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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

STATE OF TEXAS,)	Case No.: 4:23-cv-00066-Y
)	
STATE OF OKLAHOMA,)	MOTION TO INTERVENE
)	Rule 24, Fed. R. Civ. P.;
v.)	Tenth Amendment
)	
U.S. DEPARTMENT OF HEALTH AND)	
HUMAN SERVICES,)	PROPOSED CLASS ACTION
)	
XAVIER BECERRA, <i>In His Official</i>)	
<i>Capacity As Secretary of Health and</i>)	
<i>Human Services,</i>)	
)	
MARVIN FIGUEROA, <i>In His Official</i>)	
<i>Capacity As Director of</i>)	
<i>Intergovernmental and External Affairs of</i>)	
<i>the Department of Health and Human</i>)	
<i>Services,</i>)	
)	
Defendants.))	
)	
EMANUEL MCCRAY, <i>On Behalf of</i>)	
<i>Himself and All Others Similarly Situated,</i>)	
)	
Intervenors-Plaintiffs.))	

1 Emanuel McCray (“McCray”), Proposed Intervenor, respectfully moves to
2 intervene in this action on behalf of himself and all other citizens of the United
3 States similarly situated, as a class, pursuant to Rule 24 of the Federal Rules of Civil
4 Procedure (Fed. R. Civ. P.), the Declaration of Independence, our sovereign power
5 reserved to the People in the Tenth Amendment, and our power as a group acting as
6 a class pursuant to *Bond v. United States*, 572 U.S. 844, 853 (2014),¹ and *Califano*
7 *v. Yamasaki*, 442 U.S. 682, 700, (1979).²

10 This Motion is supported by the attached Memorandum of Law. A Proposed
11 Complaint as the pleading required under Rule 24 accompanies this Motion To
12 Intervene.
13

14 The following grounds for intervention are claimed:

16 1) **Founding Documents**: The Declaration of Independence of 1776, the
17 U.S. Constitution and the Enabling Act for each State of the United States do not
18 grant Congress, the Federal and State Governments and this Honorable Court power
19 or authority to sustain the international law the Defendants have set forth in 42
20 C.F.R. § 70.1. In the alternative, any such Federal or State rules, statutes, science of
21 law (jurisprudence) or regulation that gives power to the World Health Organization
22
23

25 ¹ Holding that: “‘An individual may ‘assert injury from governmental action taken in excess of the authority
26 that federalism defines.’”

27 ² Holding that “class relief is appropriate in civil actions brought in federal court, including those seeking to
28 overturn determinations of the departments of the Executive Branch of the Government in cases where judicial review
of such determinations is authorized.... Indeed, a wide variety of federal jurisdictional provisions speak in terms of
individual plaintiffs, but class relief has never been thought to be unavailable under them.”

1 (WHO), is contrary to the original intent of our Nation's founding documents and
2 are unconstitutional.

3
4 2) **Self-Preservation and Self-Governance:** The supreme and
5 inalienable interests of the People of the United States to self-preservation and self-
6 governance overrides 42 C.F.R. § 70.1 and its international law implications first
7 explained by U.S. Supreme Court Justice John Marshall in *Johnson v. M'Intosh*, 21
8 U.S. (7 Wheat.) 543 (1823) ("On the discovery of this immense continent, the great
9 nations of Europe were eager to appropriate to themselves so much of it as they
10 could respectively acquire." *Id.* 21 U.S. at 572. The unauthorized delegation to the
11 WHO contained in 42 C.F.R. § 70.1 presents a clear and present danger to the
12 public health, safety and property of the People of the United States.
13
14

15
16 3) **Basic Human Rights:** Basic human rights (BHRs) are guaranteed to
17 the People of the United States. Since the Declaration of Independence of 1776,
18 these BHRs have been under vicious assault by individuals loyal to globalists,
19 internationalists and other believers in a "one-world" order. The instant case is a
20 perfect example. Here, 42 C.F.R. § 70.1 attempts to deny to the People of the
21 United States their basic human rights.
22
23

24 4) **Tenth Amendment Collective Intervention:** The Supreme Court
25 in *United States v. Sprague*, 282 U.S. 716, 733 (1931) found the Tenth Amendment
26 was intended to confirm the understanding of the people at the time the Constitution
27
28

1 was adopted, that powers not granted to the United States were reserved to the
2 States or to the people, i.e., where we go one we go all. “It added nothing to the
3 instrument as originally ratified....” In this sense, the Amendment is declaratory
4 that all is retained which has not been surrendered. *New York v. United States*, 505
5 U.S. 144, 156 (1992) (quoting *United States v. Darby*, 312 U.S. 100, 124 (1941)).
6
7 Justice Joseph Story characterized the Amendment as a mere affirmation of a
8 necessary rule of interpreting the Constitution:
9

10 “Being an instrument of limited and enumerated powers, it follows
11 irresistibly, that what is not conferred, is withheld, and belongs to the
12 state authorities, if invested by their constitutions of government
13 respectively in them; and if not so in vested, it is retained BY THE
14 PEOPLE, as a part of their residuary sovereignty;”³ and

15 5) **Plaintiff’s Allegations Sound in Fraud**: The complaint’s main
16 allegations expose the fraudulent behavior of the Defendants and their attempt to
17 convey power to the WHO in violation of both U.S. and international law.

18 6) **International “Infiltration” Conspiracy**: 42 C.F.R. § 70.1 creates a
19 framework which allows international criminals and their conspiracy to bypass the
20 international law allowed by the U.S. Constitution and the statutes enacted by
21 Congress. In or about October 2017, President Trump established a “back channel”
22 communications link for the public known as “Q”.⁴ At least of 54 “Q” posts
23 summarize the association of illegal immigration and “[i]nfiltration [rogue] at the
24
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27 ³ Joseph Story, *Commentaries on the Constitution of the United States* § 1900 (1833).

28 ⁴ Available from <https://qanon.pub/>. [Last visited on December 25, 2022].

1 highest levels of our gov, media, corps, etc.”: (Immigration)⁵—85, 100, 121, 874,
2 988, 1570, 1603, 1652, 2037, 2392, 2646, 2683, 2689, 2754, 2854, 3016, 3049,
3 3071, 3748, 3750, 3778 and 4545); (Infiltration)⁶—57, 58, 779, 1510, 1751, 1796,
4 1813, 1960, 2651, 2682, 2984, 3124, 3588, 3634, 3903, 3911, 3931, 3997, 4235,
5 4284, 4373, 4416, 4424, 4543, 4583, 4612, 4620, 4627, 4645, 4649, 4699 and
6 4750).
7
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9 Intervention is warranted as of right or permission because Intervenor
10 McCray was born in the United States and the proposed class members were either
11 born or naturalized in the United States, and 42 C.F.R. § 70.1 substantially
12 interferes with and denies to all of the People of the United States their basic
13 constitutional rights.
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27 ⁵ Available fom <https://qanon.pub/?q=immigr>. [Last visited on December 25, 2022].

28 ⁶ Available from <https://qanon.pub/?q=infiltration>. [Last visited on December 25, 2022].

1 **MEMORANDUM OF LAW IN SUPPORT OF MOTION TO INTERVENE**

2 **I. Legal Standard.**

3
4 The proposed Intervenor-Plaintiffs seek intervention (i) as of right or (ii)
5 permissively to challenge the constitutional jurisdiction being exercised by the
6 Defendants who are engaged in the intentional violation of the sovereignty of the
7 United States and the individual sovereignty of the People of the United States.
8

9 Rule 24, Fed. R. Civ. P., “is to be construed liberally,” with “doubts resolved
10 in favor of the proposed intervenor.” *In re Lease Oil Antitrust Litig.*, 570 F.3d 244,
11 248 (5th Cir. 2009).
12

13 “[I]ntervention of right must be measured by a practical rather than technical
14 yardstick” and “should generally be allowed where no one would be hurt and
15 greater justice could be attained.” *Ross v. Marshall*, 426 F.3d 745, 753 (5th Cir.
16 2005) (citations and internal quotation marks omitted).
17

18 **II. Article III Standing To Intervene.**

19
20 To have standing to sue as a class representative it is essential that a party
21 must be a part of that class, that is, he must possess the same interest and suffer the
22 same injury shared by all members of the class he represents. To state differently,
23 proposed Intervenor’s interest must be “undifferentiated” from that of all other
24 residents of Texas and Oklahoma. *Schlesinger v. Reservists to Stop the War*, 418
25 U.S. 208, 216 (1974). See also *Town of Chester v. Laroe Estates, Inc.*, 137 S. Ct.
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1 1645, 1650 (2017) (“Article III of the Constitution limits the exercise of the judicial
2 power to ‘Cases’ and ‘Controversies.’” (Citation omitted).
3

4 The concrete injury here asserted has been alleged in Plaintiff’s Complaint.
5 For example, Plaintiff alleges in paragraphs 2, 21, 24, 51-53, and 68-73 of its
6 Complaint that 42 C.F.R. § 70.1 is an unconstitutional delegation of power to the
7 WHO which interferes with the “health and well-being of their residents”. Stated as
8 such, it follows that 42 C.F.R. § 70.1 endangers the health and well-being of all
9 citizens of the United States.
10

11 **III. Timeliness.** This Motion to Intervene is timely. The complaint was filed on
12 January 18, 2023. As of the date of this Motion, February 5, 2023, the Defendants
13 have not filed any papers with the Court in response to the Complaint or in response
14 to the Summons served upon them. The Proposed Intervenors-Plaintiffs satisfy the
15 timeliness requirement. See *NAACP v. New York*, 413 U.S. 345, 366, (1973)
16 (Timeliness determinations under Rule 24 are vested in the sound discretion of the
17 district court.)
18

19 **IV. Significantly Protectable Interests.**
20

21 “An applicant has a significant protectable interest in an action if (1) it asserts
22 an interest that is protected under some law, and (2) there is a relationship between
23 its legally protected interest and the plaintiff’s claims.” *Cal. rel. Lockyer v. United*
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1 *States*, 450 F.3d 436, 441 (9th Cir. 2006) (quoting *Donnelly v. Glickman*, 159 F.3d
2 405, 409 (9th Cir.1998)) (internal quotation marks omitted).

3
4 Proposed Intervenors seek to protect significant “protectable interests”
5 secured by the 1776 Declaration of Independence; the Treaty of Paris, Gr. Brit.-
6 U.S., September 3, 1783, 8 Stat. 80; the U.S Constitution and the Tenth
7 Amendment; the Enabling Act agreed to by each State; and the civil and criminal
8 laws enacted to protect the rights of each proposed Intervenor.

9
10 The Plaintiffs allegations are such that 42 C.F.R. § 70.1 affects every citizen
11 of the United States and the Due Process Clauses of the 5th and 14th Amendments.
12 Thus, intervention is necessary where 42 C.F.R. § 70.1 threatens to completely
13 eradicate the “principle of party presentation so basic to our system of
14 adjudication”, *Arizona v. California*, 530 U.S. 392, 413 (2000), *United States v.*
15 *Sineneng-Smith*, 140 S. Ct. 1575,1579 (2020), *Greenlaw v. United States*, 554 U.S.
16 237, 243-244 (2008).

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18
19 Any judgment of this Court, particularly one in favor of the Defendants, will
20 have serious import for American foreign relations, the People of the United States,
21 and the national security of both, as evidenced from the powers reserved to the
22 proposed Intervenors under the Tenth Amendment and Articles I, V and VII of the
23 Treaty of Paris, Gr. Brit.-U.S., September 3, 1783, 8 Stat. 80.
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1 **V. Intervenor’s Interests Not Adequately Represented by Existing Parties.**

2 The proposed Intervenor, as a class, cannot be adequately represented by the
3 parties and their legal Counsel. Indeed, the Supreme Court in *Trbovich v. Mine*
4 *Workers*, 404 U.S. 528 (1972) held that a union member’s interest was not
5 adequately represented by the Secretary because the Secretary had a “duty to serve
6 two distinct interests, which are related, but not identical.” *Id.* 404 U.S. at 538. The
7 Supreme Court further held that:
8
9

10 “Even if the Secretary is performing his duties, broadly conceived, as
11 well as can be expected, the union member may have a valid complaint
12 about the performance of “his lawyer.” Such a complaint, filed by the
13 member who initiated the entire enforcement proceeding, should be
14 regarded as sufficient to warrant relief in the form of intervention under
15 Rule 24(a)(2).” *Id.* 404 U.S. at 539.

16 The “ultimate objective” in throwing off the bonds and allegiances of Europe
17 and Mexico upon the Colonies was “to be free sovereign and independent states”.

18 The U.S. Constitution and the laws enacted by Congress provide no authority
19 for the Defendants to place federal law in the hands of the WHO.

20 The U.S. Constitution and the laws enacted by Congress similarly provide the
21 Court with no judicial authority to sustain 42 C.F.R. § 70.1 grant of authority to the
22 WHO. Granting such authority to the Defendants would arguably violate the
23 “political question doctrine”, which prevents courts from deciding issues assigned
24 to the Executive or Legislative branches of the U.S. government, even where other
25 justiciability requirements, such as standing, ripeness, and mootness, would
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1 otherwise be met. *Baker v. Carr*, 369 U.S. 186, 198-99 (1962) (discussing
2 difference between jurisdiction and appropriateness of the subject matter for judicial
3 consideration, known as justiciability); *DaimlerChrysler Corp. v. Cuno*, 547 U.S.
4 332, 352 (2005) (The doctrines of mootness, ripeness, and political question all
5 originate in Article III’s ‘case’ or ‘controversy’ language, no less than standing
6 does.). See also *Schlesinger v. Reservists Comm. to Stop the War*, 418 U.S. 208, 215
7 (1974) ([T]he presence of a political question suffices to prevent the power of the
8 federal judiciary from being invoked by the complaining party.).
9
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11
12 **VI. Permissive Intervention.**

13 The proposed Intervenors also satisfy the requirements for permissive
14 intervention, which is governed by the provisions of Fed. R. Civ. P. Rule 24(b).
15

16 Proposed Intervenors can assert both factual and legal questions directly
17 related to the main action. We seek to protect our “health and well-being” and our
18 individual sovereignty and intervention will significantly contribute to the just and
19 equitable adjudication of the legal questions presented.
20

21 **VII. CONCLUSION.**

22 For the reasons set forth above, the proposed Intervenors-Plaintiffs
23 respectfully request that the Court grant their motion to intervene as of right, or, in
24 the alternative, allow the Proposed Intervenors-Plaintiffs to intervene permissively.
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26 Respectfully submitted this 5th day of February 2023.
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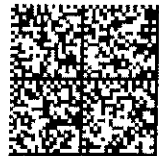
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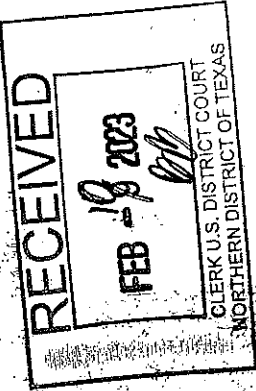
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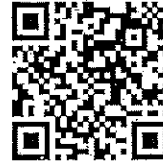


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