

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

AT NASHVILLE

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AUG 16 2012

U. S. DISTRICT COURT  
MID. DIST. TENN.

**Larry Crim, Former Democratic  
Candidate for United States Senate**

Plaintiff

vs.

**Tennessee Democratic Party,  
Chip Forrester Chair,  
Tennessee Democratic Party, and  
Executive Committee of the  
The State of Tennessee Division of  
Elections**

Case No.

JUDGE: \_\_\_\_\_

UNITED STATES DISTRICT JUDGE

&

**Mark E. Clayton, pro se, Duly  
Elected Democratic Nominee  
for US Senate and Primary  
Primary Party in Interest**

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**PRIMARY PARTY IN INTEREST MOTION TO INTERVENE FOR FOR PLAINTIFF'S FAILURE TO  
STATE A CAUSE OF ACTION AND FOR NO CLAIM OF ANY VIOLATION OF LAW AND MOTION  
BY PRIMARY PARTY IN INTEREST REQUEST FOR CASE TO BE DISMISSED IMMEDIATELY  
WITH PREJUDICE**

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Comes now, Primary Party in Interest, Mark E. Clayton, individually, as the highest ranking Democrat in the state of Tennessee, and as the duly elected and nominated US Senate Candidate for the November general election, 2012, files this request for this case to be dismissed with prejudice and a mandatory injunction against said parties to cease and desist from defrauding and defaming the Primary Party in Interest's status as a well-known and widely loved bonafide and twice vetted Democratic candidate for public office, and as the duly elected nominee for the Democratic Party of Tennessee for United States Senate.

## **1. INTRODUCTION**

Mark E. Clayton is a well-known Democrat in the state of Tennessee and is known for grass-roots campaigning to get-out-the vote for the Democratic Party as well as is activities promoting mainstream family values, defending traditional marriage between a man and woman only, pro-life causes, as well someone who has developed foreign policy positions, economic policy positions, and political strategy throughout his entire adult life.

Mark E. Clayton is well-known across the state of Tennessee, and prior to the August 2, 2012 election, Clayton has met tens of thousands of Tennesseans in person by going door-to-door, gained notoriety as a successful Democratic grass-roots organizer with his campaign in 2008 to get-out-the-vote, and has had numerous appearances at various conventions as well as on various instances of Tennessee news television.

Mark E. Clayton was raised by his father, Jack Kirby Clayton, in the Washington, DC area in a political environment and began learning the art of campaigning and the hard work and person-to-person approach that it takes to become successful in American politics. Like fishing and hunting is for many fathers and sons, politics and government was for Jack and Mark. Mark is a political expert who does not sell-out to the highest bidder but who uses his prowess and techniques to further causes and ideas to which he subscribes as a matter of conscience and duty.

In 2008, Mark E. Clayton ran in the Democratic primary and shocked the state when after spending merely \$300, he garnered 32,303 votes. Before this campaign, Mark spoke directly with former TNDP chair Bob Tuke (whom Mark voted for in the general election) about running for office. During the 2008 campaign, Mark gave a speech on sustainable energy and family issues in front of then TNDP Chairman, Gray Sasser. Mark has continued working throughout the subsequent years to do his best to help rebuild a destroyed party, who's appointed leaders continue to destroy by pushing highly and demonstrably unpopular issues onto Tennessee Democrats. Mark has delivered many unheeded warnings to this effect to the leadership of the TNDP and has, for several years now, been known by both Democrats and Republicans on Tennessee's Capitol Hill – and he is known as a Democrat who is heavily involved in politics

Regardless of either recent news propaganda by flippant reporters who do not check their facts or blatant falsehoods perpetuated against Mark by the current TNDP chairman, Chip Forrester, Mark has been around for some time with a well-known reputation as a political activist, politician, and Democrat who represents the mainstream viewpoints of ordinary citizens living across Tennessee.

Prior to the August 2, 2012 Democratic primary, Mark received several calls from Plaintiff, Larry Crim, as well as his associate Angie Alexander. Mark met with the Plaintiff after Crim requested that he come speak in person. At that time, the Plaintiff had two generous sessions with Mark in which the two discussed their similarities on issues, such as both being in support of traditional marriage only as well as being pro-life. At this time in April of 2012, the Plaintiff offered Mark a job so long as he would drop out of the race and insisted that this was not illegal. At this time, Plaintiff had adequate time to decide that he thought that Mark should not be allowed to be on the Democratic ballot. Yet the Plaintiff did nothing – save beg Mark to remove his name from the ballot. Mark told Plaintiff that he had tried to recruit a heavyweight Democrat to run for US Senate and help that candidate win, but that he had been unsuccessful in doing so and felt that he, Mark, had to run himself to get-out-the-vote.

It was at this time that Mark told the Plaintiff that he was only worth to the Democratic Party the number of votes which he could garner for the primary and that with the large circulation of Plaintiff's newspaper – so long as the message not only circulated but that it also resonated with voters.

Contrary to slanders by sour grape detractors, Mark did a lot of low-budget get-out-the-vote campaigning which took a lot of time and effort. This effort paid off Mark E. Clayton won the August 2, 2012 US Senate primary for Tennessee's Democratic Party in a landslide, just a few votes shy of 49,000 – twice the number of the the second place finisher. Combined with a strong message of liberty and vigorous and proactive protection for civil rights as well as maintaining much of his Democratic base from a previous election, Mark won in this landslide.

Not only did Mark win the 2012 Democratic nomination for US Senate in a massive landslide, he did by playing smart with his communications, asking many, many Tennesseans in person for their votes on August 2. Mark only spent \$65 and felt no need to spend his remaining \$35 cash on hand due to the fact that he had made his best effort and fulfilled his duty to Almighty God in acting sincerely with his "widow's mite" spent on behalf of his fellow Tennesseans and friends which he would never forsake nor betray by slacking off.

Mark's hard-work, get-out-the-vote with a strong and developed message model is a lesson for both Crim and the TNDP chair and staff. Crim campaigned a very sloppy campaign with a shallow message which did not resonate with voters as so-called "grassroots" campaign garnered very few votes, placing him a distant fourth.

The TNDP chair and staff, while garnering twice as many votes for their "anointed" candidate than Crim, performed even more pitifully than Crim. Having played favorites and devoted nearly all party resources

for the only far-left candidate in the general election, they were able to garner only about 24,000 votes to Clayton's 49,000, proof that message is stronger than money, and that voters are not stupid enough to fall for the "anointed" candidate trick anymore.

The sour grape outrage and subsequent slander and misdeeds by Crim and the TNDP chair after the Clayton campaign's landslide win may be second to none in American politics. We have no recollection of any campaign in modern American history where such a massive landslide win has been vigorously opposed by party officials.

Contrary to the falsehoods and slanders perpetuated by Crim, Forrester, and Forrester's staff, the latter of which are using party resources against party rules to attack Mark, Mark both met and was known by the last three TNDP chairman, his views were long-known – even mimicked by Bob Tuke on occasion – by TNDP leadership as well as many, many of the rank and file. It is and has not been uncommon for Tennessee Democrats to walk up to Mark to introduce themselves say hello and shake his hand, and of course let Mark know what is important to them, even if it is just having trouble getting the city to come out and clear out a fallen tree.

Mark's meeting with Chip Forrester on the second time he went to the TNDP headquarters went well. Everyone was happy that Mark was going to run a get-out-the-vote campaign. But what they did not tell Mark is that they TNDP headquarters was going to be lazy and do little to nothing to build the Democratic party and ultimately blame Mark for their own incompetence and laziness after Mark would go on to beat their "anointed" candidate in a landslide.

Flippant allegations that Mark E. Clayton had not been vetted are false and easily disproved. The TNDP has long been aware of both Mark, his websites, his positions, his speeches (one of which was in front of former TNDP Chairman, Gray Sasser, in 2008), and his hard-charging campaign activities on behalf of and as a member of the TNDP.

Repeated assertions that Mark E. Clayton is not a Democrat are ridiculous. We could write an entire book about Mark's involvement with the Democratic party BEFORE the August 2, 2012 election. Suffice it to say that we have created an exhibit which details just some of Mark's long history with the TNDP.

Also See Exhibit A

## II. FACTS

1. **Mark E. Clayton has twice met the requirements to run for the US Senate as proscribed in The United States Constitution, Article I, Section 3 and the the 17<sup>th</sup> Amendment.**
2. TN Code 2-13-202 (3) requires parties to utilize elections, ***and elections alone***, for selecting candidates for US senate. **There is no provision in Tennessee code for nominating a US Senate candidate under any circumstance, except through an election.**
3. TN Code 2-13-203 provides political parties authority to nominate "candidates for any office other than those listed in Sec. 2-13-02 [US Senate] by any method authorized under the rules of the party or by primary election under this title." **United States Senate party nominees MUST be determined by election in the state of Tennessee.**
4. Plaintiff's argument lacks any legal authority whatsoever as pertains to the Democratic Party bylaws. TNDP bylaws Article III, Section 2 (b) states that among the responsibilities of the Committee are, "Establishing the procedure for the selection of Party nominees for whom the procedure is not established by statute (see TCA 2-13-202,203). **The party bylaws demand an election only for nominations regarding the United States Senate and are in agreement with the TN code.**
5. TNDP bylaws, Article III, Sec. 2 (l) states, "To the maximum extent allowed by law, the Tennessee Democratic Executive Committee shall insure that Party nominees for elected offices are bona fide Democrats. In the event that a county party, in compliance with its Bylaws, challenges a candidate for any office be it local, county, state or federal, against appearing on the ballot as a Democrat for failing to vote in at least three of the immediate prior five Democratic primaries, the challenge shall be referred to the County Party Development Committee which shall by simple majority vote of the members make a recommendation to the State Party Chair. The Chair shall decide whether or not the candidate may appear on the ballot as a Democrat. The county party or the candidate has the right to appeal the Chair's decision to the full Executive Committee which may overturn the Chair's decision by a two-thirds vote of those present. The county party, Party Chair or the Executive Committee shall have the right to waive the foregoing prohibition against a candidate appearing on a ballot as a Democrat for good cause and when justice so requires."

First, this section is does not require that a potential candidate vote in at least three of the last five party primaries. ***This section is merely a cause of action (not a requirement)*** IF someone in party leadership objects to the placement of a candidate on the primary ballot. None of the past three TNDP chairmen whom Mark has met, nor any county TNDP leader, nor any TNDP member has EVER objected to Mark E. Clayton appearing on the Democratic ballot. As a matter of fact, many after looking at Mark's now-famous website invite him to come speak at party functions!!! ***There is no requirement whatsoever that a candidate vote in three of the last five primaries unless required by the party and fought through several levels of a party appeals process. Otherwise, according to the TNDP bylaws, the party chairman has no authority whatsoever to keep a candidate off of the ballot unless this cause of action is initiated.*** Furthermore, candidates who do not vote in three of the last five party primaries may still appear on the Democratic ballot "for good cause and when justice so requires."

Second, there can be no issue of fraud on the part of the TNDP for not initiating the "cause of action" against someone who has not voted in three of the last five primaries – **as TNDP bylaws Article III, Section 2 (l) is merely a cause of action, not an obligation nor a fiduciary responsibility to anyone whatsoever in the party.**

5. Mark E. Clayton not only won his party's nomination – he won in a crushing landslide victory which repudiated party leadership. Votes for "Mark E. Clayton" are so much greater in number than the second place that a dispute over vote tallies is beyond consideration by even the most zealously anti-Clayton party involved.
6. Runner-up, Gary G. Davis, has generously endorsed Mark E. Clayton.
7. Second runner-up, Park Overall, has been quoted in the news as calling the Plaintiffs demand for a new election, "ridiculous."
8. Plaintiff, who has since placed a distant fourth, at the start of the primary campaign season in April repeatedly urged Mark E. Clayton to receive from Plaintiff quid-pro-quo inducements for Clayton to drop out of the race. Phone records show repeated calls from Plaintiff during this time; an affidavit is forthcoming detailing Eugene Delgaudio's consultation with whom Mark had real-time discussions on how to reject appropriately the quid-pro-quo inducements from Plaintiff.
9. Plaintiff urges this honorable court to brand Clayton as having affiliation with a group which Plaintiff contends is against the Democratic Party. However, said group "Public Advocate of the United States," is recognized by the United States Federal law as a "non-partisan, tax-exempt" organization. Interpretations of said group's activities and views do not constitute admissible material fact in a court of law. Furthermore, during Plaintiff and Clayton's extensive discussions on social issues, Plaintiff agreed with Clayton as opposing same-sex marriage and abortion, published a newspaper which touts the same social viewpoints, and also repeatedly tried to sell advertisements in his newspaper to Clayton and Public Advocate. Plaintiff's reinterpretation of "Public Advocate of the United States" for purposes of this case is obviously self-serving, dishonest, and not admissible material fact.
10. Plaintiff falsely claims that Primary Party at Interest did not campaign. Not only did Mark campaign, but a great many of his friends helped him get-out-the-vote, hence, the complete defeat of the fourth-place plaintiff. Primary Party at Interest even told Plaintiff several months ago how to succeed campaigning to help build the party. Needless to say we are all disappointed as the Republican vs. Democrat turnout is still a dismal 3 to 1. Plaintiff's political ineptitude, much like the TNDP headquarters and staff's incompetence and laziness, is a personal problem and we beg and plead to this Honorable Court not to allow these personal problems of others to reflect on the Primary Party at Interest. Such false claims by the amateur politicians (Plaintiff and Chip Forrester/staff) do not constitute material fact and are not admissible in any court of law.
11. In Plaintiff's brief, Sec. II, 20, plaintiff asserts that "Mr. Clayton did not win that race [2008], of Mr. Clayton's lack of Democratic Bylaw qualifications." As discussed in Sec. II, 5 of this brief, there are no such "Democratic Bylaw qualifications" as what Plaintiff errantly calls "qualifications" are merely cause of action for the TNDP chairman to initiate a hearing and appeals process which consists of many levels of subjective determination within the party as to whether or not an candidate may or may not be placed on the ballot "for good cause and when justice so requires." TNDP bylaws Article III, Sec. 2 (b)
12. TNDP leaders, Bob Tuke, Gray Sasser, and Chip Forrester knew of Primary Party in Interest's views, his websites, heard him speak, met him in person, and talked to him on the telephone. They were all happy to have Mark and his friends campaigning to remind Democratic voters on which day elections were to be held. If TNDP leaders across the state never mentioned any problem whatsoever with Mark being heavily involved in Democratic politics in Tennessee. If Democratic voters disagreed with Mark's views, then they could have used the reminder to go out and vote against him – but they did not!
13. Plaintiff misuses the term "bona fide" as set forth in the TNDP bylaws. There is no specific definition of what a "bona fide" Democrat means in the TNDP bylaws. Again, challenging a candidate who has voted in fewer than three of the last five Democratic primaries is merely a cause of action – not a requirement – and the time to use that cause of action expired long ago, within seven days of April 5, 2012, during which time Plaintiff made several quid-pro-quo

inducements to Primary Party in Interest to drop out of the race, which Mark rejected as illegal and unethical (and undesirable).

14. Plaintiff alleges that Mark Clayton's affiliation with Public Advocate of the United States disqualifies him as a Democrat. There is no statute or bylaw which supports the Plaintiff's argument to this point. Plaintiff alleges that the TNDP had a "duty" to remove Mark's name from the ballot due to his affiliation with non-profit organization called Public Advocate of the United States. Another non-profit organization, the Southern Poverty Law Center, wantonly labels groups opposed to same-sex marriage as "hate groups" on a routine basis as a matter of fundraising. SPLC used to be a great organization for civil rights before they sold out, and Mark even has a Certificate of Appreciation from the SPLC, signed by Morris Dees, himself. Public Advocate of the United States is not on a "watch" list of any kind with the FBI or federal government and is a popular topic for Washington newspapers to write about on a routine basis. Plaintiff was aware of Public Advocate of the United States as early as April. Plaintiff's complaint about Public Advocate are self-serving, opportunist, and dishonest. If Public Advocate and Mark Clayton were truly a problem, then Plaintiff should have, himself, brought the relation to the attention of TNDP chairman Chip Forrester – not try to sell advertisements to Public Advocate. During the two long personal meetings which Plaintiff invited Mark to in April, 2012, Mark told Plaintiff all about Public Advocate of the United States. Plaintiff thought that Public Advocate of the United States was wonderful and wanted to sell advertisements to Public Advocate in his pro-life, anti-gay-marriage newspaper, of which Plaintiff is proprietor, and which newspaper, however amateurishly, presents social values in the same pro-family vein as Public Advocate.
15. Plaintiff had at least three and a half hours during two meetings with Mark at the start of the election and during the several days to challenge Mark's credentials as a Democrat. It was clear from those meetings that Plaintiff had no problem with Mark's credentials as a Democrat. And then as now, any assertion that Mark Clayton is not a Democrat is ridiculous.
16. Plaintiff lost because his message did not resonate with voters, not because his name was positioned improperly. People are not stupid. There are few complaints in Tennessee about name positioning on the ballot. Furthermore, despite false reports to the contrary, Mark E. Clayton is not an "unknown." Mark E. Clayton has appeared on television on several occasions before the August 2, 2012 primary, was well-known by face and name across Tennessee, and enjoys a name-recognition legacy from the old days when his father was alive defending Christian schools from intrusive government obstruction and over-taxation. Many people across Tennessee still remember and appreciate the Clayton legacy and what that legacy means for preserving traditions of civil rights and religious liberty. Aside from all these facts of Mark E. Clayton name-recognition prior to August 2, 2012, Mark campaigned heavily in the summer of 2008, even detailing campaign activities publicly and publicly predicting a positive outcome.

## II. FORRESTER AND CRIM ARE RACISTS WHO PROJECT AUTHORITARIANISM AGAINST THE MINORITY VOTE AND SEEK TO BURN THE BALLOTS

1. On August 13, 2012, the Clayton campaign issued the following release detailing the racist attitudes of both Plaintiff and Defendant as follows:  
STATEMENT FROM CLAYTON FOR SENATE CAMPAIGN WWW.CLAYTONFORUS.COM AUGUST 13, 2012

**ANY TNDP HEADQUARTERS ATTEMPT AT UNDERMINING DULY NOMINATED MARK CLAYTON IS A DIRECT ATTACK ON THE DEMOCRATIC PARTY AND IS AN EGREGIOUS AVIOLATION OF LONG-STANDING, FEDERAL CIVIL RIGHTS LAW PROTECTING MINORITY RIGHTS**

**FIFTEENTH AMENDMENT**

**Section 1.** The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

**Section 2.** The Congress shall have power to enforce this article by appropriate legislation [Civil Rights Act of 1964 & Voting Rights Act of 1965].

Any attempt to remove Mark Clayton as the duly elected nominee of the Democratic Party for US Senate will be met with decisive legal action. Forrester and his gang are acting on open conspiracy against long-standing civil rights laws to disenfranchise minority voters. Mark Clayton is currently working through the law with attorneys who have already made some firm conclusions. Negative action against Mark Clayton's rightful standing in the Democratic Party as the highest ranking state Democrat and duly elected nominee will result in a lawsuit against Chairman Chip Forrester and party officials. The Clayton campaign will not only seek an immediate mandatory injunction but will also sue for monetary damages.

Chip Forrester is doing nothing less than attempting to burn ballots and have a playground hissy-fit to cover up for his own incompetence and lack of popular support for his fringe viewpoints. Chip Forrester is trying to save face by projecting false smears onto Mark Clayton. Forrester, Goins, the fourth-place candidate, and the several-thousand screaming liberals are exploding in the streets want to institute, through "party bylaws," substantive aspects of the racist "Black Codes" of the Reconstruction Era. For anyone who knows the civil rights history of the United States, Forrester's intended path is clearly illegal. Somebody forgot to tell this gang of malcontents that significant civil rights developments have occurred in American history during the last 140 years. Today, the Thirteenth, Fourteenth, and Fifteenth Amendment to the Constitution as well as Title I of the Civil Rights Act of 1964 as well as the Voting Rights Act of 1965 protect Mark Clayton and his constituents from having their ballots burned and voices silenced. This is to say nothing of other voter protection laws which stand to be violated by Forrester, et. al.

The "party bylaws" which Chip "Orval Faubus" Forrester is touting, just like the racist "Black Codes" of the Reconstruction Era, cannot overturn the Reconstruction Amendments, the Civil Rights Act of 1964, and the Voting Rights Act of 1965.

**TENNESSEE'S MOST RECENT DEMOCRATIC CHAIRMEN ARE FAMILIAR WITH MARK'S HARD WORK ON BEHALF OF THE TENNESSEE DEMOCRATIC PARTY -- TNDP LEADERS AND STAFF KNEW MARK WELL FROM PARTY ACTIVITIES AND COMMUNICATIONS AND CAREFULLY VETTED MARK TWICE AS "ONE OF US"**

Attached is a photograph of Mark Clayton with Tennessee Democratic Chairman during the Tennessee Democratic Primary in the summer of 2008 as well as a copy of the "Certificate of Appreciation" which Morris Dees and the Southern Poverty Law Center awarded Mark Clayton two and a half years ago. At the Democratic meeting from which the picture is taken, both Chairman Sasser and Mark Clayton spoke before the Waynesboro Democrats in a local school. While Chairman Sasser included a pro-abortion stance in his stump speech, Mark, speaking mainly on sustainable energy policy, did make a point to warn his fellow Democrats that he did not believe that the Tennessee Democratic Party could stay the party of abortion and homosexuality for much longer, because there was little support for those planks with the rank and file who cannot afford a \$1,000 Jackson day ticket, to include himself. Chip Forrester's predecessor, Chairman Sasser, asked Mark, "Are you getting out there [engaging people to stay active in the Democratic Party]?" Mark told him that he was going door to door and trying to get out the vote as much as he could for the Democratic Party.



Before running in the 2008 Democratic primary, Mark Clayton called Bob Tuke, who had also recently been the TN Democratic chairman prior to Sasser, and asked Mr. Tuke if he would be running in the Democratic Senate primary. Mr. Tuke responded, "You sir, are a gentleman," for Mark had clearly respected the former Tennessee Democratic Chairman and would never think of entering through the back door if for no other reason than as a matter of gentlemanly behavior. Mark's decided to go ahead and run anyway, but his strategy then, as in this most recent Democratic primary, was to run a get-out-the-vote campaign, making sure that Democratic voters knew the primary date as well as his views, so that even if people did not agree that they would be able to choose someone else -- i.e. Mark wanted to do his part to keep the Democratic base active regardless of whether or not Democrats chose him on election day. After placing fourth in 2008, Mark reached out to Tuke to offer an endorsement and campaign support but did not hear back from Tuke. Nobody in the Clayton camp ever received an explanation for this, but Mark voted for Bob Tuke regardless and still appreciates what Mr. Tuke has tried to accomplish for the Democratic Party.

Mark has seldom, if ever, campaigned negatively against his Democratic opponents in the two US Senate primaries in which he has been a candidate, knowing full-well that the Democratic candidates would all have to come together and work side by side to persuade Tennesseans to defeat the Republican -- or in consideration of the zero-sum approach by some in the party have adopted, that at least that we should have to come together as a party.

Before running in the 2012 Tennessee Democratic Primary and while dropping off his petitions, Mark stopped by the Tennessee Democratic Primary Headquarters on two specific occasions as before both to introduce himself to the staff and announce his intentions, the last occasion of which he met now Chairman, Chip Forrester, in person, spoke with Chip, and shook Chip's hand. Mark's positions against gay marriage and right-to-life were shared by all but one of his 2012 Democratic Primary opponents, but Mark did not rub it in during these meetings. Everybody on Forrester's staff expressed delight that Mark could get so many votes with such a small budget and also expressed relief that Mark was going to help increase party turnout by running a get-out-the vote campaign.

The current Chairman, Chip Forrester, knows better than to tell people that nobody knew who Mark Clayton was. Mark Clayton has had is 2008 campaign website up now for four and a half years, pulled tens of thousands of votes into the Democratic Party, and dropped literature off which had his campaign website on the flyer detailing his pro-family views and position against illegal spying bills. Forrester also knows better than to spread falsehoods that Mark Clayton was not properly vetted, as not only was Mark Clayton vetted, Mark Clayton has received personal encouragement by both current and former Tennessee Democratic Headquarters and staff both to run and also to get out the vote -- AND NOT ONLY WAS MARK CLAYTON VETTED, MARK CLAYTON WAS VETTED TWICE!!! -- 2008 and 2012.

#### **FRINGE CHAIRMAN FORRESTER FURIOUS THAT HE CANNOT MIND-CONTROL VOTERS**

It is not the fault of Mark Clayton that he is more effective in getting out the vote in his spare time while spending only \$65 while the taxpayer-funded and salaried officers of the Tennessee Democratic Party could only deliver a mere 24,000 votes with their unpopular message of far-left social values which Mark had already warned publicly in 2008 do not resonate with Tennessee Democrats. The fact is that Mark Clayton did his part, essentially to warn but also as a volunteer for the Democratic Party, while in the mean time Chip Forrester, having had a salary, office, staff, and taxpayer funds, utterly failed in every respect and is now trying to save face after having done practically nothing for four years.

Chairman Forrester needs to stop trying to make up for his ineptitude by smearing Mark Clayton with undocumentable falsehoods.

**FORRESTER'S SLANDER THAT MARK CLAYTON IS NOT A DEMOCRAT IS RIDICULOUS -- EVEN ELECTED OFFICIALS DOWNTOWN IN THE STATE LEGISLATURE KNOW THAT**

Today, at a press conference in downtown Nashville, Republican Senator Stacey Campfield appeared with Mark Clayton. Neither is endorsing the other, and this meeting was just for stating facts. During the 2011-2012 Mark supported Senator Campfield's Classrooms Protection Act, pro-family legislation which they nearly passed save for back-door, last-minute obstructions by the Republican, and Clayton political adversary, Governor Bill Halsam. Senator Campfield told reporters that during this time not only did Mark Clayton tell him that he was a Democrat, but that Mark flatly TURNED DOWN an invitation by the Senator, himself, to switch to the Republican Party. "Mark wouldn't listen," said Campfield. "I told him that he was in the wrong party, but Mark said that he was a Democrat."

Furthermore, Mark Clayton has received a "Certificate of Appreciation" from the Southern Poverty Law Center signed by Morris Dees, himself, for taking a personal stand AGAINST hatred -- while Chip Forrester and the media misuse the same organization, SPLC, to promote falsehoods and slander that Mark Clayton is part of a so-called "hate-group." None of the groups which Mark Clayton either is or has been involved with appears on the FBI's "hate-group" watch list. Chip Forrester and the media need to get it right. Mark Clayton is a bonafide Democrat who has recieved a personal accolade directly from Morris Dees, himself, and the Southern Poverty Law Center, where his name has been added to the "Wall of Tolerance." Where is Chip Forrester's SPLC certificate? Unlike Clayton, Forrester does not have one. Chip and his staff need to pull out their SPLC "Certificate of Appreciation" from Morris Dees -- or they need to shut up, because Mark Clayton has one and they don't. To receive such an award personally from the organization and man who almost singlehandedly brought down the real hate groups, was one of Mark Clayton's greatest honors, an honor Mark Clayton has achieved which Chip Forrester only wishes he could match.

Chip Forrester is stealing money both to slander Mark Clayton's good name and also to undermine his campaign against party rules. Because Forrester keeps attacking civil rights law, it is time to call the SPLC and have them add Chip Forrester and his staff to "intolerant hate-group" status.

2. Although Mark E. Clayton does not campaign based on "race" issues, even the press have extrapolated the obvious -- that support for Mark E. Clayton overwhelmingly comes from minority voters who believe that Mark takes a strong stand for civil rights. Both Plaintiff and Defendant have openly and repeatedly expressed the desire to disenfranchise a majority of minority voters who have voted for Mark E. Clayton. Both Plaintiff and Defendant have constantly and consistently defamed and disparaged the intelligence of minority voters, which makes up the majority of Mark E. Clayton's support. Should their efforts continue, the Primary Party in Interest is prepared to stop at nothing to defend the Reconstruction Amendments, the Civil Rights Act of 1964, as well as the Voting Rights Act of 1965 from both Plaintiff and Defendant's constant attacks on these hard-won, landmark civil rights laws.

**CONCLUSION:**

1. Primary Party in Interest, Mark E. Clayton, is and has been a well and widely-known and liked Tennessee Democrat for several years and one who has been more active than the entire TNDP headquarters in promoting the TNDP. Mark Clayton is a Democrat. Assertions to the contrary are long-proven ridiculous.

2. There is no statutory basis for either Plaintiff or Defendant's attacks on the Primary Party in Interest.
3. The attitude among both Plaintiff and Defendant is that of entitlement even at the cost of the law and the democratic process which Democrats across Tennessee cherish. If they cannot throw out a valid election one way, they desperately look for another way. Why do they not just try to find a way to run Mark E. Clayton over with a truck if they cannot get away something else? Or why not when Mark E. Clayton becomes a Senator, just annul it when he gets to Washington? Why not do any crazy thing in the world to stop Mark E. Clayton? Plaintiff and Defendant are crazy and have some serious personal issues.

### **THE PRIMARY PARTY IN INTEREST PLEADS**

#### **MOTION TO INTERVENE**

that this Honorable court uphold, Mark E. Clayton, the Primary Party in Interest this motion to intervene in this case.

X \_\_\_\_\_  
UNITED STATES FEDERAL JUDGE

#### **MOTION TO DISMISS**

that this Honorable Court, there being no material fact or claim of any violation of law on the part of the Plaintiff; and the Plaintiff having failed to state a cause of action, for this case, as time is of the essence, to be dismissed immediately with prejudice.

As there is demonstrably and clearly no legal basis for either the Plaintiff or the Defendant to continue their desperate struggle to invalidate the 2012 TN Senate primary without statutory authority of any kind, the Primary Party in Interest also prays that this honorable court grant a mandatory injunction that both the Plaintiff and Defendant cease and desist from removing or altering "Mark E. Clayton" from the November, 2012 ballot for the Democratic Nomination for US Senate.

X \_\_\_\_\_  
UNITED STATES FEDERAL JUDGE

# *Certificate of Appreciation*

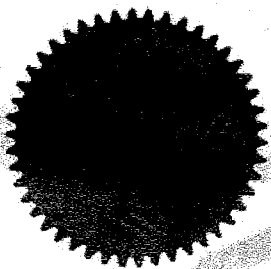
presented to

**Mr. Mark Clayton**

In recognition of your important contribution to the ongoing fight against hatred and intolerance in America.

The name shown above will be added to the Wall of Tolerance in Montgomery, Alabama, to provide inspiration to all those who choose to take a stand against hatred.

Thank you for taking a stand.



MORRIS DEES, FOUNDER  
SOUTHERN POVERTY LAW CENTER

