



Buckeye Firearms Association

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Indictment of Cleveland Plain Dealer **Violation of Journalist Code of Ethics**

Whereas, the Society of Professional Journalists' Code of Ethics states that Journalists are to be accountable, and

Whereas, the Code of Ethics further provides that a journalist shall:

- Clarify and explain news coverage and invite dialogue with the public over journalistic conduct
- Encourage the public to voice grievances against the news media.
- Admit mistakes and correct them promptly
- Expose unethical practices of journalists and the news media
- Abide by the same high standards to which they hold others, and

Whereas, the Code of Ethics further provides that a journalist shall:

- Test the accuracy of information from all sources and exercise care to avoid inadvertent error. Deliberate distortion is never permissible
- Distinguish between advocacy and news reporting. Analysis and commentary should be labeled and not misrepresent fact or context
- Deny favored treatment to advertisers and special interests and resist their pressure to influence news coverage, and

Whereas, generally acceptable standards hold that “fact errors” contained in news stories are grounds for considering the entire work a failure. (See, eg, University of Georgia “*Fact Error(s) and Grades: Any assignment written in Associated Press style that contains a fact error or errors will get a grade of ‘F.’*”)

Count I

Guevara, Damian G. and O'Donnell, Patrick, A boy dies, and a gun debate is reignited, April 24, 2007 *Plain Dealer*

Within said Article, O'Donnell and Guevara did make the following statements asserted as fact:

1. City prosecutors decided Monday that Wells, 25, was justified and would not be charged for what appears to be the first time a concealed-carry permit holder has shot and killed an attacker.

It is specifically alleged and charged against Guevara and O'Donnell that, prior to going to press, they were specifically advised that this was NOT, in fact, the first time a concealed carry licensee had shot and killed an attacker. Further, Guevara and O'Donnell were, prior to press, given information to independently check the accuracy of this assertion.

Finally, the *Plain Dealer* Editors supervising Guevara and O'Donnell had actual, specific knowledge of this factual inaccuracy, having previously covered license holders shooting and killing attackers. In point of fact, *Plain Dealer* Editors received numerous angry letters and phone calls from gun owners, due to the fact that Plain Dealer had publicly revealed the armed status of the license holder days before he was ambushed and killed, in which encounter the license holder killed one of the attackers. (See, e.g., Three arrested in shooting death of Cleveland store owner, August 14, 2004 *Plain Dealer*.)

2. Toby Hoover, of the Ohio Coalition Against Gun Violence, said she had not heard of any other fatal shooting involving a concealed-carry permit holder.

It is specifically alleged and charged against Guevara and O'Donnell that, in light of the above information provided to them prior to press time, and in light of their own paper previously publishing information that contradicts this statement, relying upon this unsubstantiated speculation by Ms. Hoover as "fact" is not reasonable, professional behavior.

It is particularly damning to Guevara and O'Donnell's reliance upon these assertions that the *Plain Dealer* published a letter to the editor from Ms. Hoover, congratulating the *Plain Dealer* for publishing the names of license holders, the very same morning that the *Plain Dealer* was covering the license holder's futile efforts to save his own life by fighting against his attackers, killing one of them.

Count II

O'Donnell, Patrick, Gun advocates find in massacre a call to arms, April 19, 2007 *Plain Dealer*

Within said Article, O'Donnell did make the following statements asserted as fact:

1. Ohio residents with a special permit have been allowed to carry concealed weapons in public since 2004. But that law bans guns from publicly owned property.

No, the law does not ban guns from publicly owned property, as the *Plain Dealer* is well aware from their coverage of the Home Rule debate, including the Editorial that endorsed preemption as contained in H.B. 347, followed inexplicably a few months later by the editorial that opposed preemption as contained in H.B. 347. Further, a plain reading of the statute, R.C. § 2923.126(B)(9), shows that the law bans guns from public BUILDINGS, not property.

2. Private schools such as Case Western Reserve University are not covered by state law.

Yes, the state law does cover private schools, R.C. § 2923.126(B)(5). Both of these inaccuracies were brought to the author's attention. One correction was printed, the other was not, with no explanation for correcting one inaccuracy and not the other. Further, the online edition of the story remains incorrect, apparently in perpetuity.

Count III

Oberlander, Terry, Tragedy at Virginia Tech, April 18, 2007 *Plain Dealer*

Within said Article, Oberlander did make the following statements asserted as facts:

1. Virginia police can keep handgun sale records for up to one year. Ohio forbids police from keeping such records.

As of press time, upon information and belief, there is no basis in Ohio law for this statement. Preliminary checks of local police departments verified that police departments that had reason to have these records, still have these records. No citation to Ohio law has ever been provided by the *Plain Dealer*, despite published and emailed requests. Further, the *Plain Dealer* has thus far been unable to document which handgun sale records they are referring to.

2. The Brady Campaign to Prevent Gun Violence gave both Virginia and Ohio low grades in 2005 when it rated states on handgun issues.

The Brady Campaign report cards are notoriously inaccurate and outright fabricated in many instances, with no citations to legal authority or other first-order source to justify their assertions. Notwithstanding this fact, Mr. Oberlander did not provide any pro-gun group input or commentary anywhere in this piece, thus abandoning any pretense of the piece being "news" instead of commentary, despite not being labeled as such.

We therefore submit to you, the *Plain Dealer's* peers, that their reporting is deficient and a pattern of factual inaccuracy and outright fabrication is clear from the face of the reporting. In three counts above, each error was avoidable with the simplest of fact checking or editorial oversight. Worse, several acts appear to have been purposefully committed with willful disregard for the truth. Finally, when the *Plain Dealer's* history of factually inaccurate reporting and editorializing on self-defense issues is considered contemporaneously with the above three counts, we suggest a clear pattern of favored treatment is present, even at the expense of factual reporting.

We call upon the Ohio media to do better than the *Plain Dealer*. All three of the above articles would have received an "F" from a journalism professor for lack of fact checking and fabrication. Somewhere the journalism professors that taught Messrs. Oberlander, O'Donnell and Guevara are hanging their heads in shame. Only you in the media can hold your professional brethren to the high standard set forth in your Code of Ethics. Your readers deserve better.