

## Exhibit 3

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
BALTIMORE DIVISION**

ASSOCIATION OF COMMUNITY  
ORGANIZATIONS FOR REFORM NOW, *ET AL.*,

*Plaintiffs,*

v.

LISA L. DICKERSON,

*Defendant.*

Case No. \_\_\_\_\_

**DECLARATION OF JONATHAN E. PEZOLD**

1. My name is Jonathan E. Pezold. I currently reside at 1226 River Ridge Road, Augusta, Georgia. I have personal knowledge of the facts stated in this declaration and, if called as a witness, I could and would testify thereto.

2. From February 2006 until September 7, 2006, I was a Team Leader for Association of Community Organizations for Reform Now (“ACORN”). In that capacity, I have registered hundreds of voters at locations throughout Baltimore, Maryland.

3. I was first trained as a Maryland voter registration volunteer in 2003. As part of that training, I received instruction in a variety of tasks, including: how to fill out the Maryland statewide voter registration application completely and accurately, and how to make sure that applicants understand they can either return the voter registration application to the appropriate local board office or they can permit a volunteer to return it under an affidavit that the volunteer signs. When I was employed by ACORN, I repeated the Maryland voter registration training.

4. Because ACORN is a community organization of low and moderate income families and because a large percentage of bus and subway riders come from low and moderate income households, I and other ACORN staff members have preferred to solicit voter registrations for ACORN at Baltimore bus stations, train stations and subway stations operated by Maryland Transit Administration (“MTA”).

5. When I solicit voter registrations for ACORN, I usually work alone or with one or two other ACORN staff members. I generally mingle among bus, train and subway riders, asking selected individuals whether they would be interested in registering to vote. When I receive an affirmative answer from someone, I ask the person to complete a voter registration card. Sometimes I fill out the voter registration card on behalf of that person – using the information they provide – and then ask them to sign the completed card. The entire process takes no more than a few minutes.

6. When I solicit voter registrations, I am not intrusive and I do not threaten rider safety. I do not harass or intimidate anyone. Nor do I disrupt the safe, free, and orderly flow of transit patron traffic through MTA stations and premises. Such behavior would run counter to my own personal attitudes about voter registration and would violate my understanding of ACORN’s voter registration goals. As a practical matter, the more disruptive and intimidating I become toward MTA riders, the fewer voter registrations I think I am likely to obtain.

7. I have found that the MTA stations located at Mondawmin Mall and Penn North have been the most fruitful of Baltimore locations for obtaining voter registrations for ACORN.

8. On March 25, 2006, Calvin Williams (my ACORN team leader at the time), Shawntavia McElvey (another ACORN worker) and I were individually conducting separate voter registration activities in the area of MTA’s Mondawmin Mall Station.

9. Sometime in the afternoon of March 25, 2006, Calvin approached to inform me that the transit police were chasing us away. Shortly thereafter, MTA Officer Morton (Badge No. 050) approached me and asked me to stop registering voters. At that time, I was standing on the public sidewalk near the bus stop that occupies a small traffic island in front of MTA's Mondawmin Mall Station. In Attachments A through D, I have supplied a map, a satellite image, and two photographs of this location. Each attachment is an accurate representation of the location at the time of this incident. On each attachment I have placed a red circle indicating the precise spot where I was registering voters. I observed no barriers, fences or demarcations that separated MTA's public sidewalks and bus stop at the Mondawmin Mall Station from surrounding public areas.

10. I refused Officer Morton's request to stop registering voters, and I explained to him that I believed voter registration on public sidewalks was protected free speech under the First Amendment. Officer Morton countered that the sidewalk was not public property, but instead property of the transit system, which was owned by the state of Maryland. We argued that point, as well as other issues relating to free speech, for perhaps another minute or two.

11. I continued to try to register voters. Officer Morton followed me around. I asked him to stop. He would not. He ordered me again to stop registering voters. Again I refused.

12. Officer Morton then interposed himself between me and the people I was trying to register. I accused him of harassment and asked him to stop. He said that I could not tell him what to do and I argued that I could because I was a citizen and could ask him to follow the law. But he continued to interpose himself.

13. At one point, Officer Morton initiated physical contact with me using his shoulder and then immediately announced to those watching that I had assaulted him.

14. After continuing for a few more minutes to disrupt my voter registration activities, Officer Morton finally threatened to arrest me for disorderly conduct. About this time my co-workers Calvin Williams and Shawntavia McElvey came over to the area that I was working. Mr. Williams told me that Kristina (Kristy) Redding (an ACORN community organizer) was on his cell phone. When I spoke to Ms. Redding, she asked me to stop registering voters, and I did.

15. On Thursday, April 6, 2006, I went to MTA's administrative offices located at 6 Saint Paul Street in Baltimore to apply for a free speech permit. I did not have any permit forms with me, and I asked the receptionist for a free speech application. The receptionist called up to someone in "customer service" and then told me that MTA was no longer "doing that." After further conversation with the receptionist proved ineffective in obtaining a free speech application, I contacted MTA's legal department and requested a free speech application. The next day, April 7, 2006, I received the application. I completed it and filed it immediately, seeking a permit to register voters on April 10-11, 2006 at the MTA Mondawmin Mall Station. A copy of this application is supplied as Attachment H.

16. My free speech permit issued the morning of April 10, 2006. A copy of the permit, including a cover letter and COMAR regulations provided with the permit, is attached as Attachment I. The morning of April 10th I picked up the free speech permit and spent the remainder of that day and all of April 11th registering voters at the Mondawmin Mall location without incident.

17. On my return home from Mondawmin Mall on April 11th, I attempted to register voters at the MTA Penn North Station while waiting on the public sidewalk to catch a bus. In Attachments E through G, I have supplied a map, a satellite image, and one photograph of this

location. Each exhibit is an accurate representation of the location at the time of this incident. On each exhibit I have placed a red circle indicating the precise spot where I was standing while waiting for a bus. I observed no barriers, fences or demarcations that separated MTA's public sidewalks at the Penn North Station from surrounding public areas.

18. While standing in line for my bus and soliciting voter registrations, I was approached by MTA Sergeant Wingate, who informed me that I must stop registering voters. I countered that the sidewalk was public property. He maintained that I could not register voters there, and that if I attempted to register another voter, he would arrest me. By then, Officer Morton had joined Sergeant Wingate. Officer Morton interjected that my April 11th permit applied only to Mondawmin Mill and not the Penn North Station. I do not know how Officer Morton knew of my permit for Mondawmin Mall, as I had not mentioned it or shown it to the Officers.

19. At that moment, my bus arrived, so I boarded it to go home. Officer Morton followed me onto the bus and ordered me not to register voters while I was on the bus. Officer Morton also instructed the bus driver to call him immediately if I tried to solicit voter registrations from anyone on the bus.

20. Sometime after April 20, 2006, I learned that Glenn M. Litsinger, Manager of Customer Service for MTA, had sent a letter to Ms. Sierra Leto, an ACORN supervisor. In that letter, a copy of which I read, Mr. Litsinger stated that because I had attempted to register voters at the Penn North station while waiting for a bus on April 11, 2006, the MTA would issue no more free speech permits to ACORN. At the same time, Mr. Litsinger also denied all of ACORN's then-pending free speech applications.

21. Although I am no longer an employee of ACORN, I continue to register voters in Maryland and elsewhere. I also periodically provide voter registration services to ACORN on a part-time basis.

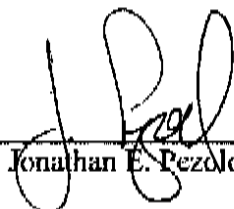
22. As a result of MTA's actions enforcing the MTA Regulation against ACORN, I and other workers at ACORN have been and continue to be deterred from registering voters on MTA property and on public sidewalks in front of MTA stations.

I declare under penalty of perjury under the laws of the United States of America that the foregoing statements are true and correct to the best of my knowledge, information and belief.

Executed on the indicated date in Augusta, Georgia.

01.05.07

Date



Jonathan E. Pezold