

IN THE COURT OF APPEALS
NINTH APPELLATE DISTRICT
LORAIN COUNTY, OHIO

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COURT OF COMMON PLEAS
TOM ORLANDO

GIBSON BROS., INC., et al.

Plaintiffs-Appellees/Cross-Appellants,

Case Nos.: 19CA011563 and 20CA011632
(Consolidated)

-vs.-

OBERLIN COLLEGE, et al.

Defendants-Appellants/Cross-Appellees.

Appeal from Lorain County
Court of Common Pleas,
Case No. 17CV193761

**PLAINTIFFS-APPELLEES' RESPONSE IN OPPOSITION TO THE MOTION FOR
LEAVE TO FILE *AMICI CURIAE* BRIEF BY NATIONAL COALITION AGAINST
CENSORSHIP, *ET AL.***

I. PRELIMINARY STATEMENT

In the twenty-two (22) pages that make up the Amici Movants'¹ Motion and proposed Brief, they never cite to the actual record in this case. Disregarding the record, the Amici Movants intentionally or ignorantly mis-portray this case as one about "student speech." The actual record, including the evidence the parties set forth during the 5+ week trial, reveals the jury's unanimous verdict was based solely on the conduct of Oberlin College and Dean of Students Meredith Raimondo. Those who ignore the record, and distort the record, cannot be considered a "friend of the court." Instead, the Amici Movants are simply an Oberlin College supporter.² As such, their proposed amicus brief is an abuse and should be disallowed. *Ryan v. Commodity Futures Trading Com'n*, 125 F.3d 1062, 1063 (7th Cir. 1997).

¹ For purposes of this Response, the "Amici Movants" consist of National Coalition Against Censorship, Brechner Center, and DKT Liberty Project.

² An *amicus curiae* is to be a friend of the court, not a friend of a party. *United States v. State of Michigan*, 940 F.2d 143, 164-65 (6th Cir.1991).

Further, Amici Movants seek to promote an agenda that would create an Academia Immunity against defamation liability. No court has ever adopted such an immunity defense. And, the record in this case offers absolutely no reason to create a precedent here.

II. LAW AND ANALYSIS

A. The Amici Movants' Story of the Case is Not Founded on the Evidence and Bears No Resemblance to the Case that was Actually Tried.

1. The Amici Movants have not read the trial record or are intentionally mischaracterizing the record.

Throughout the entirety of their motion and proposed amicus brief, the Amici Movants *never* cite to the record in the trial court. The Amici Movants prefer to not let the facts get in the way of the story they attempt to spin. However, these efforts which disregard and mischaracterize the record provide no value to this Court's appellate review and should be disallowed.

2. The Amici Movants falsely characterize the Gibsons' lawsuit as an effort to "restrict student speech."

The Movants begin their proposed amicus brief by suggesting "the Gibsons' lawsuit against Oberlin seeks to restrict *student* speech..." [Brief, p. 3] This statement reveals either: (a) a fundamental lack of understanding about the actual lawsuit, likely the result of a failure to read the 5-week trial transcript; or (b) an effort to promote a cause that was not at issue in the lawsuit.

First, the Gibsons' lawsuit did not seek injunctive relief. The damage had already been done. The Movant's suggestion that the Gibsons' lawsuit sought to restrict speech is counterfactual.

Second, the unanimous jury determined that *Oberlin College's* conduct—not “student speech”—constituted defamation. The Movants are oblivious to, or unconcerned with, the actual record in this case. But, the record is critical, and includes the following evidence:

a. Dean Meredith Raimondo had become a very powerful figure within Oberlin College's administration, given her recent October 2016 promotion to Vice President and Dean of Students along with President Marvin Krislov's September 2016 announcement that he would be leaving Oberlin College following some challenging years for him professionally and personally, including occasions where he was called a racist. [Tr. Trans. Vol. V, p. 70; M. Krislov Dep. Vol. I, 66:09-12, 97:03-13³].

b. Oberlin College placed Dean Raimondo, and other top administrators including Special Assistant to the President for Community and Government Relations Tita Reed and Oberlin College Vice President of Communications Ben Jones in charge of the demonstrations against the Gibsons on Oberlin College's behalf. [M. Krislov Dep. Vol. I, 150:02-151:14⁴].

c. Dean Raimondo fully recognized her power, as reflected by statements showing she could “unleash the students” at will. [Pl. Tr. Ex. 211].

d. Media member, Jason Hawk, testified that:

³ Excerpts of President Krislov's deposition testimony were played for the jury during trial. [Tr. Trans. Vol. III, p. 176]. The excerpts played for the jury can be found at Pl. Tr. Ex. 460. [See, Tr. Trans. Vol. XII, pp. 13-14]. President's Krislov deposition was filed with the trial court on March 15, 2019 and is part of the record on appeal.

⁴ Excerpts of President Krislov's deposition testimony were played for the jury during trial. [Tr. Trans. Vol. III, p. 176]. The excerpts played for the jury can be found at Pl. Tr. Ex. 460. [See, Tr. Trans. Vol. XII, pp. 13-14]. President's Krislov deposition was filed with the trial court on March 15, 2019 and is part of the record on appeal.

- i. Dean Raimondo approached him outside of Gibson's Bakery on November 10, 2016;
- ii. Dean Raimondo intentionally, physically, and repeatedly obstructed his efforts to photograph the scene;
- iii. Dean Raimondo directed a student to retrieve a defamatory flyer;
- iv. The student obeyed, retrieved the flyer, and returned it to Dean Raimondo;
- v. Dean Raimondo herself distributed the flyer to the media member, certainly knowing that this would lead to mass distribution throughout the Oberlin community and beyond. [Tr. Trans. Vol. III, pp. 98-105]
- e. Dean Raimondo had stacks of the defamatory flyers in her hands outside of Gibson's Bakery. [Tr. Trans. Vol. V, pp. 178-79].
- f. Dean Raimondo handed out these stacks of defamatory flyers for mass distribution. [*Id.*]
- g. For instance, Julio Reyes (an Oberlin College employee who reported to Dean Raimondo) received a stack of the defamatory flyers and aggressively distributed them to the public. [Tr. Trans. Vol. IV, pp. 67-68, pp. 15-19] At trial, Richard McDaniel (a 38-year resident of Oberlin who had served as Oberlin College's Director of Security from 1980-1995) testified that Mr. Reyes had a stack of the defamatory flyers and handed Mr. McDaniel one of them. [Tr. Trans. Vol. IV, p. 4, pp. 15-19]. Like Dean Raimondo, Reyes also attempted to physically prevent the public from photographing the scene. [*Id.*] McDaniel testified that Reyes became combative and physically threatening. [*Id.*] Reyes repeatedly stated, "I'm with the College." [*Id.*] When Sergeant Victor Ortiz approached to ask if there was a problem, Reyes turned away and headed back in the

direction of Dean Raimondo who was speaking on the bullhorn. [*Id.*] Sergeant Ortiz confirmed witnessing Mr. Reyes' combative and obstructive conduct with Mr. McDaniel. [Tr. Trans. Vol. III, pp. 156-157]

h. Multiple witnesses testified that Dean Raimondo orchestrated the defamation efforts on a bullhorn. [See, Tr. Trans. Vol. IV, p. 28; Tr. Trans. Vol. III, p. 111; Tr. Trans. Vol. V, pp. 178-179, 190; Tr. Trans. Vol. VI, pp. 6-7].

i. Among Raimondo's instructions was a direction to make additional copies of the defamatory flyers at Oberlin College Administration Offices. [Tr. Trans. Vol. V, pp. 178-179].

j. The jury saw countless venomous remarks among high-level Oberlin College administrators attacking Gibsons' and their supporters (including alumni, longtime members of the community, and even professors):

- i. "I hope we rain fire and brimstone on that store." [Pl. Tr. Ex. 206].
- ii. Referring to people complaining about the College hurting a small local business as "idiots." [Pl. Tr. Ex. 134].
- iii. Saying: "Fuck em...they've made their bed now..." when Gibsons did not "drop charges" against student shoplifters. [*Id.*]
- iv. Roger Copeland, a distinguished theater professor of Oberlin College, wrote in the campus newspaper that: "The time has come for the Dean of Students, on behalf of the College, to apologize to the Gibson family for damaging not only their livelihood but something more precious and difficult to restore—their reputation and good standing in the community." Dean Raimondo was sent a copy of the article by Vice President of

Communications Ben Jones with a text message saying “FUCKING ROGER COPELAND”. [Pl. Tr. Ex. 211]. In response, Dean Raimondo agreed and said “Fuck him” and contemplated “unleashing the students” again. [*Id.*]

- v. Saying that *the truth* (i.e., persons of color throughout the town saying they were embarrassed and disgusted by the treatment of the Gibsons who were the “wrong target”, not racist, and simply victims of a crime) “*doesn’t change a damned thing*”. [Pl. Tr. Ex. 63].

The above is just a sampling of some of the overwhelming evidence demonstrating that the sole focus in the trial court was *Oberlin College’s* conduct, not its students. The jury did not hear from any student. The College chose not to call a single student to the stand to testify. The jury did not see any venomous emails, texts, or messages from students....only from high-ranking Oberlin College administrators. The College did not present any evidence to identify who authored the defamatory flyers or who distributed them. Instead, the jury only heard that Dean Raimondo and her staff distributed the defamatory flyers and directed where they should be copied for further mass distribution.

The Amici Movants should not be permitted to argue from outside the record and fabricate a story that Appellants chose not to try to the jury, because they lacked the evidence to do so.

3. While Amici Movants suggest (without any basis) that the jury’s verdict “chills” student speech, there has been universal recognition that this is a false narrative.

In a June 29, 2019 column in the New York Times, entitled *Stop the Knee-Jerk Liberalism That Hurts Its Own Cause: We Liberals Need to Watch our Blind Spots*⁵, two-time Pulitzer Prize winner Nicholas Kristof wrote about this matter and the false narrative presented by Oberlin College (and which is continuing to be espoused by Amici Movants):

I understand that militancy emerges from deep frustration at inequities. But it turned out that the operative narrative here was not oppression but simply shoplifting. The student who stole the wine pleaded guilty to theft and acknowledged that there was no racial profiling involved.

* * *

As a liberal, I mostly write about conservative blind spots. But on the left as well as the right, we can get so caught up in our narratives that we lose perspective; nobody has a monopoly on truth.

Likewise, in a June 19, 2019 column in the Washington Post, entitled *Oberlin College Had an Admirable Liberal Past. Now, it’s a Disgrace*⁶, George Will (another Pulitzer Prize winner) wrote with respect to the jury’s verdict:

This is condign punishment for the college’s mendacity about helping to incite mob mentality and collective bullying in response to ‘racist’ behavior that never happened.

* * *

Oberlin’s president defiantly says ‘none of this will sway us from our core values.’ Those values – moral arrogance, ideology-induced prejudgments, indifference to evidence – are, to continue using the progressive patois, the root causes of Oberlin’s descent beyond caricature and into disgrace.

⁵ A true and accurate copy of the column is included herein as **Exhibit 1**.

⁶ A true and accurate copy of the column is included herein as **Exhibit 2**.

In an article entitled *O Oberlin, My Oberlin*⁷, retired Oberlin College Professor

Abraham Socher wrote:

But, of course, what the jury found was that the college had not merely protected freedom of speech on its campus but had gone out of its way (and, incidentally, off campus) to defame private individuals, which has never been protected speech. And the First Amendment has certainly never protected the deliberate infliction of financial and emotional harm, which is what the jury decided Oberlin had done.

Further, in a July 5, 2019 article in *The Wall Street Journal* entitled *Oberlin College's Legacy and the Need to Have Enemies*⁸, former Oberlin College President (tenure 1983-1984) S. Frederick Starr wrote:

What can Oberlin do to reclaim its better self? That's ultimately a question for the college's trustees, faculty, alumni and students. But there is a common-sense answer that would probably seem obvious to most anyone in Lorain County or any of a thousand smaller communities around the country: Pay the court's judgment, don't fight it; apologize to the Gibson family and to the community and take steps to show you mean it; and then calmly think through all that has happened and do whatever is necessary to reaffirm the institution's identity as a college, not a cause.

This case certainly does not chill student speech. Instead, this is one of those unique situations where both ends of the political and societal spectrums agree that Oberlin College must be held responsible for the consequences of their own tortious conduct.

⁷ A true and accurate copy of the column is included herein as **Exhibit 3**.

⁸ A true and accurate copy of the article is included herein as **Exhibit 4**.

B. Our Society, and Our Law, Recognizes that there is a Balance Between the Exercise of Rights and the Acceptance of Responsibility for Harms Wrongfully Caused.

1. There is no right to defame.

Justice Stewart acknowledged several decades ago, the First Amendment is not a shield for “careless liars” who aim to destroy the reputations of others. *Rosenblatt v. Baer*, 383 U.S. 75, 92–93, 86 S.Ct. 669, 15 L.Ed.2d 597 (1966) (Justice STEWART, concurring). “[T]here is no constitutional value in false statements of fact.” *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 340, 94 S.Ct. 2997, 3007, 41 L.Ed.2d 780 (1974).

2. Reputations are invaluable.

The law of defamation “**reflects no more than our basic concept of the essential dignity and worth of every human being—a concept at the root of any decent system of ordered liberty.**” *Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.*, 472 U.S. 749, 769 (1985) quoting *Rosenblatt v. Baer*, 383 U.S. 75, 92, 86 S.Ct. 669, 679 (1966) (Stewart, J., concurring) (emphasis added).

In their Motion seeking leave to file an amicus brief, the Movants spend most of their time informing this Court of...*their reputations*. The Movants suggest that they have prestigious members with longtime histories recognized for being known as “centers for academic research and expertise”, etc., etc. The other Amici Movants do the same, with each touting how long ago their organizations were founded and why their reputations provide a basis for them to be heard in this case. Why? Because even they recognize, reputation is everything.

Before they can attempt to persuade (through a proposed *amici curiae* brief), they recognize that they must start by establishing their reputation. A reputation is critical to what one is attempting to offer, whether that be a position in a legal brief or the goods in a longtime

family bakery. 91-year old Grandpa Gibson testified that the bakery still uses the same recipes that his grandparents taught him as a young boy. [Tr. Trans. Vol. VII, p. 16] The baked goods remained extremely popular for 134 years until the College's defamation campaign of November 2016, when sales dramatically submarined and have not recovered. The product did not change. The reputation did.

3. Reputational harm is severe and long-lasting.

Dr. Deborah Owens, a longtime professor and interim Chair of the Marketing Department at the University of Akron, testified about the severely damaging long-term impact that negative statements have upon businesses and that, even when such statements are false, they are extremely difficult to ever counteract. [Tr. Trans. Vol. VII, pp. 138, 145-151] The stain remains. As Warren Buffet recognized, a reputation can take a lifetime to build (or in this case, several lifetimes) but only minutes to tear apart.

As 91-year old Grandpa Gibson testified, how does he resurrect the reputation that was ripped away from him at this stage of his life? And, unbeknownst to the jury, 64-year old David Gibson was battling pancreatic cancer during the trial. He would succumb to its devastating effects just months later, on November 16, 2019. In the precious time that David had remaining, why spend over nineteen (19) hours answering questions in discovery depositions, watching his father answer questions in discovery depositions for nearly sixteen (16) hours over the course of five (5) days, and more than five (5) weeks in a trial? Because a hard-earned reputation is worth fighting for. Even for the Davids of the world ... families and small businesses who humbly get up early each day, put in a long day's hard work, and do their best to do what is right. The law recognizes the value of these reputations and imposes consequences on those who wrongly devastate their reputations with vicious lies.

4. The outside-the-record history of Oberlin that Amici Movants tell fails to present the whole story.

The Amici Movants spend pages of their proposed briefs extolling the virtues of Oberlin College's historical efforts relating to civil rights. For instance, on pages 6-9 of their proposed brief, the Amici Movants cite to sources (that are not part of the record) concerning the College's involvement in the early civil rights movement in the 1800s. Not surprisingly, Amici Movants ignore what is contained in the actual record demonstrating that in more recent times (and shortly before the College's defamation campaign against the Gibsons), African American students have complained that:

Oberlin College unapologetically acts as an unethical institution, antithetical to its historical vision. In the 1830s, this school claimed a legacy of supporting its Black students. However, that legacy has amounted to nothing more than a public relations campaign initiated to benefit the image of the institution and not the Africana people...

[Pl. Tr. Ex. 257].

In *O Oberlin, My Oberlin*, retired Professor Abraham Socher wrote:

The Gibson's v. Oberlin College story is about campus politics. As such, it is frequently ridiculous. But insofar as it shows in stark, petty detail the ideologically driven failures of deliberation and judgment, the craven political calculations, and the cynical abuses of power in an institution ostensibly devoted to higher learning, it is instructive. Robert Caro famously wrote that 'if you really want to show power in its larger aspects, you need to show the effects on the powerless, for good or ill.' Oberlin College has more than \$1 billion in assets, about 3,000 students, and several hundred faculty and staff. Gibson's is a small family grocery that has depended on the college in direct and indirect ways for its business for over a century.

Professor Socher further discussed Roland Baumann's documentary history of black life and education at Oberlin from 1833 to 2007, which book can be found in the Oberlin College library:

Despite Oberlin's genuinely admirable history of race relations, Baumann discusses several controversial incidents of discrimination by Oberlin businesses, including segregated barbershops in 1944 and the NAACP's protest against racial discrimination at two lunch parlors after World War II. Gibson's had been an institution in Oberlin for more than 50 years at that point – and its name is conspicuous by its absence from Bauman's history.

5. There is no 'academia immunity' that allows Oberlin College and Dean Raimondo to avoid acceptance of responsibility.

The jury heard evidence that Oberlin College insisted that its students receive special treatment when they are caught stealing. The College, including Dean Raimondo, demanded that Gibson's Bakery offer a *first-time shoplifters' pass* to its students. A freebie without consequences. [Tr. Trans. Vol. X, p. 172]. Similarly, the Amici Movants now suggest that courts should offer a *defamation pass* for colleges and universities.

The Amici Movants and their proposed brief do not recognize any context where college administrators, professors or students could be liable for defamation. Rather, the Amici Movants argue that speech emanating from a college is of such greater importance than any other speech that it should not face the consequences of defamatory speech that every other group is responsible for. Essentially, Amici Movants contend that our country's "intellectual leaders" are found in colleges and universities and that they should be entitled to defame with impunity.

Of course, none of the case law cited by Amici Movants supports such a pretentious proposition. For instance, *Sweezy v. State of N.H. by Wyman*, 354 U.S. 234 (1957) did not involve any claims of defamation. Rather, it involved a professor's contempt conviction for refusal to answer legislative inquiry regarding political party affiliations and whether classroom lectures concerned support of Socialism and Marxism). *Id.* Likewise, *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 63 S.Ct. 1178 (1943) did not involve any

claims of defamation. And, *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969) did not involve any claims of defamation. And, *Terminiello v. City of Chicago*, 337 U.S. 1 (1949) did not involve any claims of defamation. Moreover, *Bowman v. White*, 444 F.3d 967 (8th Cir. 2006) did not involve any claims of defamation. Further still, *Papish v. Bd. of Curators of Univ. of Mo.*, 410 U.S. 667 (1973) did not involve any claims of defamation.

Amici Movants fail to identify any case law to support the proposition that Oberlin College (or anyone else for that matter) is free to defame with impunity. Why? There is no license to defame. “[T]here is no constitutional value in false statements of fact.” *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 340, 94 S.Ct. 2997, 3007, 41 L.Ed.2d 780 (1974).

III. CONCLUSION

The unanimous Lorain County jury held Oberlin College and Dean Raimondo responsible for the consequences of their conduct. Amici Movants offer nothing in the record, outside of the record, or in the law that allows the College or Raimondo to avoid that responsibility. For the reasons set forth herein, Amici Movants should not be granted leave to file an amicus curiae brief in this case.

DATED: June 29, 2020

Respectfully submitted,

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Stop the Knee-Jerk Liberalism That Hurts Its Own Cause

We liberals need to watch our blind spots.



By **Nicholas Kristof**
Opinion Columnist

June 29, 2019



My daughter and I were tossing a football back and forth while also flinging around arguments about free speech, sexual assault, youthful intolerance and paternal insensitivity.

We were discussing a Harvard law professor, Ronald Sullivan. He had been pushed out of his secondary job as head of Harvard College's Winthrop House after he helped give Harvey Weinstein, accused of sexual assault, the legal representation every defendant is entitled to.

To me, as a progressive baby boomer, this was a violation of hard-won liberal values, a troubling example of a university monoculture nurturing liberal intolerance. *Of course* no professor should be penalized for accepting an unpopular client.

To my daughter, *of course* a house dean should not defend a notorious alleged rapist. As she saw it, any professor is welcome to represent any felon, but not while caring for undergraduates: How can a house leader support students traumatized by sexual assault when he is also defending someone accused of rape?

Our football face-off reflects a broader generation gap in America. Progressives of my era often revere the adage misattributed to Voltaire: "I disapprove of what you say, but I will defend to the death your right to say it." For young progressives, the priority is more about standing up to perceived racism, misogyny, Islamophobia and bigotry.

The rise of President Trump has amplified this generational clash and raised the fundamental question of how to live liberal values in an illiberal age.



It's a difficult balance, requiring intellectual humility. Don't tell my daughter, but she has a point: The well-being of sexual assault victims is clearly a value to embrace, even as we weigh it against the right of a law professor to take on a despised client.

Yet while I admire campus activism for its commitment to social justice, I also worry that it sometimes becomes infused with a prickly intolerance, embracing every kind of diversity except one: ideological diversity. Too often, we liberals embrace people who don't look like us, but only if they think like us.

George Yancey, a black evangelical who is a sociology professor, once told me: "Outside of academia I faced more problems as a black. But inside academia I face more problems as a Christian, and it is not even close."

For those of us who believe that liberalism should model inclusivity and tolerance, even in intolerant times, even to the exclusive and the intolerant, it was disappointing to see Cambridge University this year rescind a fellowship for Jordan Peterson, the Canadian best-selling author who says he will not use people's preferred pronouns. Debate him — that's how to win the argument — rather than trying to squelch him.

Liberals sometimes howl when this newspaper brings in a conservative columnist or publishes a sharply conservative Op-Ed. We progressives should have the intellectual curiosity to grapple with disagreeable views.

This column will appall many of my regular readers, and I recognize that all of this is easy for me to say as a straight white man. But the road to progress comes from winning the public debate — and if you want to *win* an argument, you have to *allow* the argument.

I fear that Trump has made it easy for liberal activists to demonize conservatives and evangelicals. People are complicated at every end of the spectrum, and it's as wrong to stereotype conservatives or evangelicals as it is to stereotype someone on the basis of race, immigration status or sex.

Campus activists at their best are the nation's conscience. But sometimes their passion, particularly in a liberal cocoon, becomes blinding.

That's what happened at Oberlin College, long a center of activism, where students once protested the dining hall for cultural appropriation for offering poor sushi. Now Oberlin is in the news again because of a development in an episode that began the day after Trump was elected.

A black student shoplifted wine from a store called Gibson's Bakery, and a white store clerk ran after him and attempted to grab him. The police report shows that when officers arrived, the clerk was on the ground getting punched and kicked by several students.

Seeing this incident through the lens of racial oppression, students denounced Gibson's and distributed fliers claiming, "This is a RACIST establishment." A university dean attended the protest, and the university responded to student fervor by suspending purchases from the bakery.

I understand that militancy emerges from deep frustration at inequities. But it turned out that the operative narrative here was not oppression but simply shoplifting. The student who stole the wine pleaded guilty to theft and acknowledged that there was no racial profiling involved.

Gibson's this month won \$44 million in actual and punitive damages from Oberlin, apparently reflecting the jury's exasperation with the university for enabling a student mob.

At a time when there is so much actual injustice around us — third-rate schools, mass incarceration, immigrants dehumanized — it's bizarre to see student activists inflamed by sushi or valorizing a shoplifter. This is kneejerk liberalism that backfires and damages its own cause.

As a liberal, I mostly write about conservative blind spots. But on the left as well as the right, we can get so caught up in our narratives that we lose perspective; nobody has a monopoly on truth. If Trump turns progressives into intolerant agents of incivility, then we have lost our souls.

As we head toward elections with monumental consequences, polarization will increase and mutual fear will surge. The challenge will be to stand up for our values — without betraying them.

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Nicholas Kristof has been a columnist for The Times since 2001. He has won two Pulitzer Prizes, for his coverage of China and of the genocide in Darfur. You can sign up for his free, twice-weekly email newsletter and follow him on Instagram. [@NickKristof](#) • [Facebook](#)

A version of this article appears in print on June 30, 2019, Section SR, Page 11 of the New York edition with the headline: Knee-Jerk Liberalism

READ 1136 COMMENTS

Opinions

Oberlin College had an admirable liberal past. Now, it's a disgrace.

By George F. Will

“You Americans do not rear children, you incite them; you give them food and shelter and applause.”

— **Randall Jarrell,**
“Pictures From an Institution”



Oberlin College has an admirable liberal past and a contemptible progressive present that will devalue its degrees far into the future. This is condign punishment for the college’s mendacity about helping to incite a mob mentality and collective bullying in response to “racist” behavior that never happened.

Founded in 1833, Oberlin became one of the nation’s first colleges to admit African Americans, and its first coeducational liberal arts college. It has, however, long since become a byword for academic self-caricature, where students protest, among many microaggressions, the food service’s insensitive [cultural appropriation](#) of banh mi sandwiches, sushi and General Tso’s chicken. Oberlin could have been Randall Jarrell’s model for his fictional Benton College, where people “would have swallowed a porcupine, if you had dyed its quills and called it Modern Art; they longed for men to be discovered on the moon, so that they could show that *they* weren’t prejudiced toward moon men.”

In [November 2016](#), a clerk in Gibson’s Bakery, having seen a black Oberlin student shoplifting bottles of wine, pursued the thief. The thief and two female friends were, according to the police report, kicking and punching the clerk on the ground when the police arrived. Some social-justice warriors — they evidently cut class the day critical thinking was taught, if it is taught at Oberlin — instantly accused the bakery of racially profiling the shoplifter, an accusation complicated by the fact that the shoplifter and his partners in assault pleaded guilty.

The warriors mounted a protracted campaign against the bakery’s reputation and solvency. But with the cowardice characteristic of bullies, Oberlin [claimed in court](#) that it had nothing to do with what its students did when they acted on the progressive righteousness that they imbibe at the school. However, at an anti-bakery protest, according to a complaint filed by the bakery, the dean of students helped distribute fliers, produced on college machines, urging a boycott because “this is a RACIST establishment with a LONG ACCOUNT of RACIAL PROFILING and DISCRIMINATION.” (There is no record of any such complaints against the bakery, from which Oberlin [bought goods](#) until the hysteria began.) According to court documents, the administration purchased pizza for the protesters and authorized the use of student funds to buy gloves for protesters. The college also signaled support for the protests by suspending college purchases from the bakery for two months.

A jury in the defamation trial awarded the bakery \$11 million from Oberlin, and \$33 million more in punitive damages. The \$44 million probably will be reduced because, under Ohio law, punitive damages cannot exceed

double the amount of compensatory damages. The combination of malice and mendacity precluded a [free-speech defense](#) , and the jury accepted the obvious: The college’s supposed adults were complicit in this protracted smear. Such complicity is a familiar phenomenon.

As Stuart Taylor and K.C. Johnson demonstrated in their meticulous 2007 book “Until Proven Innocent: Political Correctness and the Shameful Injustices of the Duke Lacrosse Rape Case,” Duke University’s administration and a large swath of the faculty incited hysteria against a few young men accused of a rape that never happened. The University of Virginia’s administration similarly rushed to indignant judgment in response to a facially preposterous magazine story about another fictitious rape.

The shoplifting incident occurred the day after the 2016 presidential election, which Oberlin’s president, vice president and dean of students partially blamed for students’ “pain and sadness” and “fears and concerns” during the “difficult few days” after the “events” at the bakery. From Oberlin’s despisers of President Trump, the events elicited lies and, in effect, cries of “fake news,” the brazenness of which the master in the White House might admire. Oberlin alumni who are exhorted to contribute to this college, which has been made stupid and mendacious by politics, should ponder where at least [\\$33 million is going](#).

Continuing to do what it denies ever doing — siding against the bakery — Oberlin, in impeccable progressive-speak, accuses the bakery of an “archaic chase-and-detain” policy regarding shoplifters and insists that “the guilt or innocence of the students is irrelevant” to the — of course — “root cause” of the protests against the bakery.

Oberlin’s president defiantly says “none of this will sway us from our core values.” Those values — moral arrogance, ideology-induced prejudgments, indifference to evidence — are, to continue using the progressive patois, the root causes of Oberlin’s descent beyond caricature and into disgrace.

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George F. Will

George F. Will writes a twice-weekly column on politics and domestic and foreign affairs. He began his column with The Post

in 1974, and he received the Pulitzer Prize for commentary in 1977. His latest book, "The Conservative Sensibility," was released in June 2019. Follow 

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O Oberlin, My Oberlin

By Abraham Socher



I went back to Oberlin on a Friday in June for the first time in a year or so. Even retired professors like me have to return books to the library (eventually). Driving off the Ohio-10 freeway, down East Lorain Street, past the organic George Jones Farm—named for a beloved botany professor, not the great country-and-western singer—I saw the first of several yard signs supporting Gibson’s Bakery in its lawsuit against Oberlin College and its dean of students, Meredith Raimondo, who is also vice president of the college. The previous day, a Lorain County jury had awarded Gibson’s an astounding \$33 million in punitive damages in addition to the \$11.2 million it had already assigned to the family business for compensatory damages.

The jury found that Oberlin College and its dean of students had maliciously libeled the Gibson family as racists and deliberately damaged their business by suspending and later cancelling its century-long business relationship with the bakery—all while unofficially encouraging a student boycott. And the jury found that the college had intentionally inflicted emotional distress on the Gibsons themselves.

At least neither Dean Raimondo nor anyone in the Oberlin administration was found to have harmed the Gibson family dog. But someone did slash the tires of their employees’ cars; there were anonymous threats; and someone harassed the 90-year-old paterfamilias, Allyn W. Gibson, in the middle of the night, causing him to slip and crack three vertebrae. All because on November 9, 2016, his grandson and namesake, Allyn Gibson, who is white, had caught an underage African-American student named Jonathan Aladin first trying to buy and then trying to steal wine from the store with two college friends. When Gibson tried first to call the police and then to take a picture of Aladin with two bottles of wine under his shirt, Aladin slapped the phone out of his hands and ran out of the store. Gibson chased him across the street, tried to stop him, and was beaten up by Aladin and his friends. “I’m going to kill you,” Gibson reported Aladin saying. Aladin and his friends, Endia Lawrence and Cecelia Whettstone, were arrested. The Gibsons pressed charges against the students despite the college’s repeated demands that they drop them.

In court, Raimondo and other key players in the Oberlin administration were shown to have actively supported two days of student protests against Gibson’s after the arrests, cursed and derided the Gibson family and its supporters in emails and texts—“idiots” was among the milder epithets—and ignored those within the college who urged deliberation, compromise, and restraint. Oberlin President Marvin Krislov and others rejected the Gibson family’s repeated pleas to renounce the charge that they were racists, even when presented with strong statistical and anecdotal evidence that this was not the case.

In August 2017, nine months after his arrest, Jonathan Aladin pled guilty to misdemeanor charges of attempted theft, aggravated trespassing, and underage purchase of alcohol. His friends pled guilty to the first two charges. All three students read statements to the court acknowledging that Allyn Gibson had been within his rights to detain them and that his actions had not been racially motivated. On the sidelines of the court, the director of Oberlin’s Multicultural Resource Center and interim assistant dean of students, Antoinette Myers, texted her supervisor, Dean Raimondo. “After a year”—that is, after the students were eligible to have their criminal records expunged—“I hope we rain fire and brimstone on that store,” Myers wrote.

The fact that the students’ guilty plea was the result of a plea deal, as most criminal convictions are, and that the students’ allocution was compelled by the court (a feature of criminal justice with deep roots in common law) encouraged many students and faculty to believe that *somehow* this had still been a racist incident. How, exactly, was never made clear. What should Allyn Gibson have done with an underage customer who had just shown him a clearly fake I.D. and now had two bottles of wine under his shirt? Perhaps if Gibson had said something like “Come let us reason together: I can’t sell you wine, but I can share a nice cold Snapple with you while we

discuss my family's exceedingly thin profit margins and how we are both oppressed under neoliberalism," things would have been different. They might even have found out that they had something in common, since Jonathan Aladin was the student treasurer at Oberlin, which also has thin margins.

In the fall of 2017, Roger Copeland, a distinguished professor of the history of theater, wrote in to the student paper. The college's stance toward Gibson's, he said, had been "evocative of the topsy-turvy value system in *Alice's Adventures in Wonderland*, wherein the Red Queen declares, 'Sentence first—verdict afterward.'" Now that an actual legal verdict was in, he urged the students, faculty, and administration to accept it:

The facts of this case are no longer in question. And yet, a counter-narrative has taken hold, one that refuses to allow mere "facts" to get in the way. . . . At what point do you accept the empirical evidence, even if that means having to embrace an "inconvenient" truth? . . . The time has come for the Dean of Students, on behalf of the College, to apologize to the Gibson family for damaging not only their livelihood but something more precious and difficult to restore—their reputation and good standing in the community.

Copeland's letter was headlined "Gibson's Boycott Denies Due Process." He wasn't wrong about the boycott. As the student editor of another campus publication wrote that fall, addressing new students, "the social implications of being seen at Gibson's are much worse than any freshman *faux pas* I can imagine."

But it was Copeland's letter that upset administrators. Upon reading it, Oberlin's Vice President of Communications Ben Jones texted Meredith Raimondo the following: "FUCK ROGER COPELAND!" To which Raimondo responded, "Fuck him. I'd say unleash the students if I wasn't convinced this needs to be put behind us." Which is to say, if prudence hadn't suggested otherwise at that moment, Oberlin's dean of students thought it would be a good idea to incite students against a professor for urging a respect for facts, law, and the welfare of one's neighbors.

Copeland knew something about unleashed students and summary social justice on campus. Three years earlier, he had had a sharp exchange with a student during the rehearsal of a play and ended up being investigated for "a possible violation of Title IX," the civil-rights law that prohibits discrimination in education based on sex. He was directed to sign a document acknowledging the complaint, though he was not allowed to know his accuser or the details of the complaint. In what is perhaps the best-known line of a widely read *New Yorker* article about radical politics at Oberlin, Copeland told author Nathan Heller that he had thought "I'm cast in one of my least favorite plays of all time, 'The Crucible,' by Arthur Miller!" Raimondo was in charge of Title IX enforcement at the time. When Copeland got a lawyer, the complaint evaporated. (After reading the crude texts about him, the Gibsons, and others from erstwhile colleagues, one wonders if Copeland now thinks Oberlin might be closer to Mamet than Miller. Call it "Ideological Perversity in Ohio.")

Copeland wasn't the only professor urging reconciliation now that the Gibson's version of events had been unambiguously vindicated. Booker Peek, a longtime professor of education and Africana studies who heads a program in which Oberlin students tutor students in the local school, lamented the rift between the town and the college, and urged an out-of-court settlement, noting that Gibson's had, "to its credit, [done] all that it could to keep the matter from ever going to trial in the first place." Appealing to history, he reminded his readers that the Gibson family had come to Oberlin in the 19th century because of their opposition to slavery. Moreover, "a bare-knuckled, nasty, public fight will leave ugly scars and a putrid smell with no true winner." Meanwhile, Kirk Ormand, a professor of classics, urged the administration to address the problem of student shoplifting more seriously. "I'm so sick of Kirk," Dean Raimondo wrote to her colleagues.

So how, exactly, did a famously liberal liberal-arts college end up looking and acting like the arrogant, small-minded, vindictive corporation in a second-rate John Grisham novel?

Turning from East Lorain onto College Street with its spreading old elm and maple trees, I put that question out of my mind and thought instead of the quirky, talented, sometimes brilliant students I had taught at Oberlin for 18 years, from 2000 to my retirement in 2018. There was the scholarship kid from Indianapolis who ended up clerking on the D.C. Circuit, the violinist who became obsessed with how Maimonides cited scripture, the girl

from rural Minnesota who understood Spinoza better than anybody else, the neo-Hasidic defensive lineman, the kid from Cameroon who compared the Talmudic law of lost objects to the oral traditions his mother had memorized . . .

Oberlin students were rarely as disciplined as the intimidating academic thoroughbreds I had briefly taught at Stanford, but they were often more interesting. They had come to Oberlin, literally, *out of curiosity*.

So to reframe the question: How does an institution take kids like that, and, by precept and example, teach them to rush to judgment, ignore evidence, disdain the legal system, and demonize neighbors who are different? On that last point—that of *difference*, as we say in the academy—Dean Raimondo went to Brown and Emory, President Krislov had been a Rhodes scholar, Jonathan Aladin had come to Oberlin from Phillips Andover.

Allyn Gibson? He's a fifth-generation townie.

Oberlin doesn't run summer sessions, so there weren't many students in town when I drove in, but there were a lot of middle-aged folks on College Street with nametags and shopping bags. It looked like an alumni event, but it turned out to be the annual conference of the Socialist Workers Party—the Trotskyite group that broke with the Communist Party during the 1930s Stalinist show trials. When I walked into Gibson's, there was an unusually large stack of the local newspaper, the *Chronicle Telegram*, with the headline "Gibson's Total Award: \$44M." Along with Gibson's chocolates and locally famous whole-wheat donuts, the Socialist Workers were buying up souvenir copies of the newspaper and congratulating the cashier on the victory. They seemed not to have gotten Oberlin's progressive memo about Gibson's—or rather to have rejected it. "This was always bullshit," a demure woman with an SWP nametag said. "I've been coming to Gibson's for years, they're good people."

I've also been coming to Gibson's for years. When I interviewed for a job here two decades ago, one of my faculty hosts, who, like many professors, was himself an Oberlin graduate, took me by the store, rhapsodized about those whole-wheat donuts, and bought me one of the Gibson's postcards they still have up by the cash register. It's an undated picture of the storefront in the twilight after a light snow and looks as if it could have been taken anytime since the 1930s (in fact, the store was founded in 1885 and has been at its current location since 1905). Allyn W. Gibson, who must have been about 70 at the time, rung up the sale. Walking around the store now, I was struck by how sparsely the shelves were stocked, and wondered if it was a result of the student boycott. I bought three postcards, a Snapple, and a copy of the paper.

The *Chronicle Telegram* has followed the Gibson's case from the outset, with detailed reporting from reporters Scott Mahoney, Dave O'Brien, and Jodi Weinberger. Cornell Law School professor William Jacobson has also discussed it from the beginning on his Legal Insurrection blog, along with local freelance reporter Daniel McGraw, who covered every day of the trial in great detail for Legal Insurrection. While following the case as a former Oberlin professor was depressing, reading all of these excellent, unpretentious journalists as they chronicled the conduct of local police officers, attorneys, and judges calmly ascertaining facts and administering justice was a bit restorative.

The *Gibson's v. Oberlin College* story is about campus politics. As such, it is frequently ridiculous. But insofar as it shows in stark, petty detail the ideologically driven failures of deliberation and judgment, the craven political calculations, and the cynical abuses of power in an institution ostensibly devoted to higher learning, it is instructive. Robert Caro famously wrote that "if you really want to show power in its larger aspects, you need to show the effects on the powerless, for good or ill." Oberlin College has more than \$1 billion in assets, about 3,000 students, and several hundred faculty and staff. Gibson's is a small family grocery that has depended on the college in direct and indirect ways for its business for over a century.

Whether the extraordinary verdict against Oberlin will force a cultural reckoning of some kind remains an open question. Oberlin's reputation has certainly suffered, as Professor Peek predicted, and the college has signaled that it will appeal. Immediately after the verdict, current college president Carmen Twillie Ambar wrote to faculty and alumni, stating: "This is, in fact, just one step along the way of what may turn out to be a lengthy and complex legal process. I want to assure you that none of this will sway us from our core values." Even if the

college were to win its appeal on, say, narrow technical grounds, it wouldn't show that the assault on Gibson's was somehow about anyone's "core values," even Oberlin's.

Here is what happened.

Although Jonathan Aladin, his friends, and Allyn Gibson are all formally on the record as agreeing on the events in Gibson's on the afternoon of November 9, third-party accounts begin with the Oberlin police arriving a few minutes after the initial contretemps. When Officer Victor Ortiz got there, he later testified, "We saw two young ladies standing over [Gibson] and throwing haymakers... The two women would stand over him and kick him, and then crouch down and throw punches. As we got closer, we could see [Gibson] on his back, with the male [Aladin] on top of him and punching him."

The next day, between 200 and 300 Oberlin students mounted a protest against Gibson's. They chanted "wake up, stay woke" as they held up hand-lettered signs, some of which had familiar slogans ("No Justice, No Peace," "Black Lives Matter") and others of which specifically called out Allyn Gibson and his family as racists who should be boycotted.

A confident representative of the black student organization, ABUSUA, led chants and danced a little as she read a statement to kick things off:

We are here today because yesterday three students from the Africana community were assaulted and arrested as a result of a history of racial profiling and racial discrimination by Gibson's Bakery. There is a need for justice to be served to hold Gibson's accountable for its injustices and patterns of unlawful behavior.

She made no mention of shoplifting. Neither did the protest flyers, which had an old-school agitprop aesthetic and read, in part, "This is a Racist establishment with a LONG ACCOUNT [sic] of RACIAL PROFILING and DISCRIMINATION. Today we urge you to shop elsewhere in light of a particularly heinous event involving the owners of this establishment and local law enforcement. PLEASE STAND WITH US." Above these words was a starburst with "DON'T BUY" at its center. It also had the following description of the event at Gibson's:

A member of our community was assaulted by the owner of this establishment yesterday. A nineteen y/o young man was apprehended and choked by Allyn Gibson... The young man, who was accompanied by 2 friends was choked until the 2 forced Allyn to let go. After The young man was free, Allyn chased him. . . tackled him and restrained him again until Oberlin police arrived. The 3 were racially profiled on the scene. They were arrested without being questioned, asked their names, or read their rights.

The flyers were apparently run off for free on an Oberlin College copier in the nearby Conservatory of Music. Students were told that if they ran out of flyers, they could go back and copy more. The administrative assistant at the Conservatory who helped them was also fairly certain that an assistant dean who worked for Meredith Raimondo had himself run some off during the protest, though he denied it on the witness stand.

One of the principal requirements for proving libel is to show that the defendant has in some sense published the defamatory claims—for instance, by printing hundreds of copies and handing them out at a rally. In his jury instructions, trial judge John R. Miraldi explained that, if the flyer's statements were determined to have been false, that would suggest the flyers were "libelous per se, meaning that they are of such a nature that it is presumed that they tend to degrade or disgrace plaintiffs, or hold plaintiffs up to public hatred, contempt, or scorn [and] ... injure plaintiffs in their trade or profession." Using Oberlin equipment to make copies of the flyers was a ruinous decision—since no history of racial profiling and discrimination by Gibson's, long or short, was demonstrated in the court or, for that matter, outside it. Indeed, Oberlin's legal defense implicitly acknowledged this by arguing not that such claims were true but that it had had no part in making them. It was just the students.

And what of the “particularly heinous event” perpetrated by Gibson and the police as described in the flyer? Well, Allyn Gibson’s actions in chasing down a shoplifter may have been overzealous or foolhardy (given the beating he took), but they were certainly not heinous. Moreover, police bodycam footage depicted officers calmly going about their business, acting firmly but avoiding confrontation and collecting evidence, trying to understand what happened. The footage shows Aladin asking the officer why he is being arrested and not Gibson, and the officer responds, “Well, when we got here, you all were on top of him whaling on him.” Every statement—every statement—on the protest flyer was false and defamatory.

The protest did not take place on campus, but Dean Raimondo was on hand. Indeed, emails show her calling a staff meeting to prepare for it early that morning. Raimondo and the college maintain that she was merely there to “support” the students in the value-neutral sense of that word. However, accounts of her actions at the rally by several witnesses do not paint the picture of a neutral bureaucrat-observer. Although she at first denied doing so, Dean Raimondo gave a copy of the defamatory flyer to at least one person at the protest—who, unfortunately for her and the college, turned out to be Jason Hawk, editor of the *Oberlin News-Tribune*. She also tried to prevent him from taking pictures. (“Very challenging interaction with guy who says he’s a photographer for the Tribune,” she texted Director of Communications Scott Wargo.) Hawk testified that he saw her addressing the crowd with a bullhorn to tell them there was free pizza and soda for them provided by the college in the Music Conservatory building across the street. According to a FAQ sheet Oberlin sent to professors and staff after the verdict, Raimondo handled the bullhorn for no more than two minutes, but Rick McDaniel, a former Oberlin College director of security, thought she was on the bullhorn for more than 20 minutes. McDaniel also testified to being harassed by a college employee when he tried to take pictures.

Trey James, an African-American employee of Gibson’s who was working during the protests, testified that he saw Raimondo “standing directly in front of the store with a megaphone,” as Legal Insurrection reported. “It appeared she was the voice of authority. She was telling the kids what to do, where to go. Where to get water, use the restrooms, where to make copies.” As for those flyers, James testified that “she had a stack of them and while she was talking on the bullhorn, she handed out half of them to a student who then went and passed them out.” James, a thoughtful, witty man with whom I’ve chitchatted over the years, has also forcefully and repeatedly asserted that the Gibsons are not racists, as have other African-American friends and neighbors. During the protests, a shaken Lorna Gibson, Allyn Gibson’s mother, was comforted by Vicky Gaines, an African-American nurse who grew up in Oberlin and works for the college. Later she told the jury, “I’ve known them for about 40 years, our kids played together, we go to their sporting event, eat at each other’s homes, no, never even heard of the thought of them as being racist.”

Although the mood of the students ranged from boisterous to a kind of glum self-righteousness, there seemed to be very little sense that the Gibsons themselves might be suffering. Student Kameron Dunbar, who was perhaps the most widely quoted of the protesters, instead emphasized, in an interview with the *Blade*, how hard the protest was on him.

“Nobody wants to protest. Students don’t get joy from waking up in the morning and asking, ‘What are we gonna protest next?’” he said. “[These] were some of the most emotionally exhausting days of my life. ... I think it’s easy to essentialize this moment into another ‘college kids gone crazy’. ... For the Oberlin community, this is so serious, and I just wish the broader community was afforded the opportunity to gain the nuance that I have.”

Among the “nuances” Dunbar and his fellow protesters appeared not to get was the relevance of the facts of the case and the financial and emotional stress being inflicted upon an innocent family. A liberal-arts education is often said to teach students how to put themselves in the shoes of their fellow citizens. Suppose that Dunbar and his friends had thought about what it was like for the Gibsons and their employees to see hundreds of angry students marching out of their castle- and cathedral-like campus buildings and over the massive manicured lawn of Tappan Square to try to destroy their business because they had the temerity to try to stop a shoplifter. (Neither the *New York Times*, nor *Rolling Stone*, nor any of the other media outlets that quoted Dunbar noted that he worked alongside Jonathan Aladin in the Office of the Student Treasurer and was a paid blogger for Oberlin’s Office of Communications.)

When it got a little chilly in the evening of the first day of the protests, a student-organizer bought the remaining protesters gloves. Raimondo approved a reimbursement for the gloves the next day.

On the first day of the protest, less than 24 hours after the incident, the Oberlin Student Senate passed a resolution that began by saying that as a result of “conversations with students involved, statements from witnesses, and a thorough reading of the police report, we find it important to share a few key facts.” It went on:

A Black student was chased and assaulted at Gibson’s after being accused of stealing. Several other students, attempting to prevent the assaulted student from sustaining further injury, were arrested and held by the Oberlin Police Department. In the midst of all this Gibson’s employees were never detained, and were given preferential treatment by police officers.

Gibson’s has a history of racial profiling and discriminatory treatment of students and residents alike. Charged as representatives of the Associated Students of Oberlin College, we have passed the following resolution:

...WHEREAS, Gibson’s Food Market and Bakery has made their utter lack of respect for the community members of color strikingly visible, therefore be it

RESOLVED that the Students of Oberlin College immediately cease all support, financial and otherwise, of Gibson’s Food Market and Bakery; and be it further

RESOLVED that the students of Oberlin College call on President Marvin Krislov, Dean of Students Meredith Raimondo, all other administrators and the general faculty to condemn by written promulgation the treatment of students of color by Gibson’s.

As with the protest flyer, virtually every statement here would prove to be misleading, demonstrably false, or aimed at directly harming Gibson’s. Indeed, although the student senators made a show of fact-finding, they plainly rejected the police report because it did not tell the story they wanted to hear, and the only witnesses they spoke to were the students hanging out across the street from Gibson’s in Tappan Square, not those who were in the store with Allyn Gibson and Jonathan Aladin.

Raimondo was the official adviser to the Student Senate. In that role, she might have advised the senators that it is impossible to discern facts that quickly or with that much certitude—as the study of, say, history, philosophy, politics, literature, and law make plain. She might also have noted that, after all, incidents of student shoplifting at Gibson’s were well-known all over town, so it would hardly be implausible that Aladin and his friends had tried to steal some wine and were now denying it. Indeed, as dean of students, Raimondo must have known that two (white) students had been arrested for shoplifting at Gibson’s earlier that week.

Or she could have walked the senators from the Wilder Student Union over to the library next door and checked out Roland Baumann’s documentary history of black life and education at Oberlin from 1833 to 2007. Despite Oberlin’s genuinely admirable history of race relations, Baumann discusses several controversial incidents of discrimination by Oberlin businesses, including segregated barbershops in 1944 and the NAACP’s protest against racial discrimination at two lunch parlors after World War II. Gibson’s had been an institution in Oberlin for more than 50 years at that point—and its name is conspicuous by its absence from Baumann’s history.

Raimondo might also have checked out Charles Homer Haskins’s *The Rise of the Universities*, in which it turns out that town-gown conflicts have been about stealing, drinking, and brawling with townies, in particular local shopkeepers, since the Middle Ages. If students of every distinguished university since the founding of the University of Paris had been caught stealing from locals and responded with fists, maybe, just maybe, Raimondo and the student senators might have speculated, this could have been the case here as well. But this was not to be a “teachable moment” or, at any rate, that’s not the sort of teaching that was going on.

The defamatory Student Senate resolution was posted in the Student Union building for more than a year. That is to say that it, too, was, in the legally relevant sense of the word, published. This was also the case for the

Department of Africana Studies message on its public Facebook wall, which read: “Very Very proud of our students! Gibson’s has been bad for decades, their dislike of Black people is palpable. Their food is rotten and they profile Black students. NO MORE!”

The following day, with the picketing of Gibson’s still ongoing, faculty and students received an email from President Krislov:

Regarding the incident at Gibson’s, we are deeply troubled because we have heard from students that there is more to the stor... We will commit every resource to determining the full and true narrative, including exploring whether this is a pattern and not an isolated incident... Accordingly, we have taken the following steps: 1) Dean Meredith Raimondo and her team have worked to support students and families affected by these events, and will continue to do so. 2) Tita Reed, Special Assistant for Government and Community Relations, has reached out to Mr. Gibson to engage in dialogue that will ensure that our broader community can work and learn together in an environment of mutual respect free of discrimination.

The letter did not use the word “shoplifting,” which Krislov worried in an email to his staff might “trigger” student anger.

Meanwhile, Gibson’s supporters were getting a little angry themselves. By the evening of the first protest, people from Oberlin and all over Lorain County, many of whom had grown up going to Gibson’s, were coming to support the store and walking out with baked goods, ice-cream cones, and groceries. Bob Frantz, a conservative talk-show host in nearby Cleveland, came and urged his listeners to support Gibson’s, and a counter-protest “cash mob” of supportive customers was planned for the coming Saturday. Apparently concerned that the protests were backfiring, a worried Raimondo emailed the Oberlin Student Senate: “At this point, demonstrations are driving u[p] Gibson’s business.” The Saturday demonstrations were duly cancelled, a fact that suggests that Raimondo knew not only how to “unleash the students,” but how to re-leash them.

Shortly thereafter, Oberlin’s food services cancelled its weekly bakery order from Gibson’s, under orders from Dean Raimondo. When owner David Gibson (Allyn Gibson’s father and the elder Allyn W. Gibson’s son) met with representatives of the college, he was told that the order would not be resumed as long as Gibson continued to press charges against the students. The following semester the orders were resumed, though the crippling informal student boycott continued; when Gibson’s later filed suit, the orders were cancelled again. Emails revealed at the trial showed several members of the Oberlin administration discussing the financial hit Gibson’s was taking and speculating on the leverage it gave the college in the dispute. A professor of music theory who had been at Raimondo’s planning meeting for the student protest wrote of the Gibsons that “they own so much prime property in oberlin [sic] that boycotting doesnt [sic] hurt them that much. The smear on their brand does, and that’s been taken care of.” In fact, both the boycott and the smear hurt not only the Gibson family but the employees the bakery found itself forced to lay off.

David Gibson brought statistics from the Oberlin Police Department to the college showing that of the 40 people arrested for shoplifting at Gibson’s over the previous five years, 33 were students of the college, 32 were white, six were African American and two were Asian, which almost perfectly matched the racial makeup of the city. Despite its stated determination to explore “whether this is a pattern and not an isolated incident,” Krislov’s administration was unmoved. At trial, the college’s lawyers tried and failed to have the statistics quashed as evidence.

Emails, texts, and other evidence that came out in the trial don’t paint a picture of a billion-dollar institution full of intellectually accomplished people committing “every resource to determining the full and true narrative.” Ben Jones, the head of Oberlin PR who drafted that letter for Krislov, called the police report “bullshit” based on vague rumor and speculation. Ferdinand Protzman, Krislov’s chief of staff, was forced to answer that although neither he nor his colleagues believed the Gibsons to be racists, they also never considered publicly declaring that the Gibsons were not.

As for Raimondo and Tita Reed, who were named as the point persons in finding that “full and true narrative,” David Gibson testified that Raimondo warned him that she had sent people door-to-door to ask if the Gibsons were racists. Raimondo denied that in court—but in any event, no such witnesses were produced by Oberlin (truth is, of course, always an absolute defense against libel). While she was ostensibly working on finding the “full and true narrative,” Reed was forwarded an email from an Oberlin employee and resident of the town who wrote: “I have talked to 15 townie friends who are poc (persons of color) and they are disgusted and embarrassed by the protest. In their view, the kid was breaking the law, period (even if he wasn’t shoplifting, he was underage). To them this is not a race issue at all and they do not believe the Gibsons are racist. They believe the students have picked the wrong target. . . . I find this misdirected rage very disturbing, and it’s only going to widen the gap (between) town and gown.”

The college president’s special assistant for *community* relations responded: “Doesn’t change a damn thing for me.”

“Oberlin is peculiar in that which is good,” said John J. Shipherd, one of its 19th-century Christian utopian founders, riffing on Paul’s epistle to Titus, which, in turn, alludes to God’s choice of the people of Israel as his “peculiar treasure,” because of the willingness to obey His law. And Oberlin *was* peculiarly good, accepting and graduating students regardless of race or sex from the very beginning, including some of the most academically accomplished women and black Americans of the 19th century. It was also an important stop on the Underground Railroad when Charles Grandison Finney, a charismatic leader of the Second Great Awakening of evangelical Christianity, was president of the college.

More than a century after that, long after the biblical resonance of Shipherd’s statement was forgotten, there was a campus joke that Oberlin was, instead, “good in that which is peculiar.” But the Gibson’s episode wasn’t even peculiar, it was drearily predictable. In 2013, the administration fell for a racist hoax. A sudden spate of Nazi graffiti and racist flyers caused such hysteria on campus that a student reported seeing a hooded Klansman. Oberlin cancelled classes for a day and held a teach-in against racism in Finney Hall. I remember a first-year girl crying as she spoke, innocently asking, “Is this what it’s like here?” Well, yes and no. The local police later suggested that the Klansman was just a student with a blanket draped over her shoulders—or maybe nothing at all. Meanwhile, by the time the college administrators had called off classes, they already knew that the perpetrators were a couple of student trolls with murky, but seemingly liberal, politics, and they’d quietly removed them from campus. When President Krislov appeared on CNN to extoll the educational value of the day off, students could be heard behind him chanting “bullshit, bullshit!” Little did they know.

Two years later, students protested “cultural appropriation” in the dining hall: The banh mi sandwich was made with soggy ciabatta not a crispy baguette, General Tso’s chicken was steamed not fried, and so on. This too made the national media, where it was widely noted that banh mi is already a French-Vietnamese mashup, that General Tso’s chicken is an American invention, and that, well, dorm food is . . . dorm food. Later in the fall of 2015, the black student union, ABUSUA, presented the college with an extraordinary 14-page list of demands. These included the complete overhaul of the curriculum along prescribed ideological lines, stipends for black student leaders, the immediate or guaranteed promotion/tenuring of 19 favored professors and administrators, the summary dismissal of no fewer than seven other professors and administrators, designated “safe spaces” for black students, a bridge program for recently released prisoners—the compatibility of these last two demands was not addressed—and much, much more. Krislov summarily rejected the demands to significant national acclaim, but there was grumbling on campus among radical students and a few faculty members. It wasn’t that they actually expected the college to implement millennial Maoism, but they might have sensed that this act had depleted the presidential courage bank.

That spring, an article by David Gerstman at The Tower.org revealed that a young African-American assistant professor of rhetoric and composition named Joy Karega was pushing wild anti-Semitic conspiracy theories on Facebook, for instance that Israel and super rich “Rothschild-led banksters” were really behind 9/11, the *Charlie Hebdo* attacks, and ISIS. As it happens, Karega was one of the professors singled out for guaranteed insta-tenure in the student demands. President Krislov first issued a terse defense of free speech while noting only that these posts “do not represent the views of Oberlin College.” When, as chair of Jewish Studies, I pointed out to him that no one thought that Oberlin held these views but that a representative of the college ought to be able to say

precisely what kind of views they were, he demanded that I clear anything I wrote with his PR man, Ben Jones. I ignored him and began planning my retirement, though I didn't realize it at the time. Krislov had already announced his retirement at the end of the year, and his administration continued to flounder wildly in its response to Karega until a frustrated board of trustees took the matter out of their hands and announced her dismissal.

How, after such public debacles costing millions of dollars in lost students, donors, and prestige, could Oberlin yet again condescend to its students, betray its finest traditions, and make itself a national laughingstock? Or as another Oberlin professor put it to me in a pithy email after the *Gibson's v. Oberlin* verdict, "how idiotic can the college be always?"

If there is one thing that Oberlin's critics and its administration have agreed on, it's the significance of the fact that Jonathan Aladin was caught stealing wine on November 9, 2016—the day after President Trump was elected. Those were extraordinary times in traumatized liberal and left circles, and the college encouraged us to help our students work through their shock. Certainly this was part of what was going on in the Gibson's protest. The small-town *petit bourgeois* shop owners were made to stand in for all that was wrong and bewildering in America. But does that really explain two-and-a-half years of systematic and unremitting hostility?

If campus politics are often ridiculous, they are always local, and the Gibson's initial complaint suggested a set of local reasons for the trouble that were left largely unexplored in the trial and its coverage. Meredith Raimondo had been appointed vice president and dean of students in the midst of the Karega controversy with the specific mandate to "address campus climate, including . . . items identified as high priority by ABUSUA." When the Gibson's protests began, Karega's fate was still officially undecided. But, as Raimondo must have known, and the students did not, the trustees were going to announce her dismissal in just a few days. There was thus something fortuitous in the distraction provided by this new crisis. Whatever the degree of calculation involved, it proved useful to the administration for activist students to have spent what one of them called "some of the most emotionally exhausting days of my life" in picketing Gibson's little storefront with the solicitous support of college administrators—rather than picketing the graceful sandstone Mediterranean Romanesque Cox Administration Building just a couple of hundred yards away. Indeed, as it turned out, the response to Karega's final dismissal the following week was surprisingly muted. Oberlin, one might conjecture, is Machiavellian in that which is politically correct.

And then there was the real estate. Oberlin is a company town. In fact, the college was founded before the town. Recall the music professor's seemingly irrelevant remark that the Gibsons "own so much prime property." That property includes a parking lot behind their store, abutting the Music Conservatory, that the Gibsons claimed was used by the college as spillover parking to the detriment of town businesses, including theirs. The Gibsons' complaint seemed to imply that, like any ruthless monopolist, Oberlin College didn't like competition and wouldn't mind forcing its competitors into the position of having to sell cheap.

Such possible motives suggest that Oberlin College acted like a John Grisham villain because it was one. However, I think there are two other reasons that come closer to the heart of the current crisis over the mission of the university and the nature of a liberal-arts education. If Oberlin and Raimondo seem to have treated Oberlin's activist students as a constituency to be manipulated, they also catered to them as customers. And the customer, unlike the student, is always right. When asked why the college could not send out a notice supportive of the Gibsons, Krislov's chief of staff, Ferdinand Protzman, replied that "both the college and Gibson's are dealing with the same customer base," and there was no profit in irritating the most vocal members of that customer base. In short, the college participated in the "smearing of the Gibsons" because, like easy grades and better banh mi sandwiches, it's what the customer wanted. But, of course, real education consists in helping students to see that the most desirable thing is knowledge.

The second and final reason I would suggest begins with an observation: At the height of the protests, no more than 10 percent of Oberlin's students were standing in front of Gibson's, even though there is not a lot to do on a weeknight in Oberlin, Ohio. Moreover, although an alarming number of administrators, and perhaps a handful of professors, were involved in the protests and ensuing conflict with Gibson's, it was an even smaller percentage. There is a kind of modified Pareto principle working at schools like Oberlin in which the radicalized 5 or 10

percent of the population establishes the tone for the entire institution. Of course, this is true of all organizations, but it seems to me that colleges are especially susceptible to this phenomenon precisely because liberal-arts education calls out for a unifying principle or goal, something that holds together this four-year experience of 130 credit hours in the history of this and the structure of that. Oberlin, like Cardinal Newman, used to have a theological answer to that question, one that underwrote one of the most principled stands on racial equality in the 19th century.

Over the last century, politics replaced theology. “Think one person can change the world? So do we,” has been Oberlin’s official motto for quite some time. It’s just advertising (I remember some campus graffiti from the early 2000s—“Oberlin: changing the world for \$30,000/yr”—now it’s closer to \$60,000). But the attitude expresses the self-image of many liberal arts colleges, and many more professors, and since only radicals “know” how to change the world, it cedes them the high ground. The upshot, at least here, has been the furthest thing from idealism possible. Instead of unleashing the potential of students, students were unleashed on an innocent family and business.

I thought that there might be a chance that I would never come back to Oberlin after I dropped by Gibson’s and returned my books to the college library, but I couldn’t resist browsing in the stacks (it really is an excellent library), and I ended up checking out a little book called *The University of Utopia*, by Robert Maynard Hutchins. Writing in 1953, Hutchins (a former Oberlin student and the son and grandson of Oberlin professors) imagined the PR men of the future as secular priests who would point out to their clients not what they could get away with saying but what they *ought* to do. Such “public duty men” wouldn’t be necessary for Utopia’s university, because that school’s trustees would inevitably hold the university and its professors to live up to their ideals. Hutchins had famously been the president of the University of Chicago, not a comedian at Second City, and his irony was a bit heavy-handed. But he wasn’t wrong. A university ought to remember that it is not merely a self-interested corporation but a community of scholars, concerned with truth and convinced that its pursuit is a genuine public good.

Public-spirited utopianism hasn’t been much in evidence in Oberlin’s spinning and messaging in the wake of the Gibson’s verdict. Before the amount of damages had even been determined by the jury, Oberlin’s counsel sent a letter to the faculty expressing disappointment that “the jury did not agree with the clear evidence our team presented,” a statement that made her subsequently expressed gratitude for their service sound condescending and insincere. She went on to say that “colleges cannot be held liable for the independent actions of their students...[and] are obligated to protect freedom of speech on their campuses.” But, of course, what the jury found was that the college had not merely protected freedom of speech on its campus but had gone out of its way (and, incidentally, off campus) to defame private individuals, which has never been protected speech. And the First Amendment has certainly never protected the deliberate infliction of financial and emotional harm, which is what the jury decided Oberlin had done.

In the aftermath of the jury’s verdict, Krislov’s successor as president, Carmen Ambar, along with college proxies and sympathetic journalists, have implied that—guilty pleas, allocutions, and an exhaustive six-week civil trial notwithstanding—there really was, after all, *something* to the claim that Gibson’s had racially profiled Aladin and others. In interviews, Ambar has hit on a bit of bad philosophy to obfuscate this point. “You can have two different lived experiences, and both those things can be true,” she told the *Wall Street Journal* editorial board. One is tempted to say that the facile relativism of this—there is a Gibson truth and an Aladin truth; a townie truth and a college truth—reveals the sophistry behind Oberlin’s self-destructive approach, but actually it’s worse than that, if not philosophically at least morally. Nothing in the actions of Oberlin College or those of its dean and vice president suggests an understanding or empathy with the Gibson family’s experience.

When I go back to Oberlin to return Hutchins’s book, I think I’ll stop by Gibson’s on the way out of town to say goodbye.

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Oberlin College's Legacy and the Need to Have Enemies

The school's namesake and its founder would have differed on the crusade against Gibson's bakery.

By

S. Frederick Starr

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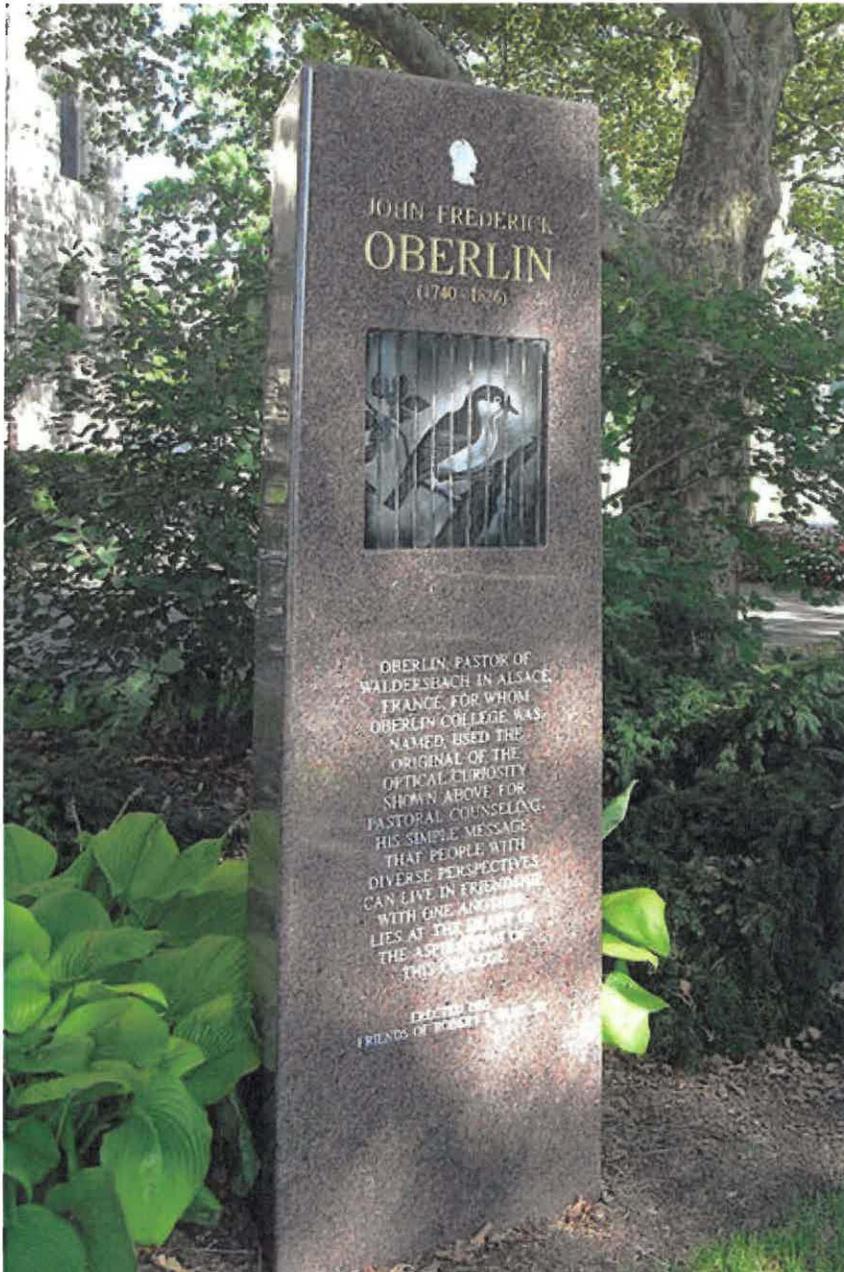
In the middle of the Oberlin College campus stands a monument to its namesake, the Alsatian pastor John Frederick Oberlin (1740-1826). It depicts a children's game that consists of a piece of paper folded and decorated so that it looks like a bird from one side and a flower from the other. Oberlin used such a device for marriage counseling. He would sit Hans down on one side and Erika on the other and ask each what the folded paper depicted. When they came up with different answers, Oberlin would explain that spouses who see things differently can have happy and fulfilled lives by understanding and learning from each other.

The text on the monument—commissioned in the 1990s, when I was the college's president—celebrates Oberlin's "simple message—that people with diverse perspectives can live in friendship with one another," which "lies at the heart of the aspirations of this college."

Even when the monument was erected, it would have been hard to find evidence on campus that J.F. Oberlin's values were thriving there. During my tenure as president (1983-94), I recall several incidents—usually involving phony hate crimes—that now seem precursors to the baseless attack on Gibson's Food Mart and Bakery, which led to a \$44 million jury award (which a judge reduced to \$25 million) against the college. In my day there were administrators and faculty members who worked to get to the bottom of each case. Sometimes this even led to some reflection and learning.

EXHIBIT

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A monument to the namesake of Oberlin College in Oberlin, Ohio, Sept. 18, 2007. PHOTO: ©OBERLIN COLLEGE ARCHIVES

The monument represents values sharply at odds with those the college exhibited in the recent fracas. Instead of engaging with, and learning from, the “other,” it condoned and abetted students who fixate on purported evils. The institution itself seems to have embraced the extremist doctrine that every “evil” thus identified must be destroyed so that society can enter an age of bliss.

Pastor Oberlin would have been appalled. But the founder of Oberlin College, Charles Grandison Finney (1792-1875), would not have been. Finney, a fierce enemy of Calvinism and the sparkplug of the so-called Second Great Revival, believed human beings could be perfected if only specific evils and their perpetrators could be

stamped out. In this frightening doctrine, Finney manifested what the University of Virginia psychiatrist Vamik Volkan called “the need to have enemies and allies.”

In its early years Oberlin College found many dragons to slay. Slavery was high on the list. John Brown’s father was an Oberlin trustee, and the college briefly employed Brown himself before he unleashed his war of terror on Kansas. Other dragons included “the demon drink” (the Anti-Saloon League was founded in Oberlin), art (one early Oberlin president, after visiting the Louvre, vowed never to enter an art museum again), and those heathens world-wide who resisted the efforts of the legions of missionaries sent from Oberlin. Book burning was not unknown in early Oberlin’s early days.

By the early 20th century, Finney’s dour legacy had waned and the college embraced modern learning in all its forms. Graduate Robert Millikan earned a Nobel Prize for physics and founded Cal Tech, while Roger Sperry won a Nobel in medicine for discovering the functions of the brain’s hemispheres. Countless other “Obies” achieved distinction in science, music, literature and business. Typical was Charles Martin Hall, who invented the electrolytic process for refining aluminum and founded [Alcoa](#) .

Thus there exist two radically different Oberlins: the gloomy sectarian training ground inspired by Finney and the one that affirms modern learning, thought, music and art.

The crusade against Gibson’s bakery is incompatible with the college of Millikan, Sperry and Hall. But if only in some uncanny and unconscious way, the attacks on Gibson’s recall Finney’s squinty-eyed hounding of enemies. Few if any students, administrators or trustees know anything about Finney, and today’s zealots are militantly secular. Yet they concur with each other and with Finney on the need for enemies, even if the enemy du jour is a small family business that has happily thrived in Lorain County, Ohio, for 130 years. Could anything be more bluntly at odds with Johann Friedrich Oberlin, who devoted his life to serving humble parishioners?

What can Oberlin do to reclaim its better self? That’s ultimately a question for the college’s trustees, faculty, alumni and students. But there is a common-sense answer that would probably seem obvious to most anyone in Lorain County or any of a thousand smaller communities around the country: Pay the court’s judgment, don’t fight it; apologize to the Gibson family and to the community and take steps to show

you mean it; and then calmly think through all that has happened and do whatever is necessary to reaffirm the institution's identity as a college, not a cause.

Meanwhile, my family and I view the Gibson affair with particular sadness. My grandmother, who at 11 had been orphaned in nearby Amherst, Ohio, walked the 13 miles to Oberlin, where she found employment as a domestic servant in the home of a faculty member at the college. That was in the 1890s. Gibson's was less than a decade old, but its doughnuts were already famous. Grandma was still frying her own copies of them half a century later.

During our 11 years in Oberlin, my wife, daughters or I would often pick up a couple of these greasy delights at 7 a.m. David Gibson always greeted us with a smile, and when we asked how he was doing would reply, "Getting better every day, in every way." Let us hope that the college will someday be able say the same.

Mr. Starr is chairman of the Central Asia-Caucasus Institute and a former president of Oberlin College.



What happened at Oberlin is a parable for the politics of our times: You may end up paying a high price for your facile political assumptions about people with whom you do not agree. Image: Bruce Bishop/Chronicle-Telegram

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