

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

<p>PEOPLE OF THE STATE OF NEW YORK, BY LETITIA JAMES, ATTORNEY GENERAL OF THE STATE OF NEW YORK,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>THE NATIONAL RIFLE ASSOCIATION OF AMERICA, INC., WAYNE LAPIERRE, WILSON PHILLIPS, JOHN FRAZER, and JOSHUA POWELL,</p> <p style="text-align: right;">Defendants.</p>	<p>Index No.: 451625/2020</p> <p>Hon. Joel M. Cohen</p> <p>AFFIDAVIT OF BRIAN OLESEN</p>
--	--

I, BRIAN OLESEN, being duly sworn, depose and state:

1. I am over the age of 18, suffer no legal disabilities, have personal knowledge of the facts set forth below:

2. I am a 12-year member of the Board of the New York State Rifle and Pistol Association (NYSRPA). I make this affidavit on behalf of the Association with its knowledge and approval.

3. The NYSRPA has approximately 20,000 individual members. An additional 350 clubs are members of the NYSRPA, meaning that each member of each club is also a member of the NYSRPA. The NYSRPA has members throughout the state. Every member of the State Association is required to be a member of the NRA.

4. As a member of the NYSRPA Board, and as an outspoken Second Amendment advocate and citizen interested in laws and litigation affecting gun owners, I have knowledge of the matters described below, including the interests of gun owners and members of NRA and the NYSRPA.

5. The NYSRPA Board and NYSRPA members are opposed to the Court appointing an "independent" consultant or monitor.

6. Such an appointment falsely implies a systemic problem with NRA governance and eviscerates the First, Second and Fourth Amendment rights of the NRA and its members.

7. The Court should not substitute a monitor for fiduciary obligations of board members.

8. The government of New York has a long history of infringing on and criminalizing the exercise of Second Amendment rights starting with the enactment of the Sullivan

Act and its selective enforcement and licensing bribery schemes.

9. That history of infringement continues today in the passage of the Concealed Carry Improvement Act, written in direct and defiant opposition to the decision of the Supreme Court of the United States in *New York State Rifle & Pistol Association v. Bruen*, 597 U.S. 1 (2022). It is telling that the State which flagrantly defies the Supreme Court of the United States and has misused the judicial system in the past is now seeking to use the judicial system to muzzle its opposition.

10. Other oppressive laws too numerous to mention include gun background checks being operated by the state (New York is now a point of contact state) and ammunition background checks. Lawful gun owners are regularly being denied the purchase of ammunition and firearms at alarming rates without meaningful due process.

11. New York also targeted the NRA directly by seeking to have insurance companies and banks cut ties with the NRA. See *National Rifle Association v. Vullo*, 602 U.S. 175 (2024). Further attacking the First Amendment rights of gun owners, the New York state government sought to conduct social media inquiries to make determinations as to licensing, in blatant violation of the First Amendment. This move contributed to heightened fear among gun-owners in the state about surveillance by the state government.

12. Letitia James made statements comparing the NRA to a terrorist organization and then brought this lawsuit to dissolve it entirely. With that effort rejected, she is now seeking to cripple the NRA by forcing the appointment of a financial monitor who would have sweeping oversight for three years. She is also seeking to initiate changes to its Board including reducing the number of Board members. The bylaws and number of board members are a function of the governance of the NRA for purposes of representing all 50 states and not the subject of external government determination.

13. The NYSRPA's members stand opposed to the relief sought by the NYAG. The NYSRPA's members have full confidence in current NRA leadership and governance and have full confidence that all issues alleged by the NYAG regarding prior leadership were resolved years ago. We do not want any involvement by the New York government in the NRA's internal affairs.

14. The NYSRPA further recognizes that the NRA's effectiveness derives from its complete independence from the

government and that it serves as the voice of its members.

15. The broad inquiry of a monitor would create a chilling effect in expression of affiliation including but not limited to financial support.

16. The appointment of a New York monitor would cause members and donors of the NYSRPA to further curtail their involvement with the NRA and withhold donations, out of fear that its mission and independence have been compromised. And NYSRPA and NRA members don't want to pay to support the anti-gun animus and agenda of the NYAG.

17. The NYAG is not requesting the appointment of a monitor for the protection of the NRA members – for whom she has publicly expressed disdain – but as a way of suffocating the life out of the organization that represents the NYSRPA and so many more NRA members.

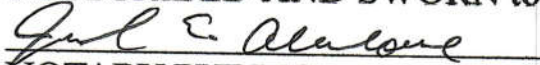
18. The NRA's redress would be through the courts, as it has been for the NYSRPA; the financial burden would be borne by NRA and its members. It is a long and expensive process, as the Association has seen. And it could be the financial ruin of the NRA.

19. Accordingly, I respectfully request the voice of the New York State Rifle and Pistol Association be considered in this matter on behalf of me and the other 20,000 members of the NYSRPA similarly situated.

Executed this 27th day of July 2024.


BRIAN OLESEN, Affiant

SUBSCRIBED AND SWORN to, on this 27th day of July 2024.


NOTARY PUBLIC

JOEL E. ABELOVE
Notary Public-State of New York
No. 02AB6305768
Qualified in Rensselaer County
Commission Expires June 9, 2026