

Motion Seq. No. 44

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
 PEOPLE OF THE STATE OF NEW YORK,  
 BY LETITIA JAMES, ATTORNEY GENERAL  
 OF THE STATE OF NEW YORK,

Plaintiff,

v.

THE NATIONAL RIFLE ASSOCIATION OF  
 AMERICA, WAYNE LAPIERRE,  
 WILSON PHILLIPS, JOHN FRAZER, and  
 JOSHUA POWELL,

Defendants.  
-----X

Index No. 451625/2020

IAS Part Three  
Hon. Joel M. Cohen**AFFIDAVIT OF  
WAYNE LAPIERRE**

COMMONWEALTH OF VIRGINIA        )  
   : ss.:  
 COUNTY OF FAIRFAX                )

WAYNE LAPIERRE, being duly sworn, deposes and states:

1. I am over the age of twenty-one, of sound mind, and competent to make this affidavit. I submit this affidavit in opposition to Plaintiff's Motion to Dismiss Certain of Defendants' Affirmative Defenses and in support of my cross-motion for leave to replead.

2. I am the Executive Vice President and Chief Executive Officer of the National Rifle Association of America ("NRA"). I have held that position since 1991.

3. I started working for the NRA in early 1978.

4. Stephen Shulman, Esq. represented the NRA as outside counsel (through several law firms, including Cadwalader, Wickersham and Taft) from 1977 until his death in 2011. During that time, I relied heavily on Mr. Shulman for legal advice regarding a broad range of matters, including corporate, tax, regulatory and compliance matters, and he was involved in developing

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policies and procedures relating to compensation, travel and security, as well as other internal affairs.

5. Gordon Russell was employed by the NRA as its Director of Security from 1994 until his death in 2014. During that time, I relied heavily on Mr. Russell for professional advice and instructions on security matters, including use of charter travel, and he provided me with information and advice regarding threat levels, threat assessments and the need for use of charter travel for security reasons.

6. During my 45 years at the NRA, no one from the Internal Revenue Service ("IRS") ever raised an issue with me concerning my compensation or use of charter travel.

7. Until 2020, no one from the New York State Office of the Attorney General ("OAG") had ever raised an issue with me concerning my compensation or use of charter travel.

8. Because no one from the IRS, and no one from the OAG (until 2020), ever raised any issue about my compensation or use of charter travel, I believed that neither agency had any issue with my compensation or charter travel, and that my compensation and use of charter travel were appropriate and lawful.

9. If the IRS or the Attorney General had challenged my compensation or charter travel in 2009 or 2010, Mr. Shulman would have been available to testify as a witness on my behalf as to the process by which my compensation was determined and the process by which the need for charter travel was determined, and Mr. Russell would have been available to testify as a witness on my behalf on the process by which my need for charter travel was determined. While I wouldn't have disclosed any confidential attorney-client communications with Mr. Shulman or the substance of any advice I received from him, I would have relied on him to organize files and refresh my recollection as to facts and he would have been able to coordinate with various people

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who would be fact witnesses in my defense and help me locate documents that could be used in my defense.

10. I believe strongly that it would be unfair and inequitable for the Court to require me to defend myself against charges relating to compensation I received in years prior to 2011, or my use of charter travel prior to 2015, without the benefit of the testimony of these two critically important witnesses.

11. I also believe strongly that it would be unfair and inequitable for the Court to require me to defend myself against charges relating to compensation I received in years prior to 2020, and charter travel I used before 2020, given the failure of the IRS and the OAG to act sooner to bring any concerns or issues they had to my attention promptly upon receiving the NRA's annual Form 990 and Char500 filings, which disclosed the amount of my compensation and, beginning in 2008 and continuing to date (with the exception of 2013), disclosed the fact that the NRA was providing first-class or charter travel, because, as a result of their conduct, I was led to believe that the amount of my compensation was viewed by the IRS and the OAG as reasonable and commensurate with the services I provided to the NRA and that my use of charter travel was appropriate and lawful.

12. If the IRS or the OAG had informed me in 2009 or 2010 that they believed that the amount of my compensation was unreasonable and unlawful or that my use of charter travel was unwarranted and unlawful, I would have immediately sought advice from Mr. Shulman and would have followed his advice as to how to proceed, and I would have made sure that Mr. Shulman consulted with Mr. Russell regarding the threats that had been received and the need for use of charter travel for security reasons.

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13. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 13 day of March 2023.

Wayne LaPierre  
WAYNE LAPIERRE, Affiant

SUBSCRIBED AND SWORN to, on this 13 day of March 2023.

MDJ  
NOTARY PUBLIC

My commission expires: 07/31/2025

