voting Flap,” *Howard University News Service*, n.d., <https://hunewsservice.com/news/da-resigns-over-voting-flap/>.

¹⁵ Laughlin McDonald and Daniel Levitas, “The Case for Extending and Amending the Voting Rights Act,” *American Civil Liberties Union*, March 2006, 842, <https://www.aclu.org/documents/case-extending-and-amending-voting-rights-act>.

¹⁶ Helen Eriksen, “Waller County Abolishes Elections Office,” *Houston Chronicle*, December 8, 2006.

notice was in the *Austin American Statesman*) and also excluded students from the vote. The case went before five courts and 15 judges before landing in the state Supreme Court. By that time, the plaintiffs ran out of money. The battle ended with a major loss.

As always, access to voting places was uneven. Prairie View residents voted on local issues at city hall, then had to trek five miles out of town to vote on the school-related issues; Waller County residents, meanwhile, could use one polling place for all their ballots. In the end, the bond issue passed, and the students lost their races.

Controversies Over Polling Places

Protests in 2008, highlighted at the beginning of this case study, led to a successful lobbying effort by the PVAMU student government for an on-campus polling site. In 2016, long lines in Prairie View prompted officials to double the number of voting machines.

In a 2016 plan approved by both Republican and Democratic officials, the Waller County Commission planned just two early-voting polling sites—one on the north and the other on the south of the reverse-“7”-shaped county. Both sites would be beyond walking distance of the Prairie View campus. The commissioners waved away complaints about the lack of easy access to polling. “If they get mad at us, then, hey, they get mad at us,” said Ben Tibbs, the Democratic Party chairman. Wallace Koenning, the Republican chairman, added: “I’m an old man. Trying to keep up with that kind of stuff is kind of hard for me.” After a public outcry, the commissioners added four new voting sites.¹⁷

When the plans for voting in Waller County were released before the 2018 election, the majority white parts of the county had more early voting opportunities than students and Blacks in Prairie View. Five students sued Waller County, arguing that unequal access violated the Voting Rights Act. “There was no legitimate, nondiscriminatory reason,” they argued, to deny students the same voting opportunities as Whites in the county.¹⁸ At issue was the location of voting sites and the number of early voting days. Residents of the predominantly rural city of Waller had two weeks for early voting; students at Prairie View had only one week, with polls on campus for three days and off campus for two days.

Days after filing the suit, the students won a partial victory when the county expanded the hours of the three on-campus voting days; still, the county rejected providing an extra week of early voting or more poll dates on campus.¹⁹ Four years later, in 2022, U.S. District Judge Charles Eskridge rejected the students’ claims, saying that the unequal hours did not constitute an “objective and reasonable basis” to claim a violation of the Voting Rights Act.²⁰

In the end, the turnout of Texans under 30 increased from 8 to 26 percent from 2014 to 2018, but it was still lower than the state’s overall participation rate of 46 percent. No one could say whether the higher voting turnout could be attributed to expanded polling places. In 2018, the youth and Black communities were mobilized at historic levels in the “blue wave” election against Republicans and Donald Trump.

¹⁷ Emily Foxhall, “Waller County Backs Off Plan to Limit Early Voting,” *Houston Chronicle*, January 5, 2016.

¹⁸ “Prairie View A&M Students Sue Waller County over Early Voting Sites,” *Texas Tribune*, October 22, 2018, <https://www.texastribune.org/2018/10/22/prairie-view-m-students-sue-waller-county-over-early-voting-sites/>.

¹⁹ “Waller County Expands Early Voting for Prairie View A&M Students,” *Texas Tribune*, October 25, 2018, <https://www.texastribune.org/2018/10/25/waller-county-expands-early-voting-prairie-view-m-students/>.

²⁰ “Federal Judge Says Waller County Voting Process Did Not Discriminate Against Black College Students,” *Texas Tribune*, March 24, 2022, <https://www.texastribune.org/2022/03/24/voting-rights-lawsuit-waller-county/>.

The controversy took another turn in 2019, when the state legislature passed a law banning the use of temporary polling places. Waller County had to either close early voting places or find the money and resources to make them permanent. As a result, the county reduced polling places to four sites. In 2023, Texas Representative Carrie Isaac, a Republican, introduced a bill banning campus polling places. She said campus sites represented a security threat; “we must protect places of education where our children and young people gather,” she said. The bill went nowhere but represented a new escalation in the election access wars.²¹

Enduring Fissures in Waller County

As the controversies over voting rights persisted, election cycle after election cycle, both sides professed the justice of their cause.

The constant battles over race and voting rights aggravated both sides. Judge Trey Duhon, the county’s top elections official, rejected charges of racism, saying he took pride in his efforts to expand voting opportunities. “This isn’t your grandfather’s or great-grandfather’s county, not even close,” he said. “It kills me to be painted with a brush that I have nothing to do with.” At the same time, he voiced the fear of the White population in the county. “I think there’s always been this fear that if all the students voted, and they voted in a certain way, they could take over the county.”

On behalf of the Concerned Citizens of Waller County, a resident named Dan Easter expressed his frustration with charges of racism during the controversy over early voting in 2008. “PVAM University is approximately five miles from the courthouse,” Easter said in a letter to the *Houston Chronicle*. “Of the seven cities in the county, Prairie View is closest to Hempstead. The students don’t have a problem going to the grocery store, the bank, Wal-Mart, or any other businesses that are located in Hempstead and not on campus. Everyone in the county has the same two-week window to come by the courthouse and vote early, or the students can wait until election day at the community center.”²²

To students, such logic missed the mark, given the history of discrimination against both Blacks and young people in Prairie View. A single inconvenience would not be noteworthy, as Easter argued, if the county government had embraced and supported their right to vote after the Twenty-Sixth Amendment was passed in 1971. But instead, students faced a daunting set of barriers in virtually every voting cycle.

“We’ve always had problems,” said Priscilla Barbour, president of the student government at PVAMU, in the midst of a similar controversy in 2013. “Voting is supposed to be something convenient, something you have the right to do without walking a great distance or standing in line.” In 2019, Jayla Allen, the chair of Rock the Vote at PVAMU, testified before the U.S. House of Representatives Judiciary Committee: “If the recent rise of discriminatory voting laws is not stopped, I fear that more and more people—and particularly young people of color—will become discouraged, disengaged, and shut out of the democratic process.”

Dating back to *Symm*, the administration has remained passive, but students remain locked in. As Allen said, “We see something that needs to be fixed. We see something that has continued for decades and that has continued to be a roadblock. ... We see how we can help to move the roadblock.”

In the 2022 legislative session, a bill was introduced to ban the availability of on-campus polling locations across the State of Texas. The bill ultimately did not pass before the end of the legislative session, but its co-sponsor promised to reintroduce some version of it in the future.²³

²¹ Jared Gans, “Texas Lawmaker Proposes Bill to Prohibit Polling Places at Colleges,” *The Hill*, February 17, 2023.

²² “Letters to the Editor,” *Houston Chronicle*, February 28, 2008.

²³ Allie Rothenberg, “Texas Republican Introduces Bill To Ban College Polling Places,” *Democracy Docket*, February 16, 2023, <https://www.democracymarket.com/news-alerts/texas-republican-introduces-bill-to-ban-college-polling-places/>.

The persistent barriers to voting rights inspired students like Barbour and Allen to take the lead in so many voting-rights efforts at PVAMU. As Jonathan Becker and Erin Cannan wrote, at PVAMU, “the fight for student voting rights, forged out of decades of defense against an ongoing assault by Waller County, has become part of the DNA of student government.”²⁴

Questions for Discussion

1. What is the significance of *Symm* being the first case where the Supreme Court substantively considered and upheld a Twenty-Sixth Amendment challenge?
2. What factors led to the U.S. Attorney’s Office taking on the *Symm* case?
3. What are the basic requirements of a free and fair system for registering voters and enabling them to vote in meaningful elections? What does the Prairie View experience tell us about meeting these basic requirements?
4. With the end of the preclearance process for voting and election rules in the states, how can voting-rights advocates ensure fair access to voting?
5. In what ways might students at HBCUs like Prairie View create alliances with the people in the surrounding communities for voting rights?
6. What are the responsibilities—and limitations—of university administrations in promoting voting rights for their students?

²⁴ Jonathan Becker and Erin Cannan, “Institution as Citizen: Colleges and Universities as Actors in Defense of Student Voting Rights,” *Rutgers University Law Review* (Summer 2022): 1963, https://www.rutgerslawreview.com/wp-content/uploads/2023/02/07_Becker_Cannan.pdf.

EXHIBITS

Exhibit 1: Early Scene at Prairie View A&M University

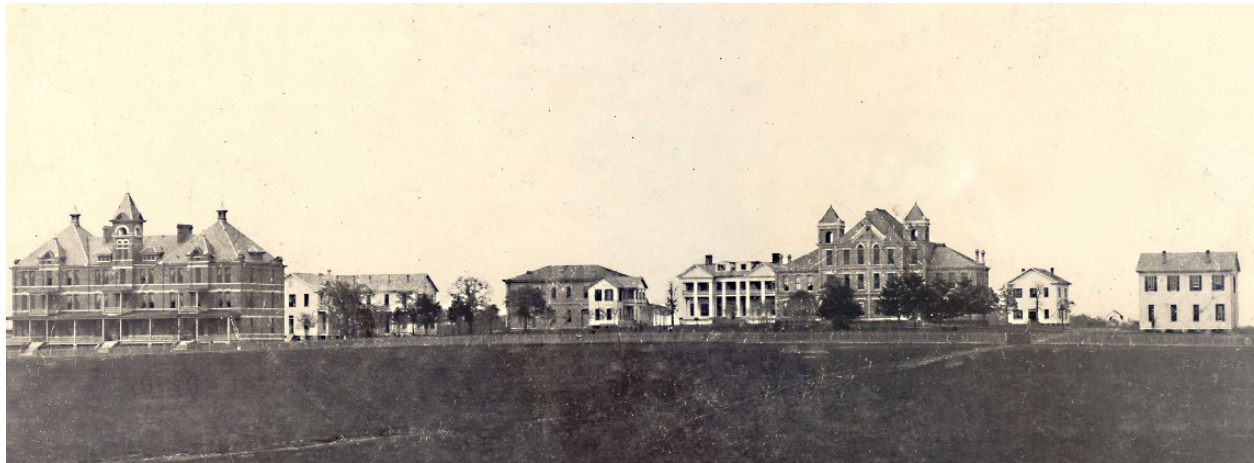


Exhibit 2: Timeline

- 1873—Waller County is created out of three other counties: Austin, Grimes, and Washington.
- 1876—New land-grant university for Blacks formed on the old Alta Vista slave plantation. It is one of such universities in Texas, and the second oldest public college in the state.
- 1923—Women get the right to vote—but not Black men or women.
- 1963—In the aftermath of the March on Washington, students at Prairie View protest against the university administration and boycott the “big game” of the football Panthers.
- 1971—In the fastest adoption of a new constitutional amendment, Congress and the states lower the national minimum voting age from 21 to 18.
- 1974—In *Ballas v. Symm*, PVAMU student Charles Ballas sues Waller County, charging that questionnaire required of students to register to vote was a violation of the 14th Amendment.
- 1979—U.S. Supreme Court decision in *Symm v. U.S.* establishes students’ right to vote as residents where they attend college, without the screening of a discriminatory questionnaire.
- 1992—Prairie View students are charged with improperly voting. After media reports, charges are dropped.
- 2004—County DA says students are not automatically eligible to vote in county elections because of state-mandated residency standards.
- 2008—Judges rule that Waller County needs DOJ approval for voter registration rejections. The county must show that changes don’t have the intent or effect of discriminating (DOJ agreement.)
- 2013—In *Shelby v. Holder*, U.S. Supreme Court declares invalid the preclearance process of the Voting Rights Act. (See explainer.)
- 2013—Texas legislature adopts new gerrymandered congressional districts.
- 2013—Students win on-campus voting site.
- 2016—Officials try to eliminate campus voting site in 2016 and successfully limit such sites in 2018.
- 2015—Sandra Bland, a graduate of PVAMU who recently accepted a job at her alma mater, is arrested one and a half miles from campus for a driving infraction. Three days later, she dies under mysterious circumstances in jail.
- 2016—Prairie View students again fight county officials for a campus voting place.
- 2018—Prairie View students and alumni sue Waller County over differences in voting access, demanding more polling stations on campuses.
- 2018—County decides against providing early-voting sites on campus. Students notice that two-week early voting was shortened to three days, in contrast to surrounding areas. Students’ motion for expanded and accessible polling sites is rejected by the Waller Commissioners Court.

2020—In the midst of the COVID epidemic, traditional election rules and practices are scrambled across the U.S. Only 69 percent of all voters cast their ballots on Election Day; the others voted early and by mail.

Exhibit 3: Questionnaire for Student Voter Registration in Waller County

In the aftermath of the 26th Amendment, Waller County election officials required college students to answer the following questions in order to establish their residency:

- Please print or type your name and address.
- Are you a college student?
- If so, where do you attend school?
- How long have you been a student at such a school?
- Where do you live while in college?
- How long have you lived in Texas?
- In Waller County?
- Do you intend to reside in Waller County indefinitely?
- How long have you considered yourself to be a bona fide resident of Waller County?
- What do you plan to do when you finish your college education?
- Do you have a job or position in Waller County?
- Own any home or other property in Waller County?
- Have an automobile registered in Waller County?
- Have a telephone listing in Waller County?
- Belong to a Church, Club, or some Waller County Organization other than college-related?
- If so, please name them.
- Where do you live when college is not in session?
- What address is listed as your home address with the college?
- Give any other information which might be helpful."²⁵

Exhibit 4: Texas Scores Last in the Ease of Voting Index

According to a study headed by Northern Illinois University, Texas posed the greatest challenges to voting in all 50 states. Scot Schraufnagel of Northern Illinois University, Michael J. Pomante II of Jacksonville University, and Quan Li of Wuhan University in China created an “Ease of Voting Index” to assess states’ performances on many aspects of voting rights. The lower the score, the better the environment for registering and voting.

Top Five States (score in parentheses)

- Oregon (-1.69)
- Washington (-1.66)
- Utah (-.93)
- Illinois (-.85)
- Maryland (-.74)

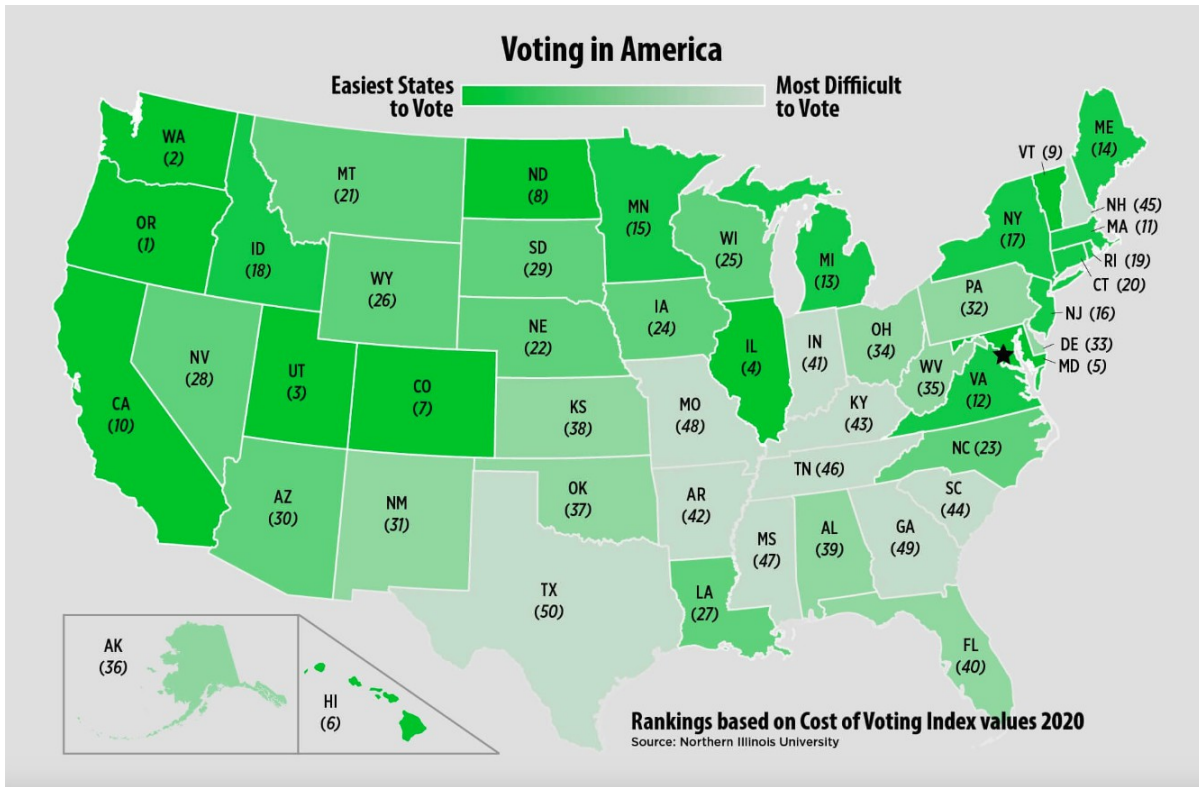
Bottom Five States

- Tennessee (.78)
- Mississippi (.80)
- Missouri (.86)
- Georgia (.98)
- Texas (1.29)

²⁵ *Symm v. United States*, 439 U.S. 1105 (1979), <https://supreme.justia.com/cases/federal/us/439/1105/>.

Prairie View: Fighting to Belong _____

Source: Scot Schraufnagel, Michael J. Pomante II, and Quan Li, "Cost of Voting in the American States: 2020," *Election Law Journal* 19, no. 4 (December 15, 2020), <https://www.liebertpub.com/doi/10.1089/elj.2020.0666>.



Source: "How Hard Is It to Vote in Your State?" *Northern Illinois University Newsroom*, October 13, 2020, <https://sciencecodex.com/how-hard-it-vote-your-state-659790>; note that data input errors were later discovered in the 2020 Cost of Voting Index (COVI), with corrected values available in the file "COVI Values 1996-2020 old and new (xlsx)."

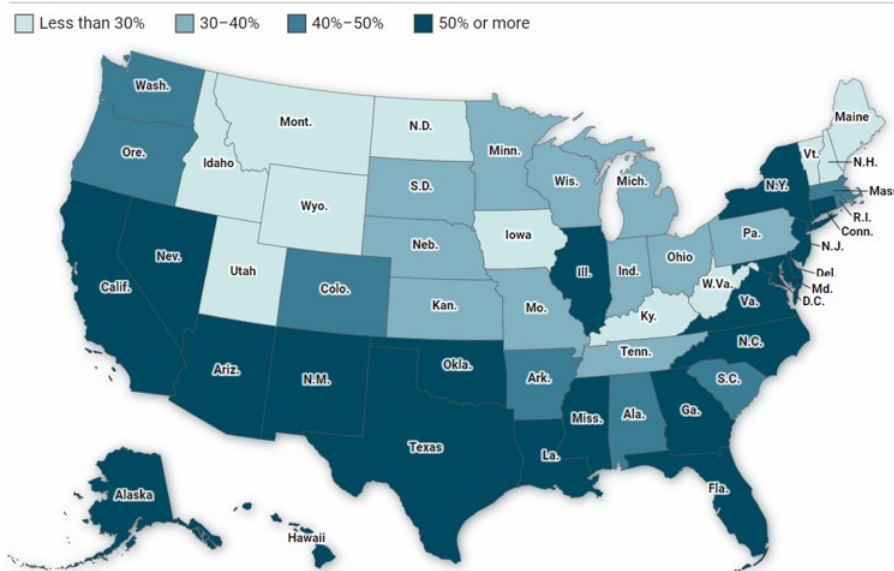
Exhibit 5: How Gerrymandering Works

Under a process called gerrymandering, legislative districts are drawn to give one side an electoral advantage over the other. The idea is simple: cut off distinct groups to prevent them from gaining full representation. Gerrymandering uses three major strategies:

- **Packing:** Concentrating racial, ethnic, religious, or economic groups into a limited number of districts. Packed into these districts, they are cut off from allies that would be able to create majorities in more districts.
- **Cracking:** Breaking up the population of distinct groups and dispersing them into different districts, so they cannot exert much electoral power in any of those districts.
- **Snaking:** Creating majorities by combining like-minded groups in irregularly shaped districts. A salamander-shaped district in 19th-century Massachusetts, masterminded by Governor Elbridge Gerry, was responsible for the term gerrymander.

Exhibit 6: Changing Racial Demographics of Youth Voters

Non-white shares of state under age 18 populations (2020)



Source: William H. Frey analysis of 2020 U.S. decennial census.