

LIFE LEGAL DEFENSE FOUNDATION

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NEWS RELEASE

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Abortion Protestor Vindicated

The United States Court of Appeals for the Sixth Circuit issued a decision reinstating the civil rights claims of a long-time pro-life activist in Cincinnati, Ohio.

Joseph Michael Logsdon, who for many years was a weekly presence protesting and counseling women against abortion at a Cincinnati abortion clinic known as Cincinnati Women's Services (CWS), had sued two different Cincinnati Police officers for violating his federal constitutional rights under the First and Fourth Amendments. The two officers had arrested Logsdon on separate dates in 2003 and 2004 for allegedly trespassing on CWS property. In neither case did the arresting officer have a warrant for Logsdon's arrest or witness any crime. In both cases, the arresting officers took the word of abortion clinic personnel and refused to listen to what Logsdon and his fellow sidewalk counselors had to say about Logsdon's innocence.

United States District Judge Arthur Spiegel had granted the arresting officer's motion to dismiss at the earliest stage of the case, concluding that Logsdon's Complaint failed to state a constitutional claim and that the police officers had acted reasonably and were entitled to immunity. The Sixth Circuit panel disagreed, concluding that Logsdon's allegations would allow a jury to conclude that the police had acted unreasonably:

[T]he officer cannot simply turn a blind eye toward potentially exculpatory evidence....[The police officers] failed to reasonably determine whether they had probable cause....

It appears [the police officers] deliberately excluded from a totality of known facts and circumstances information that might bear on the accuracy, reliability or trustworthiness of the report that Plaintiff had trespassed on CWS's property. To that extent, Defendants did not act as "prudent officers" and their conclusions cannot be deemed "reasonable."

As a result of this decision, the case will be remanded to the District Court for discovery and trial. Mr. Logsdon is very pleased with this decision and harbors no ill-will toward Cincinnati police officers, including the two that arrested him. "I have had a lot of contact through the years with Cincinnati police and I appreciate what they do. Many of them have

expressed support for our pro-life work. On the other hand, some officers occasionally arrive at abortion clinics with their own agenda and seem committed to doing whatever the clinics ask them to do. The City of Cincinnati must put a top to such harassment and start training its police officers that pro-life activists have rights, too.”

Mr. Logsdon is represented by Thomas W. Condit, a Cincinnati attorney experienced in pro-life and First Amendment litigation, and a long-time affiliate of the Life Legal Defense Foundation. Life Legal Defense Foundation is a non-profit organization composed of attorneys and other concerned citizens, committed to giving helpless and innocent human beings of any age, and their advocates, a trained and committed voice in the courtrooms of our nation. For more information, call Dana Cody at (916) 727-4396.