

MOTION TO INTERVENE

Pursuant to Federal Rule of Civil Procedure 24(a), plaintiff-intervenor-applicant Leonid Goldstein (the Applicant) respectfully moves this Court for leave to intervene as of right in the above-titled action. Alternatively, the Applicant moves for permissive intervention pursuant to Federal Rule of Civil Procedure 24(b).

I. APPLICANT

The Applicant is a permanent resident of the United States of America, a resident of Texas, and a citizen of Israel. He has a Master of Science degree in Mathematics, more than 20 years of experience in computer/software engineering, multiple patents, and multiple publications in peer-reviewed literature on renewable energy. The Applicant has performed peer reviews for scientific journals in the field of renewable energy. The Applicant has been studying the history of the “carbon dioxide - climate change - global warming” politics and of climate alarmism, and is able to testify expertly on these subjects.

II. APPLICANT SATISFIES RULE 24(a) AND SHOULD BE GRANTED INTERVENTION AS OF RIGHT

Under Rule 24(a), anyone has the right to intervene if he (a) applies in a timely manner, (b) claims an interest relating to the subject of the case which would be impaired or impeded by its disposition, and (c) his interests aren't adequately represented by the existing parties.

A. This Motion to Intervene is Timely.

Three criteria determine the timeliness of a motion to intervene: (1) the stage of the proceedings; (2) the reason for delay, if any, in moving to intervene; and (3) prejudice to the parties. The court may also permit intervention at any stage in the proceeding, including post-judgment.

The present case is in its early stage. No substantive decisions have been made and there was no undue delay in filing this motion. Even if there were a delay, the reason for it was illegal actions by the Defendant, Massachusetts AG Healey. Massachusetts AG Healey, together with US Attorney General Loretta Lynch, New York AG Eric Schneiderman, California AG Kamala Harris, and putative AG of the Virgin Islands Claude Walker, made threats under color of law and filed a large number of subpoenas against political associations, press organizations, and think tanks that opposed the Democratic Party or advocated stronger defense policies. AG Healey is a member of the Democratic Party and was elected to her position as a candidate from the Democratic Party. These threats and subpoenas were issued in relation to or under pretext of the climate change agenda. There are only a few attorneys familiar with the subject, and they have been tied up by the actions of the aforementioned officials. Thus, the Applicant has been denied access to legal representation, causing possible delay and forcing the Applicant to appear *pro se*.

This motion to intervene is not prejudicial to any party. The Applicant has not conferred with any party in the action to avoid potential accusations of collusion.

B. Applicant has an interest in the case.

The Applicant has an interest in this case. Further, his interest is shared by three hundred million Americans. More precisely, the Applicant and three hundred million Americans are **the real parties** in this case. The illegal actions by AG Healey are directed against the Applicant and all other citizens and residents of the USA. Of course, the Applicant is not authorized to speak on behalf of anybody else.

The current case was started by a complaint, filed by ExxonMobil, requesting an injunction barring enforcement of a civil investigative demand (“CID”) sent by AG Healey to ExxonMobil, and a declaration that the CID violated ExxonMobil’s rights under state and federal law. The CID is a part of a broader investigation by AG Healey, which itself is a part of a broader investigation by an association-in-fact of Democrat Party officials and prompted by special interests, foreign and domestic.

- 1) The phony “investigation” by AG Healey and her accomplices is directed against the free speech of the Applicant. AG Healey attacks ExxonMobil because she believes or pretends to believe that ExxonMobil supports, employs, or does business with climate realists – individuals and organizations that disagree with climate alarmism. Climate alarmism and its relative, the global governance agenda, are the core beliefs of the Democratic Party (and possibly its only true beliefs). In fact, ExxonMobil did not speak against climate alarmism in the last 10 years.

AG Healey attempts to deny the Applicant his First Amendment free speech rights in a relatively novel way. She does not tell him, “You are forbidden to disagree with the core beliefs of the Democratic Party.” Instead, she tells his potential employers and supporters, “You are forbidden to employ or support the Applicant, if he disagrees with the core beliefs of the Democratic Party.” Nevertheless, the intent and the effect are the same – denial of the Applicant’s free speech rights.

If AG Healey had acted alone, ExxonMobil were her only target/tool, and this “investigation” were just a brief episode, it would still be a violation of the First Amendment. But AG Healey has been acting in collusion with multiple other Attorneys General, the Securities and Exchange Commission, other government agencies, and foreign powers. Further, AG Healey and her accomplices declared their intention to target any private business that employs or supports the Applicant and other dissenters to her Party line. The Applicant asks the Court to take judicial notice of the fact that institutions depending on the government, including academic and scientific establishments, toe the Democratic Party line pretty closely. To be fair, they do not always agree with the Party. Sometimes, they criticize it for not going after its opponents hard enough. Democratic officials have been practicing this pattern of speech suppression by proxy for at least six years.

- 2) AG Healey and her accomplices are attempting to establish their climate alarmist beliefs as the state religion. The CID refers to a certain text, authored by the notorious Intergovernmental Panel on Climate Change (IPCC), as if it were some kind of authority. The

IPCC is a foreign (international) political entity under the United Nations. It is not a scientific authority. It is not a legal authority. In the CID, AG Healey makes the claim that IPCC “climate models” describe the Earth, including the “dynamics and interactions” of its “atmosphere, hydrosphere, cryosphere, land surface, and biosphere.” This is sheer nonsense, and a bizarre belief of the climate cult.¹ These models do not describe the Earth, and cannot predict the future. These “climate models” are electrochemically etched stone chips, electromagnetically inscribed with programs. AG Healey is free to worship these stones, accept words and numbers that come out of them as prophecies or proclamations, and imagine that she “believes in science,” but she has no right to use the power of her office to force anybody else, including the Applicant, to do the same, even by proxy. AG Healey thereby violates both the freedom of speech and the freedom of religion clauses of the First Amendment.

The Applicant does not suggest that AG Healey or her accomplices are stupid. They are just accustomed to be on the other side from the sciences and the scientists. Scientists are the people whom they usually investigate and sue. Technically, they sue organizations that employ scientists – pharmaceutical, chemical, energy, aerospace, and similar companies. This case, in which ExxonMobil is “investigated” for having done science in public interests, is just extreme in this respect.

- 3) AG Healey has violated the rights of the Applicant under Article I Section 1 of the Constitution: *All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.*

AG Healey has attempted to subject the Applicant to the powers of various international organizations, United Nations agencies, and other foreign entities. She initiated this “investigation” and sent the CID in an attempt to enforce the decisions of foreign political parties, UN agencies, and other agencies in the territory of the US in general, and in Texas in particular. She also attempted to enforce international treaties, not ratified by the Senate.

¹ As explained in the attached Affidavit.

- 4) AG Healey has also violated the rights of the Applicant under Article II Section 1 of the Constitution: *All executive Power shall be vested in a President of the United States of America*. AG Healey arrogated to herself executive powers, and attempted to prosecute Texas citizens under the excuse that she “believed” that some Texas corporation “might have violated” some Massachusetts law.
- 5) AG Healey has infringed on the Applicant’s privilege to live in a sovereign Republic, where members of Congress and the President are freely elected by American citizens, and American citizens only. In particular, AG Healey launched her prosecution in an election year, targeted exclusively opposition to her party, included practically all prominent opposition organizations in this prosecution, and did all of that in collusion with foreign political parties and other foreign entities which dispute and threaten American sovereignty. ExxonMobil was just a pretext to prosecute political opposition.

Even worse, AG Healey and her accomplices launched this investigation as part of an unthinkable *quid pro quo* deal with certain hostile foreign governments, foreign political parties, and other foreign entities. The essence of the deal was that the foreign entities illegally aid the Democratic Party to win the elections. In return, the Democratic Party would make the United States bow to the “climate change” agenda, to surrender American sovereignty to the foreign overlords (which might include the United Nations or a group of the UN agencies, “global governance”, “global civil society”, “global environmental governance”, or a combination of them), and to pay them hundreds of billions of dollars in “reparations”. The Internet allows foreign entities to easily influence American public opinion and the elections.

- 6) The actions by AG Healey devalue the Applicant’s life, in violation of the Fifth Amendment. Climate alarmism, advanced by AG Healey and her accomplices, calls human breath “pollution,” since breathing releases carbon dioxide. Human breath in general and the Applicant’s breath in particular are not pollution. AG Healey must be enjoined from taking any action based on the belief that carbon dioxide is pollution.

The actions by AG Healey also imperil the Applicant's life because they are aimed at shutting down industries that extract, process, and/or use fossil fuels all over the United States. The strategy to "shake down, then shut down" energy industries through abusive litigation² was apparently developed at a "workshop" with participation of some of the parties behind the investigation by AG Healey. The workshop was held in 2012. Almost all transportation and more than 70% of electrical generation in the United States runs on fossil fuels. Without them our cities would turn into death traps for hundreds of millions of Americans within days.

The Applicant asks the Court to take judicial notice of the fact that New York Eric Schneiderman has already performed a small scale experiment toward this goal. In 2012 he created artificial fuel shortage in New York in the wake of hurricane Sandy, despite uninterrupted access to fuel reserves outside of New York.³ He achieved that by simply issuing a threat to suppliers of the fuel and other necessary goods.⁴

C. The Applicant's interest is not adequately represented by either Party.

Obviously, the Applicant is not represented by the Defendant, AG Healey. The Applicant is also not represented by the Plaintiff, ExxonMobil:

- a) The Applicant is not related or associated with the Plaintiff in any way.
- b) The Plaintiff is a very large public corporation. Its management owes fiduciary duty to its shareholders (who probably collectively represent a majority of the country's population) and to its numerous employees. The Plaintiff is heavily regulated and policed by multiple government agencies. AG Healey and her accomplices in the federal government and certain state governments have many power levers to coerce the Plaintiff into almost any agreement or policy that they might think of. Any such agreement would be *de-facto* binding on Applicant, and a *de-facto* precedent for further

² "this participant also emphasized the advantage of asking courts to do things they are already comfortable doing, noting that 'Even if your ultimate goal might be to shut down a company, you still might be wise to start out by asking for compensation...'" From *Summary of the Workshop on Climate Accountability, Public Opinion, and Legal Strategies* (Doc. 1-4, Ex. N, App. 127)

³ See attached Ex. E2

⁴ See attached Ex. E1

abuses. The *amicus brief* in support of her unsupportable actions by a number of respected AGs affiliated with her party is a cue. A recently announced SEC investigation is another one. AG Healey's party comrades used these power levers in the past, continue using them today, and will use them in the future, if they are not stopped.

- c) In fact, the public position of Exxon on the so-called "climate change" is already a huge concession to the pressure exerted on it by climate alarmist politicians at home and abroad. ExxonMobil's Complaint is understated. Nevertheless, filing even so understated a Complaint is a laudable sign of courage on behalf of Exxon's management.

Thus, the interest of Applicant is not represented in this case.

IV. FACTS

Science Refuted Climate Alarmism

The scientific research and debates about possible global warming and climate changes have never been even close to today's alarmist claims. By 2001, scientists arrived at the conclusion that anthropogenic carbon dioxide emissions from all countries and sources were causing only miniscule warming, neither dangerous nor even harmful. On the contrary, carbon dioxide fertilization is beneficial for food production and natural systems.

Climate alarmism was created by a coalition of mostly foreign NGOs and UN agencies, all hostile to the United States. It gained its current power through a pattern of corruption, retaliation against witnesses, tampering with witnesses, and suppression of opposition views. The allegations of climate alarmism have no foundation in science and survive only through lies, wordplay on the definition of "climate change," and huge amounts of public money flowing into pockets of its promoters.

Despite alarmists' gloating about support of the climate change agenda by other nations, those nations do not support the "science" around climate change, but rather exploit the agenda to their benefit. The majority of them are poor third-world countries, promised "reparations"

from America for the alleged sin of causing “climate change.” China and some other nations intend to benefit from dislocation of the American industry after draconian regulations push it out of this country. Japan, France, Russia, Canada, and a number of other countries agreed to go along with the agenda only because they are excepted from any substantial restrictions. Only a few smaller nations of the European Union participate in this madness, because of their internal political bent and hopes that the US would refuse to participate in it, thereby letting them off the hook.

Attached is the Applicant’s Affidavit, briefly comparing various scientific sources and commenting on the scientific obscurantism of the Massachusetts AG office.

In Her CID, AG Healey Has Targeted the Most Prominent Opposition Think Tanks

In her CID, AG Healey demands information about opposition political organizations, regardless of their participation in the climate debates. For example, the list of the 30 top-funded think tanks⁵ has only two conservative organizations – The Heritage Foundation and The American Enterprise Institute, and both are included in the CID. The Acton Institute for the Study of Religion and Liberty is completely unconnected to any climate debates, but it is on the CID, as well. It appears that the words “religion” and “liberty” drive AG Healey insane. None of the 11 political organizations targeted by the CID have any special connection to Exxon.⁶ None of them even focuses on the climate debates. The only reason for their being targeted is their opposition of Democratic misrule.

In Her CID, AG Healey Has Targeted Defense Oriented Marshall Institute

Especially telling is the targeting of the George Marshall Institute. It is completely not partisan and politically neutral. Its Chairman, Prof. William Happer, was a life-long Democrat. The Marshall Institute has an annual income of less than \$1 Million⁷ (for comparison: the annual

⁵ See attached Ex. C.

⁶ CID also requests communication with the American Petroleum Institute, which is a non-partisan trade association obviously connected to Exxon. That does not change the conclusion about the motives behind demands for information about the political organizations.

⁷ See attached Ex. B.

income of the Union of Concerned Scientists (UCS) is about \$40 Million, and the annual income of Greenpeace is about \$400 Million). The Marshall Institute has been focused on national defense and was instrumental in support of the missile defense. AG Healey targeted it, apparently following instructions from foreign enemies, represented by Greenpeace.

This CID is a part of a broader attack. AG Healey and her accomplices sent multiple subpoenas to Exxon, demanding information on more than one hundred political associations and even individuals, without any ground to suspect wrongdoing, without even alleging wrongdoing, and without any regard to their connection to Exxon and/or the climate debates.⁸ The targets (other than the Marshall Institute) were selected using a single criterion: the organizations' sympathy to the Republican Party and opposition to the radical politics of the Democratic party. The target list includes ALL the most prominent conservative and libertarian organizations, along with some unusual names, such as *Africa Fighting Malaria* and *Smithsonian Astrophysical Observatory*. Additionally, AG Healey and her accomplices sent a number of subpoenas directly to the targeted political associations. This is how Sam Kazman, the general counsel of the Competitive Enterprise Institute, described one of them:

“CEI was originally served with its subpoena on April 7. The document was issued by AG Walker, who had a District of Columbia court clerk issue a DC version, which could then be served on CEI. The subpoena demanded a full decade’s worth of CEI’s work on climate change and energy policy, much of which would have contained confidential information on our donors. It was an outrageous violation of both our First Amendment right and those of our supporters, and CEI made it clear that it wouldn’t comply.”⁹

AG Healey Acts as A Pawn of Hostile Foreign Governments and NGOs

The previously mentioned Greenpeace is a foreign entity, probably falling under the definition of a political party, with its headquarters in the Netherlands and bases all over the world. In the past, Greenpeace committed nuclear espionage. The targeted Marshall Institute is the best known for its support of missile defense. The Union of Concerned Scientists opposed the

⁸ See also subpoenas sent by Claude Walker, attached Ex. B1-B2.

⁹ <https://wattsupwiththat.com/2016/07/03/weekly-climate-and-energy-news-roundup-231/>

missile defense, and Greenpeace recently made attempts to sabotage development of the missile defense capable of defending the US against missile attacks from a rogue state, such as North Korea. North Korea is actively developing nuclear and missile capabilities to attack the continental US. North Korea is also a member of the Intergovernmental Panel on Climate Change (IPCC).

And then there is the Climate Action Network. The Climate Action Network (“CAN”), a worldwide network of climate alarmism groups, claims a membership of 1,100 organizations from 120 countries.¹⁰ It is registered in Germany and headquartered in Beirut, Lebanon, under or next to Hezbollah. Greenpeace is a member of CAN, and CAN Director Wael Hmaidan used to be a Greenpeace operative in Lebanon. The list of political organizations in the subpoena, issued by the putative Attorney General of the Virgin Islands, was derived from a Greenpeace “enemy list.” Greenpeace is also an observing member of IPCC and has a “General Consultative Status” with UN ECOSOC. The Union of Concerned Scientists (a misleadingly named environmentalist group) is a member of the US node of CAN. CAN is an observing member of IPCC.

Representatives of CAN, Greenpeace, and UCS participated in the meetings with some of the “Attorneys General United for Clean Power” weeks before the infamous March 29 press conference in the offices of the Rockefeller Brothers Fund / Rockefeller Family Fund¹¹. CAN and Greenpeace urged the Attorneys General to launch this illegal investigation. In addition to all the other misconduct, Mass. AG Healey acts as a pawn of the foreign powers.

The IPCC Has No Authority and No Integrity

The Intergovernmental Panel on Climate Change (IPCC) is a political body, not a scientific one. It was created in 1988 by certain UN agencies and UN politicians (Maurice Strong and Mostafa Tolba were the most notorious ones) with the intent to increase their power.

¹⁰ See CAN website <http://www.climatenetwork.org> and attached Ex. I.

¹¹ See the invitation list in Doc. 1-6, Ex. OO, App. 336. Rockefeller Brothers Fund and Rockefeller Family Fund share the same address. Keny Bruno, Kert Davies, John Passacantando, Naomi Ages are Greenpeace operatives. Almost all invited individuals belong to CAN member groups.

Although not a scientific body, the IPCC does conduct some scientific research. This research flatly contradicts alarmist claims, but is distorted or concealed by the IPCC political leadership and NGOs (including Greenpeace) speaking on its behalf.

AG Healey Serves Private Interests

The only “climate change” related international agreement signed by the US and ratified by the Senate (with conditions) was the 1992 United Nations Framework Convention on Climate Change (UNFCCC). Even this Convention was declarative in its nature. This fact refutes at least AG Healey’s allegation that “climate change” is “the most pressing issue of our time.” There is no “gridlock” in Washington. Congress has never passed any “climate change” law and defeated many attempts to pass such laws. This is why AG Healey resorted to misusing the catch-all *Chapter 93A Regulation of Business Practices for Consumers Protection* in her witch-hunt.

The “private citizen” Al Gore, in addition to his political role, is also the founder, Chairman, and co-owner of the Generation Investment Management LLP, a UK-based hedge fund making investments based on climate fearmongering. One such investment is the Chicago Carbon Exchange, which was trading “voluntary carbon credits,” sometimes called “hot air.” Gore has not only political, but also financial conflicts of interest.

AG Healey Failed to Investigate Fraud and Embezzlement by Climate Alarmists

If the Massachusetts Attorney General wanted to protect the residents of Massachusetts, she would not need to go to Texas. Ceres, Inc. (www.ceres.org) is headquartered in Boston, MA, less than 1,000 yards from her office. Ceres is a member of the US node of CAN. Ceres is openly stealing money from public funds and private investments, and has announced its goal to steal \$44 Trillion (yes, \$44,000,000,000,000) over the next 36 years under pretext of investing in the “clean energy.”¹² This is \$1.2 Trillion per year, upped from \$1 Trillion per year just few weeks ago. *“A trillion is actually not a big number anymore in global economies,” said*

¹² See attached Ex J1.

Mark Fulton, a co-author of the Ceres Clean Trillion report."¹³ Greenpeace participates in Ceres activities.

Attorneys General who submitted *amici briefs* in this case might be interested, whether any pension or welfare funds in their states are among the victims of Ceres.¹⁴

Real Motives behind the CID

Behind the obviously false pretext for the whole investigation, including the CID issuance, there is an apparent intent of advancing climate alarmism for the political and financial gain of the participating AGs, and for the special interests and foreign powers working behind the scenes. But this political and financial intent is only the second bottom in this scheme. The third one is suppressing opposition to the radicalized Democratic Party, a practice that was already seen in the targeting of conservatives by the IRS and other government agencies. And the fourth bottom is Democratic collusion with foreign entities against the American people, and an attempt to cede American sovereignty to foreign control. Obviously, AG Healey and her accomplices already act under foreign control, possibly not aware of that fact. The climate change agenda is just a convenient vehicle for doing these things, and there is evidence that it has been designed this way.

The word "Power" in the "Attorneys General United for Clean Power" shall be interpreted as political power, and the "Clean Power" shall mean power of the foreign entities and their Democratic minions over the American people.

Full Disclosure

The Applicant is a Plaintiff in an unrelated lawsuit, *5:16-cv-211-C Goldstein v. Climate Action Network et al*, pending before the US District Court for Northern District of Texas, Lubbock Division. Some of the private groups behind this "investigation" are among the Defendants in *5:16-cv-211-C*.

¹³ See attached Ex J2.

¹⁴ See attached Ex J3.

CONCLUSION

For the reasons set forth above, the Applicant respectfully requests that the Court grant him intervention as of right or, as an alternative, permissive intervention under Rule 24(b). The Applicant has lodged his complaint-in-intervention with this motion to intervene.

Executed on September 23, 2016.

Signature:	_____
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Verification

I, Leonid Goldstein, declare as follows:

My name is Leonid Goldstein, and I am Plaintiff-Intervenor-Applicant in this case. I am over 18 years of age and am fully competent in all respects to make this verification.

I have written the foregoing Motion to Intervene and declare under penalty of perjury that the statements contained therein are true and correct to the best of my knowledge, information, and belief.

Executed on September 23, 2016.

Signature:	_____
Print Name:	Leonid Goldstein
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