

# SAN JOSE'S UNLAWFUL ATTEMPT TO STOP GUN OWNERSHIP

BY TIFFANY D. CHEUVRONT

**T**he Mayor of San Jose is at it again. Mayor Liccardo wants to stop gun ownership in his city, and he wants to do it on the backs of law abiding citizens. You see, Mayor Liccardo has a problem. He can't get tough on crime because he supports light sentencing and no bail agendas, but he can't afford to pay for the criminal activity in his city, so he wants you—the lawful gun owners—to pay for the crime sprees he can't, and won't, do anything about.

Mayor Liccardo tried this same political stunt back in 2019 and failed when he realized that it was unconstitutional and that there are few insurance companies that would give a gun owner insurance to cover the crimes of others. People purchase insurance to protect themselves from liability for an injury that they have or that they may cause to another person. They do not buy insurance to cover the criminal activity of those who refuse to follow the law in the first place. Can you imagine homeowners having to purchase additional insurance to cover the costs of home invasions in their community? Can you image car owners purchasing additional auto insurance to cover those involved in carjackings and chases? Would you

**The difference between car insurance and gun insurance, Mr. Mayor, is that you have no constitutional right to drive a car, but you *do* have a constitutional right to bear arms—even if the government does not like it.**

be willing to increase your insurance costs each month because the local government refuses to get tough on crime? It is all ludicrous!

The right to keep and bear arm is protected by the United States Constitution. This is applicable in every state, county and city across the country—including San Jose. The Mayor likes to compare his gun insurance plan to car insurance, stating that people are required to have car insurance so why shouldn't we require them to have gun insurance? The Mayor must not have ever read the Constitution, which states in Amendment II, "the right of the people to bear arms *shall not be infringed.*" The difference between car insurance and gun insurance, Mr. Mayor, is that you have no constitu-

tional right to drive a car, but you *do* have a constitutional right to bear arms—even if the government does not like it.

The proposed ordinance by the City of San Jose would be unconstitutional infringement on the right to bear arms. Its purpose is to make it more difficult for a person to be a gun owner in the City. This ordinance would disproportionately affect lower income citizens and people of color because it would make it more difficult for them to exercise their rights. The CRPA told the Mayor that his plans were unconstitutional back in 2019 and threatened litigation at that time. We now find ourselves in the position to seek litigation again, should the City foolishly go down this path. What is

**Would you be willing to increase your insurance costs each month because the local government refuses to get tough on crime?**

even worse is that the City knows they will get sued, which is why they have a plan to hold all fees paid by lawful gunowners in a fund for the first year so that the City can pay for litigation expenses. So, lawful gunowners would be paying for the right to own a firearm and at the same time their money would go towards the City fighting the constitutional fight against their interests. You cannot make this stuff up—and this should infuriate all of us.

The City of San Jose is prohibited from enacting laws that infringe upon the Second Amendment rights of its citizens. *McDonald v. City of Chicago*, Ill., 561 U.S. 742, 790 (2010) (holding that the Second Amendment right is protected against infringement by the individual states through the Fourteenth Amendment); *Nordyke v. King*, 681 F.3d 1041, 1044 (9th Cir. 2012) (holding that the Second Amendment right is "fundamental and is incorporated against state and municipalities" like the City of San Jose). San Jose's overreach against citizens who have committed no crime and who are legally allowed to own and possess firearms is a futile attempt to push forward the gun control agenda. This is something that the CRPA is not willing to let happen. We know the story; we have seen it played out before in California. Politicians use the gun control agenda to promote themselves and their career, all the while knowing that the laws they are passing are, in fact, unconstitutional. They don't care though, because the people's money will pay for the litigation and they know it will take years to work its way through the courts.

We all need to consider the actions of San Jose as an attack on gun owners across the state. If San Jose is successful, other city and county governments will jump on board. This

**VOLUNTEER  
PLAINTIFFS  
NEEDED  
FOR PRO-2A LAWSUITS.**

**STAND UP FOR  
YOUR RIGHTS!**

CRPA's A-Team lawyers are looking for volunteer plaintiffs to be part of our planned future lawsuits challenging California's unconstitutional gun laws.

It's free! There is no obligation, all responses are kept strictly confidential, and there are no fees or costs for folks who volunteer.

**MICHEL & ASSOCIATES, P.C.**  
Attorneys at Law

**HELP US HELP YOU!**

Email [potentialplaintiffs@michellawyers.com](mailto:potentialplaintiffs@michellawyers.com) for more information.

is a test case for the gun control lobby, who are testing the fence line to see how far they can push. We must all fight this together. Call, write and email the San Jose City Council, and tell them that they will be embroiled in litigation over this unconstitutional action and they must stop the assault on lawful gun owners. If they want to get tough on crime, they should do that, but not at the expense of the

right of the people to bear arms. Now is the time to speak up and have your voices heard. **CRPA**

**Tiffany D. Cheuvront** leads the local ordinance project for Michel & Associates, P.C. With over 19 years' experience in the non-profit and regulatory fields, she practices civil rights litigation and corporate governance



law (five of those years working specifically in Second Amendment and CA policy). Tiffany has written and provided testimony on issues at the local, state and federal levels of government.

**Mayor Sam Liccardo**  
mayoremail@sanjoseca.gov  
San Jose City Council  
200 E. Santa Clara St.  
San Jose, CA 95113

# LOCAL ADVOCACY REPORT

BY TIFFANY D. CHEUVRONT

The **Local Advocacy Project** actively monitors all of California's 58 counties and 482 municipalities to support or oppose any proposed ordinance, law or policy likely to impact Second Amendment rights. Local efforts include developing and working with a network of professionals, citizens, local government officials and law enforcement professionals to effectively oppose local threats to California gun owners. These efforts also serve as the foundation for litigation efforts against municipalities that enact anti-gun-owner legislation.

JURISDICTION & ISSUE	DESCRIPTION	LOP RESPONSE	STATUS
<b>DEL MAR FAIRGROUNDS GUN SHOW ATTACKS CONTINUE</b>	For months the Del Mar gun show has been under siege from groups seeking to end the show. On September 11, 2018, the Del Mar Fair Board of Directors voted to institute an up to 1-year moratorium on gun shows beginning in 2019 while they "study the safety" of the gun show.	Additional legislation has been introduced at the state level that would prevent gun shows from occurring at the Del Mar Fairgrounds.  CRPA was a named plaintiff in a federal lawsuit against the fairgrounds in an effort to protect your right to come together with others in the gun culture and hold lawful and safe events on public property. More information on the lawsuit can be found at <a href="http://michellawyers.com/b-l-productions-inc-et-al-v-22nd-district-agricultural-association-et-al">michellawyers.com/b-l-productions-inc-et-al-v-22nd-district-agricultural-association-et-al</a>	For now, the federal courts have ordered that the gun shows may continue at the Del Mar Fairgrounds while the litigation progresses; the next gun shows will be in 2021.  Assemblyman Gloria sponsored a bill to prohibit the selling of firearms and ammunition at the Del Mar Fairgrounds (a sneaky way to try to stop gun shows again). CRPA is once again preparing to bring litigation against this unconstitutional attempt at restricting your rights. More information will be available upon filing.  CRPA is also fighting SB 264 (Min) that seeks to stop gun shows at ALL state facilities. We are prepared to fight this legislation as well, should it pass.
<b>CITY OF SAN JOSE</b>	The Mayor for the City of San Jose wants to push mandatory insurance for all gun owners in the City as a way of paying for criminal violence that occurs in his City.	CRPA sent a letter previously on this same issue when the Mayor tried to make this a priority for the City.  The Mayor has once again resurrected this issue and is trying to get mandatory insurance for gun owners or a mandatory fee to the City passed. The staff have been directed to come back with ordinance language in September.	CRPA has submitted public record requests and is preparing a lawsuit for filing should the City pass this ordinance.
<b>CRPA COALITION WORK</b>	The CRPA has been working with other groups across the state for years to influence and advance pro-2A work in the state. We believe in leveraging our combined strength to get things done.	Coalitions are built from other non-profit groups with similar missions coming together. We work with local chapter leaders, elected officials and legislative teams to push support and protection of the Second Amendment	Watch for joint letters from coalition groups to fight harmful legislation in the state and for work with other groups during this election cycle. To sign up for the Range Coalition, send an email to <a href="mailto:ranges@crpa.org">ranges@crpa.org</a>

JURISDICTION & ISSUE	DESCRIPTION	LOP RESPONSE	STATUS
<b>COW PALACE GUN SHOWS DALY CITY</b>	The California Legislature passed a bill in 2018 that would ban gun shows at the Cow Palace state venue as part of the concerted effort by opposition groups. This bill was vetoed by then Governor Brown. The pending legislation to stop gun shows and dismantle the Cow Palace authority was dropped; however, this came with the condition that the Cow Palace Board would stop holding gun shows in the future.	CRPA drafted a prelitigation letter to the Board of the Cow Palace to inform them of pending legal action should they persist with denying gun shows access to state property.  The Board has reopened its discussion regarding banning gun shows and is currently discussing the matter in committee. Please watch for further calls to action.	The Board voted in November to re-consider its stance against gun shows given the possible constitutional violations that have been outlined by the federal courts on this subject. CRPA will continue to monitor the situation.  As of July 2021, we are still waiting on a report from the Cow Palace Board as to what they plan to do with gun shows. COVID-19 has delayed holding meetings on these issues.
<b>STATEWIDE PUBLIC RECORD REQUESTS</b>	CRPA regularly seeks and obtains public records in connection with any anti-gun efforts in California. Such efforts include proposed anti-gun ordinances, gun buyback programs and other anti-gun regulatory enforcement issues.	Responses to these requests often yield valuable results, such as which members of a local government entity are working with anti-gun groups, sources of funding and other important information.	Ongoing. CRPA attorneys monitor and review thousands of pages of public records requests each month.
<b>CITY OF WEST HOLLYWOOD</b>	The City of West Hollywood is attempting to pass a mandatory locked storage ordinance similar to others that are promoted by gun control advocacy groups.	CRPA alerted members in the area, and we are prepared to file legal action if the ordinance passes.  If you are interest in being a named plaintiff in that legal action please contact us at <a href="mailto:potentialplaintiffs@michellawyers.com">potentialplaintiffs@michellawyers.com</a> .	Some of the public comments against the ordinance can be found on the City Council page and here:  <a href="https://wehotimes.com/gay-republicans-to-speak-out-against-wehos-safe-gun-storage-ordinance/">https://wehotimes.com/gay-republicans-to-speak-out-against-wehos-safe-gun-storage-ordinance/</a>  <a href="https://weho.granicus.com/MetaViewer.php?view_id=22&amp;clip_id=3610&amp;meta_id=202522">https://weho.granicus.com/MetaViewer.php?view_id=22&amp;clip_id=3610&amp;meta_id=202522</a>  <a href="https://weho.granicus.com/MetaViewer.php?view_id=22&amp;clip_id=3610&amp;meta_id=202523">https://weho.granicus.com/MetaViewer.php?view_id=22&amp;clip_id=3610&amp;meta_id=202523</a>  <a href="https://weho.granicus.com/MetaViewer.php?view_id=22&amp;clip_id=3610&amp;meta_id=202848">https://weho.granicus.com/MetaViewer.php?view_id=22&amp;clip_id=3610&amp;meta_id=202848</a>  The City Council instructed the City Attorney to draft the ordinance and bring it back to the Council at a later meeting. Make sure you follow CRPA on social media for all the latest news.
<b>CITY OF MONTE SERENO</b>	The City is attempting to pass a mandatory locked storage ordinance similar to others that are promoted by gun control advocacy groups.	CRPA alerted members in the area, and we are prepared to file legal action if the ordinance passes.  CRPA legal team also drafted letters of opposition to the City Council which was quoted by a Council member that was opposed to the ordinance.	The ordinance passed the first reading even though the City Attorney gave bad advice on the likelihood of having to defend legal action and admitted that there have been no firearm-related crimes in the city.  We will continue to monitor this situation.
<b>CITY OF HERMOSA BEACH</b>	The City is attempting to pass a mandatory locked storage ordinance similar to others that are promoted by gun control advocacy groups.	CRPA alerted members in the area, and we are prepared to file legal action if the ordinance passes.  CRPA legal team also drafted letters of opposition to the City Council.	We are awaiting further action from the City at this time and will update our members when more information is available.