On May 4, 1970, members of the Ohio National Guard opened fire on students protesting the Vietnam War at Kent State University, killing four. In the days that followed, college towns across the United States and especially in Ohio were on edge. They worried that similar incidents might follow. It seemed like the young people who had been actively protesting the Vietnam War now might feel compelled to take action in response to this violence at home. Oberlin College numbered among the many schools that cancelled classes—some professors even cancelled final exams, leaving students to choose between heading home early or staying around school a little longer with free time on their hands. It was in this political climate, with a town on edge, that an incident occurred four days later on May 8. This confrontation heightened previous racial and social divisions in the town and of the era to a point where it seemed like they might boil over.

On the evening of Friday, May 8, 1970, approximately 300 young people, mostly from Elyria, attended a social dance at Christ Episcopal Church on South Main Street. Late in the evening, a fight broke out among some of those attendees in the parking lot of the nearby Convenient Food Mart, then at 129 South Main Street. According to 19-year-old Oberlin resident Deloris “Dolly” Miller, she was standing by a car owned by her fiancé, 21-year-old Oberlin resident Willie Ellington, in the parking lot of the nearby Mainland Sohio station, then at 141 South Main Street, when Police Chief Robert Ferber approached and asked her to move the car. She responded that it was her fiancé’s car, and Ferber asked her to get him so that he could move it. She refused, saying that “it was his (Ferber’s) job, not hers, to do it.”[1] She would later say that she did not want to get Ellington because people were “fighting and brick throwing” where he had gone.[2] Ellington then returned to find Ferber and Miller at odds, and what happened next would be debated by Oberlinians all summer.

Ferber allegedly responded to their refusals to move the car by hitting Miller with a blackjack. Ferber would say that Ellington hit him in response, and when other policemen came to the scene, including Sergeant Eugene Barlow and Patrolman Lawrence Wickham, they too became involved in the situation. Barlow was hit over the head with a pop bottle. After the confrontation had subsided, Ellington and Barlow were taken to Allen Hospital. Ellington was treated and released, but Barlow was still hospitalized when the Oberlin News-Tribune published its first account of the incident on May 14. Another young woman, an Oberlin High School
As soon as possible on the afternoon of Saturday, May 9, Oberlin City Council convened to hear testimony from the people involved and to begin determining a course of action. The Oberlin News Tribune reported that “the meeting was marked by shouts and interruptions from those accusing the police department of racism.”[3] A Citizens Committee quickly formed and was headed by Beatrice Miller, Dolly Miller’s mother, and Jay McLaughlin. They especially viewed Robert Ferber, the police chief, as an aggressor guilty of brutality and violating the civil liberties of those involved. At this early stage, the Citizens Committee included both black and white Oberlinians. When the newspaper published its members, they included more Miller, Ellington, and Treadwell family members, but also George Goodson, the well-respected barber from the Queue & Cue; Preston Twyman, an FAA employee who had served on City Council in the years just prior to the incident; and Saul Gilford, the owner of Gilford Instruments who was known in town for trying to implement fair hiring practices.

By Monday, May 11, Patrolman Wickham and three other patrolmen had tendered their resignations, some citing “public apathy” and “falsehoods regarding the police department” as the cause.[4] That night, the City Council held a public meeting in the community room of the Peoples-Oberlin office of the Lorain County Savings and Trust Co. at 49 South Main Street. One hundred and fifty people attended, and it went until after midnight. Hundreds of Oberlinians who could not fit into the community room congregated outside the building, and many college students who had chosen to stick around protested outside. As the Oberlin News-Tribune reported in their May 14 issue, City Manager Edward Smith emerged from the meeting at 12:20 AM to address the 200 people who remained, waiting for a decision. He announced that Ferber
and Barlow would be suspended while he conducted an investigation. This was an outcome that had seemed unlikely earlier in the evening. Smith and, to some degree, City Council had resisted the idea of suspending anyone, but the Citizens Committee demanded it. They were backed in this demand by Harvey Gittler, a local activist and defender of civil liberties; Rev. Frederick Schumacher, the pastor at First Church of Oberlin; and Robert E. Dixon, a professor of psychology at Oberlin College. When the Oberlin News-Tribune published its editorial on these events days later, they suggested that the support of Gittler, Schumacher, and Dixon had made the difference. The paper asked: “Was this an example of white racism—the same idea being more acceptable if proposed by whites rather than blacks? To answer that yes or no takes some thinking.”[5] Though the meeting had lasted for hours and the Council had debated in closed session about what to do, little action came out of the meeting. The Citizens Committee felt like they were not being heard, and they responded by hiring a lawyer.

When City Council next met on May 18, ten days after the incident, they were confronted by Jerry Gordon, a young lawyer from Cleveland hired by the Citizens Committee. Gordon was then in the process of building a reputation as a Civil Rights attorney and had played a role in developing Cleveland’s anti-Vietnam War movement.[6] He was known in Oberlin because, in 1967, he had defended Oberlin College students who had obstructed the path of a U.S. Navy recruiter and, in 1969, he had successfully defended a largely African-American group of Oberlin High School students who had been arrested and detained by Kipton police after an arguably racially motivated incident outside a tavern where they were celebrating their graduation.[7] By the time he died in 2016 at the age of 88, Gordon would be a valued organizer in the labor and peace movements.[8] However, in Oberlin in 1970, Gordon’s presence changed the debate. He presented a list of demands on behalf of the committee:

1. “That Sergeant Barlow be removed from the police force because of a long history of ‘vicious white racism’
2. That an education program in human relations be established for Oberlin police officers
3. That there be equal justice for blacks as well as whites, no ‘double standards’
4. That police patrol white neighborhoods as well as black neighborhoods
5. That the city anti-loitering ordinance be repealed because such ordinances ‘lend themselves to discriminatory law enforcement’
6. That a police review board be established with subpoena and disciplinary powers.”[9]

These demands were likely perceived as reasonable, especially considering that this was not the first time that the Oberlin Police Department had been accused of misconduct by African-American Oberlinians. In his 2003 Oral History interview, Kinzer Habecker, one of the City
Councilmen at the time, recalled: “there was one of the police officers involved who sort of had a reputation in Oberlin as being a little bit of a racist… Unfortunately he was one of the people involved, and I’m sure that was what kind of inflamed the issue as it progressed.”[10]

As the meeting progressed, the discussion became more and more divisive. Gordon continued to speak for the Citizens Committee, and City Manager Edward Smith attempted to respond to his accusations. Other townspeople then spoke up to voice their concerns. One of those who spoke was Saul Gilford, who had previously supported the Citizens Committee. Gilford stated that he believed that what happened on May 8 “could have been a mistake by police,” but that it didn’t “indicate police brutality or racism.” He continued, “All the things I’ve been working for, peace, to prevent polarization, have been in one moment thrown to the winds by Mr. Gordon…. There is racism, conscious and unconscious, but I don’t see that it would be productive for this community to be torn apart.”[11] Gordon responded by describing Gilford as “‘one of the most dishonest persons I’ve ever known’ for suggesting that I ‘came here to inspire a division’ when everybody already knows it exists.”[12] A number of accounts recall this moment as a turning point. In her Oral History interview in 2003, Shirley Reinwald Johnson, known for her own commitment to civil liberties, said that Gordon was “a very good lawyer in Cleveland but he did not understand this.”[13] Gordon did not understand that Oberlin was a town used to finding common ground—by insulting someone who had the respect of the influential liberal Oberlinians most likely to support his cause, Gordon undermined the likelihood that the demands of the Citizens Committee would be met.

**Question About May 8 Incident**

How can investigation satisfy all concerned?

**Headline from The Oberlin News-Tribune, June 4, 1970.**

Despite all nineteenth-century boasts of equality and safety for black and white Oberlinians alike, the racial divide in Oberlin had certainly widened in the twentieth century. Remediing it required direct protests and related actions, like the efforts to integrate the barber shops in the 1940s. Yet many white Oberlinians continued to feel that they had done quite a lot to advance racial progress in Oberlin and across the United States; this included members of City Council, if not the City Manager and the police. This history is crucial context because Gordon’s next step shocked the people who felt that they, and perhaps their ancestors, had tried to do right by Oberlin’s black population. In June 1970, Gordon filed a lawsuit on behalf of Miller, Ellington, and Treadwell that named City Manager Smith, Police Chief Ferber, two of the patrolmen involved, and all seven City Council members as defendants. The initial subpoena contains extensive descriptions of the injuries that the young people had suffered—Treadwell, for example, “suffered intense pain and discomfort, nervousness, flashes and headaches which cause
her to miss eleven (11) days of school; and all of these plaintiffs suffered mental anguish and humiliation.”[14] Those eleven days came at the very end of Treadwell’s senior year at Oberlin High School.

City Council members now faced judgment of their own. Process servers arrived to deliver the subpoenas at their homes or places of work. Dina Schoonmaker recalled that hers had been delivered to her house when her children were there, and that, as a young parent, the situation was distressing.[15] Kinzer Habecker said that his was delivered to Powers and Dawley, the clothing store where he worked. He remembered his kids being harassed at school for his role in the May 8 incident, and claimed that he “had people wandering around outside [his] house in the middle of the night a couple of times.”[16] Shirley Reinwald Johnson, who was also the wife of then Councilman Douglas Johnson, said: “All of us had been people who had worked so hard for civil rights, and it was such a slap in the face to have a suit, a civil rights suit, filed against all of us after we thought we’d worked so hard to improve circumstances.”[17] The lawsuit also took aim at the policemen directly accused of perpetrating the assaults and the City Manager who had, they argued, failed to conduct a fair and unbiased investigation of the situation. When the City Manager had cleared the policemen of wrongdoing, allowing the reinstatement of Ferber and Barlow, and the City Council then “accepted, adopted, approved and ratified”[18] his findings, the complaint alleges that they had participated in a conspiracy to deny Miller, Ellington, and Treadwell their civil rights liberties, and concludes with the charge that their actions “all reveal a frightening pattern of racism run riot in the City of Oberlin and the legitimizing of police violence against the City’s black citizens.”[19] The legal grounds for this claim originated as the Ku Klux Klan Act of 1871—a statute that had been passed to combat violence against African-Americans in the Reconstruction Era South.[20]

Habecker, Schoonmaker, and the other members of City Council were shocked to find that Gordon had filed the lawsuit to hold them responsible in their personal capacity, not as representatives of the city of Oberlin. The lawsuit’s framing under a federal statute had removed the cover of “good faith” protections for members of municipal councils that Ohio’s state laws guaranteed, while good faith protections remained in the federal law for the City Manager and the police. Because the personal decisions of Council members were under scrutiny, the City of Oberlin declared at first that they could not pay for the defense of the City Council members, and if a judgment should be rendered against them, they would be held personally liable for the sum.[21]
When political scientist Aaron Wildavsky had profiled Oberlin in his 1964 book *Leadership in a Small Town*, he pointed to a sea change that occurred on Oberlin City Council—after World War II, the usual people who had governed, downtown businessmen and other Oberlin elites, had seen their power challenged by a diverse array of people arguing in favor of a wider variety of issues. From 1957 on, the period Wildavsky primarily addresses, the people elected to City Council were then largely “people of diverse social backgrounds, occupations, and national political views who shared a belief in planning the future of the community.”[22] In 1965, Oberlin had elected a group known as “the liberal five” to City Council. Led by Bill Long, manager of the Co-op Bookstore, this group also included Preston Twyman, who had initially supported the Citizens Committee, as well as Douglas Johnson, Charles J. Cooley, and Arthur Hess, who remained on City Council in 1970. At that time, Bill Long had told *The Oberlin Review* that a proper administration would “encourage bold thinking, nonconformity in opinion, and a critical attitude toward all decision-makers.”[23] All those qualities were present in the Citizens Committee’s demands for justice.

As the summer stretched out, with both sides filing motions and scheduling hearings in the lawsuit, City Council returned to work and considered where they could make inroads on the demands set forth by the Citizens Committee. By then, the police chief, Robert Ferber, had left in August to become police chief in Grosse Pointe Farms, Michigan.[24] The most feasible change City Council could make involved the anti-loitering ordinance, which had originally been passed in April 1968 and which stated that incidents of three people gathering “in public places which ‘cause any obstruction’ are unlawful.”[25] The Citizens Committee had declared that such a law allowed for discriminatory law enforcement on the grounds that policemen or complaining citizens might choose to name groups of black youths as loiterers while allowing white youths to carry on. On June 16, 1970, City Council voted to suspend enforcement of the ordinance in the hopes of acquiring data to determine whether or not it remained necessary. Councilman Mel Martens, a Gilford Instruments employee, asked Edward Smith for a report at the September council meeting, and Smith admitted that he and Ferber, prior to his departure, had found that there was, indeed, less reported loitering without the ordinance than there had been during enforcement. Martens declared, “If they (local youths) have shown their good faith I think we ought to take action and show ours,” and he introduced a motion to authorize the ordinance’s repeal.[26] With the support of Dina Schoonmaker and Douglas Johnson, the repeal went into effect after a final vote on September 22.[27]

The lawsuit against the City Manager and the City Council members was eventually dismissed in late October of 1970 by a federal judge, who did not find enough evidence of intentional malice to sustain the claim of federal civil rights violations. He further noted, “The ballot box provides a remedy for the failure of public officials to act in vindication of wrongs previously inflicted.
upon citizens by third persons.” [28] Smith hired new police chief Lawrence Nowery, a 27-year-old with a master’s degree who had served as a corporal in the police force at Michigan State University—presumably in the hopes that a young policeman familiar with college operations would feel comfortable in a town like Oberlin. [29] By May of 1971, a year after the incident, Mrs. Miller and the Citizens Committee, by then calling themselves the Oberlin Citizens for Equal Justice, persisted in their lawsuit against the policemen. Though by then, with the interest of allied college students waning and the incident fading in public memory, Mrs. Miller admitted that money would be an issue in continuing the suit. [30]

Beyond the newspaper articles quoted here and the memories of people who were involved, few remaining records even indicate that this incident occurred. However, the incident on May 8, 1970 numbered among a series of events in 1960s and 1970s Oberlin that brought racial tensions to the forefront and, in so doing, exposed the gaps between Oberlin’s reputation for upholding equality and the lived reality for residents of the town. In the end, Beatrice Miller told The Oberlin Review, “All we ask is that the police admit the incident happened and apologize. It’s a matter of principle.” [31]

If you have memories or items related to May 8, 1970, the Oberlin Heritage Center is interested in hearing your story. Please contact us by phone at (440) 774-1700, or e-mail us at history@oberlinheritage.org.

 SOURCES CONSULTED


“Criminal, civil cases are May 8 aftermath,” The Oberlin News-Tribune, July 2, 1970.


G. L. Severs, City Solicitor, to Arthur P. Hess, City Council Chair, letter dated July 2, 1970. Oberlin Heritage Center Collection.


“Officials confer with OPD trio; committee awaits reply…,” *The Oberlin News-Tribune*, May 21, 1970.


**FOOTNOTES**

[1] “City ponders citizens’ and policemen’s complaints”


[3] “City ponders citizens’ and policemen’s complaints”

[4] Ibid.

[5] “Editorial: We All Have to Live Together”
[9] “Officials confer with OPD trio; committee awaits reply…”  
[11] Quoted in “Officials confer with OPD trio; committee awaits reply…”  
[12] Ibid.  
[19] Ibid.  
[20] Miller et al.v. Ferber et al., Memorandum, October 19, 1970. The Ku Klux Klan Act of 1871 allowed then-President Ulysses S. Grant to suspend habeas corpus protections regarding unlawful detention. By 1970, it had evolved to a more general statute in the United States Code that allowed people whose Constitutional rights had been violated by the State to seek relief in the courts system.  
[22] Wildavsky, p. 46.  
[23] “Newly Elected Council Discusses Town Future.” The fifth member of the “liberal five” was Earl Ginyard, another FAA radar expert.  
[25] “Council to drop anti-loitering law”  
[26] Ibid.  
[27] “City Council Approves Ordinance For Public Defense of Councilmen”  
[29] “New Town Police Chief is Ex-Campus Corporal”  
[30] “Committee sues town cops; carries case to federal court”  
[31] Ibid.

Written in August 2017 by Mary Manning, Ph.D., 2016-2017 Ohio History Service Corps/AmeriCorps Member at the Oberlin Heritage Center.

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