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They were for it before they were against it: Cleveland Plain Dealer editors call for repeal of statewide preemption

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Newspaper once editorialized in favor of preempting local gun laws

By Chad D. Baus

Last week, upon the occasion of the injury of two Columbus officers by a marijuana-growing suspect who fired on them with a semi-automatic AK-47 rifle, gun ban extremists quickly ran out to **dance in the officers' blood**.

These groups, including the Brady Campaign to Prevent Gun Violence, the Freedom States Alliance, and the Ohio Coalition Against Gun Violence, sought to sell the line that the incident had occurred because the Ohio General Assembly acted in late 2006 (via HB347) to preempt local gun control laws, including so-called "assault weapons" bans in Columbus and Cleveland.

Over the weekend, the gun banners' accomplices on the Cleveland *Plain Dealer* editorial board dutifully took the gun control groups' ball and ran with it, in an editorial entitled "Ohio should get its cities to make and enforce anti-gun laws."

In doing so, the newspaper failed to acknowledge that it editorialized in favor of the law on August 7, 2007, or provide any change that would explain its new position, offered now in two subsequent opposition editorials.

From the **editorial**:

Remember these names: Chris Redfern, chairman of the Ohio Democratic Party; state Sen. Tim Grendell, Republican from Geauga County; state Sen. Tom Patton, Republican from Strongsville; and state Rep. Kenny Yuko, Democrat from Richmond Heights.

These area politicians have aided and abetted the gun lobby in putting the bang back in gang.

They did so by supporting legislation two years ago that nullified local gun laws.

Patton was in the House at the time, as was Redfern. Gov.

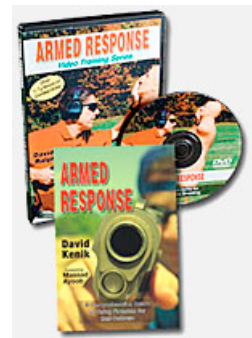
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Bob Taft's veto of House Bill 347 was overridden with the help of Grendell, Patton and Yuko; Redfern did not vote to override the veto.

At the time, Cleveland had enacted laws that required, among other things, that handguns be registered; that prohibited the possession of firearms by minors; and that forbade the sale and possession of assault weapons.

All of those laws are in limbo now, unenforced while the city challenges the state law in the courts.

As of Friday, the city has seen 72 homicides this year, 49 of which involved handguns. Last year at this time, there had been 73 homicides, 52 of which involved handguns.

The truth, of which the *Plain Dealer* has been informed by Buckeye Firearms Association on multiple occasions, is that the gang never had lost its "bang", and no other of these homicides would have been prevented had the city's gun ban remained in effect.

During the fight to pass statewide preemption, Buckeye Firearms Association was able to verify through public records requests that in all of 2006 there was **not one single person charged** with a violation of Cleveland's assault weapons ban. That's right, not even one.

Our investigation also found that, in 2007 (before HB347 took effect), one person was prosecuted for a violation of Cleveland's bans. But the case never made it to trial because the Grand Jury returned a "no bill," meaning they couldn't even find the enough evidence of a crime for the case to move forward to a trial.

So not only did the City of Cleveland not convict a single person under their so-called assault weapons ban in 2006 or 2007; they never even took one case to trial!

We conducted our investigation after months of calling on the *Plain Dealer* and other media to ask these questions themselves, and when we were done, we provided the *Plain Dealer* with the facts, which they have yet to publish.

The Cleveland *Plain Dealer* history on covering the debate over statewide preemption of local gun control laws is an interesting one indeed.

On August 7, 2007, the *Plain Dealer* actually editorialized in FAVOR of preemption:

This page continues to look skeptically on concealed carry, but consistency in the form of statewide, uniform standards makes more sense than a confusing patchwork of local contradictions.

Less than four months later, *Plain Dealer* editors reversed themselves, without noting or explaining the reversal:

By taking away local governments' ability to regulate the sale and possession of guns, the legislature tramples the



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principle of home rule more egregiously than ever.

When I contacted *Plain Dealer* Deputy Editorial Director Kevin O'Brien about the discrepancy, he admitted that **the same person - Phillip Morris - had written both editorials**, and repeatedly attempted to explain that the change of opinion was because "Mr. Morris detected some changes" in the language of the bill.

The problem was, the language in the bill related to preemption - the language which both editorials were specifically directed at - had not changed during the course of those four months. (Perhaps this shouldn't come as a surprise, given that in 2005 *Plain Dealer* editorial page editor Brent Larkin admitted to me that **they don't read legislation before editorializing**. Ironically, this admission came during a conversation about another inaccurate *Plain Dealer* editorial about a different provision in the exact same legislation - HB347.)

Despite being confronted with the facts on the preemption language having been unchanged, O'Brien and the editorial board refused to issue a correction, or any acknowledgement whatsoever that it had reversed itself in editorials just months apart.

Nor did they make such an acknowledgement in the current editorial, which goes on to present an example of a case the editorial board infers would have turned out differently had HB347 not become law:

Together with the Bureau of Alcohol, Tobacco and Firearms, Cleveland police have executed 189 gun-suppression initiatives so far this year, made 604 arrests and seized 124 firearms.

But all that is cold comfort to De'ajah Campbell, a 22-month-old toddler who was shot in the back Tuesday night after her mother got into an argument with 20-year-old Darrin Harsley.

Harsley, who police say confessed to the shooting, is a convicted felon who just two weeks ago was released on bond after his arrest on a weapons charge.

Back on the street, police say, Harsley had no trouble obtaining a handgun. He was also armed with two other weapons, including an assault rifle. Police are now trying to trace those firearms.

How is a thug like Harsley able to rearm so quickly and easily?

In part because misguided politicians such as Redfern, Grendell, Patton and Yuko seem to think that gun sellers have more rights than gun victims.

The state law must be overturned. It not only violates the state's constitutional cornerstone of home rule, it also keeps cities from using the lever of the law to reduce the number of easy-to-get, cheap guns.

Did you catch that? Even though laws which make it illegal for felons to



buy guns or for felons to be in possession of guns or to sell guns to felons (not to mention laws which prevented this perp from carrying the gun concealed, or laws prohibiting murder) failed to protect this child, the geniuses on the *Plain Dealer* editorial board want you to believe that one more law would have made all the difference.

The newspaper claims statewide preemption "keeps cities from using the lever of the law to reduce the number of easy-to-get, cheap guns." But given the **case of Edward Lesure**, which we covered (and the *Plain Dealer* ignored) in 2008, it is highly possible that the city of Cleveland once again failed to use the laws currently in effect to keep Mr. Harsely behind bars where he belongs.

The Lesure case involved a perp committing gun crimes while under several felony disabilities. Despite having pending felony charges, he was charged instead by the City of Cleveland with misdemeanors, nearly all of which were eventually dismissed. You read that right - not only did the city not pursue the sitting duck felony charges for firearm under disability, they dismissed most all the misdemeanor charges from Lesure's assault case. Lesure wound up pleading to only a resisting arrest charge. No domestic violence, no assault, no aggravated menacing, no violation of the Cleveland assault weapons ban, no violation of the safe storage law - all of which the circumstances of his case suggest he could have been prosecuted for.

Col. Jeff Cooper once said that "The media insist that crime is the major concern of the American public today. In this connection they generally push the point that a disarmed society would be a crime-free society. They will not accept the truth that if you take all the guns off the street you still will have a crime problem, whereas if you take the criminals off the street you cannot have a gun problem."

The evidence is in, and it is indisputable. Cleveland's "assault weapons" ban did nothing to prevent crime, it went largely unused as a tool for city prosecutors, and *Plain Dealer* editors are long past any legitimate claim of being unaware of these facts. As such, the only logical conclusion is that the newspaper is intentionally ignoring the facts in the pursuit of an anti-gun agenda.

Chad D. Baus is the Buckeye Firearms Association Vice Chairman, and an NRA-certified concealed carry instructor.



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