



## **The Gold Cadillac: A Fact Pattern** Background Summary of the Book

The Golden Cadillac tells the story of an African American family, the Logans, who reside in Toledo, Ohio. Wilbert, the father, purchased a gold Cadillac despite his wife Dee's disapproval. Dee initially refused to so much as get in the car but his two young daughters Lois and Wilma and much of their extended family loved taking rides around the immediate vicinity of their home. Wilbert then decided, again over the objections of Dee and several relatives, to drive the car to Mississippi to visit cousins.

When he insisted on going, Dee reluctantly agreed to accompany her family, and they all set off. For the first time in their lives, Lois and Wilma saw the literal signs of segregation as the family traveled past motels and restaurants with "Whites Only" emblazoned on their doors. In Memphis, while obeying all traffic laws, the family was stopped by a police officer who questioned Wilbert's ownership of the Cadillac and referred to Wilbert as "boy" in ordering him out of the car. Wilbert was taken into custody and detained for over three hours in jail. Finally, after paying a "speeding ticket" he was released.

As a result of the experience, Wilbert realized that he could not safely drive the car into the "deep south" and borrowed a cousin's nondescript Chevy for the rest of the trip, leaving the Cadillac with his cousin in Memphis. The family safely arrived in Mississippi where they spent a week and retrieved their Cadillac on the way back to Toledo. But the events of the trip stayed with Wilbert and he traded in the Cadillac shortly after returning home.

*Teacher's note: Jim Crow laws, such as those experienced by the Logans, were common and legalized discriminatory treatment of blacks in every aspect of society including housing, education, employment, places of public accommodation such as restaurants and hotels and voting. Some states such as Mississippi had few actual statutes, but instead developed entrenched customs and morés that institutionalized racial discrimination across all strata of society.*

### **Thirty Years Later: Facts**

Thirty years after the Logan family's trip to Mississippi in Wilbert Logan's gold Cadillac, Wilbert and Dee still live in Toledo, Ohio. Their girls, Lois and Wilma, have grown up and live close to their parents with children of their own.

Wilbert remembers with fondness the first gold Cadillac he purchased over three decades ago, and decides it is past time for him to own another. As was the case when Wilbert bought his first gold Cadillac, Dee is not thrilled with the family acquiring another one. She worries that history could repeat itself, especially given the current racial tensions across the United States.

Wilbert, of course, remembers the discrimination and pain his family faced the last time he purchased a gold Cadillac. Naturally, he does not want to repeat those experiences, but he is hopeful that times have changed for the better and that they will be able to enjoy the new car, just like any other American family. Wilbert feels strongly that he and his family deserve to own a gorgeous gold Cadillac... and so he buys one. This time, he purchases the convertible version.

With the car parked outside of his home, Wilbert invites his family over to take that all-important first ride. Wilbert's brother, Thomas, brings his grandchildren and Dee's sister's whole family comes too. This time, despite her worries, Dee immediately agrees to take her rightful seat next to her husband and hopes that this first ride through their very own neighborhood, where they have lived for years, will be both safe and enjoyable.

After Wilbert and Dee get into the car, their granddaughters and Thomas' grandkids jump into the back seat. The plan is to drive through all the neighborhoods in their community - near and far - from the poorer neighborhoods to the fancy ones- to show off this fabulous vehicle. It is a beautiful late afternoon and the sun is just starting to set and everyone is having a wonderful time in the fancy new car. However, as soon as Wilbert enters one of the wealthier and predominantly white neighborhoods, he is pulled over by a policeman. The police officer orders Wilbert out of the car and takes him to the station for questioning.

***Teacher's Note: Taking Wilbert into custody is an arrest. For law enforcement to validly arrest a person, the law enforcement officer must have probable cause to do so. Probable cause to arrest exists when the facts and circumstances within the police officer's knowledge would lead a reasonable person to believe that the suspect has committed, is committing or is about to commit a crime. The information in the next paragraph presents the facts that the Officer observed before detaining Wilbert.***

***The question to decide is whether these facts would lead a reasonable person to conclude that Wilbert had committed or was about to commit a crime. The term "reasonable person" is used frequently in the law and refers to a fictional person who always acts with an ordinary degree of reason, prudence, care, foresight, or intelligence in every circumstance. The key in analyzing the situation isn't to ask what is actually known to be the truth, but, rather, to consider whether a reasonable person could look at all the facts that were available to Officer Fields and conclude that probable cause existed to believe that Wilbert committed or was about to commit a crime.***

The officer, Jack Fields, has been on high alert since a rash of burglaries has plagued the area. As Wilbert was driving his new car through the neighborhood, a resident contacted Officer Fields to report a stranger driving slowly around the area. The neighbor, Ms. Emily Bates, spends a lot of her time sitting on her porch and thinks she knows everyone who "belongs" in the neighborhood. She was very concerned when she did not recognize the people in what she describes as a "flashy

new car.” Officer Fields was quick to respond, given the recent crimewave in this otherwise quiet, safe community.

Officer Fields had also received a call from Gus Hankins, the owner of the gas station in the neighborhood. Gus, who sees Jack Fields as a local hero, reached out to the officer when he saw a car he did not recognize filled with what he described as "noisy kids and unfamiliar adults in a car that did not seem to be one they could afford to own.” Gus remembered seeing another expensive car in the neighborhood around the time of several robberies, but he does not recall the exact model of car he saw on those occasions. Gus also said that he thought that most of the robberies took place shortly after sunset because that was the time, he saw the earlier expensive car.

Wilbert was allowed to leave the police station, although Officer Fields orally warned him about “being in the wrong neighborhood. Wilbert was humiliated by being taken into custody in front of his family and very upset.

### The Lawsuit

Frustrated by the fact that he was stopped and questioned without provocation, Wilbert decided to bring a legal action against the officer and the police department. He makes an appointment with an attorney who explains that the type of claim, or cause of action that Wilbert has is called a “1983 action” after the section of the federal law that addresses civil rights violations.

A 1983 civil action requires that the following be proven:

- The Police Officer was acting on behalf of the government (this is called “under color of law)
- The Police Officer wrongfully deprived Wilbert of a right established by the Constitution or by law. (Here the deprivation the lawyer would argue would be taking Wilbert into custody, arresting him, without having cause, deprived him of the freedom that guaranteed by the Constitution -- that is the wrongful part. The Police would argue that the arrest was based on having probable cause to detain Wilbert. It would be up to a jury to decide which side should prevail.)

Another important aspect of the case to understand is that Wilbert’s action is a civil case, not a criminal one and a civil case. He is suing for damages to compensate him for the harm he suffered.

*Teacher’s note: Civil v. Criminal: Civil cases*

**In our scenario, if Wilbert had been charged with a crime he would be entitled to a number of rights because of the nature of a criminal case. A case would be brought entitled Ohio v. Logan. Wilbert would be informed of the charges against him, have the right to remain silent, the right to an attorney if he could not afford one and the right to a jury trial at which he would be able to present evidence and cross-examine witnesses against him. The judge would provide the jury with instructions on their responsibilities. Because Wilbert**

was not charged with a crime, however our focus is the civil case he could bring against the police officer and the police department.

In contrast to a criminal case, the typical civil case is brought to remedy or fix some wrong to a person (in the law, the term “person” includes companies and other organizations as well as human beings). One of the most common types of civil cases is a personal injury case in which a person alleges harm to them caused by another’s negligence. Note that for the vast majority of criminal cases there will be an equivalent civil case that can be brought by the victim. For example, the estate of a murder victim can sue the defendant for wrongful death.

In this case, the type of civil case that can be brought arises under a federal statute. In other words, Congress, through legislation, gave individuals who were deprived of their civil rights under color of law the right to sue to remedy the harm suffered. “Under color of law” means that those actions were taken in the name of the government or some governmental entity. In Wilbert’s case the allegation would be that the actions of the Police Officer, who is an agent of the municipality of Toledo, Ohio, wrongfully deprived him of his right to be free and should be liable. Note that both the individual officer and the municipal agency can be sued. The name of the case in a civil action is Injured Party v. Party Alleged to Cause Harm so that here the case name would be Wilbert Logan v. Officer Jack Fields and the Police Department of the City of Toledo.

The typical result that is sought in a civil case is called damages which means money to compensate the plaintiff for the harm suffered. In a civil trial there is no possibility that the judge will impose a jail term or other criminal sentence if the plaintiff is successful.

#### Teacher’s Note on a 1983 Civil Action

A “1983” action refers to section 1983 of federal law (also code the federal code) 42. The law is officially referred to as 42 U.S.C. §1983. There is a close connection between this law and the 14th Amendment to the U.S. Constitution. The 14th Amendment was ratified in 1868 and provides that no state can abridge the privileges and immunities of any citizen and also provides due process and equal protection for all citizens. Congress used its authority to create law to enact 42 U.S.C §1983 in 1871 to provide for a private action for a person whose rights were deprived in violation of the 14th Amendment. Both the 14th Amendment and 42 U.S.C. §1983 were promulgated to help African American exercise and enforce the rights won as a result of the Civil War. Shortly after the enactment of the law, however, southern and northern interests joined forces to undermine the intent of the law and actions under section 1983 remained dormant until the civil rights era of the 1960s. In the 1960s, a series of U.S Supreme Court decisions transformed section 1983 into a viable tool to redress civil rights violations.

## Exercise Option Number 1: Class Discussion

First: What are Wilbert's civil rights?

*Teacher's Note: As explained above the right involved here is Wilbert's right to be free. Unless an officer had probable cause to arrest a person, the person has the right to be free from being detained and taken in custody by law enforcement. Probable cause refers to a reasonable belief that the person has committed or will commit a crime or is in possession of evidence of a crime.*

Second: Did Officer Field's actions violate those rights?

*Teacher's notes: When looking at Wilbert's civil rights, the key here is the Officer's taking him into custody and detaining him. A person has the right to be free from arrest and detention unless there is probably cause to believe that the individual has committed or is about to commit a crime.*

*In considering these questions the class should also look at the facts from the Officer's point of view before coming to a conclusion. If the consensus is that Wilbert's rights were violated, then the class could discuss what type of compensation would be appropriate. The law only provides for damages for the injured party. A court would not have the authority to sanction the Officer, for example or to terminate him. This may lead to a discussion about how adequate our legal system is in addressing harms. What would the class want to do if those legal limits weren't in place?*

Third: Decide if the police officer and the Police Department should be found liable (in other words, responsible) for depriving Wilbert of his Constitutional rights? Or do you conclude the detention and arrest of Wilbert was based upon probable cause? If you decide that the Police Officer and the Police Department are liable, you must then decide how much money to award Wilbert to compensate him for the harm.

**Wilbert Logan vs. Officer Jack Fields and  
the Police Department of Toledo, Ohio  
A Civil Trial based on *The Gold Cadillac***

*The case you are about to participate in is a **Civil Case**. In contrast to a criminal case, the typical civil case is brought to fix/right (the legal term for fix is “remedy”) a wrong to a person (in the law, the term “person” includes companies and other organizations as well as human beings).*

*The plaintiff in a civil case is the person who contends that they were harmed, and the defendant is the person (again the term person includes companies, associations and government agencies) the plaintiff contends caused the harm. So, in this case the person bringing the lawsuit is Wilbert Logan and he is suing the police officer who he believes caused him harm and the Police Department that employs the officer. In the law, if a person does something while working, the employer is generally also responsible if someone is injured as a result. The name of the case in a civil lawsuit will be Injured Party v. Party Alleged to Cause Harm so that here the name of the case is Logan v. Jack Fields and the Toledo Police Department.*

*The typical result that is sought in a civil case is called **damages** which means money to compensate the plaintiff for the harm suffered. In a civil trial there is no possibility that the judge will impose a jail term or other criminal sentence on the defendant if the plaintiff is successful because the judge in a civil case lacks the authority to impose such penalties.*

*In the case of Wilbert Logan versus Officer Jack Fields, Wilbert Logan claims that Officer Jack Fields violated his civil rights by detaining him and taking him into custody without probable cause. This type of action arises under a federal law, Section 1983 of Title 42 of the United State Code and is commonly called a “1983” action.*

## Trial

**Bailiff:** All rise. Court is now in session. The Honorable Judge \_\_\_\_\_ presiding.

**Judge:** You may be seated. Today we will hear the civil case of Wilbert Logan versus Officer Jack Fields and the Police Department of Toledo, Ohio. Officer Fields is accused of violating Wilbert Logan's constitutional rights by unlawfully detaining him. Officer Fields is accused of doing so in his job as police officer for the Police Department of Toledo. This lawsuit has been brought under a federal statute, title 42 of the United States Code section 1983. At the end of the presentation of evidence and closing arguments I will instruct you on the law. Jurors, your job is to pay close attention to every witness and to listen closely to everything presented.

Plaintiff's attorneys, please introduce yourselves and are you ready?

**Plaintiff's Attorney:** My name is \_\_\_\_\_. [All plaintiff's attorneys introduce themselves.] We are ready Your Honor.

**Judge:** Is the Defense Attorney side ready? And please introduce yourselves.

**Defense:** We are, Your Honor. My name is \_\_\_\_\_. [All Defense Attorney attorneys introduce themselves.]

**Judge:** Plaintiff's Attorney may now give their Opening Statement.

**Plaintiff's Attorney:** May it please the Court. Your Honor and Ladies and Gentlemen of the Jury, we are here today to prove that Officer Jack Fields unlawfully took away Wilbert Logan's Constitutional rights during an incident on May 16, 20\_\_\_. Dee Logan, Wilbert Logan's wife, will describe how she sat beside her husband while he drove very slowly, obeying all traffic laws through a white neighborhood in his beautiful new gold Cadillac convertible. You will hear testimony from the plaintiff's daughter that, although her father was driving lawfully, he was stopped and questioned by Officer Fields for absolutely no legal reason, then taken into custody and transported away. Finally, we will hear from Wilbert Logan himself. He will tell you about the incident and the shame and humiliation he experienced in front of his family. At the end of the case, we will be asking you to find in favor of the plaintiff, Wilbert Logan and against Officer Fields and the Police Department of Toledo.

Thank you.

**Judge:** Defense may now give your Opening Statement.

**Defense Attorney:** May it please the Court. Your Honor and Ladies and Gentlemen of the Jury. The police work hard to protect you and me and all of us from crime and criminals and the defendant, Officer Fields is one of the very best officers in the Toledo Police Department. He is proactive and always does his best to protect the communities in his charge. What happened here with the plaintiff was unfortunate, but it does not mean that Officer Fields or the Police Department should have to compensate the plaintiff. Why? Because Officer Fields had probable cause to believe that Wilbert had stolen from the neighborhood and was planning to do so again. We will show you where this probable cause came from. Gus Hankins, the gas station owner, will tell us that he was on the job when he saw an unfamiliar car filled with noisy kids and adults in his neighborhood. As an active citizen, Gus, knowing that there had been recent robberies in the neighborhood, immediately contacted Officer Jack Fields. He will also testify that he saw a similar fancy car in the neighborhood on the evening of two of the robberies. Ms. Emily Bates, a long-time resident of the community, will testify that she saw Wilbert driving his car very slowly and that the passengers in the car were looking very closely at every house and pointing at some. Finally, we will hear from Officer Jack Fields. He will describe how he was doing his job to the best of his ability. He will tell us how he and the other neighborhood police were on high alert because of a recent rash of crimes in their otherwise quiet, peaceful neighborhood. When two respected residents called about a strange car in the neighborhood again filled with unfamiliar people, Officer Fields knew it was his job to investigate. And...investigate is just what he did. Was the plaintiff inconvenienced? Yes, absolutely, but he was released as soon as Officer Fields was convinced, he had nothing to do with the robberies and returned to his family. At the end of the case we will ask you to find in favor of the defendants.

Thank you.

**Judge:** Plaintiff's Attorney, you may call your first witness.

**Plaintiff's Attorney:** We call Dee Logan to the stand.

**Bailiff:** Mrs. Logan, please raise your right hand. Do you promise to tell the truth, the whole truth, and nothing but the truth?

**Dee Logan:** I do.



**Bailiff:** You may be seated.

**Plaintiff's Attorney:** Please state your name, your relationship to the plaintiff and what you do for a living.

**Dee Logan:** My name is Dee Logan and I am Wilbert's wife. I am a stay-at-home grandmother.

**Plaintiff's Attorney:** Mrs. Logan, can you please describe the connection between your family and the gold Cadillac.

**Dee Logan:** Twenty years ago, my husband, Wilbert, bought his first gold Cadillac. His plan was for all of us to drive to relatives in Mississippi in this comfortable, beautiful, shiny new car. This trip in the first gold Cadillac brings back very sad memories. A policeman pulled us over and accused my husband of stealing the car. Not wanting this awful experience to happen ever again, my husband sold the first gold Cadillac.

**Defense Attorney:** Objection Your Honor. What happened or didn't happen twenty years ago has no bearing on today's case.

**Judge:** Sustained. Jurors you will ignore the testimony about what happened twenty years ago.

**Plaintiff's Attorney:** You have a gold Cadillac now. Can you tell us why?

**Dee Logan:** My husband felt enough time had passed that he could finally buy another car like the one he loved.

**Plaintiff's Attorney:** Your husband Wilbert Logan bought a new gold Cadillac. What was the day like when your family took the first ride in this new gold Cadillac convertible?

**Dee Logan:** The ride started out to be a joyous one for my family. I sat in the front seat next to Wilbert. Our daughter and some of the children sat in the back. They were laughing and singing.

**Plaintiff's Attorney:** Then what happened?

**Dee Logan:** We were driving through all the neighborhoods in and around our community, going slowly so we could take in the sights, and so that people could see us in our shiny new car. When we got to the Brookhaven community we were pointing at some pretty houses and gardens. Then, suddenly we heard police sirens

and Officer Jack Fields pulled us over. My husband did everything the Officer asked, and I got the registration out of the glove compartment for him to give the officer. But even so, Officer Fields took my husband to the police station and questioned him for a long period of time. My daughter had to drive us home and we were all so upset.

**Plaintiff's Attorney:** Do you see Officer Fields in the Courtroom?

**Dee Logan:** Yes - it's that fellow over there. [Points at Officer Fields]

**Plaintiff's Attorney:** Let the record reflect that the witness has identified the defendant. Mrs. Logan, can you tell us what Officer Fields said was the reason you were pulled over?

**Defense Attorney:** Objection Your Honor. This question asks for hearsay!!

**Plaintiff's Attorney:** This is an exception to the hearsay rule!

**Judge:** Overruled. I will allow it. Mrs. Logan you may answer.

**Dee Logan:** The Officer did not give any reasons. He just said that concerned neighbors in the community saw us and grew suspicious! Then he took my husband away. The children and I were very scared!!!

**Plaintiff's Attorney:** What has happened since that incident?

**Dee Logan:** Wilbert has been very upset and has trouble sleeping - he tosses and turns all night and seems afraid to drive his beautiful car.

**Plaintiff's Attorney:** Thank you Mrs. Logan. We have no further questions for this witness.

**Judge:** The Defense may question the witness.

**Defense Attorney:** Mrs. Logan, was the neighborhood you were driving in one you visited frequently?

**Dee Logan:** No, not really.

**Defense Attorney:** As the car drove very slowly you and your daughter in the backseat were pointing at certain houses - isn't that correct?

**Dee Logan:** Yes, but it was just because they were so interesting.

**Defense Attorney:** And, Mr. Logan was driving very slowly - about 5 miles per hour - correct?

**Dee Logan:** Yes.

**Defense:** Slowly enough so that you and everyone in the car could look closely at every house you went by - right?

**Dee:** Well...yes.

**Defense:** We have no further questions for this witness.

**Judge:** The witness may step down. The Plaintiff's side may call their next witness.

**Plaintiff's Attorney:** We call Lois Logan Taylor to the stand.

**Bailiff:** Mrs. Taylor, please raise your right hand. Do you promise to tell the truth, the whole truth, and nothing but the truth?

**Lois Taylor:** I do.

**Bailiff:** You may be seated.

**Plaintiff's Attorney:** Please state your name and what you do for a living.

**Lois Taylor:** My name is Lois Logan Taylor and I am a teacher.

**Plaintiff's Attorney:** What is your relationship to the Plaintiff, Mr. Wilbert Logan?

**Lois Taylor:** Wilbert Logan is my father.

**Plaintiff's Attorney:** What happened on the day in question?

**Lois Taylor:** My mom, my son, and my two nieces took a ride with my father in his brand-new gold Cadillac. It was a convertible and he was so proud to take us for a ride. We were having a wonderful time touring the neighborhoods and the kids were laughing and singing. When we got to the Brentwood neighborhood, we were looking at the huge houses and beautiful gardens when we heard a police siren. The police car came behind us and told us to pull over. Then the Police Officer came over to the car and demanded Dad's license and registration.

**Plaintiff's Attorney:** Do you see the Officer in the courtroom today?

**Lois Taylor:** Yes - it was him. [Points at Officer Fields]

**Plaintiff's Attorney:** Let the record reflect that the witness pointed at the defendant, Officer Fields. Ms. Taylor what happened next?

**Lois Taylor:** It all happened so fast. The Officer told my dad to get out of the car and he did and the next then we knew he was putting him in the police car and driving off. I yelled to ask what was happening and that it was wrong - my dad owns the car, but the officer ignored everything I said and took my dad away. We were so scared, and the kids all started crying. We had to leave the car there and my sister came and got us and drove us home. I'm still upset and angry just thinking about it. My dad is such a good man and did not deserve that treatment.

**Plaintiff's Attorney:** Thank you. We have no further questions for this witness.

**Judge:** The Defense may now cross-examine the witness.

**Defense Attorney:** The car was driven very slowly and you and the others in the car were pointing at certain houses, isn't that correct?

**Lois Taylor:** Yes, but we were...

**Defense Attorney** [interrupts] That answers my question. No further questions Your Honor.

**Judge:** The witness may step down. The Plaintiff's Attorney may call their next witness.

**Plaintiff's Attorney:** We call Wilbert Logan to the stand.

**Bailiff:** Mr. Logan, please raise your right hand. Do you promise to tell the truth, the whole truth, and nothing but the truth?

**Wilbert Logan:** I do.

**Bailiff:** You may be seated.

**Plaintiff's Attorney:** What is your name and what do you do?

**Wilbert Logan:** My name is Wilbert Logan and I am retired.

**Plaintiff's Attorney:** Describe your connection to the incident of May 16<sup>th</sup>, 20\_\_\_\_ involving Officer Fields.

**Wilbert Logan:** I took members of my family for a ride in my new car. Officer Fields was the police officer who stopped me for no reason at all in front of my family and he took me to the police station.

**Plaintiff's Attorney:** Can you tell us about the vehicle in which you were driving.

**Wilbert Logan:** I had just purchased a new gold Cadillac convertible. I worked hard all my life and that car was my gift to myself and my family. I wanted to take the family out for a drive in my new car and show it off.

**Plaintiff's Attorney:** Where were you taking your family on this drive in your new car?

**Wilbert Logan:** We first drove through our own neighborhood and then to the surrounding neighborhoods. I was driving slowly because I wanted everyone to be able to admire my new car, and I had some children in the car, so I needed to be a very careful driver.

**Plaintiff's Attorney:** Please describe what happened when you left your immediate neighborhood.

**Wilbert Logan:** Soon after we entered the Brentwood neighborhood, a police officer – Officer Jack Fields – pulled me over. I could not imagine why he was stopping me.

**Plaintiff's Attorney:** What happened next?

**Wilbert Logan:** He asked for my license and registration. My wife got the registration out of the glove box and handed it to me, and I gave it and my license to Officer Fields. He barely glanced at them and told me to step out of my car. I felt very nervous and confused. He told me to get in the back of his police car. My daughter was yelling, and the kids were crying - it was awful! I did not want to leave my family, but I had no choice.

**Plaintiff's Attorney:** Can you tell us why Officer Fields took you to the police station?

**Wilbert Logan:** I have no idea. I was just driving my car slowly through the neighborhood.

**Plaintiff's Attorney:** How did that make you feel?

**Plaintiff's Attorney:** I was extremely troubled and saddened by the fact that this type of discrimination was still common practice! I had many sleepless nights. The children who were in the car kept talking about the incident and how scared they were. I knew I had to do something about it.

**Plaintiff's Attorney:** What happened when you got to the Police Station?

**Wilbert Logan:** He told me to wait in one of those questioning rooms and I sat there. I was there for a couple of hours and then he came in and told me I could leave. I called my daughter and she picked me up.

**Plaintiff's Attorney:** Describe how your life has changed since this incident?

**Wilbert Logan:** It's affected me deeply. I don't sleep very well anymore and when I see a police officer I break out in a sweat and my heart beats fast. I was so ashamed for my kids and grandkids to see me taken away and it has upset me terribly.

**Plaintiff's Attorney:** Thank you, Mr. Logan. We have no further questions for this witness. The Plaintiff's side rests.

**Judge:** The Defense may cross-examine the witness.

**Defense Attorney:** Isn't it true that this was your first time driving through this neighborhood?

**Wilbert:** Yes.

**Defense Attorney:** You were driving very, very slowly?

**Wilbert:** Why...yes. But I wanted everyone to see my car and we wanted to look at the big houses and pretty gardens.

**Defense Attorney:** Did you ask if you could leave when you got to the Police Station.

**Wilbert:** No, but it was clear I couldn't.

**Defense Attorney:** You did not ask to leave - correct?

**Wilbert:** True.

**Defense Attorney:** According to the police records you were at the station for 71 minutes - you would agree with that time frame?

**Wilbert:** I guess - it felt like longer.

**Defense Attorney:** You left the station after a little more than an hour - correct?

**Wilbert:** yes.

**Defense Attorney:** You were not charged with anything and not kept even overnight correct?

**Wilbert:** [Getting a little angry] But I didn't do anything!

**Defense Attorney:** Please answer the question. You were not charged with anything and not kept even overnight -correct?

**Wilbert:** Correct

**Defense Attorney:** We have no further questions.

**Judge:** The witness may step down. Plaintiff you may call your next witness.

**Plaintiff's attorney:** The plaintiff rests, Your honor

**Judge:** Defense, Call your first witness.

**Defense Attorney:** We call Gus Hankins to the stand.

**Bailiff:** Please raise your right hand. Do you promise to tell the truth, the whole truth, and nothing but the truth?

**Gus Hankins:** I do.

**Bailiff:** You may be seated.

**Defense:** Please state your name and business.

**Gus Hankins:** My name is Gus Hankins. I own a station on Main. Officer Fields patrols our community.

**Defense Attorney:** Can you describe what you saw and did on the night in question.

**Gus Hankins:** Yes. That night, a gold Cadillac convertible was driving past my gas station. It had a noisy family with unfamiliar adults riding in it. The driver was someone I did not know. I watched and saw the car turn into the residential section and really slow down. I saw the people in the car pointing at some of the houses. I knew there had been crimes in our neighborhood, so I called my hero, Officer Fields.

**Defense Attorney:** How do you know the defendant, Officer Fields?

**Gus Hankins:** I have known Officer Fields for years - he is responsible for the neighborhood and does his best to keep everyone informed and to protect everyone.

**Defense Attorney:** Before that night, describe your most recent contact with Officer Fields.

**Gus Hankins:** There have been a significant number of thefts from houses in the residential neighborhood in the past six weeks. Twice before, I called him to tell him that I saw an unfamiliar fancy car in the neighborhood but by the time he got out here it was gone. On both of those nights, houses were robbed.

**Defense Attorney:** Did you see Officer Fields on the night that is the subject of the lawsuit?

**Gus:** No, I called him and then I had to lock up and get to an appointment.

**Defense Attorney:** No further questions your honor.

**Judge:** Does the plaintiff's attorneys have any questions for this witness?

**Plaintiff's Attorney:** Yes, your honor. You mentioned that on two previous occasions you called Officer Fields to report unfamiliar fancy cars in the neighborhood, isn't that correct?

**Gus Hankins:** Yes, I try to be helpful.

**Plaintiff's Attorney:** Isn't it a fact that those cars were not gold Cadillacs?

**Gus Hankins:** I dunno.

**Plaintiff's Attorney:** Well were you watching those unfamiliar cars as closely as you watched Wilbert's gold Cadillac?

**Gus:** I think so.

**Plaintiff's Attorney:** So, watching closely you can't recall if you saw a GOLD CADILLAC or not?

**Gus Hankins:** Yes, I mean no. I mean I don't know.

**Plaintiff's Attorney:** No further questions of this witness.

**Judge:** The witness may step down. Defense Attorney may call the next witness.

**Defense Attorney:** We call Ms. Emily Bates to the stand.



**Bailiff:** Ms. Bates, please raise your right hand. Do you promise to tell the truth, the whole truth, and nothing but the truth?

**Ms. Bates:** I do.

**Bailiff:** You may be seated.

**Defense Attorney:** Please state your name and your business.

**Ms. Bates:** My name is Emily Bates. I have lived in the Brookhaven community of Ohio for over 36 years. I know everyone in the neighborhood. I am a retired librarian.

**Defense Attorney:** Describe how you reacted when you saw a suspicious car.

**Plaintiff's Attorney:** Objection! The defense is leading the witness.

**Defense Attorney:** I will rephrase my question. Describe what you saw on the night in question.

**Ms. Bates:** I was sitting on my porch people-watching when I noticed this nice car. I mean it was fancy. The driver was driving really slowly. At first, I thought the driver was lost, but there was so much noise coming from the car that I couldn't tell. As they got closer, I didn't recognize any one of the adults in the car and I saw that they were pointing at some of the houses like they were picking them out.

**Defense Attorney:** What did you do then?

**Ms. Bates:** I called Officer Fields. We have had several robberies in recent weeks, and I thought maybe these people were going to rob one of the houses they were pointing at.

**Defense Attorney:** No further questions, Your Honor.

**Judge:** Does the Plaintiff's Attorney have questions for this witness?

**Plaintiff's Attorney:** Yes, Your Honor.

**Plaintiff's Attorney:** You stated that you know everyone in your neighborhood, is that correct?

**Ms. Bates:** Yes.

**Plaintiff's Attorney:** You also stated that you frequently sit on your porch and people-watch, correct?

**Ms. Bates:** Yes.

**Plaintiff's Attorney:** You have seen people drive by who you do not recognize, isn't that true?

**Ms. Bates:** Why, of course.

**Plaintiff's Attorney:** Do you call the police on everyone you don't recognize Mrs. Bates?

**Ms., Bates:** Uh no.

**Plaintiff's Attorney:** How many white drivers have you called the police on Mrs. Bates?

**Ms. Bates:** None but....

**Plaintiff's Attorney:** [Interrupts] Thank you Ms. Bates - no further questions.

**Judge:** The witness may step down. Defense may call your next witness.

**Defense Attorney:** We call Officer Jack Fields to the stand.

**Bailiff:** Officer Fields, please raise your right hand. Do you promise to tell the truth, the whole truth, and nothing but the truth?

**Officer Fields:** I do.

**Bailiff:** You may be seated.

**Defense Attorney:** What is your name and what is your job?

**Officer Fields:** My name is Jack Fields and I am a police officer.

**Defense Attorney:** How long have you been a police officer.

**Officer Fields:** I have been a police officer for 17 years.

**Defense Attorney:** Why were you in the neighborhood in question?

**Officer Fields:** I had received several calls from concerned neighbors. The residents who called had concerns about a car full of people driving slowly through their neighborhood and pointing at houses.

**Defense Attorney:** How did the callers describe the car.

**Officer Fields:** Both described a new gold Cadillac convertible that they had never seen before in the neighborhood.

**Defense Attorney:** Can you tell us what made them concerned?

**Officer Fields:** We have had an unusually high rate of crime in our neighborhood over the last few months. When two well-respected residents call, it is my job to investigate.

**Defense Attorney:** What is the crime rate in this neighborhood?

**Officer Fields:** We had a very low crime rate until recently. The rise in crimes has made residents very nervous, and it has put our police department on high alert.

**Defense Attorney:** What special skills have you been trained in when stopping a suspect in a car?

**Officer Fields:** All our officers have been trained to show respect but be aware. When two respected residents call with concerns...especially after the series of robberies that have occurred in the neighborhood...then it is my responsibility as an officer of the law to respond.

**Defense Attorney:** Have you earned any special awards for your service?

**Officer Fields:** I have been recognized for my work several times. And, as you have heard in their testimony, the residents here have great respect for me.

**Defense Attorney:** Can you describe the events on the date in question?

**Officer Fields:** Yes, I drove my police car to the neighborhood and drove up and down the streets of Brookhaven until I saw the golden Cadillac. I observed that it was being driven very slowly and that the passengers in the car were pointing at houses. I activated my siren and the car pulled over.

**Defense Attorney:** Then what happened?

**Officer Fields:** I asked for the driver's license and registration and returned to my car. I checked the state database, but the car registration was not coming up, so I instructed the driver to get out of his car and to get in my car and drove to the police station.

**Defense Attorney:** What happened at the Police Station?

**Officer Fields:** I brought the driver to a questioning room and instructed him to wait. I then worked with one of our technicians to locate the registration in the database. Apparently, because the car had just been purchased there was a lag in our database. Once I verified that the car belonged to the driver, I told him he could go.

**Defense Attorney:** We have no further questions for this witness. The Defense rests.

**Judge:** Plaintiff's Attorney may question this witness.

**Plaintiff's Attorney:** Let me get this straight. You stopped Wilbert because of robberies in the neighborhood but took him into custody because you thought the car was stolen - isn't that correct?

**Officer Fields:** Yes.

**Plaintiff's Attorney:** Did you have any reports of a stolen Cadillac?

**Plaintiff's Attorney:** Well no, but it just didn't add up.

**Plaintiff's Attorney:** [Forcefully] What didn't add up for you was a black man driving an expensive car in a white neighborhood!

**Defense: Objection** - That is not a question!

**Plaintiff's Attorney:** I'll withdraw the question. Isn't it a fact that Wilbert Logan was violating no traffic laws?

**Officer Fields:** True. But it was suspicious driving so slowly and pointing,

**Plaintiff's Attorney:** Ok - have you ever in your life slowed down to look at a large house or interesting site as you were driving?

**Officer Fields:** Sure.

**Plaintiff's Attorney:** You indicated you have seventeen years of experience as a police officer - correct?

**Officer Fields:** Yes,

**Plaintiff's Attorney:** In all those years can you tell us of another time that a robber drove in a car with his family and a bunch of children?

**Officer Fields:** I didn't know it was his family until I stopped him!

**Plaintiff's Attorney:** OK - just tell me of one other time in all your years of experience that a thief brought children along to the crime?

**Officer Fields:** I don't know of any time that's happened.

**Plaintiff's Attorney:** I have no more questions for this witness.

**Judge:** Officer Fields, you may step down. Defense, call your next witness.

**Defense Attorney:** The Defense rests, Your Honor.

**Judge:** Is the Defense ready for its Closing Argument?

**Defense Attorney:** We are, Your Honor.

**Judge:** You may begin.

### **Closing Argument /Defense**

**[Defense Attorney stands to deliver the Closing argument and addresses the argument to the jurors]**

Your Honor, and ladies and gentlemen of the jury, the plaintiff has not proven his case. In fact, from the plaintiff's case we learned that Mr. Logan was driving very, very slowly through a neighborhood where he didn't know a soul and that the passengers in the car were pointing at certain homes. We learned from Gus and Ms. Emily Bates that they both called Officer Fields, a man they revere and look up to as a hero because of their suspicions. Last, you heard from Officer Jack Fields. Officer Fields told us the neighborhood was on high alert. When he received a call about a suspicious vehicle driving slowly through the neighborhood, he immediately responded, as any good police officer would do. He briefly took the plaintiff into custody when his car registration did not show up in the state database. Like any good police officer, he investigated the issue and released Mr. Logan when he verified his ownership of the car. Was Mr. Logan inconvenienced? Sure - for less than an hour and a half. But his civil rights were not violated, and you must find in favor of the defendants. Thank you, Members of the Jury and Your Honor. [Defense Attorney sits down.]

**Judge:** Is the Plaintiff's side ready for its Closing Argument?

**Plaintiff's Side:** We are, Your Honor.

## **Closing Argument/Plaintiff**

**[Plaintiff's Attorney stands to deliver the Closing argument and addresses the argument to the jurors]**

Your Honor and ladies and gentlemen of the jury, thank you for listening to all the evidence so closely today. It is clear that Wilbert Logan, a retired and respected member of society, has had his Constitutional right violated for ABSOLUTELY no good reason by the defendants. Wilbert, has the right to be free from illegal seizure. Officer Wilbert trampled on that right when he took Wilbert, a law-abiding citizen, into custody. It is your job to fix the harm he suffered in the only way our legal system provides - by awarding him a sum of money. You heard Dee Logan testify that Wilbert followed all of Officer Fields's "requests." Wilbert was taken out of his vehicle and arrested without provocation and you heard her testify about the effect this experience has had on her husband. You heard from Lois Logan Taylor, Wilbert Logan's daughter, who also testified that her father was obeying all traffic laws. Finally, you heard from Mr. Wilbert Logan himself. Mr. Logan testified that he is a hardworking, law-abiding citizen whose rights were violated when Officer Jack Fields forced him to get out of his vehicle, taken into custody and driven to the police station. He was hurt, embarrassed, and furious. Wilbert Logan was stopped, not for violating a single traffic law, but because he dared to drive his Cadillac through a white neighborhood. He was stopped, taken into custody and detained all because he is a black man with a fancy car. All Americans have the right to buy fancy cars if they can afford them. Americans have the right to take family members on a ride in any neighborhood they select and the right to point at the sights. All Americans have the right to talk, to sing, to laugh in their own car...whether an adult or a child. Wilbert continues to suffer as a result of this unlawful detention, and you must find in his favor and against Officer Fields and his employer the Police Department of Toledo. Thank you, Members of the Jury and Your Honor. [Plaintiff's attorney sits down.]

## **Judge's Instructions to the Jury**

**Judge:** Ladies and Gentlemen of the Jury, thank you for serving as jurors today. You play a critical role in our legal system. You are the only judges of whether the witnesses are believable. As you decide this case, you should pay attention to how the witnesses looked and acted when they were testifying, to what they said, and to

whether different witnesses said things that were the opposite of one another. You should pay attention to all the evidence that shows the witness is credible, and you should pay attention to whether a witness might have reason to say what he/she did even though it might not be the truth. You should also ask yourself whether a witness actually saw the things he/she testified to and whether he/she seems to have a good memory about what he/she saw. Finally, you should remember that two people who see something happen may see or hear it differently, and sometimes people do not remember things correctly and may make an honest mistake. When witnesses disagree with each other, you should decide whether they disagree on something important or on something that is unimportant. You should decide whether the disagreement is because one person made a mistake or because someone told a lie.

Once you decide the facts of the case, it is your duty to apply the law and come to a verdict. Here the law is the cause of action that was granted by Congress under Title 42 section 1983 of the United States Code. To find the defendant responsible to the plaintiff you must conclude the following:

- The Police Officer was acting on behalf of the government (this is called “under color of law)
- The Police Officer wrongfully deprived Wilbert of a right established by the Constitution or by law.

A Police Officer is entitled to make a mistake, so the fact that he was wrong about Wilbert being the thief is not enough to find him responsible. To hold Officer Fields responsible, you must conclude that his detention of the plaintiff was not based on reasonable cause to believe that Wilbert has committed or was about to commit a crime. If you find that Officer Fields had a reasonable basis to take the plaintiff Wilbert Logan into custody, you must find in favor of the defendants. On the other hand, if you find he did not have a reasonable basis to take the plaintiff Wilbert Logan into custody, you must find in favor of the plaintiffs. Then you must decide on a dollar amount to award to the plaintiffs to compensate them. I’m sure you will take your duties very seriously. The Jury may now leave the courtroom to deliberate.