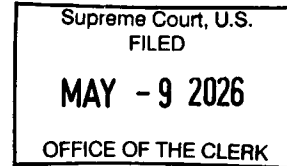


25 - 1405



No. _____

SUPREME COURT OF THE UNITED STATES

WILLIAM GERARD SANGERVASI II,

Petitioner,

v.

CITY OF SAN JOSE, CALIFORNIA,

Respondent.

On Petition for a Writ of Certiorari to the
California Court of Appeals, Sixth Appellate District

PETITION FOR WRIT OF CERTIORARI

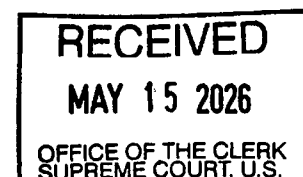
WILLIAM GERARD SANGERVASI II

Pro Se Petitioner

221 Main St, # 181

Los Altos, CA 94023

SJPD4230@gmail.com



QUESTIONS PRESENTED

Petitioner was illegally fired as a Police Officer for dutifully criticizing the anti-American and unconstitutional actions of the Respondent's police chief.

In a perverted attack on American History and Tradition, and in violation of The United States Constitution, the governmental Respondent's police chief raised a "Lesbian, Gay, Bi-sexual, Transgender, and Queer pride" flag against our American Flag at an American police department (App. 119a), and the chief desecrated and perverted the sacrosanct neutral and impartial visual appearance of *The American Uniform* with an official "Lesbian, Gay, Bi-sexual, Transgender, and Queer pride" police uniform shoulder patch (App. 122a), thereby allowing individual police officers to publicly display and visually communicate their own personal opinions about sexual activity and sex-acts relating to "Lesbian, Gay, Bi-sexual, Transgender, and Queer pride", on *The Uniform* of America's Police Officers.

This is a treasonous, capital offense.

Never in American History has *The Uniform* of America's Police Officers ever been officially desecrated with visible bias, and the last time that uniformed executive officers in America raised a flag against our American Flag, it resulted in the American Civil War.

In accordance with this history and tradition, the question presented is:

Whether a Police Officer's *Oath of Office* that is taken in accordance with Article VI of The United States Constitution, further protects the Officer's

speech that is dutifully directed “against all enemies, foreign and domestic”, when that initial speech is presumptively preferable to the historically-precedented alternative of direct action, that is in accordance with American History and Tradition.

PARTIES

Petitioner is William Gerard Sangervasi II.

Respondent is the City of San Jose, California.

RELATED PROCEEDINGS

California Supreme Court
No. S293470

**WILLIAM GERARD SANGERVASI II, Plaintiff and
Appellant, v. CITY OF SAN JOSE, Defendant
and Respondent.**

(Petition for review denied December 10, 2025)

California Court of Appeals,
Sixth Appellate District
No. H051833

**WILLIAM GERARD SANGERVASI II, Plaintiff and
Appellant, v. CITY OF SAN JOSE, Defendant
and Respondent.**

(Opinion entered September 2, 2025)

Related Proceedings (Continued)

California Superior Court,
County of Santa Clara
No. 22CV401855

WILLIAM GERARD SANGERVASI II, an
individual; Petitioner, v. CITY OF SAN JOSE;
and DOES 1 through 10, inclusive, Respondents.

(Order entered August 25, 2023)

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PETITION FOR WRIT OF CERTIORARI

William Gerard Sangervasi II, who was a Police Officer with the City of San Jose, California, petitions for a writ of certiorari to review the judgment of the California Court of Appeals, Sixth Appellate District, in this case on constitutional matters of national public interest and public concern. At stake in this case is protecting speech that is a peaceful alternative to direct action by executive officers under Article VI (*Oaths of Office*).

OPINIONS BELOW

The Opinion of the California Court of Appeals, Sixth Appellate District (H051833) is designated as unpublished and not precedent. The Opinion is reproduced in the appendix at page 3a.

The Order of the California Superior Court, County of Santa Clara (22CV401855), which partially found in favor of Sangervasi, but ultimately ruled for the Respondent and denied Sangervasi's Petition for Writ of Mandate, is unpublished. The Order is reproduced in the appendix at page 41a.

JURISDICTIONAL STATEMENT

On September 2, 2025, the California Court of Appeals, Sixth Appellate District, issued its Opinion in this case. (H051833). [Appendix ("App.") 3a].

On September 25, 2025, the Sixth District denied Sangervasi's petition for rehearing. (App. 72a).

On December 10, 2025, the California Supreme Court denied Sangervasi's petition for review. (S293470). (App. 74a).

On February 10, 2026, Justice Kagan granted Sangervasi's application (25A904) for an extension of time to file this petition for a writ of certiorari, extending the time to file through May 9, 2026.

Pursuant to 28 U.S.C. § 1257(a), this Court has jurisdiction to review this case from the state court.

CONSTITUTIONAL PROVISIONS INVOLVED

The Constitution of The United States of America

- Article VI
- Amendment I
- Amendment XIV

See appendix pages 76a – 79a for the text of these constitutional provisions.

STATUTORY AUTHORITIES INVOLVED

Federal Statute:

- 42 U.S.C. § 2000e

California State Statutes:

- Government Code § 12940
- Labor Code § 1102.5

See appendix pages 81a – 85a for the text of these federal and state statutes.

INTRODUCTION

This case involves the gravest anti-American attack on the Constitutional authority and legitimacy of the police to ever be officially perpetrated against the police in American History.

Police Officers are uniformed executive officers who can shoot and kill you under color of law. Police Officers are ordained with the Constitutional and legal authority to carry out and execute the laws, and to make you obey their authority under the potential threat of deadly force.

As such, this case involves unprecedented and recent violations of The Constitution, and the related desecration and perversion of the neutral and impartial visual appearance of *The Uniform* of America's Police Officers, which are urgent matters of national public interest and public concern that may end in conflict if not resolved by this Court.

Our American Flag and *The Uniform* of America's Police Officers are neutral and impartial visual symbols of blind-justice and equal protection under the law for all people in The United States of America. Accordingly, *The Uniform* standards and traditions of the San Jose Police Department have essentially been unchanged since the department's founding in 1849. (App. 87a).

Never in American History has *The Uniform* of America's Police Officers ever been officially desecrated with visible bias, and the last time that uniformed executive officers in America raised a flag against our American Flag, it resulted in the American Civil War.

This current matter arose when the

Respondent recently desecrated and perverted the neutral and impartial visual appearance of *The Uniform* of the San Jose Police Department with visible "Lesbian, Gay, Bi-sexual, Transgender, and Queer pride" speech and symbolism, as part of the Respondent's official implementation of biased and segregated policing, and the denial of equal protection under the law, in America. (App. 119a).

Sangervasi was a Police Officer with the San Jose Police Department. In response to the Respondent's anti-American and unconstitutional actions, Sangervasi spoke "as both an unconsenting American Citizen and as an affected American Police Officer, forever standing in both capacities as an American Patriot irreconcilably opposed to, and ready to defend against, the desecration of *The American Flag* and the perversion of *The American Uniform*". (App. 111a).

In response to Sangervasi's speech in defense of our American Flag and *The American Uniform*, the Respondent retaliated against Sangervasi and ultimately terminated his employment as a Police Officer with the City of San Jose.

Sangervasi's speech that criticized the government is protected by the First Amendment and Sangervasi's *Oath of Office* in accordance with Article VI of The United States Constitution.

The circumstances of Sangervasi's case have now been copied and have metastasized far beyond the San Jose Police Department.

Desecrating and perverting *The Uniform* of America's Police Officers with speech about personal views on sexual activity and sex-acts is a subversive

attack on America that may end in conflict between Americans and the police, if not resolved by this Court. As such, this is the type of case that this Court must take because of the nationwide implications that are at stake right now.

STATEMENT OF THE CASE

1 – Factual Background Summary

On March 4, 2013, in accordance with Article VI of The United States Constitution, Petitioner Sangervasi took the *Oath of Office* for the San Jose Police Department, and Sangervasi was sworn-in as a Police Officer with the Respondent, City of San Jose. (App. 8a).

Beginning around August 2017, and publicly culminating around July 28, 2020, the Respondent began to deny Sangervasi and all Americans the equal protection of the laws, as is carried out and executed by the police at all times, when the Respondent implemented biased and segregated policing at the San Jose Police Department based on the personal and sexual-identity of all Americans.

Among other things, the Respondent's police chief raised a "Lesbian, Gay, Bi-sexual, Transgender, and Queer pride" flag against our American Flag at an American police department (App. 119a), and the chief desecrated and perverted the sacrosanct neutral and impartial visual appearance of *The American Uniform* with a "Lesbian, Gay, Bi-sexual, Transgender, and Queer pride" shoulder patch for *The Uniform* (App. 122a), thereby allowing individual police officers to publicly display and visually

communicate their own personal opinions about sexual activity and sex-acts relating to “Lesbian, Gay, Bi-sexual, Transgender, and Queer pride”, on *The Uniform* of America's Police Officers.

This is a treasonous, capital offense.

The Respondent wrote that a reason for desecrating *The Uniform* of America's Police Officers with visible “Lesbian, Gay, Bi-sexual, Transgender, and Queer pride” bias and the intimately personal sexual speech of individuals was to “allow department members to show individual support for issues important to them.” (App. 123a). The Respondent also wrote that the intent was for the “LGBTQ pride” patch to distinguish and visibly separate “LGBTQ police personnel and their allies”, presumably from the ‘enemies’ in the police department and in the community who opposed the desecration of *The American Uniform* with sexual speech and visible bias that has never occurred in American History. (App. 113a, 121a). This was the first ever official act in department history of dishonorably altering and desecrating *The Uniform* of the San Jose Police Department.

On November 11, 2020, in response to these anti-American and unconstitutional actions, Sangervasi spoke out and criticized the Respondent's police chief. Among other things, Sangervasi criticized the implementation of segregated policing in America, which included visible bias and intimately personal sexual speech now desecrating and perverting *The Uniform* of America's Police Officers. This had never occurred in the history of the San Jose Police Department. (App. 87a – 126a).

Sangervasi invoked the *Oath of Office* and rebuked the Respondent's police chief, whose perverse anti-American actions would be expected from an enemy of America rather than a police chief in America. (App. 95a).

Sangervasi's speech included flags and patches that were part of a visual tool to criticize the Respondent, and to forcibly restore the honor of *The American Uniform* which never has been, is not, and never will be, an illegitimate "forum" for biased and intimately personal sexual speech that desecrates the visible neutrality and impartiality of America's Police Officers.

On November 13, 2020, in response to Sangervasi's speech and criticisms, the Respondent removed Sangervasi from active duty and placed him on indefinite administrative leave. (App. 9a, 42a).

On December 11, 2020, Sangervasi received a formal department letter that officially rejected his speech and criticisms of the Respondent. (App. 42a).

On June 7, 2021, after being on leave for over half a year, an internal affairs investigation was initiated against Sangervasi, in the month of June, which the Respondent declared as "LGBTQ pride" month. (App. 42a). The internal affairs actions against Sangervasi then coincided on consecutive days with the Respondent's "LGBTQ pride" emails to the department about the planned raising of an "LGBTQ pride" flag over police headquarters the next day. (App. 38a). The timing of these actions was a targeted and discriminatory retaliation against Sangervasi based on his actual or perceived sexual-orientation, at a minimum. The timing of this

retaliation against Sangervasi was a symbolic favor to appease and avenge those who identify as "Lesbian, Gay, Bi-sexual, Transgender, and Queer".

On November 10, 2021, the Respondent issued Sangervasi a notice of intent to terminate his employment as a Police Officer, based on sixteen (16) alleged employment violations. (App. 48a).

On January 28, 2022, Sangervasi sent a written Skelly response to the Respondent. (App. 49a).

On February 12, 2022, the Respondent terminated Sangervasi's employment as a Police Officer with the City of San Jose. (App. 43a).

Sangervasi appealed to the Respondent's Civil Service Commission on April 5 and April 7, 2022. (App. 43a)

On May 12, 2022, the City of San Jose's own Civil Service Commission issued its written decision to uphold Sangervasi's termination as a Police Officer. (App. 43a)

The Respondent's Civil Service Commission ignored and did not address any employment retaliation and discrimination matters, or any constitutional matters. (App. 53a). As such, Sangervasi sought judicial review of his termination in state court as outlined next in section 2. Sangervasi sought relief in federal court for other constitutional issues of infringement on free speech and free exercise of religion in a forum, and equal protection under the law. (App. 51a; #25-142).

2 – Proceedings Below

On August 10, 2022, Sangervasi filed a

Petition for Writ of Administrative Mandate in the California Superior Court, County of Santa Clara (22CV401855). An amended petition was filed on September 19, 2022. (App. 12a, 41a).

Sangervasi's petition challenged the unlawful and retaliatory termination of his employment, and employment discrimination based on competing protected characteristics, in relation to state and federal employment laws. Sangervasi also had claims under The United States Constitution, to include claims of First Amendment violations for the Respondent selectively allowing some of Sangervasi's criticisms of the government but then censoring other portions of the speech that was directly relevant to the controversy. By allowing any of Sangervasi's speech as an executive officer, the Respondent implicated the First Amendment, and strict scrutiny.

Sangervasi also asserted that Article VI of The Constitution, to include the *Oaths of Office* Clause, protected Sangervasi's dutiful speech that criticized the Respondent. (App. 4a, 35a, 88a, 95a, 97a, 98a, 99a, 106a, 116a – 126a).

The trial court had jurisdiction and the duty to hear Sangervasi's employment claims, and to address constitutional issues that were ignored by the Respondent's Civil Service Commission. The matter and issues were before the court. (App. 54a).

This further implicated Sangervasi's Supremacy Clause and *Oaths of Office* arguments, because The United States Constitution is “the supreme Law of the Land; and the Judges in every State shall be bound thereby”. (U.S. Const., Art. VI).

On July 6, 2023, the superior court heard oral

arguments. (App. 41a)

On August 25, 2023, the superior court issued its Order, partially finding in favor of Sangervasi but ultimately finding in favor of the Respondent. The court did not overturn the termination of Sangervasi's employment as a Police Officer. (App. 41a).

The employment violation charges against Sangervasi included claims of dishonesty in Charges 1 and 2. The trial court overturned Charge 1, but failed to do the same with related Charge 2. Charges 3 – 13 were incomplete charges against only certain flags and patches in Sangervasi's criticisms, while other flags and patches were not equally the subject of employment charges. Charges 14 – 16 pertained to Sangervasi's criticism of the Respondent's police chief. Other than overturning Charge 1 in favor of Sangervasi, the trial court found in favor of the Respondent for the other charges.

On October 24, 2023, Sangervasi appealed, seeking review from the California Court of Appeals, Sixth Appellate District. [(H051833); App. 14a)].

On August 12, 2025, the Sixth District heard oral arguments.

At oral argument, the court attempted to assert a limit to the scope of Article VI of The United States Constitution, but Sangervasi explained to the court that The Constitution did not put any limits on Sangervasi's conduct, so Sangervasi's actions were therefore entirely protected under The Constitution.

Despite this clear argument, and further emphasis again in the petition for rehearing (App. 72a), the Sixth District disregarded this critical

constitutional argument.

On September 2, 2025, the Sixth District issued its Opinion, and upheld the lower court Order. (App. 3a). The Sixth District disregarded Sangervasi's arguments and claims even though they were properly raised. Sangervasi petitioned for rehearing on September 17, 2025.

On September 25, 2025, the Sixth District denied Sangervasi's petition for rehearing (App. 72a).

On October 13, 2025, Sangervasi filed a petition for review with the California Supreme Court (S293470). The petition for review was denied on December 10, 2025. (App. 74a).

On February 10, 2026, Justice Kagan granted Sangervasi's application (25A904) to extend the time within which to file this petition for writ of certiorari.

REASONS FOR GRANTING THE PETITION

The desecration and perversion of *The Uniform* of America's Police Officers with personal speech about sexual activity and sex-acts has not been resolved. (#25-142). As such, this volatile matter is poised to end in conflict between Americans and illegitimate police forces across the country. This Court must intervene accordingly.

This Court may dislike criticism, but for too long, this Court has avoided and hidden from controversial cases of all types, and has allowed heinous violations of The Constitution and abhorrent social and moral atrocities to continue to be inflicted on America, and the Americans who suffer and are

deprived of justice and relief by this Court.

Examples of this are seemingly endless, with Justices of this Court recently stating that the time to take some of these cases and address some of these derelictions of the Court's duty, is "soon". But the severity of the issues in this current case may not wait for this Court to eventually perform its duty.

The recent and perverted attack on American History and Tradition that has been perpetrated through the raising of "Lesbian, Gay, Bi-sexual, Transgender, and Queer pride" flags against our American Flag at American police departments across the country, and the absolute desecration and perversion of *The Uniform* of America's Police Officers with "Lesbian, Gay, Bi-sexual, Transgender, and Queer pride" shoulder patches for police uniforms, are coordinated and subversive attacks against America.

This current matter is dangerously serious because it involves the police who can shoot and kill you on the side of the road, rather than any other government worker who can simply be ignored. As such, the dwindling potential for this matter to be resolved without conflict is now perilously on the conscience of this Court.

Never in American History has *The Uniform* of America's Police Officers ever been officially desecrated with visible bias, and the last time that uniformed executive officers in America raised a flag against our American Flag, it resulted in the American Civil War.

But now, even worse, not only has the

Respondent raised some other flag against our American Flag at an American police department, but the Respondent has raised a flag that the Respondent has explicitly defined as pertaining to personal opinions about sexual activity and sex-acts relating to "Lesbian, Gay, Bi-sexual, Transgender, and Queer pride" (App. 119a), and the Respondent has now also desecrated and perverted the sacrosanct neutral and impartial visual appearance of *The American Uniform* with a "Lesbian, Gay, Bi-sexual, Transgender, and Queer pride" shoulder patch for *The Uniform* (App. 122a), thereby allowing individual police officers to publicly display and visually communicate their own personal opinions about sexual activity and sex-acts relating to "Lesbian, Gay, Bi-sexual, Transgender, and Queer pride", on *The Uniform* of America's Police Officers.

This perverted attack on American History and Tradition will not stand, and this Court may be the last chance for an amicable resolution, considering that the matter has now metastasized to other police departments across the country.

Additionally, states and their cities are beginning to pass opposing laws and local ordinances against each other in the initial battles over this issue. But states and their cities bickering over flag displays at city hall is one thing, whereas a police officer who can violate your personal freedoms and shoot and kill you under color of law, while displaying perverse sexual bias against you and desecrating and perverting *The American Uniform*, requires immediate corrective action that is consistent with American History and Tradition.

Police Officers are uniformed executive officers who can shoot and kill you under color of law. As such, the unprecedented and recent desecration and perversion of *The Uniform* of America's Police Officers with visible bias and the intimately personal sexual speech of individuals, has now compromised the Constitutional authority and legitimacy of those police in America. This is visible for all Americans to see with their own eyes. (App. 118a – 126a).

A nationwide conflict is now in motion on this issue, and this Court must intervene now while it still can.

I. Article VI, *Oaths of Office*

The United States Constitution, Article VI, Clause III (*Oaths of Office*), is a primary focus of this case, and it is a controlling authority in this case along with American History and Tradition that inform the plain text of The Constitution.

Because the issues in this case have now tainted and compromised the police who are armed executive officers in America, Article VI will continue to control this case and the issue across the country while the issue remains unresolved.

1. Background and Historical Implications

In accordance with Article VI of The United States Constitution, Petitioner Sangervasi took the *Oath of Office* and was sworn-in as a Police Officer with the Respondent, City of San Jose. (App. 8a).

The *Oath of Office* for the San Jose Police Department instructed Sangervasi to support and

defend The Constitution "against all enemies, foreign and domestic".

i. The Respondent's Attack on America

In a perverted attack on American History and Tradition, the Respondent's chief of police raised a "Lesbian, Gay, Bi-sexual, Transgender, and Queer pride" flag against our American Flag at an American police department (App. 119a), and the chief desecrated and perverted the sacrosanct neutral and impartial visual appearance of *The American Uniform* with a "Lesbian, Gay, Bi-sexual, Transgender, and Queer pride" shoulder patch for *The Uniform* of the San Jose Police Department (App. 122a), thereby allowing individual police officers to publicly display and visually communicate their own personal opinions about sexual activity and sex-acts relating to "Lesbian, Gay, Bi-sexual, Transgender, and Queer pride", on *The Uniform of America's Police Officers*.

This is a treasonous, capital offense.

Never in American History has *The Uniform of America's Police Officers* ever been officially desecrated with visible bias, and the last time that uniformed executive officers in America raised a flag against our American Flag, it resulted in the American Civil War.

Based on this historical precedent and Sangervasi's *Oath of Office* in accordance with The Constitution of The United States of America, Sangervasi's speech that criticized the perverse and anti-American and unconstitutional actions of the governmental Respondent, is not only explicitly

protected speech, Sangervasi's speech is also further protected and mandated as part of Sangervasi's *Oath of Office*, and Sangervasi's speech that rebuked these perverted attacks on America was preferable to historically precedented alternatives of direct action that parallel the circumstances leading up to the American Civil War.

ii. Historical Parallel and Implications Now

The reality is that, through his own actions, the Respondent's police chief (Garcia) desecrated The American Flag, his own actions indicated that he was unfit for command in an American police department, and Garcia's own actions would be expected from an enemy of America rather than from a uniformed executive officer in The United States of America.

While wearing *The Uniform* of the San Jose Police Department and acting in his official capacity as an executive officer in The United States of America, chief Garcia, who supposedly pledges allegiance to The Flag of The United States of America, then publicly dishonored and undermined the neutral and impartial governmental public image of the San Jose Police Department when Garcia raised a biased and segregationist "Lesbian, Gay, Bi-sexual, Transgender, and Queer pride" flag against our American Flag at an American police department. (App. 119a).

In this act, Garcia stated that The American Flag was no longer good enough to equally belong to and equally represent all Americans and unite all Officers under his command, and that our

American Flag had to be conquered and replaced in kind, by other biased and segregationist flags about sexual identity and personal opinions about sexual activity and sex-acts.

In this act, Garcia desecrated The American Flag, and he demonstrated that he was unfit to command his own Officers whom he intentionally divided and segregated explicitly based on personal and sexual-identity, and Garcia's actions against America cast reasonable doubt on his loyalty and allegiance to The United States of America, because Garcia publicly committed these acts in his official capacity as a uniformed executive officer in The United States of America.

Furthermore, on July 28, 2020, the chief issued department Memorandum #2020-033 which introduced a "Lesbian, Gay, Bi-sexual, Transgender, and Queer pride" shoulder patch for officers to display on *The Uniform* of the San Jose Police Department, thereby allowing individual officers to display their personal opinions about sexual activity and sex-acts on *The American Uniform*. (App. 121a).

In this act, Garcia desecrated and perverted the sacrosanct neutral and impartial visual appearance of *The Uniform* of the San Jose Police Department, as it is seen and witnessed by all Americans. In this act, Garcia stated that *The American Uniform* was no longer a unifying visual symbol of blind-justice and equal protection under the law, for all Americans. Garcia was also stating that *The American Uniform* was no longer good enough to equally belong to and equally represent all Americans, and in particular

The Uniform of the San Jose Police Department was no longer good enough to equally belong to and equally represent and unite all Officers under Garcia's command, and so *The Uniform* of America's Police Officers had to be conquered, replaced, and desecrated in kind.

Garcia's own written words stated that the "LGBTQ pride" patch represented only "LGBTQ police personnel and their allies" (App. 121a), thereby indicating that Garcia's actions had now resulted in the creation of "allies" and 'enemies' out of Garcia's own Officers under his command. As such, Garcia's own actions indicated that he was unfit to command his own Officers whom he had just divided and segregated for the first time ever.

While it may be socially uncomfortable for some people to hear, the fact is that these actions are treasonous when committed by uniformed executive officers, and these actions would only be expected from an enemy of The United States of America.

iii. Sangervasi's response was consistent with his *Oath of Office* and American History and Tradition

As demonstrated above, the chief's actions were consistent with what would historically be expected from an enemy of America.

Sangervasi was sworn by the *Oath of Office* to support and defend The Constitution of The United States of America "against all enemies foreign and domestic".

As such, because uniformed executive officers raised a sexually-biased and segregationist flag

against The American Flag, and then similarly desecrated and perverted *The American Uniform*, this further compelled Sangervasi to rightfully and dutifully speak out against the perverse anti-American actions of the police chief.

In accordance with the *Oath of Office*, Sangervasi criticized the Respondent's uniformed executive officers. (App. 87a – 126a).

Sangervasi spoke "as both an unconsenting American Citizen and as an affected American Police Officer, forever standing in both capacities as an American Patriot irreconcilably opposed to, and ready to defend against, the desecration of *The American Flag* and the perversion of *The American Uniform*". (App. 111a).

Sangervasi's speech was more than appropriate based on historical precedent that parallels the circumstances leading up to the American Civil War.

Sangervasi's speech was consistent with American History, and Sangervasi's speech was presumably preferable to subsequent direct action that would also be consistent with American History.

As such, Sangervasi's speech and actions in this case are protected by The Constitution and American History and Tradition. Thereby, the Sixth District's Opinion has defied text, history, and tradition that are controlling authorities in this case on urgent matters of national public interest and public concern.

2. Text, History, and Tradition have been defied

A.

The Sixth District has defied the plain text of The Constitution, as it is informed by American History and Tradition

i. Controlling Authority: The Constitution of The United States of America

This case is controlled by the plain text of The Constitution, as it is further informed by American History and Tradition.

Article VI, Clause II (*Supremacy Clause*), decrees that The Constitution of The United States of America is “the supreme Law of the Land; and the Judges in every State shall be bound thereby”. (U.S. Const., Art. VI, Cls. II).

Article VI, Clause III (*Oaths of Office*), dictates that “all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution”. (U.S. Const., Art. VI, Cls. III).

The First Amendment of The Constitution decrees that the government shall not perpetrate any act of “abridging the freedom of speech”. (U.S. Const., Amendment I).

The Fourteenth Amendment of The Constitution decrees that the government shall not “deny to any person within its jurisdiction the equal protection of the laws.” (U.S. Const., Amendment XIV).

In regard to history and tradition, never in American History has *The Uniform* of America's Police Officers ever been officially desecrated with visible bias, and the last time that uniformed executive officers in America raised a flag against our American Flag, it resulted in the American Civil War.

These Constitutional authorities, and American History, control this unprecedented case on matters of national public interest and public concern.

ii. The Plain Text of The Constitution

Under the plain text of The Constitution, Police Officers are uniformed executive officers within America, who are duty-bound by the *Oath of Office* to act in accordance with The Constitution. The San Jose Police Department's *Oath of Office* is in accordance with Article VI, and further instructs Police Officers to support and defend The Constitution "against all enemies, foreign and domestic".

iii. Conduct under Text, History, and Tradition

Police Officers are uniformed executive officers within America, who carry out and execute the equal protection of the laws for all people at all times. As such, an American police department shall not "deny to any person within its jurisdiction the equal protection of the laws." (U.S. Const., Am. XIV). This decree starts with the publicly visible presentation of the police in *The American Uniform*, as visibly

neutral and impartial arbiters of blind-justice and equal protection under the law for all people, at all times.

Any official governmental act that desecrates and perverts the sacrosanct neutral and impartial visual appearance of *The Uniform* of America's Police Officers with visible bias (like "Lesbian, Gay, Bisexual, Transgender, and Queer pride"), and thereby erases *The American Uniform* as a neutral and impartial visible symbol of blind-justice and equal protection under the law for all people in America, is presumptively unconstitutional on its face, and is an overt attack on American History and Tradition.

iv. The History and Traditions of America and *The American Uniform*

The Uniform of America's Police Officers is a neutral and impartial visible symbol of blind-justice and equal protection under the law for all people in America. Never in American History has *The Uniform* of America's Police Officers ever been officially desecrated with visible bias.

The Uniform standards and traditions of the San Jose Police Department have essentially been unchanged since the department's founding in 1849. (App. 87a). *The Uniform* standards and traditions of the San Jose Police Department predate the Fourteenth Amendment itself, which was ratified on July 9, 1868, and decreed that the government shall not "deny to any person within its jurisdiction the equal protection of the laws." (U.S. Const., Am. XIV).

The Constitution and this history and tradition, protect Sangervasi's actions in this case.

B. The Sixth District's Opinion is in direct violation of The Constitution and Article VI

i. Undermining the SJPd *Oath of Office*

There is no precedent on this matter, other than historical precedent that most closely parallels the circumstances preceding the American Civil War. As such, Sangervasi's speech and actions in this case are protected by The Constitution, and its *Oath of Office*, as they are further informed by American History and Tradition.

In regard to the actions of uniformed executive officers, there is no caselaw that the Respondent or the Sixth District can rely upon to censor Sangervasi's speech and criticisms that are in accordance with Sangervasi's *Oath of Office*. Sangervasi's criticisms of the Respondent were rightfully and dutifully in defense of The Constitution and The United States of America. As such, Sangervasi's speech and actions are entirely protected by The Constitution and its *Oath of Office*.

However, at oral argument, the Sixth District sought to undermine and limit the scope of Article VI, in direct violation of The Constitution.

First, the court asserted that Article VI itself did not have a specific oath listed, so there was nothing to instruct Sangervasi's actions. But Sangervasi explained to the court that there was nothing to limit Sangervasi under Article VI, so The Constitution protects Sangervasi's actions under the *Oath of Office* specific to SJPd.

Sangervasi explained that the *Oath of Office*

for the San Jose Police Department was in accordance with Article VI and was constitutionally-valid. Therefore, Sangervasi's SJPD *Oath of Office*, as further informed by American History and Tradition, was a controlling authority as decreed by the Supremacy Clause of The Constitution itself.

Despite this clear argument by Sangervasi, and further emphasis again in the petition for rehearing (App. 72a), the Sixth District disregarded this critical constitutional argument in a manner that would require that same court to then also assert that free speech can be censored on computers, or cellular phones, just because the First Amendment does not list these modern means of communication as "allowed" means of free speech.... free speech is unlimited in scope by the First Amendment's open-ended right to free speech itself. In that identical manner, Article VI does not limit the *Oath of Office*, so Sangervasi's speech and actions under the SJPD *Oath of Office* is also unlimited in scope. This was explicitly argued by Sangervasi, but this was ignored by the Sixth District, in violation of The Constitution. (App. 35a).

ii. Undermining the *Oath of Office* through semantics

Despite admitting that Sangervasi invoked the *Oath of Office*, the Sixth District says that Sangervasi did not assert that the Respondent broke the *Oath*, or violated Article VI (App. 12a), even though the Sixth District then also cites to caselaw requiring the whole record to be considered (App. 15a). Sangervasi asserted that the actions of the

Respondent's police chief, "has resulted in the San Jose Police Department violating the *Oath* to "well and faithfully discharge the duties" of providing equal protection under the law" (99a), and Sangervasi asserted that the chief was responsible for, "breaking the police officer *Oath of Office* and desecrating *The Constitution of The United States of America*". (App. 116a).

Sangervasi had invoked the Article VI *Oath of Office* to defend his actions that were in defense of America and The Constitution. Sangervasi also asserted that the Respondent violated Article VI.

The Sixth District's attempt to manufacture some semantic distinction to avoid the substance of the question is irrelevant because Sangervasi asserted the claim in both forms.

The Sixth District's disregard for Article VI and the *Oath of Office* violates The Constitution.

iii. *Cole v. Richardson*

Not content with Sangervasi's successful use and defense of the constitutional arguments in this case, the Sixth District tried to manufacture a negative comparison between Sangervasi's unprecedented case and *Cole v. Richardson* 405 U.S. 676 (1972). (App. 35a). The Sixth District doubted its own assertions by stating that Sangervasi's arguments appeared to conflict with *Cole*.

Cole involved an oath of office imposed on lay public employees, like a research sociologist at a hospital. Research sociologists are not named in The Constitution.

Sangervasi's case involves police officers, who

are executive officers that are explicitly named in Article VI, Clause III, of The United States Constitution. This Court's various oath cases acknowledge "that the Constitution itself prescribes comparable oaths in two articles", pertaining to the President in Article II, and executive officers in Article VI. (*Cole* at 676).

"The Court has further made clear that an oath need not parrot the exact language of the constitutional oaths to be constitutionally proper." (*Id.* at 682).

As shown in section i, above, Sangervasi explained to the Sixth District that the *Oath of Office* for the San Jose Police Department was in accordance with Article VI and was constitutionally-valid. Therefore, Sangervasi's *Oath of Office*, as further informed by American History and Tradition, was a controlling authority in this case as decreed by the Supremacy Clause of The Constitution itself.

The Sixth District, seemingly irritated with Sangervasi's successful Article VI claims, then finally asserts that Sangervasi did not explain or argue the claims, so the Sixth District could avoid the question altogether. "While Sangervasi repeatedly invokes the Oath Clause, he fails to offer any authority or argument in support of his contention that the Clause mandated and protected his actions". (App. 35a). The court rejected and disregarded Sangervasi's argument and considered it abandoned. This means that the court completely ignored the briefs and Sangervasi's physical attendance at oral argument, as explained so far.

At oral argument, Sangervasi clearly explained

again that Article VI required an *Oath of Office* for executive officers. Sangervasi took the *Oath of Office* that was specific to the San Jose Police Department. Accordingly, the SJPD *Oath of Office* was carried out as mandated by Article VI, and was therefore constitutionally-valid under Article VI.

The SJPD *Oath of Office* required Sangervasi to support and defend The Constitution of The United States of America “against all enemies, foreign and domestic”. Based on History and Tradition, the last time that uniformed executive officers in America raised a flag against our American Flag, it resulted in the American Civil War.

The police and military are unique, in that the use of force is presumed for the police and military who will be faced with defending America and The Constitution “against all enemies, foreign and domestic”.

Sangervasi explained to the court that this History and Tradition would be a controlling factor regarding Sangervasi’s response to the police chief’s anti-American and unconstitutional actions that would be expected from the enemies of America, if the court did not sustain that Sangervasi’s speech was initially sufficient to fulfill his *Oath of Office* in defense of The United States of America.

iv. Article VI is relevant across America

The issues in this case have not been resolved, and are now affecting police departments all across America. As such, all other uniformed executive officers in America who face this same issue are

obligated to take action in defense of America. As such, this Court must intervene now because this matter is still currently affecting the police who can shoot and kill you under color of law, so conflict between Americans and illegitimate police forces in America seems imminent.

v. A Divisive Nationwide Crisis is before this Court

The circumstances of Sangervasi's case have now metastasized and spread far beyond the San Jose Police Department, and are being copied by other police departments across the country, based on splintering political and social ideology.

Additionally, this matter is also being played out in states across America, wherein state legislatures have passed laws against municipal flag displays that include "Lesbian, Gay, Bi-sexual, Transgender, and Queer pride" flags, followed then by cities creating conflicting city ordinances to allow flying the flags, and then the legislature further making laws to again forcibly remove the flags.

States and their cities bickering over flag displays at city hall is one thing, but an armed police officer who can violate your personal freedoms and shoot and kill you under color of law, while displaying perverse sexual bias against you and desecrating and perverting *The American Uniform*, may lead to conflict that is consistent with American History and Tradition if not resolved now.

A nationwide conflict is now in motion on this issue, and this Court must intervene while it still can.

II. Freedom of Speech

A. The Opinion of the Sixth District violates The Constitution by allowing the governmental Respondent to selectively censor speech based on the content of the speech that criticized it

In blatant violation of The Constitution, and in blatant violation of essentially all speech precedents of this Court, the lower courts have allowed the Respondent to selectively censor and punish Sangervasi's speech, as evidenced by incomplete employment charges against Sangervasi.

This is a critical constitutional argument in this unprecedented case that must be sustained by this Court.

i. Not all of Sangervasi's speech was censored, so the Respondent allowed some speech and thus cannot argue employer control under any caselaw or constitutional scrutiny

The Respondent initiated a total of sixteen (16) employment charges against Sangervasi. Charges 3 – 13 pertained to Sangervasi's flag and patch designs that criticized the Respondent. But this only accounts for eleven (11) total employment violation charges for the flags and patches, instead of fifteen (15), to correspond to **all** of Sangervasi's flag and patch criticisms. (App. 124a – 126a).

Sangervasi presented six (6) flags and nine (9) patches to criticize the Respondent, totaling fifteen (15) visual aids as part of criticizing the Respondent.

However, the Respondent only initiated employment-related charges against Sangervasi for

five (5) flags and six (6) patches, totaling only eleven (11) employment-related charges for the flags and patches.

This point is critical to this case, because the Respondent asserted an incorrect and absolute claim of employer control over Sangervasi's absolute inability to speak and criticize the governmental Respondent at all, but then the Respondent allowed some of Sangervasi's speech and criticisms to stand.

In doing this, the Respondent has engaged in content-based censorship of criticisms of the government, while also saying that Sangervasi cannot speak at all to criticize the government, unless it is criticism that the Respondent approves of.

This implicates the First Amendment and strict scrutiny in this unprecedented case. This is blatantly unconstitutional and in violation of likely all speech precedents of this Court, yet the Sixth District did not analyze the question and avoided it altogether by calling it abandoned. (App. 34a).

ii. No Forum Analysis Required

Because of Sangervasi's *Oath of Office*, his speech that criticized the Respondent does not require any forum to host that speech. Sangervasi's criticisms of the Respondent do not require any forum analysis under this Court's speech precedents. Rather, this Court need only observe and sustain the blatant content-based censorship of Sangervasi's speech and criticisms that the Respondent subjectively decided that it did not want to hear or be exposed to.

But in subjectively initiating employment

violation charges against Sangervasi to punish only certain speech and criticisms, the Respondent has allowed Sangervasi's other speech, and this gave Sangervasi speech rights and now requires strict scrutiny by this Court.

This Court is not reviewing whether Sangervasi had a right to speak in some forum, this Court is simply reviewing impermissible censorship of speech by the actual government, based on content.

This Court must review the Respondent's unconstitutional attempts to censor and punish Sangervasi for only certain selected flag and patch designs that criticized the governmental Respondent.

This unconstitutional censorship acts to dictate which of Sangervasi's flag and patch designs are acceptable criticism of the government, as decided by the government itself, and prevents criticism of the Respondent on the actual subject matter in this case.

This censorship is seen in the fact that only some of Sangervasi's flag and patch designs correspond to employment charges for discipline.

iii. Incomplete Employment Violation Charges

This Court is primarily reviewing the fact that the Respondent unconstitutionally decided what free speech criticisms by Sangervasi are allowed during criticism of the government, in relation to the subjective, selective, and incomplete charges against Sangervasi that correspond to only certain flag and patch designs which were all one part of the same criticism of the government.

Sangervasi's whole speech and criticisms cannot be broken up into pieces. Either Sangervasi,

as an executive officer, had an absolute inability to speak and criticize the Respondent at all and then each and every single one of Sangervasi's flag and patch criticisms must equally warrant employment violation charges, or none at all. But since this did not happen, strict scrutiny must now be applied to this case of unconstitutional governmental censorship of only some of an officer's speech based on the content, which further opened up the right to speak freely in the capacity as an executive officer.

Sangervasi argued that the government was deciding which speech in Sangervasi's flags and patches was acceptable criticism of the government, thereby dictating the topic of criticism, and denying criticism on the very topic of this case. (App. 34a)

Because Sangervasi's "Hetero-Sexual Pride" patch was censored, the government is preventing Sangervasi from juxtaposing and directly criticizing the Respondent's "LGBTQ pride" patch that excluded hetero-sexuals from equal protection under the law at the hands of the police. But the Respondent allowed Sangervasi's other flag and patch criticism that was not specifically on the topic of sexual-orientation.

This speech violation was made explicitly clear to the Sixth District. The court's failure to address Sangervasi's actual argument requires this Court's review.

iv. No Government Employer Control

The Respondent is attempting to assert a government control argument in this case by saying on one hand that there was an absolute inability for

Sangervasi to speak or to criticize the Respondent at all while Sangervasi was acting in his official capacity as an executive officer in the government. But then on the other hand the Respondent is actually allowing Sangervasi to criticize the government and is allowing some of Sangervasi's flag and patch criticisms to stand based on the topic, thereby giving Sangervasi the right and ability to speak and to criticize, and thereby requiring this Court to employ strict scrutiny of the Respondent's censorship of criticisms on the very subject matter of this case, which is on competing sexual-orientations.

v. The Sixth District Avoided the Questions

Despite acknowledging the detailed arguments that Sangervasi made in this unprecedented case, the Sixth District defaulted back to its attempt to avoid the questions altogether by claiming that Sangervasi did not actually make any arguments about the matter, so it was abandoned. (App. 34a). The court's Opinion ignores the briefs and oral arguments in this case wherein Sangervasi made very detailed and complete arguments on the matter.

The actions of the Sixth District require intervention by this Court.

vi. The Sixth District's Opinion is in violation of *Garcetti v. Ceballos*

The Sixth District makes it a point in its whole Opinion to assert that Sangervasi had an absolute inability to speak at all as a government officer. Despite the briefs and oral argument in this case, the Sixth District went out of its way to manufacture a

false parallel to *Garcetti v. Ceballos*, 547 U.S. 410 (2006), to conclude that Sangervasi spoke as a government employee.

But this then creates an irreconcilable problem for the Sixth District that Sangervasi pointed out again when he petitioned for rehearing.... the court would then be validating Sangervasi's speech to criticize the Respondent under Sangervasi's Article VI claim. The court would be forced to acknowledge, and then rule accordingly, that Sangervasi's speech that criticized the Respondent's chief in accordance with Article VI (*Oaths of Office*), was in fact the required speech and daily job activity of Sangervasi in his capacity as a sworn executive officer, thereby validating the argument that Sangervasi made. But the court contradicts itself by rejecting the Article VI arguments later in its own Opinion. (App. 35a).

At oral argument, Sangervasi explicitly reminded the court that a primary finding in *Garcetti* was that the unprotected speech in *Garcetti* pertained to daily job tasks.

Despite Sangervasi explicitly pointing this out to the court, the Opinion dissects how far and broad a job description could be stretched so that the Opinion can try to compare the daily update memos in *Garcetti* to Sangervasi's speech that directly confronted the perverted and anti-American attack on America's Police Officers, by the Respondent.

In this act, the Sixth District knowingly and directly defies the precedents that were set in *Garcetti*, wherein this Court stated, "We reject" "the suggestion that employers can restrict employees' rights by creating excessively broad job

descriptions.” (*Garcetti* at 424).

After continuing to forcibly manufacture a parallel with *Garcetti* and undermining the value of the matters of public concern in Sangervasi's case, the Sixth District again claims that Sangervasi's speech and memorandum were “indistinguishable” from the circumstances in *Garcetti*. The court contradictorily admits on one hand that Sangervasi was not engaged in a daily job task like in *Garcetti*, but then on the other hand the court said that Sangervasi's *Oaths of Office* argument was now a valid daily job task activity of a sworn executive officer, which then makes Sangervasi's Article VI speech that of a public employee performing his duty.

The Sixth District is affirming the validity of Sangervasi's Article VI argument, while then also later rejecting it and ruling against it in the same Opinion. This irreconcilable contradiction requires this Court's intervention.

vii. Sangervasi as both an Officer and Citizen

Sangervasi spoke “as both an unconsenting American Citizen and as an affected American Police Officer, forever standing in both capacities as an American Patriot irreconcilably opposed to, and ready to defend against, the desecration of *The American Flag* and the perversion of *The American Uniform*”. (App. 111a).

The Sixth District acknowledges the unique circumstances of Sangervasi's case and that Sangervasi's speech in a dual capacity has never been evaluated. (App. 27a). But the Sixth District again hides from the question by stating that Sangervasi

made no argument on the matter and therefore the court can avoid it. But this is wrong, as shown so far.

Sangervasi argued to the court, and explicitly reiterated at oral argument, that Sangervasi had the absolute right to free speech criticism of the government in his capacity as an American Citizen to criticize the actions of the governmental Respondent. This right is protected by the First Amendment.

Sangervasi also argued that his *Oath of Office* in his capacity as a sworn executive officer further protected his speech that criticized the government in accordance with the *Oath of Office*. The First Amendment thus further protected the content of Sangervasi's speech, and Article VI further protected Sangervasi's speech in his capacity as a sworn executive officer, to criticize government officers.

This has been Sangervasi's reasoned argument throughout this unprecedented case. The court stating that Sangervasi provided no arguments on this matter is simply the court avoiding the question.

Although all of the employment charges against Sangervasi are invalid, the content of Sangervasi's speech is protected under the First Amendment and nullifies selective employment Charges 3 – 13, and Sangervasi's ability and duty to speak is further protected under Article VI through Sangervasi's *Oath of Office* which further nullifies employment Charges 14 – 16.

Whether by this Court or through potential conflict, the constitutional questions in this case will be resolved and will affect all Americans and all Police Officers across the country. The dire circumstances of this case require this Court to act,

because this matter has not been, but must be, settled by this Court.

III. Employment Discrimination and Retaliation

The trial court accepted Sangervasi's employment discrimination and retaliation claims (App. 53a), but the court misunderstood the claims and looked at the matter in terms of a free speech issue and did not address the actual claims of workplace discrimination and retaliation based on competing protected characteristics, which was what was asserted by Sangervasi. The Sixth District then further ignored Sangervasi's claims by saying that they were not raised (App. 37a), despite the trial court taking the claims that were ignored by the Respondent's Civil Service Commission. The Sixth District has denied Sangervasi relief on these claims.

i. Competing Protected Characteristics

Throughout the case, Sangervasi has asserted that the Respondent has favored only "Lesbian, Gay, Bi-sexual, Transgender, and Queer" employees, and only they are allowed to express support and pride in their sexual-orientation with others in the workplace, and that "hetero-sexual" employees are not allowed to express support and pride in their sexual-orientation with others in the workplace. This is evident in the Respondent's rejection of anything and everything "hetero-sexual" in this case. (App. 36a).

In doing this, the Respondent is engaging in unlawful employment discrimination based on actual, or perceived, competing protected characteristics in

violation of state and federal law.

42 U.S.C. § 2000e – 2 makes it unlawful to “discharge any individual, or otherwise to discriminate against any individual with respect to his” “terms, conditions, or privileges of employment” or to otherwise adversely affect employment status based on protected characteristics. (App. 81a)

California Government Code § 12940 makes it unlawful to “discriminate against” a person “in terms, conditions, or privileges of employment” based on protected characteristics. (App. 84a).

In Sangervasi's argument, the repeated claim is that the Respondent allowed employees who identify as “Lesbian, Gay, Bi-sexual, Transgender, and Queer” to celebrate themselves and each other in the workplace. However, the Respondent rejected and denied Sangervasi's ability to do the same in regard to “Hetero-Sexual Pride”, and the other protected characteristics that are implicated in employment Charges 3 – 13.

Furthermore, the Respondent's actions demonstrate that “Lesbian, Gay, Bi-sexual, Transgender, and Queer pride” is acceptable in the workplace, but Sangervasi's “Hetero-sexual Pride” is not acceptable. This is employment discrimination in and of itself, based on actual or perceived, competing protected characteristics and further denies identical privileges of employment.

The lower courts and the Respondent seem to misunderstand this claim as being dependent upon Sangervasi having a forum within which to host his

speech or his ability to engage in interpersonal activities with other employees. This is incorrect. The mere fact that the Respondent rejected Sangervasi's disfavored, competing protected characteristics was discriminatory in and of itself.

For consideration, if the court had incorrectly, but narrowly only looked at the issue of "sexual-orientation" without consideration of any other competing protected characteristics, then it is still evident that the Respondent has clearly favored "Lesbian, Gay, Bi-sexual, Transgender, and Queer pride" in the workplace and has engaged in biased and discriminatory exclusion of "Hetero-Sexual Pride" in the workplace, as demonstrated by Sangervasi. (App. 124a – 126a).

Sangervasi rightfully and properly asserted these claims of employment discrimination. The Respondent's discrimination against anything and everything "hetero-sexual" as presented by Sangervasi sustains these employment discrimination claims which were properly asserted and accepted by the trial court. Thereby, the Sixth District's assertion that the claims were not properly raised is depriving Sangervasi of relief, which must be addressed by this Court.

ii. Retaliation

On June 7, 2021, after being on leave for over half a year, an internal affairs investigation was initiated against Sangervasi. (App. 42a). The internal affairs actions that resulted in the termination of Sangervasi's employment all began on consecutive days in the month of June, which the

Respondent had declared as “Lesbian, Gay, Bi-sexual, Transgender, and Queer pride” month. (App. 3a).

The internal affairs actions then coincided on consecutive days with the Respondent's “LGBTQ pride” emails to the department about the planned raising of an “LGBTQ pride” flag over police headquarters the next day. (App. 38a). The timing of these actions was a targeted and discriminatory retaliation against Sangervasi based on his actual or perceived sexual-orientation, at a minimum. The timing of this retaliation against Sangervasi was a symbolic favor to appease and avenge those who identify as “Lesbian, Gay, Bi-sexual, Transgender, and Queer”.

This retaliation is in further violation of federal and state employment laws. Under 42 U.S.C. § 2000e – 3 (a), it is unlawful to discriminate against any employee because he has opposed any practice that violates the law. (App. 82a).

Under California Government Code § 12940(h), it is unlawful to “discriminate against any person because the person has opposed any practices forbidden under” the law. (App. 84a). Under California Labor Code § 1102.5(b), an employer “shall not retaliate against an employee” for complaining about unlawful employment practices. (App. 85a).

iii. The Sixth District has avoided the question

The court's Opinion misstates that Sangervasi's employment discrimination and retaliation claims were not before the court. This is incorrect, because the claims were presented to and accepted by the trial court when Sangervasi asked

the trial court to resolve the claims that were improperly disregarded by the Respondent's Civil Service Commission.

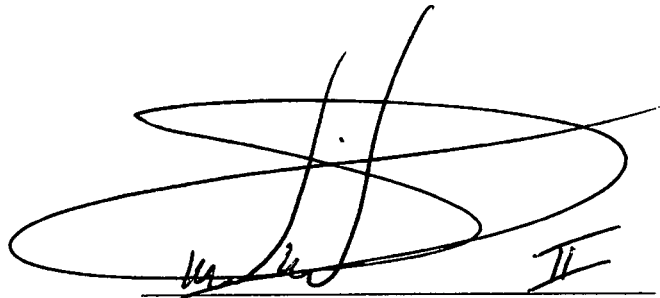
Sangervasi's claims were presented to the trial court which ruled on them, and therefore the claims were also before the Sixth District. The actions of the Sixth District require intervention by this Court.

CONCLUSION

At stake in this case is avoiding imminent conflict between Americans and the police. This Court must either affirm that the *Oath of Office* further protects speech in the context of this extraordinary case, or else executive officers now facing the same circumstances will only be able to rely on American History and Tradition to inform their actions that are in defense of America.

As such, the petition should be granted.

Respectfully submitted,



WILLIAM GERARD SANGERVASI II

Pro Se Petitioner
 221 Main St, # 181
 Los Altos, CA 94023
 SJP4230@gmail.com

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