

2 IN THE UNITED STATES DISTRICT COURT
3 THREE-JUDGE COURT, WASHINGTON, D.C.
4 Consolidated Case 02-0582

5 _____
6 McCONNELL, et al.,)
7 Plaintiffs,)
8 v.)
9 FEDERAL ELECTION COMMITTEE,)
10 et al.,)
11 Defendants.)
12 _____)

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16 C O N F I D E N T I A L
17 Deposition of WAYNE LaPIERRE
18 Thursday, October 10, 2002
19 Washington, DC
20 10:27 a.m.

21

22

23 Job No. 12-6293(b)
24 Pages 1 through 138
25 Reported by: Mary Ann Payonk, RPR, RMR, CRR, RDR

□

LaPierre.Cross

3 offices of:

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12 Pursuant to agreement of counsel, before Mary Ann

13 Payonk, RPR, RMR, RDR, Certified Realtime Reporter and

14 Notary Public in and for the District of Columbia.

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1 COUNSEL ONLY - CONFIDENTIAL - WAYNE LaPIERRE

2 A P P E A R A N C E S

3

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5 LaPierre.Cross
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4

1 COUNSEL ONLY - CONFIDENTIAL - WAYNE LaPIERRE
2 A P P E A R A N C E S (Cont'd.)
3
4 ON BEHALF OF THE NRA AND THE WITNESS:
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12 ALSO PRESENT:

13 Cleta Mitchell, Esquire

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1 COUNSEL ONLY - CONFIDENTIAL - WAYNE LaPIERRE

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6

1 COUNSEL ONLY - CONFIDENTIAL - WAYNE LaPIERRE
2 P R O C E E D I N G S
3 WAYNE LaPIERRE
4 having been duly sworn, testified as follows:
5 EXAMINATION BY COUNSEL FOR INTERVENORS:
6 BY MR. SCHWARZ:
7 Q Mr. LaPierre, nice to see you again.
8 A Good to see you, Fritz.
9 Q And we saw each other first on September 3
10 when you gave a deposition in this case. And did you
11 tell the truth in that deposition?
12 A I did.

13 Q Have you read the deposition?

14 A I have.

15 Q Do you have any corrections in that
16 deposition?

17 A No, I don't.

18 MR. SCHWARZ: David, you mentioned one
19 where -- last night when we talked on the phone where
20 the word "heavy up" came out as something else.

21 MR. THOMPSON: Yeah, at page 274.

22 MR. SCHWARZ: How did it come out?

23 MR. THOMPSON: "Have it up."

24 BY MR. SCHWARZ:

25 Q we agree that should be "heavy up?" Okay.

□

7

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2 A I agree with that.

3 MR. SCHWARZ: Could you put in front of
4 the witness just -- or could we have marked as
5 LaPierre Exhibit 9 -- and Rupa advised that as a
6 practice, one should have the exhibit numbers run
7 consecutively so we don't have two LaPierre Exhibit 1s
8 or two Exhibit 7s or whatever.

9 MR. COOPER: And just to have every -- all
10 the players on the record here, I would identify
11 myself as Charles Cooper with Cooper and Kirk
12 representing the NRA and Mr. LaPierre in this
13 cross-examination. With me are my colleagues in the
14 case, David Thompson with Cooper and Kirk, and Cleta

LaPierre.Cross
15 Mitchell with Foley Lardner.

16 In response to your point, Fritz, given
17 that we have agreed that the deposition transcripts in
18 this case have a status similar in terms of
19 evidentiary admissibility to cross-examination, that
20 seems to me to make a lot of sense so we'll just
21 continue the numbering that we left off with. That's
22 your proposal?

23 MR. SCHWARZ: Yes, and -- and then also,
24 however, start his, quotes, cross-examination as page
25 1 so it's a distinct document from the deposition

□

8

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2 instead of having it follow in page number from the
3 end of the deposition.

4 MR. COOPER: Yes. And it is a
5 cross-examination of his witness testimony, which is
6 his declaration and not of anything that was said in
7 the deposition.

8 MR. SCHWARZ: Right, yeah, although I am
9 going to put to him -- it's within the scope, anyway,
10 but I'm going to put to him at the outset I think
11 three things that he said at the deposition which set
12 the scene for all the rest of my questioning, but they
13 are within the scope --

14 MR. COOPER: Of his declaration.

15 MR. SCHWARZ: -- of his declaration.

16 MR. COOPER: Very well.

17 MR. SCHWARZ: So let's mark as LaPierre
Page 7

18 Exhibit 9 the miniscript of his prior testimony.

19 (Exhibit No. 9 was marked.)

20 BY MR. SCHWARZ:

21 Q I'm going to ask you three quick questions
22 that come out of that.

23 A Okay.

24 Q And these are all going to be in the form
25 of did you give certain testimony, and was it

□

9

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2 truthful.

3 A Okay.

4 Q And the first is from transcript page 55,
5 line 8, starting at 55, line 8. Okay? And I will
6 read you a portion of your testimony and my questions
7 and your testimony, which start, question, quotes,
8 "Did NRA decide that one of its key objectives in the
9 year 2000 was to help assure that Al Gore did not get
10 elected as President? And you can answer that."

11 Answer, "Yes."

12 Question, "Okay."

13 Answer, "Did RA -- did NRA --"

14 Question, "Just yes is your answer?"

15 Answer, "Yeah, NRA, yes."

16 Continuing, quotes, "And did -- in the
17 year 2000, did NRA -- NRA have any more important
18 objective than trying to help Gore get elected
19 President and help to help assure -- excuse me.

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20 Strike my question. In the year 2000, did NRA have
21 any more important objective than trying to assure --
22 help assure that Bush was elected as President and
23 that Gore was not elected as President?"
24 Answer, "That was -- that was -- it
25 depends on who you're talking to. I mean, all the NRA

□

10

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2 programs are important: the safety, the training, the
3 education, the police training, the 12,000
4 competitions, the child safety programs. But the
5 truth, is Al Gore and Bill Clinton were trying to
6 destroy the entire culture of people in this country
7 that supported firearms ownership. President Clinton
8 even said in a press conference that before we were
9 able to achieve our objectives, we have to change the
10 culture, and they were trying to change the culture
11 and take away the very -- as the Justice Department
12 said, the very individual right to own a firearm."

13 "And would that be the overriding NRA
14 objective, NRA that year, given the nature of that
15 attack?"

16 "Yes, it probably would," period, close
17 quotes.

18 Now, did you give that testimony on
19 September 3?

20 A Yes, I did.

21 Q And was it truthful?

22 A Yes, it was.

23 Q You say the same thing later in your
24 deposition but I don't need to go over that with you.
25 Now I'd like you to look at a copy of a

□

11

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2 document that was previously marked at your prior
3 deposition as LaPierre Exhibit 3 and I'm going to ask
4 you to read -- yeah, to read into the record a portion
5 from your letter which was Exhibit 3 at the prior
6 deposition.

7 MS. ISPAHANI: You got them in the back of
8 your deposition.

9 MR. SCHWARZ: Does he have it?

10 MS. ISPAHANI: Yes, they are attached.

11 THE WITNESS: March 16?

12 BY MR. SCHWARZ:

13 Q It's your letter to NRA members of
14 March 16, 2001.

15 A Uh-huh.

16 Q And I'd like you to read into the record,
17 turning to the third page of the letter, which is NRA
18 2575, what you said starting with the words "last
19 fall," which are -- it's the fourth paragraph from the
20 bottom, and running -- reading the three paragraphs
21 starting with that "last fall."

22 MR. COOPER: Forgive me, Fritz, but I --
23 I've -- I'm lost. Where, exactly?

24 MR. SCHWARZ: This is the third page of

25 the letter.

□

12

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2 MR. COOPER: Page number 3 at the top?

3 MR. SCHWARZ: Page 3, and it's Bates
4 stamped numbers 2575.

5 MR. COOPER: Okay, I'm with you now. And
6 which paragraphs?

7 MR. SCHWARZ: Starting with the words
8 "last fall."

9 MR. COOPER: I see.

10 BY MR. SCHWARZ:

11 Q That paragraph, the next one and the one
12 after that, just read these into the record if you
13 would Mr. LaPierre.

14 A "Last fall, I faced what I believe and
15 still believe was a life-or-death choice for the
16 future of the Second Amendment. I could choose to
17 spend as much as the NRA possibly could to get our
18 message to gun-owning voters in critical swing states
19 or I could hold funds in reserve for battles during
20 2001 and beyond. I made the decision I did to spend
21 every dime and dollar we could because I didn't want
22 to look back after defeat and say, my gosh, if we had
23 only done a little more, we could have won. Over the
24 years, I've listened to you and I know you always want
25 me to do whatever it takes to win, and that's what I

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2 did. I spent what it took to defeat Al Gore, which
3 amounted to millions more than we had on hand."

4 Q Okay. And that was a truthful statement
5 you made in the fundraising letter you sent to your
6 donors on March 16, 2001, correct?

7 A Yes, it was.

8 Q And now, the final thing that comes from
9 his prior testimony, I'd like to read -- yes, it was.
10 Okay, I'd like to read to you two more passages from
11 your testimony, both very short. One is at page 78 of
12 your prior testimony.

13 MR. THOMPSON: Fritz, did you say 78?

14 MR. SCHWARZ: 78, yeah.

15 BY MR. SCHWARZ:

16 Q And, Mr. LaPierre, what I'm referring to
17 here on page 78 of the testimony is the meeting in
18 California in February of 2001 where First Vice
19 President Robinson made certain remarks.

20 A Uh-huh.

21 Q And I'm not going to refer to the ones
22 that caused you to smile the time before but I'm going
23 to read to you starting on line 1 of page 78 and it
24 reads, quotes, question, "And just to read that to
25 you, Robinson also said that if the GOP loses its

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2 razor-thin control of the house, it will seriously
3 injure the NRA folks. Every one of those --" then you
4 interrupt by saying, "Right," and then I said " -- now
5 friendly," and you said, "Right," and then I said
6 " -- committees." I was still quoting now from
7 Mr. Robinson, correct? Is that -- that's what you
8 understood I was doing?

9 A I understand that.

10 Q Okay " -- committees could be run by
11 people that are -- are -- not only dislike us but hate
12 us," he said, and the "he" was Mr. Robinson there,
13 right?

14 A That's correct.

15 Q Then you said, "Right," and then I say,
16 "was that said at the meeting in substance?"

17 And you say, "I'm sure it probably was,
18 and I'm sure that I -- I -- if somebody asked me about
19 it, I would probably -- I would have said that's true.
20 If you look at the people in line for the committee
21 chairs, I mean, they're not favorable to the NRA,"
22 close quotes.

23 So did you give that testimony on
24 September 3 and was it truthful?

25 A I did give that testimony and it was

□

15

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2 truthful.

3 Q Okay. And then the last one, which is
Page 13

4 along exactly the same lines is at page 119, line 9,
5 starts at page 119, line 9 -- well, why don't you read
6 to yourself? And I don't need to burden the record
7 with what starts at 119, line 9 and runs through the
8 beginning of 120.

9 And my question after you read it would
10 be: Did you express the same sentiment -- would you
11 rather, Chuck, have me read the testimony?

12 MR. COOPER: Not at all. I'm fine with
13 this.

14 BY MR. SCHWARZ:

15 Q Did you express the same sentiment when I
16 asked you about the NRA's desire not to have the GOP
17 lose its razor-thin control of the Congress?

18 A Okay.

19 Q And was that just expressing the same
20 sentiment as you had previously when you agreed with
21 the thrust of what Mr. Robinson had said in February?

22 MR. COOPER: Before you answer the
23 question, I -- I would ask that the witness identify
24 where the witness stopped reading on page 120.

25 THE WITNESS: I stopped reading at page --

□

16

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2 on page 1 -- oh, I -- was I supposed to read 120,
3 also?

4 MR. SCHWARZ: You could -- you -- you
5 should, I think.

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6 THE WITNESS: I only read 119.

7 MR. SCHWARZ: I think you should read 120,
8 and you might even carry over to 121, the first two
9 lines of 121. That would be fair, Chuck.

10 THE WITNESS: How far do you want me to
11 read?

12 MR. SCHWARZ: I would read through line 2
13 of page 121 unless, Chuck, you think he should go
14 further.

15 MR. COOPER: Fine with me.

16 THE WITNESS: I just did that.

17 BY MR. SCHWARZ:

18 Q So you gave that testimony?

19 A I did.

20 Q It was truthful?

21 A Uh-huh.

22 Q And that was expressing the same sentiment
23 about concern that the GOP not lose its razor-thin
24 control of the Congress, correct, if you look at the
25 top of 120 there?

□

17

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2 A It -- it was true expressing that, and I
3 was also true expressing the fact that if -- if --
4 that we are not a partisan organization and there --
5 if -- if there are Republicans that oppose the Second
6 Amendment, we also -- and we have a chance to -- to --
7 to -- to -- to help defeat them, we would do that,
8 also.

9 Q Yeah, but in -- in the year 2000, you
10 didn't run any broadcast ads that were -- were
11 expressing concerns about the attitudes of
12 Republicans, did you?

13 A No, but I think that was a function of --
14 well, I'm not sure. To tell you the truth, I'd have
15 to -- I'd -- I'd -- I'd have to check every ad that
16 ILA ran.

17 I guess I don't know the answer to that,
18 but I do know that -- that as a general strategy, if
19 there are very pro-firearm Second Amendment Democrats,
20 we support them, and if there are antifirearm Second
21 Amendment Democrats, we -- we oppose them, or
22 Republicans, we -- antiSecond Amendment Republicans,
23 we oppose them and -- but the broader statement is
24 true, that -- that -- the -- the underlying statement
25 that the chairs in line, if the Democrats regain the

□

18

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2 house, are by and large not favorable to the Second
3 Amendment or the NRA, so that's the situation.

4 Q Okay.

5 MR. SCHWARZ: Okay. Actually, in -- I'm
6 truly getting off the transcript in a second, but he
7 said something that makes -- makes me ask him just one
8 other question.

9 MR. COOPER: Sure.

10 MR. SCHWARZ: I don't think I need to.

11 BY MR. SCHWARZ:

12 Q Okay. And finally, was it true -- let me
13 read your transcript in which you said it was true --
14 yeah, if you turn to page 67, starting at line 19, and
15 I'm just going to read line 19 through 22 on 67 and
16 line 1 on 68.

17 Quotes, "It was correct, was it not, that
18 in the year 2000 presidential election and
19 Congressional -- and Congressional elections, all
20 three branches were at stake, correct?"

21 Answer, "That's correct," close quotes.

22 Did you give that testimony on
23 September 3?

24 A I did.

25 Q And was that truthful testimony on

□

19

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2 September 3 and -- and today?

3 A It was truthful.

4 Q Okay.

5 MR. SCHWARZ: Off the record for a moment.

6 (Discussion held off the record)

7 BY MR. SCHWARZ:

8 Q Your declaration spends some time talking
9 about infomercials, doesn't it?

10 A It does.

11 Q And you mentioned certain infomercials in
12 your -- is it a declaration or affirmation?

13 Declaration -- in your declaration, correct?

14 A That's correct.

15 Q Are you able to as you sit here today
16 recall the names of other infomercials that aren't
17 listed in your declaration that were run in the
18 year 2000?

19 A I -- I am not able to recall other
20 infomercials not in my declaration that were run in
21 the 2000.

22 Q Okay. So I might cause to name some and
23 then you might recall them down the road. Do -- I
24 mean, do you have in your mind -- I'm not -- you --
25 you said you don't have a total list as you sit here

□

20

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2 today, but if I gave you the name of an infomercial or
3 the subject matter, would you remember it, that was
4 run in 2000?

5 A I -- I think I remember most. I think I
6 remember the infomercials that were run in 2000.

7 Q Okay. Let me just pause for a minute and
8 ask you some questions about your declaration.

9 Did you draft your declaration, that is to
10 say, did you sit down and either dictate or write in
11 hand what's in your declaration?

12 A I -- I worked with the lawyers
13 representing us to -- to draft the declaration. I've
14 read the declaration numerous times and I believe it
15 is my statement.

LaPierre.Cross

16 Q Yeah, but just -- just the -- the first
17 draft didn't come from you, correct?

18 A That's correct.

19 Q I'm not asking who it did come from but it
20 didn't come from you.

21 A That's correct, that's correct.

22 Q Now, there are certain documents or videos
23 referred to in your declaration, correct?

24 A That's correct.

25 Q Take the videos. Did you watch the videos

□

21

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2 before you signed the declaration stating what was in
3 or was not in the videos?

4 A I did not watch the videos.

5 Q Okay. So -- so in -- in deciding --
6 excuse me. In signing your declaration as to what was
7 in and what wasn't in, is it correct you relied on the
8 carefulness of your lawyers and your own memory?
9 You -- you checked what they said with your own
10 memory, correct?

11 A That's correct.

12 Q Okay. Now, there are, in addition to the
13 videos, there are a number of hard copy documents
14 referred to in your declaration, correct?

15 A That's correct.

16 Q They include NRA legal documents like
17 bylaws and so forth?

18 A That's correct.

19 Q They include some newspaper articles?
20 A That's correct.
21 Q They include some either newspaper
22 articles or videos of various politicians who were
23 critical of the NRA?
24 A That's correct.
25 Q I'm not asking you about any of those, but

□

22

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2 I'm now going to ask you about a class of document
3 which is statistical with respect to where and when
4 certain of the infomercials were run. In some cases,
5 there's just a list of numbers. In some cases,
6 there's a list of locations and in some cases, there
7 are select or certain invoices, correct?
8 A That's correct.
9 Q Now, as to the -- let's take the accuracy
10 and the completeness of that information. Did you,
11 Wayne LaPierre, do anything to check whether the
12 figures as to the amount of dollars spent on -- on
13 various advertisements or the number of times they ran
14 or locations where they ran, given in quite a lot of
15 detail, did you do anything to check on whether those
16 numbers were, A, complete and B, accurate?
17 A I -- I relied on -- in terms of where they
18 ran, like I -- like I do managing the organization
19 on -- on our advertising agency and the reports that
20 they gave me as to when and to where they ran.

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21 That's -- that's the best information I know of and
22 that's what they provide me and that's what I rely on.
23 In terms of the dollar figures, I checked
24 with our treasurer's office, is this correct, and they
25 assured me it was -- it was it was correct.

□

23

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2 Q And that was the ballpark dollar figure of
3 approximately \$13 million?
4 A That's correct.
5 Q So on the -- on details, am I correct that
6 if I were to attempt to check is the best word, those
7 details, it would be done through your advertising
8 agency and not through you, Wayne LaPierre?
9 A I -- I rely on what the advertising agency
10 gives me, that's correct.
11 MR. SCHWARZ: Off the record.
12 (Discussion held off the record)
13 BY MR. SCHWARZ:
14 Q Now, a number of the infomercials referred
15 to in your affidavit -- in your declaration say that
16 the only reference to a candidate for federal office
17 was a -- I think you used the word "fleeting," or in
18 one case you used the word "couple of seconds" picture
19 of a magazine cover that happened to have Mr. Gore on
20 it. You -- you do -- are you familiar with your
21 declaration having said that?
22 A I -- I -- I am familiar with that.
23 Q Okay. And that magazine cover was an

24 issue of the magazine First Freedom, right?

25 A That's correct.

□

24

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2 Q And that was a magazine that started being
3 published in the year 2000?

4 A That is correct. That is our news
5 magazine.

6 Q And by September of 2000, you had
7 something like 600,000 subscribers to it?

8 A That's correct.

9 Q Remarkable record. How did you achieve
10 that record?

11 A People want news.

12 Q Uh-huh. Okay, so -- so the -- the
13 magazine cover was in each case shown during a
14 fundraising segment of the infomercial where you were
15 the speaker, is that correct?

16 A That -- I -- during a fundraising segment
17 of the infomercial where I was a speaker?

18 Q Yes.

19 A Probably.

20 Q And --

21 A I'll take your word for it.

22 Q And do -- do you remember the cover of
23 Mr. Gore that was used?

24 A I do.

25 Q And was it a cover that had sort of a --

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2 a -- a picture of Gore that also looked like Clinton
3 or something like that?

4 A That's correct.

5 Q And the headline said something like --
6 what was it, Laleh, the headline?

7 MS. ISPAHANI: It's "Clinton to the Gore."

8 BY MR. SCHWARZ:

9 Q "Clinton to the Gore," which was, I
10 suppose, a play on "Clinton to the Gore."

11 A Right, right.

12 Q Okay. Now, in each of those fundraising
13 segments -- by the way, the fundraising segment of the
14 infomercial would be in the course of a 30-minute
15 infomercial. Approximately how many minutes of the --
16 of the infomercial?

17 A The -- it would be a couple of times
18 throughout the infomercial asking people to join and
19 asking people to -- to contribute.

20 Q I know in --

21 A I don't know exactly how many, but a
22 couple times.

23 Q In -- in -- in one that I am familiar
24 with, it's repeated three times.

25 A Yeah, that sounds correct.

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2 Q would that be a norm?

3 A That sounds correct.

4 Q And through August, did the benefits from
5 the fundraising on the infomercial roughly match the
6 cost of the -- producing the -- and -- and having run
7 on the television the infomercials?

8 A We tried not to lose a lot of money
9 because we operate with -- with limited resources and
10 we wanted to -- we wanted to get the truth out to
11 America as -- as -- as much as we could, given our
12 resources, so we -- we -- we tried to stretch our
13 dollars and -- in getting the truth out to battle what
14 President Clinton and -- and -- and the media
15 companies were -- were -- were -- were doing to poison
16 the atmosphere against us.

17 Q Yeah, and -- but just to be precise on my
18 question --

19 A Uh-huh.

20 Q -- the -- through August of 2000 --

21 A Right.

22 Q -- the money that you received from the
23 infomercials was roughly equal to your cost of
24 producing them and running them on the television, is
25 that right? If you don't know, if you don't remember

□

27

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2 that, I can show you a document that says that later.

3 A I -- I -- that was the objective. I don't
4 know exactly whether we achieved it or not, but I --
5 I -- we tried to achieve that objective.

6 Q Okay.

7 A I mean, I think we came fairly close.

8 Q Okay. Then let me go back to the magazine
9 cover of First Freedom. What month in the year 2000
10 was the magazine First Freedom first available?

11 A I don't -- I don't remember the exact
12 month. It was -- it was, I believe, early in the year
13 but I'd have to check the exact date.

14 Q Okay. And do you know when among the
15 sequence of covers in -- in 2000 the cover that had
16 the picture of Gore looking like Clinton appeared?

17 A I -- I -- I would -- I'm not exactly sure.
18 It would probably be, I would say, August or
19 September, if I had to bat.

20 Q Okay. And that picture was flashed on the
21 screen while you were talking and saying if you join
22 the NRA, there are certain benefits you get?

23 A That's correct.

24 Q And you flashed a number of things on the
25 screen?

□

28

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2 A Right.

3 Q One of which was this magazine cover,
4 correct?

5 A As -- as one of the magazines we have
6 available along with The Rifleman and The Hunter and a
7 couple other magazines.

8 Q And did you flash pictures of those
9 magazines also or just First Freedom on the --

10 A You know, I'm -- I'm -- I'm not sure.
11 I -- I think -- I think -- I -- I'd have -- I don't
12 know, I'd have to watch the -- the infomercial.

13 Q Okay.

14 A I think we ran all three but I'm not sure.

15 Q Ran in the sense of showing all three
16 magazines?

17 A I believe, but I'm not sure.

18 Q Okay. In -- in a minute, I'm going to ask
19 for us to look at just his segment, because I don't
20 want to spend his time spending 30 minutes of a couple
21 of these infomercials if we're technologically
22 competent to do that rather if my colleagues are
23 technologically able to do that.

24 MR. COOPER: We will all have to rely on
25 your colleagues for technological competence.

□

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2 BY MR. SCHWARZ:

3 Q Are you aware that in each of the segments
4 of the infomercials in which the Gore/Clinton cover
5 was flashed on the screen for -- frankly, I don't
6 think it's even as long as a second, but is -- is

LaPierre.Cross

7 flashed on the screen, that in each of those, you were
8 speaking in front of a backdrop of a banner or an
9 electronic banner that says "Election --" in large
10 letters, "Election 2000"?

11 A I was not aware of that. It -- it -- I
12 may very well have been standing in front of a banner.
13 I -- I don't recall that.

14 Q Okay. Are you -- without recalling
15 whether you were standing in front of that banner in
16 those infomercials --

17 A Right.

18 Q -- are you aware that that banner -- I use
19 the word "banner." It may be an electronic image, but
20 I'll call it a banner -- that that banner, "Election
21 2000," was used in a number of NRA TV broadcast
22 advertisements in the year 2000?

23 A It -- it -- it -- it -- I don't remember
24 the banner but it doesn't surprise me if that's true.

25 MR. SCHWARZ: Okay. Off the record again.

□

30

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2 (Discussion held off the record)

3 MR. SCHWARZ: I'd like to run -- what I'd
4 like to do is run it in one or maybe two and then
5 represent to you -- and your lawyers can correct me if
6 I'm wrong -- that it's in all the certain other ones.
7 Okay, if you could get that one, "California All
8 States."

9 MS. ISPAHANI: Okay.
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10 (Discussion held off the record)
11 MR. SCHWARZ: We're going to start with
12 looking at an infomercial -- and what's the -- their
13 Bates number of it? All states? All states. Okay,
14 this is -- was given to us with the heading "Ackerman
15 McQueen, National Rifle Association, California
16 Infomercial, All Other States Version," close paren,
17 NR/704, 9-12-2000, NRA ACK, A-C-K, 00005 and I guess
18 we ought to mark that as Exhibit 9. And, if -- if
19 it's all right to you, to save the 30 minutes, I'd
20 like to jump to where he is talking seeking donations
21 and there's a flash of the magazine.
22 MR. COOPER: I beg you to do so.
23 MS. ISPAHANI: It's Exhibit 10.
24 MR. SCHWARZ: This would be Exhibit 10.
25 (Exhibit No. 10 was marked.)

□

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1 COUNSEL ONLY - CONFIDENTIAL - WAYNE LAPIERRE
2 BY MR. SCHWARZ:
3 Q This starts with Charlton Heston, in
4 effect, introducing it. Did you see the "Election
5 2000" right behind him?
6 A Yes.
7 Q Jump ahead now to Mr. LaPierre.
8 And would you call that a banner or would
9 you call that an electronic thing?
10 A Either one.
11 Q Okay. I'm going to use "banner" just

LaPierre.Cross

12 because it looks like a banner to me, but -- okay, now
13 jump back to where he starts.

14 (The tape was played as follows:)

15 TAPE: "Do you think it's wrong to
16 criminalize gun owners? If you don't want
17 California-style laws imported to your doorstep, then
18 call this number now to join NRA. Your one-year NRA
19 membership includes a subscription to NRA magazines, a
20 no-fee MasterCard and special member benefits, but if
21 you call now, you'll also get this silver bullet
22 memento, engraved with Charlton Heston's signature.
23 It tells the world you're doing your part to keep
24 California madness from infecting our entire country.
25 So call this toll-free number now to get your silver

□

32

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2 bullet keepsake and join the NRA."

3 BY MR. SCHWARZ:

4 Q Okay, so you -- you saw -- that was you
5 speaking, right?

6 A It was.

7 Q And it did flash the three magazines, you
8 were right, one of which was the First Freedom that
9 had that picture of Gore beginning to look like -- or
10 looking like Clinton.

11 A That's correct.

12 Q And the banner was behind you although
13 frankly, the banner was clearer when Charlton Heston
14 was speaking. But did you see the "Election 2000"

15 banner behind you?

16 A I did.

17 MR. COOPER: Just for purposes of the
18 record, when you say it was clearer, I -- I would note
19 that it was at least partially obscured by the image
20 of the speaker, at least during the segments that I
21 saw.

22 MR. SCHWARZ: Yes, but it is clear it's
23 not speaking about an election in 19 -- it's -- you
24 can know it's an election and you see the words two
25 zero, and sometimes the second zeroes after that are

□

33

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2 harder to see.

3 MR. COOPER: I think that is --

4 MR. SCHWARZ: Fair.

5 MR. COOPER: -- fair.

6 MR. SCHWARZ: Okay.

7 BY MR. SCHWARZ:

8 Q Now, let me ask you a question before we
9 play -- well, I will represent to you that the same
10 banner and the magazine are shown in the infomercials
11 known as "Heston/Union." You recognize that name,
12 right?

13 A I do.

14 Q "California in state." You recognize that
15 name, right?

16 A I do.

LaPierre.Cross

17 Q "California All States," which we just
18 looked at.
19 A I do.
20 Q "It Can't Happen Here," you recognize that
21 name?
22 A I do.
23 Q Million-mom -- "Million-Mom March," that's
24 another infomercial. You recognize that, don't you?
25 A I do.

□

34

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2 Q And "Truth About Prosecution," you
3 recognize that name --
4 A I do.
5 Q -- as an infomercial? Okay.
6 And I will represent to you and I'll
7 represent to you that that same flash of the magazine
8 is shown in "It Can't Happen Here, California All
9 States," which we just saw, "California In State," and
10 "Heston/Union." Okay, are you sure it's in
11 "Heston/Union"? The magazine?
12 MS. ISPAHANI: Yes.
13 MR. SCHWARZ: You're sure?
14 MS. ISPAHANI: Yes.
15 MR. SCHWARZ: Well I represent it based on
16 my assurances from Laleh.
17 MR. COOPER: And we have no basis on which
18 to doubt in the slightest your representation, and if
19 we conclude that it is inaccurate in any way, we'll

20 call it to your attention.

21 MR. SCHWARZ: Okay.

22 BY MR. SCHWARZ:

23 Q Now, let me ask you whether -- I've
24 mentioned three California infomercials, one of which
25 had the heading "California In State," one of which

□

35

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2 has the heading "California All States" and one of
3 which has the heading "California Battleground." And
4 do you recognize each of those names? Right?

5 A I -- I do.

6 Q And what would you describe as the
7 difference in -- in any way that you choose between
8 "California In State," "California All States" and
9 "California Battleground"?

10 MR. COOPER: I want to object to the
11 question only to the extent that it relies upon,
12 obviously, the witness' memory for the content of each
13 one of these infomercials and -- and the witness'
14 memory is not refreshed, as I understand his previous
15 testimony, by any recent viewing of the infomercials
16 themselves, so it will be limited as --

17 MR. SCHWARZ: I think I can ask a slightly
18 different question.

19 BY MR. SCHWARZ:

20 Q Not getting into the -- the details of
21 what may be different between -- among those three

LaPierre.Cross

22 infomercials, what can you tell us about where and
23 when the NRA used the three, starting with "California
24 Battleground"?

25 A I'd have -- I'd have to check with our ad

□

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2 agency to find out exactly where "California
3 Battleground" ran. The -- the -- the California spot
4 in general that dealt specifically with California ran
5 statewide in California to solicit contributions,
6 solicit memberships in the State of California. It --
7 I -- I assume if -- if it -- if it ran in other parts
8 of the country, it was to show firearms owners in
9 other parts of the country the horror stories that
10 were happening to gun owners in California.

11 MR. COOPER: I -- I -- if I could just
12 interrupt, I don't think the question asked for any
13 assumptions that you have.

14 THE WITNESS: I just --

15 MR. COOPER: The only thing you can
16 testify to -- and I would admonish the witness the
17 only thing you can testify to is what you recall. And
18 if you don't recall anything and, you know, in terms
19 of the specifics of the questions put to you, you
20 simply can't answer it.

21 A I don't recall where "California
22 Battleground" ran.

23 BY MR. SCHWARZ:

24 Q Okay. Do you -- do you -- do you

25 recognize the word "battleground"? We talked about

□

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2 that word quite often on your prior deposition, didn't
3 we?

4 A You asked me in -- in the deposition about
5 battleground states.

6 Q Right.

7 A I remember that.

8 Q And -- and in that context, you understood
9 battleground states as meaning states that were
10 involved at close elections for the presidency,
11 correct?

12 A Where the issue was being hotly debated
13 and -- and -- that's correct.

14 Q Okay, all right.

15 I'd like now to play from "California
16 Battleground," which I guess needs to be marked as 11,
17 the introduction by Mr. Heston and then jump to
18 Mr. LaPierre's portion of "California Battleground."

19 Okay, just to read into the record -- and
20 if I go too fast on this, you tell me -- this is Bates
21 stamped as NRA ACK 00021 and then has typed on it
22 "National Rifle Association, California
23 Infomercial-battleground Version," then it has some
24 details that are I think not important except for a
25 date, which is 9-12-2000.

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2 MR. SCHWARZ: We start with Mr. Heston's
3 introduction, okay? And, I mean, I think the first --

4 (The tape was played as follows:)

5 TAPE: "How often have you heard
6 politicians tell honest gun owners that nobody wants
7 to take away your guns or your Second Amendment
8 rights? You've heard them say they'll never make you
9 a criminal when they register, then ban and confiscate
10 your guns. That will never happen here they say. Not
11 in America. It (inaudible) in Australia, Canada,
12 sure, but that can't happen in a free country. That
13 would be outrageous. Well, what's outrageous is that
14 it has happened here, out in California, and it won't
15 stop happening unless you and all freedom-loving
16 Americans get registered to vote, get informed about
17 the candidates and vote November 7th. As you're about
18 to see, California's gun-hating politicians believe
19 with good reason that by bringing California gun
20 owners to their knees, the rest of the nation will
21 soon follow. Please watch."

22 BY MR. SCHWARZ:

23 Q Okay, now if you -- please stop there.

24 That was Mr. Heston speaking, correct?

25 A That's correct.

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2 Q We know that, I just wanted to make sure
3 the transcript knew it. Now, Laleh, if you'd jump
4 ahead to Mr. LaPierre, you'll notice a couple of
5 differences in what you say and what you show in -- in
6 this one.

7 The -- by the way, I represent that the
8 segment about California is identical, it's only what
9 Mr. McQueen calls the bumpers -- that's how he refers
10 to your comments, by the way, a bumper -- only what he
11 calls the bumpers that are changed a little bit. The
12 bumpers are what Mr. Heston and Mr. LaPierre say.

13 (The tape was played as follows:)

14 TAPE: Hello. I'm Wayne LaPierre of the
15 National Rifle Association. If you're outraged at
16 what's happening in California, if you don't want that
17 to happen here, if you think honest gun owners
18 shouldn't be treated like violent criminals, then this
19 is the most important election year of your lifetime.
20 If you don't want California-style laws imported to
21 your doorstep, then all freedom-loving Americans must
22 get involved. Get informed. Get registered to vote
23 and get to the polls on November 7th. Call this
24 number now to join NRA or to find out how you can
25 help. Whatever you do, don't miss your chance to

□

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2 vote. Turn back this dangerous wave of antifreedom

3 momentum and maybe, just maybe, regain your precious
4 Constitutional rights."

5 BY MR. SCHWARZ:

6 Q Okay, so that -- that was you -- that was
7 you speaking. That's correct?

8 A That's correct.

9 Q Did you notice that in that one, you did
10 not have the picture of the magazine or any of the
11 other memorabilia included in what you said? If you
12 want to go back, you may do that. Do that if you're
13 not sure.

14 A No, I did notice that. I didn't notice it
15 until you mentioned it, but now I notice it.

16 Q Okay. Now, having seen the portion of the
17 bumper from Mr. Heston that urges people to register
18 to vote and vote and the portion of your remarks that
19 does the same, does that help you recollect that
20 "California Battleground" was prepared to run in
21 battleground states?

22 A I -- I didn't put the label on it, I --
23 it -- it -- if the ad agency put "California
24 Battleground" on it, that's the terminology they used.
25 I think it ran in battleground states and some

□

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2 nonbattleground states if you're calling battleground
3 states where -- that were -- that were the hottest
4 states in the terms of the debates in terms of the
5 election.

6 Q I think that one ran only in battleground
7 states.

8 A Oh, did it?

9 Q But, you know, what? I could be wrong,
10 but that's what I believe, and that the other ones ran
11 in -- in a wider variety of states.

12 A You know, it -- it -- it could be, I --
13 I -- I don't know is the answer.

14 Q Okay. Before an infomercial is actually
15 put on the air, Mr. McQueen's testimony was that you
16 were a -- I think he -- these weren't the words he
17 used but I'm going to characterize them -- you were a
18 vigorous and careful client. Would you accept that
19 you're both vigorous and careful?

20 A I would.

21 Q Okay. And he said you -- as part of your
22 vigor and your care, you wanted to know what was going
23 to be said in -- in broadcast advertisements,
24 including infomercials, and to have a chance to weigh
25 in on whether it was being said in the most effective

□

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2 way. Is that correct?

3 A That's correct.

4 Q And you've no reason to doubt -- well,
5 I'll ask you if you remember and then I'll ask you a
6 different way.

7 Do you remember going through that

8 exercise with respect to the infomercials we've been
9 talking about?

10 A I do. I -- I -- I know I looked at -- I
11 know I looked at the infomercials before they went on
12 the air.

13 Q Okay. And therefore, you had no problem
14 with the fact there was no -- no magazine that
15 happened to show a picture of Mr. Gore included in the
16 "California Battleground" version of the infomercials
17 correct?

18 A I -- I -- I did -- no, I -- I didn't.

19 Q Do you mean you're saying you agree with
20 me or you --

21 A I -- I don't remember being an issue one
22 way or the other.

23 Q Okay.

24 A It was what was there and I -- I just
25 don't remember that being a specific issue one way or

□

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2 the other.

3 Q Okay, okay. In paragraph 14 of your
4 declaration, you say the program detailing
5 California's restrictions on gun ownership ran over
6 800 times in California from August 29th, 2000 through
7 November 5, 2000. Now, are -- are you able to
8 answer -- I may do it this way. You know, don't you,
9 that the infomercials, plural, entitled "California
10 Battleground" and "California All States" ran in

LaPierre.Cross

11 states other than California, correct?

12 A I -- I do.

13 Q Okay. But apparently, the one which is
14 entitled "California In State" ran only in California.

15 A I believe that's correct.

16 Q And is that the one you were referring to
17 in paragraph 14 which says in the first sentence the
18 program detailing California restrictions on gun
19 ownership ran over 800 times in California from
20 August 29th, 2000 through November 5, 2000?

21 A That's correct.

22 Q Okay. Now, that stopped on November 5,
23 correct, because -- at least that's what it says here.

24 A I'm not sure when -- I don't know -- I'm
25 not sure when it stopped. I --

□

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2 Q But you've no reason to doubt what you say
3 in your own affirmation or your declaration?

4 A No, I don't. I -- I -- if that's the date
5 that's there, that's -- that's -- I trust the date
6 that's there.

7 Q And would -- the federal election in 2000
8 was on November 7, correct?

9 A I -- if -- if you say that, I trust that
10 is the date.

11 Q Okay. The issue of -- of California's
12 restrictions on gun ownership didn't disappear with

13 the federal election on -- in November 2000, did it?

14 A That's correct. It's ongoing.

15 Q And are you able to say why this stopped
16 running two days before the election?

17 A That's just -- that's the cutoff date
18 that -- that -- that they bought through.

19 Q Okay. Was there an -- an election of the
20 California state legislature in November of 2000?

21 A There would have been.

22 Q And -- and are certain California state
23 politicians depicted in the -- the California
24 infomercial?

25 A That's -- I -- I -- I -- I remember that

□

45

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2 they are.

3 Q Okay. Now, we -- we've seen that in
4 California back -- battleground, the magazine picture
5 of Mr. Gore is not present.

6 MR. COOPER: Fritz, I would like to
7 interpose an objection to questions that relate to
8 "California Battleground." My colleague assures me
9 there is no reference in the declaration to that
10 specific particular infomercial and I would suggest to
11 you that questions that relate to it go beyond the
12 scope of his declaration.

13 MR. SCHWARZ: Well, I don't think so
14 because maybe -- maybe he can -- he can pin that down
15 in a moment, but the fact that they run another

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16 infomercial about California which doesn't include
17 this one-second or two-second fleeting reference to
18 the magazine cover, doesn't have a picture of it,
19 suggests that that magazine, that particular magazine
20 cover is not an important part, is not an -- an
21 important part of the message they're trying to
22 deliver about California so I think I'm entitled to
23 have him agree with that, but I may be able to get it
24 at it more directly, and let's see if I can do that.
25 otherwise, I think my questions are appropriate,

□

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2 but --

3 BY MR. SCHWARZ:

4 Q Mr. LaPierre, having in mind that that
5 picture of Vice President Gore looking like President
6 Clinton is on the screen for only, at most, two
7 seconds, having in mind that that magazine had had
8 several issues and having in mind -- here's where I
9 think it's fair, Chuck -- having in mind that when you
10 ran "California Battleground," you don't have any
11 picture at all of the magazine, am I correct that for
12 the NRA to get across its message about what was bad
13 in California, it is not in any way necessary or
14 important to flash the -- that particular magazine
15 cover?

16 A I don't -- I don't remember the magazine
17 being -- cover being an -- an issue that I -- one way

18 or the other that I got involved with in terms of the
19 infomercial. It -- I don't remember any discussions
20 or any -- in terms of the magazine cover, period, be
21 it in terms of the infomercial. It -- it -- it's a
22 magazine like Time Magazine. It -- it -- it's a news
23 magazine and -- and it covers news and -- and that was
24 one of the more prominent covers that -- that we
25 displayed. It -- it -- I mean, do you have to use

□

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2 that magazine cover relate to California? I mean,
3 it -- I just don't remember it being an issue one way
4 or the other.

5 Q Okay, because what you were focusing on,
6 Mr. LaPierre, was the substance of the infomercial
7 which expressed through various people speaking and
8 various pictures why you thought the news about
9 California would be something that would affect the
10 minds of people who saw the infomercial. That's a
11 long question, but I'm saying: Was that what you were
12 focusing on?

13 A I was -- I remember focusing on -- on what
14 was happening to gun owners in California in terms of
15 the truth.

16 Q Uh-huh.

17 A And -- and -- and as -- from a -- from a
18 documentary standpoint, it -- it -- it -- you know,
19 Mr. Gore certainly was one of the participants in that
20 national dialogue on -- on -- on the -- on the second

21 Amendment and the firearms issue, but -- and he could
22 or could not have been there, given his public
23 participation in the debate on the Second Amendment.

24 Q Yeah, but in the California infomercial,
25 as your affidavit -- your declaration says, the only,

□

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2 quotes, fleeting reference to Mr. Gore was that
3 picture of the magazine cover, correct?

4 A I -- I take your word for it, that --
5 that -- that's correct.

6 Q That's what your -- your affirmation --

7 A Yes, I -- I believe that.

8 Q Okay. And now continuing, I'm just going
9 to call your attention to a few things in your
10 declaration. Paragraph 15, it refers to an
11 infomercial called "It Can't Happen Here."

12 A Uh-huh.

13 Q And that also -- the only reference to --
14 I mean, that, says and I believe it to be correct, the
15 only reference to the Vice President is that same
16 flash of the magazine cover.

17 A Okay.

18 Q And when you --

19 A Okay.

20 Q -- signed that dec -- no, well, now --
21 your declaration --

22 A I -- I -- I -- I -- that's true.

23 MR. COOPER: The court reporter is
24 reminding us that we have to talk one at a time.
25 BY MR. SCHWARZ:

□

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2 Q So when you said in your declaration --

3 A Uh-huh.

4 Q -- that there was the use of Vice
5 President Gore's image on the cover of a magazine, it
6 was your understanding that that's the only reference
7 to a candidate, a federal candidate in the -- in that
8 infomercial, correct?

9 A That's correct.

10 Q Okay. And I will represent that in that
11 one, as well, it's only in your fundraising segment of
12 the -- okay, then there's a reference in your
13 paragraph 16 to the infomercial called the "Truth
14 About Prosecutions." Do you see that?

15 A I do.

16 Q Okay. And in your paragraph 16, while
17 there are references to President Clinton, there are
18 no references to Vice President Gore, and I guess all
19 I'm saying is you -- when you signed paragraph 16, you
20 were satisfied it was correct.

21 A That's correct.

22 MR. COOPER: Could I ask, does the witness
23 have his declaration before him?

24 THE WITNESS: No, I don't.

25 MR. COOPER: would --
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2 MR. SCHWARZ: Do you guys have an extra
3 copy?

4 MR. COOPER: Certainly, and if you have no
5 objection, it might make --

6 MR. SCHWARZ: I honestly have no
7 objection. I have no objection.

8 MR. COOPER: Okay.

9 BY MR. SCHWARZ:

10 Q Now, then in paragraph 19 you skip to
11 infomercials done in the year 2001.

12 Are you sure, by the way, that one didn't
13 start in the, quotes, NRA report on the UN didn't
14 start in -- in late November or December of 2000? And
15 here, I have no reason for --

16 A I --

17 Q -- asking that.

18 A I -- it -- it ran in 2001. I did -- it
19 was not finished in -- in 2000.

20 Q Okay. Then you refer in paragraph 20 to
21 an infomercial about efforts to restrict firearms
22 abroad. Do you see that?

23 A Correct.

24 Q Now, five times in your deposition -- I'm
25 just going to question you about the date, 2001, on

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2 that particular infomercial because five times in your
3 deposition, you said that was run in 2000 and in the
4 material from your board meeting of September 2000
5 that David Thompson gave me early this morning,
6 there's a reference to this program about -- I think
7 it's Canada and South Africa and England or something
8 like that, so -- and, Mr. LaPierre, don't get me
9 wrong. I'm not accusing you of anything in suggesting
10 that you may have made a mistake in saying that was
11 run only in 2001, but was that run in 2000 as well as
12 2001?

13 A I don't know. I know in 2000, we ran news
14 documentary infomercials talking about what was
15 happening in England and what was happening in Canada,
16 and I believe what was happening in Australia to --
17 to -- to cover the story the national media was not
18 covering on what was happening to gun owners in those
19 countries, and I know we ran that story in 2000, as
20 well.

21 Q Okay, so -- so that -- that's what you had
22 previously testified to and what you told your board
23 in -- in --

24 A Uh-huh.

25 Q Okay, so -- and we can just agree that

□

2 that would -- that paragraph should say in 2000 and
3 2001?

4 A I mean, I'd have --

5 MR. COOPER: I'm not sure that --

6 A what -- what -- what would have to be
7 checked was whether there was a -- go ahead, I'm
8 sorry.

9 MR. COOPER: I was just going to object to
10 that proposition to the extent that I'm not sure that
11 the witness -- the witness' response was specific
12 and -- and reflected a specific recollection with
13 respect to Exhibit 9 referenced in 20.

14 THE WITNESS: That's correct.

15 MR. COOPER: It may well have, and I --
16 and -- and I think this is a discoverable fact if it
17 is true, as you're suggesting, that Exhibit 9 ran in
18 2000 as well as 2001 but certainly, the declaration
19 doesn't say that it didn't run in 2000.

20 MR. SCHWARZ: I was very careful, Chuck,
21 to say to Mr. LaPierre, who's, I think, a careful
22 witness, that I was not accusing him of anything.

23 MR. COOPER: Of course.

24 MR. SCHWARZ: That I just think he is
25 incorrect, and -- and I'll just refer you guys to his

□

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2 testimony on the deposition where he indicates that
3 the infomercial about things that were being done in

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4 Canada and South Africa and other places was run in
5 2000. In fact, he referred to it in his view as the
6 best infomercial in 2000, but I'm not going to force
7 anybody to go back and look at the -- go ahead.

8 THE WITNESS: Can I just clarify a point?

9 BY MR. SCHWARZ:

10 Q Yes.

11 A I know for a fact that we ran infomercial
12 in 2000 talking about from our point of view the
13 horror stories going on in England, Canada, I believe
14 Australia. What I don't know is whether it's -- it
15 it -- was the one -- I don't know for a fact it was
16 the one NRA ACK 00019 but on a broad generality --

17 Q Yes.

18 A -- I know we ran infomercial in 2000
19 talking about England --

20 Q Yes.

21 A -- talking about Canada --

22 Q Yes.

23 A -- talking about Australia.

24 Q For everybody, for what it's worth, the --
25 number 19 has on it the date 12.17.99, which I think

□

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2 looking at the other ones would suggest when it was
3 made.

4 A That's correct. I would agree with that.

5 Q And so -- so I don't need to do the five
6 references in your transcript where you said it was in

7 2000, run in 2000.

8 Okay, and I know if -- if I were in a mood
9 to accuse someone of something, I might do it in a
10 slightly different way than the way I'm questioning
11 Mr. LaPierre.

12 MR. COOPER: I'm sure that you would, and
13 I guess the only point I want to make certain that the
14 record is clear on from -- that I want to make is that
15 the declaration in no way casts any doubt or any
16 information at all on whether or not it was run in the
17 year 2000, it simply states, and I believe that
18 there's no dispute, that it ran in 2001.

19 MR. SCHWARZ: Yes, but --

20 MR. COOPER: It may well have run in 2000
21 and his deposition, we -- you know, we're not in any
22 way suggesting answers that are responsive to this
23 point in his deposition are inaccurate, but his
24 declaration is not inaccurate if, in fact, it ran in
25 2001, and I think that there's no doubt that it did.

□

55

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2 MR. SCHWARZ: Chuck, you know the
3 expression, which I don't think it's a sexist
4 expression, but the lady doth protest too much? I
5 would say that applies to your comment there, but --

6 MR. COOPER: Fair enough.

7 BY MR. SCHWARZ:

8 Q In any event, the infomercial that refers

9 to bad things in other nations doesn't refer to any
10 candidate for federal office, correct? I mean,
11 your -- you were very careful in this -- in this
12 declaration to indicate where and how various
13 infomercials did refer to candidates for federal
14 office and there isn't any such reference in paragraph
15 20.

16 A The point -- the -- the -- the point was
17 to talk about England, Australia, Canada.

18 Q Okay. All right, you -- and as you sit
19 here today, I take it, Mr. LaPierre, you're not able
20 to tell us of the approximately 13 million that was
21 spent on infomercials how much was spent on any given
22 one of the infomercials that either are referred to in
23 your declaration that I've mentioned to you that
24 weren't referred to in your declaration.

25 A I -- I checked with our treasurer's office

□

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2 and they assured me that -- that the general -- the --
3 the -- the --

4 Q Aggregate.

5 A -- is 13 million. I'd have to rely on the
6 reports from our ad agency and the bills as paid by
7 our treasurer's office to confirm that.

8 Q To -- no, and I -- I was asking you a
9 little different question --

10 A Okay, go ahead.

11 Q -- which is leaving the aggregate aside,
Page 51

12 which you have confirmed --

13 A Right.

14 Q -- you don't say in your declaration
15 anything about the cost of individual infomercials,
16 correct?

17 A That's correct.

18 Q And as you sit here today, you, Wayne
19 LaPierre, the executive Vice President of the NRA, are
20 not able to break down that aggregate --

21 A That's correct.

22 Q -- among the various different
23 infomercials?

24 A That's correct.

25 Q Now, the -- you testified earlier that you

□

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2 are familiar with an infomercial called Heston --

3 "Heston/Union," correct?

4 A That's correct.

5 Q And is that -- let me see if I fairly can
6 describe that to you. Is that an infomercial that has
7 three segments, the first and the -- and the third
8 include comments from various union members and the
9 middle includes a critique of Mr. Gore's record on gun
10 issues?

11 A That's correct.

12 Q Okay. And if I told you that that
13 infomercial has over 90 references to Mr. Gore, would

14 that surprise you?

15 A No, it wouldn't.

16 MR. SCHWARZ: David smiled, for whatever
17 that's worth.

18 MR. THOMPSON: well, it keeps going up.
19 You said 50 in the depo, 70 earlier in the week.

20 MR. SCHWARZ: I -- I -- I keep checking.

21 MS. MITCHELL: I was just thinking the
22 same thing.

23 MR. SCHWARZ: There are a couple of he's
24 where it's perfectly clearly Gore and -- and so his
25 actual G-O-R-E might be, you know, 70 and if you add

□

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2 the he's, you get over -- you get, according to my
3 brilliant assistant, 95, actually.

4 MS. MITCHELL: Pronoun test.

5 MR. SCHWARZ: Yeah. In any event, the
6 witness was -- testified he would not be surprised.

7 BY MR. SCHWARZ:

8 Q I could spend a lot of time asking him if
9 he remembers certain things being said in there, but
10 the document sort of speaks for itself and it's
11 entirely in Mr. McQueen's transcript so maybe what we
12 should do on that one is I would just like to look at
13 the bumpers, that is, the Heston introduction and
14 Mr. LaPierre's statements on -- and I think,
15 Mr. LaPierre, you repeated your statements three times
16 in the course of that, and I represent that to you.

17 And would you have any reason to doubt that?

18 A No, I wouldn't.

19 Q Okay. So maybe we could play the Heston
20 bumper -- not the whole Heston, but his introduction
21 at the beginning -- the whole Heston is 8 minutes, I
22 think -- and then the first of Mr. LaPierre's.

23 MR. COOPER: Before you do, would you like
24 to identify it? This will be Exhibit Number 12.

25 MR. SCHWARZ: Yes, this should be

□

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2 Exhibit 12.

3 MR. COOPER: Okay.

4 (Exhibit No. 12 was marked.)

5 MS. ISPAHANI: NRA ACK 00010.

6 MR. SCHWARZ: It would be Exhibit 12 when
7 we mark it and its title is, quotes, "Heston/Union."

8 MS. ISPAHANI: So there's no confusion on
9 this video, it's actually called --

10 MR. SCHWARZ: Pull it out and see what it
11 is on their marker.

12 MS. ISPAHANI: "Union/Gore Infomercial."

13 MR. SCHWARZ: Okay, so why have we been
14 calling it "Heston/Union"? Maybe the witness did in
15 the deposition or something.

16 THE WITNESS: I knew the one you were
17 referring to.

18 MR. SCHWARZ: Okay.

19 LaPierre.Cross
(The tape was played as follows:)
20 TAPE: This election could come down to
21 battleground states like Pennsylvania, Michigan, Ohio
22 and Missouri, states with lots of union members where
23 the union vote could decide the outcome. But not all
24 union members will vote as political observers might
25 expect so we sent NRA correspondent Jennie Samoni (ph)

□

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2 deep into the heart of union country to talk with
3 union members about this election, about the
4 candidates, the issues and what to them really matters
5 most. Here's Jennie's report."
6 MR. SCHWARZ: So stop there.
7 BY MR. SCHWARZ:
8 Q That was Mr. Heston talking, right?
9 A That's correct.
10 MR. SCHWARZ: Off the record.
11 (Discussion held off the record)
12 BY MR. SCHWARZ:
13 Q we're jumping now to the first time that
14 Mr. LaPierre makes his comments, and before we do
15 that, the infomercial's about 30 minutes and you spoke
16 three times in which you, among other things, asked
17 people to make contributions. Are you able to say
18 what portion of the 30 minutes are taken by your
19 remarks?
20 A No, I'm not -- not -- probably a small
21 percentage.

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22 Q Yeah, yeah.

23 (The tape was played as follows:)

24 TAPE: Did you know that right now in
25 Federal Court, Al Gore's Justice Department is arguing

□

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2 that the Second Amendment gives you no right to own
3 any firearm? No handgun? No rifle? No shotgun? And
4 when Al Gore's top government lawyers make it to the
5 US Supreme Court to argue their point, they could have
6 three new judges hand picked by Al Gore if he wins
7 this election. Imagine, what would Supreme Court
8 Justices Hillary Clinton, Charlie Schumer and Dianne
9 Feinstein do to your gun rights? There'd be nothing
10 you can do. What you think wouldn't matter any more
11 because the Supreme Court is the final interpreter of
12 the constitution. When Al Gore's Supreme Court agrees
13 with Al Gore's Justice Department and bans private
14 ownership of firearms, that's the end of your Second
15 Amendment rights, so please, call this number now to
16 join the NRA or just find out how you can help. Thank
17 you."

18 BY MR. SCHWARZ:

19 Q So would you agree with me that most of
20 your remarks in that bumper were substantive and then
21 you had a little fundraising reference at the end?
22 would you agree with that?

23 A I would.

24 Q Okay. Now, you asked people to call a
25 certain number, and it was a 1-800 number. And was

□

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2 that a service or was that someone at NRA?

3 A That was a -- a service, a telephone
4 service signing up members when they called to join
5 the NRA --

6 Q Okay, and --

7 A -- that we contracted with.

8 Q And when you contracted with them, were
9 they given a script to -- as to what they should say
10 when someone calls up? Do you know that one way or
11 the other?

12 A I'm sure -- I'm sure that they were
13 given -- there were a number of firms that we worked
14 with that took those calls. I'm sure that they were
15 given a -- a -- a general talk about the NRA, and in
16 terms of signing up members, it -- I -- I -- I don't
17 know the specifics as to -- as to -- as to what their
18 managers told them.

19 Q Okay. And I take it -- and there's no
20 reason why you would have. I take it you've never
21 seen a script of what they were meant to say.

22 A I never saw a script on what they were
23 meant to say.

24 Q Okay. Or what they did say?

25 A I think they just solicit -- that's --

□

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2 that's correct.

3 Q Okay. So now would you go back to just
4 the end? And I'm going to ask you --

5 A I believe they just solicited members.

6 Q That's a question that I'm going to ask
7 you about, because you say call this number to join
8 the NRA and then you add the words or just find out
9 how you can help.

10 A Uh-huh.

11 Q And do you want to see it so that you see
12 those words, or --

13 A No, I -- I remember saying that.

14 Q Okay. So you're asking people to call the
15 number and join the NRA.

16 A Uh-huh.

17 Q Quotes, "Or," quotes, "just find out how
18 you can help," close quotes.

19 A Uh-huh.

20 Q Do you know if in the -- when people
21 called the number in response to "Union/Gore --"

22 MR. SCHWARZ: Is that what it's called?

23 MS. ISPAHANI: Uh-huh.

24 BY MR. SCHWARZ:

25 Q In response to "Union/Gore," they were

□

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2 told one of the ways they could help is to help in
3 connection with the forthcoming election?

4 A I do not know that. I'd have to -- excuse
5 me. I'd have to check with -- I'd have to check with,
6 as I said, the managers in those phone rooms to find
7 out what they did say. I -- I just -- I just don't
8 know what they said is my answer.

9 Q But you -- you --

10 A I mean, we always say "or to find out how
11 you can help," and that is -- generally what we do is
12 we -- we talk about you can join the NRA, or if they
13 have additional information or -- or -- or how they
14 can help, we -- we, you know, we -- we try to fulfill
15 their -- I don't know what was said is the answer in
16 terms of I just -- I just don't know. That was
17 managed by our ad agency working with the phone
18 companies and I don't know what they said when they
19 called other than they were solicited for membership.

20 Q But you -- you -- when -- when -- when
21 you -- when you gave your comments --

22 A Uh-huh.

23 Q -- you knew in advance you were going to
24 say, "Call this number --"

25 A Right.

□

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2 Q "-- join the NRA or," quotes, "just find
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3 out how you can help," close quotes?

4 A That's true, I just never -- I mean, there
5 was a lot going on. I never focused on -- I knew if
6 they said join the NRA, we solicit them. I just never
7 focused on what was said beyond "or how you can help."
8 I never focused on what happened beyond that. I mean,
9 I know I said the words, I just don't know what
10 happened in practice.

11 Q Okay.

12 A I just don't know.

13 Q Now, do you remember right back at the
14 very beginning when Mr. Heston was speaking in his
15 introduction of the union segment, he said this
16 election could be decided in battleground states?

17 A I heard him say that.

18 Q And then he mentioned four or five states
19 in which there were a number of union voters,
20 correct --

21 A Okay, that's correct.

22 Q -- you agree? And all of those were
23 states that were regarded as being close between Vice
24 President Gore and Governor Bush, correct?

25 A That's correct.

□

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2 Q Okay. If you could pull that out and give
3 it to the court -- why don't we take a two-minute
4 break?

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5 MR. COOPER: I'm wondering, since it's
6 almost noon and -- what your thoughts are with respect
7 to lunch.

8 (Discussion held off the record)

9 BY MR. SCHWARZ:

10 Q Previously, Mr. LaPierre, you accepted the
11 characterization of yourself as vigorous and careful,
12 correct?

13 A I try to be.

14 Q And -- and you said that you carried out
15 that effort to be vigorous and careful in considering
16 what kind of broadcast advertisements should be run,
17 correct?

18 A Uh-huh, that's correct.

19 Q And, indeed, considering the text of
20 broadcast advertisements, correct?

21 A That's correct.

22 Q Okay. Now -- and Ackerman McQueen is --
23 for broadcast advertisements other than PVF
24 advertisements, it's principally Ackerman McQueen that
25 you rely on, correct?

□

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2 A That's correct.

3 Q Even though they -- they do a few PVF
4 advertisements, they mainly do the nonPVF
5 advertisements for you?

6 A That's correct.

7 Q And obviously, you work with Angus

8 McQueen.
9 A That's correct.
10 Q I'm just going to see if you work with a
11 few other people whose names I'm going to give you --
12 A Sure.
13 Q -- from Angus McQueen. Melanie Hill?
14 A That's correct.
15 Q She was described by Mr. McQueen as sort
16 of the hub of the wheel at Ackerman McQueen. Would --
17 would some such characterization fit in your mind, or
18 what do you think of her as doing?
19 A I think of her as the -- the account
20 rep --
21 Q Uh-huh.
22 A -- in terms of billing and in terms of --
23 of -- she keeps track of where stuff is running and
24 things like that.
25 Q Uh-huh, uh-huh.

□

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2 A I don't think of her as a creative --
3 Q Okay. Who -- who are the --
4 A -- talent.
5 Q -- the -- who are the people that you
6 think of as creative talent there at Ackerman McQueen?
7 A Primarily Tim Odum.
8 Q Yes.
9 A And -- and -- and -- and Angus McQueen is

LaPierre.Cross

10 very creative, and Clay Turner.

11 Q Okay. Do -- do -- do -- do you ever work
12 with Brian -- I think it's pronounced "Creager"
13 although it's spelled "Kreuger"?

14 A I don't recall his name. I -- I -- I -- I
15 may have met him. He's not somebody that I call.

16 Q Okay. And what about Peggy Howard?

17 A I know Peggy Howard. She's one of their
18 business people and also, she -- business, and I -- I
19 think she also has a polling background.

20 Q And other than Mr. McQueen, when you're
21 talking about substance -- and I guess you said
22 Mr. Odum when you're talking about substance -- have
23 you ever talked about substance with anybody else that
24 you can remember at Ackerman McQueen?

25 A Those are -- those are -- the people --

□

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2 the people that I deal with on substance are Angus
3 McQueen, Tim Odum, occasionally Clay, Clay Turner,
4 Mark Chestnut occasionally on the magazine, and I very
5 rarely ever have a conversation with Peggy.

6 Q Okay. Before coming into this deposition,
7 did you have a chance to review any minutes of Board
8 of Directors meetings of the NRA?

9 A No, I -- I did not. I know our people
10 were -- were -- were going through that to -- but I
11 did not.

12 Q And just answer this question yes or no,

13 because I don't think your counsel would want you to
14 do more than that. And your counsel might even not
15 want you to do that, so I'm putting you on notice,
16 chuck.

17 Have you been told anything within the
18 last week about materials that are in a minute of a
19 meeting of the NRA Board of Directors?

20 A I was -- one passing comment. My -- my
21 staff person, Mary Corrigan, told me that they were --
22 they were looking at the minutes because someone had
23 asked about it, and that's all she said to me.

24 Q Okay. And she didn't tell you anything
25 about what they'd found or that they'd found

□

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2 something?

3 A No, she didn't.

4 Q Okay.

5 A Whatever they found is okay with me, so I
6 didn't -- I just didn't ask the follow-up question.

7 MR. THOMPSON: Fritz, are you going to
8 mark these? I know they don't have a Bates number.

9 MR. SCHWARZ: I am going to mark them.
10 I'm going to ask him a few more questions about how
11 they keep minutes and then I'm going to mark these,
12 and I'll just take your -- your entire package and
13 mark it.

14 BY MR. SCHWARZ:

15 Q I take it NRA, like all corporations,
16 prepares minutes of its board meetings.

17 A That's correct.

18 Q And are those minutes prepared first in
19 draft before they become final?

20 A I believe they are. I believe they're
21 prepared in draft and I believe they -- they --
22 they're sent to our secretary's office and I believe
23 they look them over for -- not for content but they
24 look them over for typos and -- and stuff like that.

25 Q And are they then presented to the board

□

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2 at the next meeting of the board? Usually at a board
3 meeting, that's a highly formalistic presentation of
4 the minutes from the past meeting to the board and
5 people are asked if they have any comments. Does that
6 happen at the NRA?

7 A I don't believe it does. I think they
8 stay on file with the secretary's office, but I'm not
9 the expert. I just don't remember it coming up at any
10 board meeting a discussion about the minutes, and I
11 don't remember the minutes being handed out at the
12 board meetings.

13 Q Okay.

14 A But I know they're on file in our
15 secretary's office.

16 Q And do -- do you -- well, let's step back
17 from the minutes. At a typical board meeting, do you

18 make presentations in your capacity as executive Vice
19 President?

20 A I do.

21 Q And those are -- are oral or do you have
22 written materials or both?

23 A I -- we have a -- a report from the staff
24 that goes to the board that's written, and that's
25 handed out to all board members at every board

□

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2 meeting. I then stand up at the board meeting when
3 it's underway and I give an oral report based on
4 things that are going on usually off some yellow pad
5 jotted notes that I make 30 minutes before I stand up,
6 usually, and -- and -- and then there are committee
7 reports by the various committees to the organization.

8 Q Go ahead.

9 A No, my notes look like that.

10 Q A lot like these? Yeah. And I frequently
11 do things 30 minutes before or five minutes before,
12 too.

13 MR. SCHWARZ: Okay, let's mark -- what are
14 we up to? These are materials that were furnished to
15 us this morning. David called me last night. And I'm
16 just going to mark it all together.

17 MS. ISPAHANI: I've given to the court
18 reporter one.

19 MR. SCHWARZ: Yes, so for Rupa. Do you

LaPierre.Cross
20 guys have your own copy?
21 MR. COOPER: We have it.
22 MR. SCHWARZ: Just to describe it, the
23 cover page is, quotes, "Minutes of The Meeting of The
24 Board of Directors of the National Rifle Association,"
25 September 9, 2000, and something that is a written

□

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2 report which appears to be report of the executive
3 Vice President to the Board of Directors, National
4 Rifle Association of America, excerpts from that
5 report. Then if you look at the tiny little numbers
6 at the bottom of the page which are the fax page
7 numbers, that is from page 03 through page 13.
8 MR. COOPER: My copy actually has page 14.
9 You don't have page 14.
10 MR. SCHWARZ: Yes, I do, too. Mine has
11 14, also.
12 MR. COOPER: All right.
13 MR. SCHWARZ: What was faxed to us.
14 (Exhibit No. 13 was marked.)
15 MR. SCHWARZ: Now, David, would it be
16 appropriate for you -- these are excerpts for the
17 minutes -- for to you say what the criteria were for
18 producing these excerpts? Not minutes, these are
19 excerpts from Mr. LaPierre's report.
20 MR. THOMPSON: Right. As you can see I
21 think from the document, it's very extensive, and I
22 told the folks at the NRA just send me the portions

23 that, number one, relate to television or radio or
24 print broadcasts or the internet and also any that
25 relate to our election strategy.

□

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2 MR. SCHWARZ: Okay.

3 MR. THOMPSON: And they sent me a small
4 subset. Some of the materials they sent me did not
5 fall into that category.

6 MR. SCHWARZ: And then you excised them,
7 in effect?

8 MR. THOMPSON: Yeah, yeah.

9 BY MR. SCHWARZ:

10 Q Then, Mr. LaPierre, there's another part
11 of this document which starts with the heading
12 "Proceedings of the National Rifle Association of
13 America Board of Directors."

14 MR. COOPER: What page would you --

15 MR. SCHWARZ: Chuck, it's after that page
16 14.

17 MR. COOPER: Okay, because all I have
18 is -- I thought I had -- my document -- my version is
19 actually split in half, but go ahead.

20 MR. SCHWARZ: And that is again, David,
21 excerpts from a typed, as I understand it, a typed --
22 a transcript of what was said at the actual meeting.

23 MR. THOMPSON: Exactly, when they weren't
24 in executive session.

25

LaPierre.Cross
MR. SCHWARZ: Okay.

□

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2 MR. THOMPSON: And there are no minutes or
3 transcript of the executive session portions as I
4 understand it, and the same criteria were used both by
5 the NRA and myself in terms of figuring out what
6 portions of the transcript that are available should
7 be produced.

8 MR. SCHWARZ: Okay.

9 BY MR. SCHWARZ:

10 Q So Mr. LaPierre, let's talk -- I want to
11 understand exactly what these two pieces are. The
12 first one, which is under the heading "Report of The
13 Executive Vice President to The Board of Directors,
14 National Rifle Association of America," dated
15 September 9-10, 2000, that's the first one. You're
16 looking at the second one.

17 A That's correct. No, I'm -- I'm with you.

18 Q That is part of the written report that --

19 A I was talking about.

20 Q -- you were talking about?

21 A That's correct.

22 Q And it's from you?

23 A It's from me on behalf of the -- the --
24 the -- the staff.

25 Q Right.

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2 A That's correct.

3 Q Then the -- the second part, which is --
4 starts with the words "Proceedings of the National
5 Rifle Association," which are excerpts from a
6 transcription, is that you speaking? I guess you're
7 introduced by Mr. Heston.

8 A This is the actual transcript from the
9 board meeting and it is me speaking, that's correct.

10 Q Okay. I -- I -- there's a lot I could
11 read to you, but I'm not going to. I'm going to read
12 from page 30 of your written report, which is on the
13 fax numbers page 07.

14 A Okay.

15 Q And there's a heading, "NRA TV News
16 Magazines Rally Voters and Recruit Members." Do you
17 see that?

18 A That's correct.

19 Q And that's referring to infomercials, is
20 it?

21 A That's correct.

22 Q Okay. And I will read to you your first
23 paragraph. Quotes, "Powerful, provocative new NRA
24 television infomercials hit home across America
25 through the spring and summer of 2000 recruiting

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2 members, rallying voters and convincing the
3 undecided," period, close quotes.

4 That was something you wrote in your
5 report to the board?

6 A That's correct.

7 Q And that was an accurate report to the
8 board?

9 A That's correct, under the title of "News
10 Magazines Rally Voters, Recruit Members."

11 Q Okay. Then would you turn to page 52? I
12 don't think I need to ask you about the substance, I
13 just want to understand the form of what we have here.

14 If you look at number 36 --

15 A Uh-huh.

16 Q -- there's a certain motion made --

17 A Uh-huh.

18 Q -- and it refers to you and it indicates,
19 I think, office of the executive Vice President, which
20 means that was a motion you had proposed?

21 A No, that's a motion that was a proposed by
22 our Board of Directors and adopted by our Board of
23 Directors.

24 Q I see.

25 A And aimed at me, the executive Vice

□

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2 President, to carry out on behalf of the board.

3 Q So they -- the reason the words "Office of
Page 71

4 the Executive Vice President" are capitalized under
5 there is because it -- it is directed at -- at you?

6 A That's correct --

7 Q Okay.

8 A -- by the Board of Directors.

9 Q Okay. I'm just spending a little time
10 because I'm just breezing through this thing which I
11 just got this morning.

12 MS. BHATTACHARYYA: Is this exhibit being
13 deemed confidential?

14 MR. COOPER: I don't know yet.

15 MS. BHATTACHARYYA: We, too, have
16 literally just gotten it and haven't subjected it to
17 that analysis.

18 BY MR. SCHWARZ:

19 Q Something in here about your fundraising.
20 Okay, I think here it is. Okay, if you turn to page
21 40 at the bottom, after the reference to Senator Harry
22 Byrd from Virginia --

23 MR. SCHWARZ: This is the transcript,
24 Chuck.

25 MR. COOPER: Oh.

□

79

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2 THE WITNESS: Right.

3 BY MR. SCHWARZ:

4 Q Okay. And why don't I -- this is you
5 speaking, right?

6 A That's correct.

7 Q I'm just going to read to you a little bit
8 and then starting with the words "we are almost
9 returning" at the bottom of page 40 --

10 A Uh-huh.

11 Q -- and running through the first two
12 paragraphs on page 41.

13 Quotes, "we are almost returning dollar
14 for dollar on every piece of media we put out there.
15 The infomercials for most of the news magazine shows
16 for most of the year were running a hundred percent
17 return. We put 2 million, comma, 3 million out there
18 a month, semicolon, we get 2 million, comma, 3 million
19 back in contributions and memberships."

20 New paragraph.

21 A Right.

22 Q "Right now, because we're targeting some
23 of this for key states, we're running 80 percent
24 returns but still, 80 percent of our money back. That
25 sure stretches our dollar a long, long way," period,

□

80

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2 close quotes.

3 Do you see that?

4 A I do.

5 Q And you said those things at the meeting?

6 A I did.

7 Q Okay. What was the connection? I mean,
8 so you were saying up to -- up to the time of the

9 meeting, you'd roughly been getting back a
10 hundred percent and then, quotes, "Right now, because
11 we're targeting some of this for key states, we're
12 running 80 percent returns but still 80 percent of our
13 money back. That sure stretches our dollar a long,
14 long way."

15 A Uh-huh.

16 Q What was the connection between targeting
17 on, quotes, key states --

18 A Uh-huh.

19 Q -- and running at 80 instead of a
20 hundred percent?

21 A The connection was that all of this within
22 the context of the -- of, as I've said all along, that
23 NRA's buried by the media conglomerates in terms of
24 dollar expenditures. I mean, anything we do is buried
25 by their expenditures talking about guns every --

□

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2 every month, every year and -- and that sets the
3 atmosphere with -- with -- within which we operate and
4 have to deal with, and that's why we decided to go
5 with the infomercials, which are news magazine shows,
6 to offset what we believe is the bias of the media,
7 and -- and we put them in a 60 Minute format.

8 Q 60 or 30?

9 A 60 Minutes as opposed to -- in reference
10 to the CBS show 60 Minutes.

11 Q I got you.

12 A To get -- if we -- that's our network. We
13 don't own a network. That's our network. We -- we
14 don't have unlimited resources and we don't have as
15 much money as the media conglomerates do so we have to
16 stretch our dollars as far as we can. I mean, I would
17 like to have a \$100 million advertising budget like --
18 like some other people do in this country. We don't.
19 I'd like to have the 36 billion that Viacom has. We
20 don't. We have to stretch our dollars, so throughout
21 most of the year, we targeted these infomercials
22 because we wanted as many people to see them as we
23 could, where we got almost all of our money back
24 and -- in terms of membership.

25 The fact that these were running news

□

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2 magazine show dealing with current events and --
3 and -- and our own news network in a way with what was
4 going on, as you moved into the election cycle and you
5 got into targeted states where the debate was the most
6 intense, where the labor unions were doing everything
7 they could to -- to -- to say the NRA was extreme, the
8 NRA was out of touch, the NRA was -- was only a
9 Republican organization, which is not true, and don't
10 believe the NRA on anything, and -- and where the
11 public debate on the gun issue was the hottest because
12 of the election backdrop, we -- we wanted to make sure
13 our side was heard not only in terms of the -- in

14 terms of -- on many different levels, in terms of the
15 air, the atmosphere, the public debate, the elections,
16 the -- the -- the -- the -- the response to what the
17 unions were doing and also the response to the fact
18 that Al Gore as you got later on in the election year
19 was trying to run away from what he spent a year and a
20 half doing, which was convince -- basically trying to
21 pass gun ban bills and -- and gun control and then --
22 then all of a sudden he's trying to tell people he's
23 pro Second Amendment and -- and -- and we wanted to
24 cover that story and get the truth. He was telling
25 union members that.

□

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2 And we wanted to -- to get the truth out
3 that -- that -- that -- that Al Gore's position as
4 reflected by the -- by the administration's position
5 by the Department of Justice was there is no Second
6 Amendment, so what Second Amendment is Al Gore telling
7 people he supports? And so it was -- so we -- we --
8 we -- we ran additional infomercial or -- or news
9 documentaries in those states dealing with all of that
10 backdrop.

11 Q well, with respect to -- I think your
12 answer didn't respond to my question. Is it -- here's
13 the limited question.

14 A Okay.

15 Q Maybe I can -- by the way, when you say

16 "key states --"

17 A Right.

18 Q You see that in your statement, the word
19 "key states"?

20 A I do.

21 Q And was that a reference to key in the
22 sense of key in the election?

23 A That's correct.

24 Q Okay. Now, what is the connection between
25 the fact of running infomercials in key states in the,

□

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2 as you used the term, election cycle, and getting
3 80 percent returns instead of getting a
4 hundred percent returns?

5 A The fact that if you're -- if you're --
6 I'd like -- I'd like to have run these commercials all
7 year long in front of all of America, because I
8 believe these news documentaries were telling the
9 truth about this issue that was not being reflected in
10 the coverage from ABC, NBC, CBS, CNN, which we believe
11 is biased against the NRA and -- and on the Second
12 Amendment, so I would like to have run these -- these
13 commercials all year long so every American could turn
14 on the TV set and watch them.

15 We were not able to do that. What we --
16 because of resources. As I've said, we are out-gunned
17 every day by Viacom, by Disney, by General Electric
18 and by AOL Time-warner in terms of the resources, and

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19 they are biased on the issue. Their coverage is very
20 antiNRA, antifirearms ownership and that's the air
21 with which we --

22 And they also repeat many times verbatim
23 what the antifirearm politicians give them. It --
24 that's the atmosphere we operate in, so I would like
25 to run those commercials so everybody could turn on

□

85

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2 their TV set in every state and see them. We couldn't
3 do that.

4 So during the year, I tried to put them in
5 front of as many people as I could because we believe
6 we're telling the truth and they're not hearing it
7 from the media conglomerates. We -- we -- there are
8 some areas where we got a greater return on our dollar
9 than we got in other areas, and -- and -- and -- and
10 that enabled us to stretch our dollars and have more
11 people see our news documentary shows.

12 As we got into the -- the -- the -- on a
13 sliding scale in terms of what's going on, it -- just
14 like ABC, NBC and CBS were talking about the targeted
15 states, we were talking about them. That's where
16 the -- that's where the action was, but it wasn't only
17 in relation to the election. That was one piece of
18 it, but it was also in relation to what the unions
19 were doing, it was in relation to what the -- what the
20 media was doing focusing on those states, it was in

21 relation to that's where the -- that's where the --
22 the gun issue was the hottest and -- and that's -- and
23 so we -- we wanted everybody to see our position in
24 those states and -- and so we -- we -- we said okay,
25 we -- if we -- maybe we can't stretch our dollars to

□

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2 the point where we -- we get 95 percent or a
3 hundred percent back.

4 we wanted everybody to see our -- our news
5 documentary shows on what was going on, so we -- we --
6 we -- we -- we said, well, we'll accept an 80 percent
7 return rather than a hundred percent return to make
8 sure more people see it.

9 Q Okay. I -- I still am not sure -- most of
10 your answer, I think, while of interest, was not
11 actually responsive to my question.

12 A I'm trying to be.

13 Q Let's see if I can -- if I can lead you a
14 little bit to see if we -- we agree in here you're
15 talking about the key states, which are the most hotly
16 contested states in terms of the presidential
17 election, correct?

18 A That's correct.

19 Q And we agree in here, this document
20 itself, the board meeting being in -- on
21 September 9th, that we're talking about running
22 infomercials in the period leading up to the election
23 in November, correct?

24 A That's correct --

25 Q And --

□

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2 A -- and beyond, but yes, we ran up through
3 the election in November.

4 Q And -- and is part of your explanation for
5 why you would expect an 80 percent return in those
6 circumstances as opposed to a hundred percent return
7 through the rest of the year that as one approaches
8 the election season, the public is being subjected to
9 an onslaught of ads from candidates from political
10 parties, from groups, all of which are putting forward
11 various public policy positions and -- and either
12 expressing praise for or providing criticism for
13 candidates, so is -- is the clutter that happens
14 coming up to the election --

15 A No.

16 Q -- an explanation for this 80 versus a
17 hundred?

18 A No, the explanation for the 80 as opposed
19 to the hundred is the fact that we're going to get a
20 higher percentage of our dollars back from Birmingham,
21 Alabama than we are from downtown Philadelphia.

22 Q Okay.

23 A And -- and -- or from Pittsburgh than
24 Philadelphia.

25 Q I understand you.

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2 A Or from -- or from upstate New York as
3 opposed to New York City.

4 Q Uh-huh.

5 A But the fact is when we get into an
6 election period where -- where -- where this issue
7 is -- is being very hotly debated, where the unions
8 are out there saying all kinds of nasty things about
9 the NRA, where there -- we believe they're misleading
10 people about the NRA, where we believe in terms of the
11 public debate in this country, Al Gore is misleading
12 people not only about the NRA but about his record,
13 the -- the -- the media companies are focusing,
14 spinning the story the way they want to spin it in
15 terms of -- using their dollars and their resources,
16 using the -- the -- talking about the NRA, talking
17 about the Second Amendment, talking about politicians.
18 We want everybody to hear the news as we see it and --
19 and -- and the truth as we see it so that includes the
20 person in Philadelphia as well as the person in
21 Pittsburgh.

22 And if you do that, you're going to get
23 less -- we know for a fact, we're not going to get
24 95 percent back, we're probably going to get
25 80 percent or less back.

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2 Q Actually, as we looked -- when we had your
3 prior deposition, as we looked at the locations where
4 the NRA -- the locations within battleground states
5 where the NRA ran ads, you agreed with me that you at
6 least concentrated those ads on the places which were
7 more likely to have voters that you could reach,
8 correct?

9 A That -- that's true. We're more likely to
10 get some money back in terms of you -- call them
11 voters, I call them Americans, that -- that -- I don't
12 see this whole thing in terms of voters. I mean,
13 it -- it -- it -- it -- this is a battle for the
14 hearts and minds of America, and -- and -- and -- and
15 voters is one element of it, but it's -- it's -- it's
16 people on the street are the key element of it, and --
17 and -- and yes, there are areas where more of those
18 people on the street respond to our message than --
19 than others.

20 MR. SCHWARZ: Okay. I think we have
21 reached the end of what I planned on this pod. And
22 why don't we take our lunch break?

23 (Discussion held off the record)

24 BY MR. SCHWARZ:

25 Q So, Mr. LaPierre, changing subjects now,

□

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2 you've been at the NRA from -- I forget when you first
3 went there.

4 A '78.

5 Q '78? And in the years from '78 to now,
6 2002, has the -- I think you've used the word
7 "climate," but has the climate in the United States of
8 America about guns been something that changes,
9 sometimes getting better, sometimes getting worse,
10 sometimes getting better, sometimes getting worse?

11 A I think that's a fair statement.

12 Q Okay. And would you assume that that
13 would be something that would continue on into the
14 future, that it sometimes would get better, sometimes
15 would get worse?

16 A I think that's reasonable.

17 Q And since the election of 2000, has the --
18 from your perspective, the climate with respect to
19 issue of guns gotten somewhat better than it had been
20 before the election of 2000?

21 A I -- I think that that's true, although I
22 don't think there's any guarantee that that will hold
23 into the future, because I don't -- I -- there are --
24 I don't believe the media has changed their underlying
25 positions, and I think a lot of the politicians have

□

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2 their finger in the wind.

3 Q Uh-huh. But that wind can blow one way --
4 it has historically blown one way and blown another

5 and that is something which is reasonable to assume
6 will continue?

7 A That's the atmosphere, the air, that's
8 true.

9 Q When I questioned you back on September 3
10 and then in your declaration, you spoke about some
11 people over the years who had mentioned to you that
12 they had concerns about disclosure of their donations
13 to the NRA, correct?

14 A That's correct.

15 Q Are you able to say anything about the
16 amount of money annually those people gave to the NRA,
17 the ones who -- who spoke to you?

18 A No, I'm really not.

19 Q Okay. And the average donor to the NRA
20 donates -- and I include in the word "donates" your
21 membership dues.

22 A Okay.

23 Q Is that okay?

24 A That's correct. I -- I -- I -- I -- I'll
25 accept that.

□

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2 Q Okay. The average donor to the NRA
3 donates in any given calendar year how much?

4 A We -- we have checked that with our
5 treasurer's office and they agree with probably about
6 \$30.

7 Q Okay.

8 A And how that also reconciles with our dues
9 is the fact that while as our dues are 35 but we have
10 a lot of, many, many people we sign up for 25.

11 Q Uh-huh.

12 A So --

13 Q Based on age or based on anything in
14 particular?

15 A Based on discounts for signing up, just
16 like a store runs a discount from time to time.

17 Q How do you do -- this is --

18 MR. SCHWARZ: Go off the record here.

19 (Discussion held off the record)

20 BY MR. SCHWARZ:

21 Q Have you got your declaration in front of
22 you?

23 A I do, right here.

24 Q Would you turn to paragraph 61? And I
25 just want to read that into the record and then I'll

□

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2 ask you a couple of questions about it.

3 Quotes, starting in 2003, "The NRA will
4 put in place measures to ensure that all of the funds
5 expended on television and radio broadcasts are
6 derived entirely," and that word's in Italics, "and
7 exclusively from contributions from individual
8 members," period. "We will ensure," E-N-sure, "that
9 all funds derived from corporations will be segregated

10 from contributions from individuals," period. "Thus,
11 we will pay for our television and broadcast
12 programming exclusively out of funds provided by
13 individual members," close quotes.

14 So I read that, and you did put that in
15 your --

16 A I did.

17 Q -- declaration?

18 A I did.

19 Q I want to ask you one general question and
20 one hypothetical question --

21 A Okay.

22 Q -- relating to that plan. First, is -- is
23 the -- is the plan fully formed?

24 A It's fully formed in terms of -- of my
25 sitting down with our treasurer's office and going

□

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2 through. Is it possible to do this? How difficult is
3 this to do? Can we do this? Will you look at it and
4 come back to me and tell me whether -- whether you can
5 do this and give me a way that you can do it? And
6 they have come back to me and they said it's very easy
7 for us to do. They said it's not a problem, that we
8 can do it, and -- and I have told them to proceed down
9 the road with -- with -- with doing that, so it --
10 it -- I mean, the truth is, our -- almost all of our
11 money comes in from individual contributions and dues

12 anyway.

13 Q Right.

14 A And it's very easy for us to segregate
15 these small percentage of corporate dollars that come
16 in.

17 Q Now, I said I was going to ask you a
18 hypothetical.

19 A Okay.

20 Q Suppose in 2004 --

21 A Right.

22 Q -- in September --

23 A Uh-huh.

24 Q -- some person came to you and said, you
25 know, I really like the ads you are running because I

□

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2 think they're favoring candidate X or disfavoring
3 candidate Y. Can you imagine such a conversation,
4 some person coming to you and saying that?

5 A I -- I can imagine somebody saying I -- I
6 really like your ads, yes.

7 Q Okay. And -- and now I'm going to add to
8 the hypothetical and the person says, you know, I'm a
9 corporation. I'm -- I'm the chief financial officer
10 or the chief executive officer of a corporation and I
11 want to give you \$5 million to the NRA so you can free
12 up more membership money to run out of your fund that
13 you've established under paragraph 61.

14 Now, do you know how you would handle that
Page 87

15 if that happened?

16 A well --

17 Q And let me say to you if -- if -- you can
18 say you don't know, because you haven't focused on
19 that hypothetical until I gave it to you, that's okay,
20 too.

21 A well, I -- I haven't focused on it until
22 we talked about it. It -- it -- I know that we would
23 keep to what I said here, that any -- any -- any radio
24 or TV would be derived exclusively from individual
25 members' contributions, I mean, under your

□

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2 hypothetical and it -- it -- it -- it -- we would
3 still do that.

4 Q But see let me just push you on the
5 hypothetical a little bit.

6 A I know where you're going.

7 Q Suddenly, this person says here's
8 \$5 million which you didn't expect --

9 A Uh-huh.

10 Q -- and you have some money that has come
11 from just plain ordinary individual members and he
12 says to you, well, I'm giving you the 5 million so you
13 can transfer money that you were otherwise intending
14 to use for -- to support your safety programs or your
15 shooting programs and you can put it into this special
16 broadcast ad fund. what would you do?

17 A You're talking about -- about -- you're
18 talking about money from individual contributions
19 that's paying for a shooting competition, right, you
20 would be more --

21 Q Let me sharpen the hypothetical a bit.

22 A Okay.

23 Q I mean, as I understand paragraph 61, to
24 make it work, you've set up, in effect, a separate
25 account that is funded only by contributions from

□

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2 individuals.

3 A That's correct.

4 Q But you don't put every penny of your
5 individual contributions into that separate account
6 because you use individual contributions for all sorts
7 of things.

8 A We could completely segregate -- the way
9 we're talking about doing it is we would completely
10 segregate any corporate dollars from individual
11 contribution dollars --

12 Q Uh-huh.

13 A -- to the point where the only radio and
14 television we -- when we purchase radio or television,
15 we would only purchase radio or television out of the
16 dollars that are 100 percent individual contributions,
17 zero corporate dollars.

18 Q Yeah, but, see, in my hypothetical, the
19 hypothetical corporate executive is saying to you, I

20 know you've got a certain amount of money in your, in
21 effect, segregated account --

22 A Right.

23 Q -- from individuals --

24 A Right.

25 Q -- but I know since you do a lot of

□

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2 programs at the NRA, you -- you will have other money
3 that comes from individuals that's being used, for
4 example, to support safety or shooting. And that's
5 true, that it will.

6 A That are paid for by individuals.

7 Q That are paid for by individuals.

8 A Right.

9 Q And he says, well, because I'm giving you
10 5 million, take money that otherwise would have gone
11 for shooting and safety and put it in your broadcast
12 fund so you can run \$5 million more worth of ads. I
13 mean, you -- you -- would you -- would you agree to do
14 that? would you say no, we don't do that, or is that
15 a policy question you haven't decided yet?

16 A It -- it has never happened in the history
17 of the organization. It's -- it's -- that scenario
18 has never come up. It -- I mean, all I can say is we
19 would -- we would keep to our promise that the only
20 radio or television that we run would be paid entirely
21 with -- with -- with individual contributions.

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22 And I would go on to say that -- that
23 that -- those individual contributions will still be
24 dwarfed under any scenario we talk about by the
25 corporate dollars of Disney, Viacom, Time-warner AOL

□

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2 that -- that have no individual contributions at all
3 that are -- and yet -- yet -- yet are -- yet -- yet
4 talk about the gun issues and politicians every day
5 and can spend unlimited money for their pet cause and
6 their pet politicians, so we would keep to our pledge
7 or our -- what we're -- what I said in 61, but any way
8 we do it, we're -- we're -- we're -- we're still
9 out-gunned by the corporate money of the big media
10 conglomerates, it -- even if we're only individual.

11 And yes, we would keep to our pledge to
12 segregate the corporate dollars and not to use them.

13 Q So -- so -- but is that, Mr. LaPierre,
14 that -- on my hypothetical, I know you hadn't thought
15 about it today and I understand what you're saying and
16 I don't have any reason to disagree with you that such
17 a thing has never happened.

18 A Uh-huh.

19 Q But would you agree with me that if that
20 happened, the -- the corporation says here's
21 \$5 million so you can spend \$5 million more on your
22 broadcast ads, that to be true to the spirit of
23 paragraph 61, you would want to prevent that from
24 happening? Do you agree with that?

25 A I -- I -- I don't know. I mean, I -- this

□

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2 gets way beyond -- this gets into a hypothetical, as
3 you -- you've said, a discussion.

4 I would think the point would be that any
5 radio or television the NRA is running is still paid
6 for by individual contributions by individual people.

7 I think it's besides the point as to
8 whether the -- the NRA for its safety training and
9 education and hunter safety and police training and
10 all the rest of the things, that -- where the -- where
11 that -- those programs get their dollars from. I
12 mean, I -- I -- I don't think they're -- I don't see
13 them as related. I mean, it seems to me that if I
14 took 100 percent -- the point I'm trying to make is if
15 I took 100 percent of the individual contributions
16 that come into the NRA and use them on radio and
17 television, under any scenario, I'm still dwarfed by
18 the corporate dollars of Viacom, Disney, Time-Warner
19 AOL and -- and General Electric that they spend to set
20 the atmosphere on this gun issue on a -- on a -- on
21 a -- on a yearly basis. It -- it -- I mean, it -- and
22 that's the way I see it.

23 Q How much -- how much money does NRA raise
24 in a given year?

25 A We raise, if you add up everything,

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2 probably about 200 million.

3 MR. SCHWARZ: Okay. All right, I think I
4 don't have any more questions and will cede the floor
5 to the United States Department of Justice.

6

7 EXAMINATION BY COUNSEL FOR THE UNITED STATES

8 DEPARTMENT OF JUSTICE

9 BY MS. BHATTACHARYYA:

10 Q Mr. LaPierre, for the record, my name is
11 Rupa Bhattacharyya. I'm with the Justice Department
12 and I represent the United States, the Justice
13 Department and Attorney General John Ashcroft in these
14 actions. I don't want to take a lot of your time but
15 I do have just a few questions. If you'll bear with
16 me, I'd appreciate it.

17 A Sure.

18 Q In addition to the declaration that you
19 and Mr. Schwarz have been talking about, you also
20 signed a second declaration in this action. Do you
21 recall that?

22 A The one to the Republican National --
23 yeah, I do recall that.

24 Q That's correct. I apologize, I don't have
25 an extra copy, but do you guys have one?

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2 A I don't have a copy but I know what you're
3 talking about.

4 MS. MITCHELL: I can take this out and
5 make copies.

6 MR. THOMPSON: Sure.

7 MR. COOPER: I don't think that's going to
8 be necessary so long as the witness has a copy. You
9 have no objection to that?

10 MS. BHATTACHARYYA: Yes, I'd like to have
11 the witness have a copy because I have a copy with me.

12 MR. COOPER: All right. Why don't we --
13 since this copy appears to be clean, I would suggest
14 you may want to make this an exhibit to the
15 deposition.

16 MS. BHATTACHARYYA: Why don't we go ahead
17 and mark that, have that marked? Then we'll hand it
18 back to the witness.

19 (Exhibit No. 14 was marked.)

20 BY MS. BHATTACHARYYA:

21 Q In the very first paragraph of this
22 declaration, sir, it indicates that it was prepared at
23 the request of the Republican National Committee. Is
24 that correct?

25 A I believe that's correct.

□

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2 Q were you personally contacted by someone

3 from the Republican National Committee with regard to
4 this declaration?

5 A I don't know the answer to that. I -- I
6 will -- I -- I don't know how I was contacted. I -- I
7 know that there's this declaration here based on
8 something we were required to do by law.

9 MR. COOPER: I'd be happy to speak to the
10 issue if you'd like to know the background of that --

11 THE WITNESS: But I don't know.

12 MR. COOPER: -- as a factual matter as
13 opposed to the witness' understanding.

14 MS. BHATTACHARYYA: The only question was
15 whether or not he was personally contacted, but if you
16 want to go ahead, that's fine.

17 MR. COOPER: I believe the answer to that
18 is no. The RNC requested a declaration from
19 Mr. LaPierre in lieu of deposing him and we found that
20 a preferable course and the declaration was prepared
21 in -- in consequence of that.

22 MS. BHATTACHARYYA: Okay.

23 BY MS. BHATTACHARYYA:

24 Q Were you interviewed by representatives of
25 the RNC for purposes of preparing this declaration?

□

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2 A No.

3 Q Did you speak with anyone other than your
4 lawyers or lawyers that represent the NRA with respect
5 to this declaration?

6 A No.

7 Q Were you given an understanding as to what
8 it was the RNC wanted in this declaration?

9 A I wasn't. I -- I had no communication at
10 all. I'll defer to our lawyers. I -- I don't -- I
11 had no communication at all.

12 Q Did you draft this declaration?

13 A No, I did not. It was drafted -- I read
14 it and I -- everything in it is true as far as I know
15 and I agree with everything that's in it but I didn't
16 draft it.

17 Q Okay. I -- I -- I'm going to apologize in
18 advance. I'm going to ask you some questions that are
19 going to sound very silly.

20 A Oh, that's okay.

21 Q I promise they're not as silly as they
22 seem.

23 A I won't even know if they're silly or not,
24 so go ahead.

25 Q The NRA is not a national political party,

□

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2 is that right?

3 A That's correct.

4 Q In those states where candidates are
5 identified on the ballot with their party
6 affiliation --

7 A Right.

8 Q -- no candidate appears on the ballot with
9 "NRA" next to its name?

10 A That's correct.

11 Q The NRA does not nominate candidates for
12 federal office, is that correct?

13 A That's correct.

14 Q Does the NRA endorse candidates for
15 federal office?

16 A The NRA Political Victory Fund endorses
17 candidates for public office.

18 Q And how -- in what form is that
19 endorsement issued?

20 A It's issued by -- by our Political Victory
21 Fund. It takes many forms. Sometimes it's just a
22 letter, sometime it's a -- a letter to our members,
23 sometimes it's a radio or a TV ad, sometimes it's a --
24 I mean, all -- all different types of ways of
25 communicating it.

□

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2 Q Does the Political Victory Fund make
3 monetary contributions to candidates that it does not
4 endorse, or do they go hand in hand?

5 A I think -- I -- I -- if you -- if you --
6 if you look at the history of NRA contributions, I bet
7 you will find dollars flowing to candidates that they
8 have not endorsed, but they prefer to give money to
9 people that they've endorsed, but NRA sometimes will
10 give a contribution to the Political Victory Fund and

11 then things will change and the candidate will not end
12 up being endorsed, I believe, but will still during
13 that election cycle have received a contribution from
14 the NRA.

15 Q Does the PVF make monetary contributions
16 to candidates who are not members of the NRA?

17 A Does the PVF make contributions to
18 candidates that are not members of the NRA? Yes.

19 Q what -- does that happen more often than
20 not?

21 A It probably happens more often than not
22 because most candidates -- you know, I really --
23 I'm -- I'm giving you a generality because I really
24 don't know how many are members of the NRA. My --
25 most of them probably are not but I have no

□

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2 information that -- specific in terms of what the
3 percentage is.

4 Q But there's certainly no requirement that
5 in order to receive either the endorsement of the PVF
6 or monetary support from the PVF that the candidate
7 needs to be a member of the NRA?

8 A That's correct.

9 Q would it be fair to characterize the NRA
10 as a -- as a single-issue interest group?

11 A The media characterizes the NRA as -- I
12 mean, what I say is -- is the NRA by its bylaws is --

13 is confined to -- well, if you -- in generalities, the
14 firearms issues, the Second Amendment issues, hunting
15 issues, the participatory aspects of firearms
16 ownership, the training, the competitions and all of
17 that and, I mean, it -- it -- the umbrella of the
18 Second Amendment and then all the participatory
19 aspects of it.

20 Q But it's fair to say that the NRA does not
21 take positions on other big political issues of the
22 day, is that fair? For example, it doesn't take
23 positions on abortion, the environment, social
24 security. Is that fair?

25 A That -- that's -- that's -- that's

□

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2 correct, although when you talk about the environment,
3 there are some habitat issues involved with wildlife
4 and fish and game that NRA takes the position on.

5 Q That's fair, thank you.

6 Is it the policy of the NRA to maintain
7 its focus on firearms issues and Second Amendment
8 issues and the other sorts of issues that you
9 mentioned?

10 A It's -- it's in the bylaws of the
11 association, that's correct.

12 Q And is it fair to say that your members
13 expect that you will maintain your focus on those
14 issues?

15 A I think they expect us to -- to maintain a
Page 99

16 focus on those issues.

17 Q You're aware, I take it, that under the
18 federal campaign laws, national political parties like
19 the Republican National Committee or the Democratic
20 National Committee, the Libertarians, the Green Party,
21 whomever, are treated differently than nonpolitical
22 party groups, is that true?

23 A The national committees are treated
24 different than non-- you know, I -- I really don't
25 know of a law very well in terms of how the national

□

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2 committees are -- I know I -- I think I have a pretty
3 good understanding of the law related to the NRA and
4 the NRA political victory funds and the Institute for
5 Legislative Action. I'm not an expert on the law in
6 relation to the DNC or the RNC.

7 Q But you're certainly aware that at least
8 the two major national political parties do take
9 positions on a variety of issues?

10 A Oh, yes, absolutely.

11 Q Would it be fair to say that there are
12 more members of the general public that identify with
13 the positions of the national political parties than
14 identify with the positions of the NRA?

15 A I don't know that I agree with that. I
16 mean, if -- if -- if you take a poll of the American
17 public, 70 percent of the American public supports --

18 75, 80 percent of the American public supports the
19 Second Amendment. It -- I mean, there's a -- I -- I
20 just -- there's a -- there's a lot of support out
21 there for the Second Amendment and that's what the NRA
22 is -- I mean, we were -- NRA was running approval
23 ratings with the American public and the last I saw,
24 the mid 50s, I mean, that -- that's pretty high.

25 Q would you agree that the -- the two major

□

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2 national political parties have a larger pool from
3 which they are likely to draw contributors than the
4 NRA does?

5 A It's -- I guess when you get into -- I --
6 I -- you know, I really don't know the answer to that.
7 I mean, I don't -- I don't -- I mean, with everyone,
8 the pool of everyone is the American public as a
9 whole. It -- and I don't have any specific knowledge
10 that -- that anyone else in the street wouldn't have
11 as to how that applies to the DNC or the RNC or -- I
12 know there are 90 million, 80 to 90 million firearms
13 owners in the country. I mean, I know how that
14 affects the NRA but I just --

15 Q You are aware, however, that the national
16 political parties raise a lot more money than the NRA
17 does?

18 A I haven't checked how much they -- I mean,
19 they -- I know it's hard to raise money, it's very
20 hard to raise money, I -- I just haven't checked how

21 much they raised.

22 Q Do you believe that the national political
23 parties have an advantage in fundraising over the NRA?

24 A I don't know that I see the relationship.
25 I mean, I just -- I -- I don't -- I mean, what we're

□

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2 about is the Bill of Rights. We're about the Second
3 Amendment. I mean, I -- our interests go way beyond
4 politics. I mean, our interests deal with the Second
5 Amendment, they deal with -- they deal with the
6 program aspects of the Second Amendment, they deal
7 with the -- the -- the atmosphere in the air, they
8 deal with elections, but the national parties seem to
9 me to be more confined to elections while we're --
10 we're very -- we're much, much broader in terms of
11 what we do.

12 I mean, I don't know that I -- I don't
13 know that I see the relationship. We're -- we're
14 about -- we like to think of ourselves about the Bill
15 of Rights and about the Second Amendment. I mean,
16 they're more of a -- I'll let them speak for
17 themselves at what they are, I guess, whatever.

18 Q I'd like to ask you specifically about
19 paragraph 11 in the declaration you have in front of
20 you, which was marked as -- as Exhibit 14 to this
21 cross-examination. I'm reading from the third line.
22 "For example --" or the third sentence, rather.

23 LaPierre.Cross
24 "For example, in accordance with
25 applicable federal, state or local law, either the NRA
or PVF may engage in one or more of the following

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2 types of activities: voter registration drives, voter
3 identification drives, get out the vote efforts,
4 polling, telephone banks designed to encourage
5 registration or voting, providing of sample ballots in
6 order to educate voters."

7 Do you see where that is?

8 A I do.

9 Q Is it your understanding that the NRA or
10 the PVF does engage in that activity?

11 A On -- NRA is certainly permitted by law to
12 engage in these types of activities. There have been
13 instances where both the NRA and the PVF have engaged
14 in those types of activities, yes.

15 Q Can you quantify for me as generally or
16 specifically as you can how often either the NRA or
17 the PVF engages in those types of activities?

18 A The PVF engages in those activities all
19 the time. It -- not -- not all the time, during
20 election years, primarily. It -- but then there isn't
21 always an election going on, so you could -- it -- but
22 they don't all the time do all of these activities.

23 You can -- the NRA from time to time
24 has -- has spent dollars talking about make sure you
25 vote, you know, vote for freedom, things like that

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2 that it's permitted to do under law that's of a
3 general nature. If it's candidate-specific saying
4 vote for or against this particular candidate, it's --
5 the NRA PVF does it.

6 Q Outside -- let me talk -- let's talk first
7 about the PVF. Putting aside the candidate-specific
8 get out the vote or voter advocacy and talking solely
9 about the more generic activity --

10 A Uh-huh.

11 Q -- does the PVF engage in that kind of
12 activity?

13 A The PVF has engaged in -- in both over the
14 years. It's engaged in -- in -- in -- I mean, the PVF
15 dollars are very, very hard to raise. It -- most of
16 the PVF activity involves specific vote for or against
17 this candidate. It has -- have there ever been any
18 PVF dollars providing things like voter registration,
19 voter identification, get out the vote efforts,
20 polling, maybe some but, I mean, the Institute for
21 Legislative Action can also do those types of
22 activities, and those types of activities have been
23 more carried out in terms of the NRA by the Institute
24 for Legislative Action because under the law, they're
25 not specifically required to use PVF dollars for those

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2 activities.

3 Q Okay. Again, staying for a moment just on
4 PVF, would you agree that it's because the PVF focuses
5 for the most part on either direct political
6 contributions to candidate or express advocacy, it is
7 very rare to spend PVF dollars on more generic get out
8 the vote and voter identification-type activity?

9 A I think I would -- I think that's a --
10 probably a fair statement.

11 Q Turning to the ILA, can you quantify as a
12 proportion of ILA's budget how much money it spends on
13 this sort of -- on the sort of generic activity that's
14 discussed in paragraph 11?

15 A No, I really can't, other than -- other
16 than I know that -- I know that ILA dollars have been
17 used in the past for those types of efforts but I
18 really don't have a figure in my head at -- as to --
19 as to how much. I just -- I just don't.

20 Q Can you say whether it's a small
21 proportion of the budget or a large proportion of the
22 budget?

23 A You know, anything I told you would be a
24 guess. I mean, I -- I --

25 MR. COOPER: She's not interested in you

□

2 hazarding a guess, I'm sure.

3 BY MS. BHATTACHARYYA:

4 Q I'm actually not interest in a guess. If
5 you know, great. If you don't, "I don't know" is a
6 fine answer.

7 A I mean, I know it happens. I mean, it can
8 be -- I just don't know off the top of my head how
9 much. I know that ILA does it. It -- it -- it's not
10 a -- I know ILA does it.

11 Q It's not a very high priority for ILA, is
12 it?

13 A No, it is a high priority for ILA
14 depending on -- depending on, I mean, the election
15 cycle. It's just I -- I just don't know how many --
16 how much -- I mean, ILA likes to see people vote as
17 NRA likes to see people vote. I mean, it -- I just --
18 I just don't have a -- I don't know how much -- I just
19 don't have the budget in front of me as to how much
20 they've spent, but some years they spend -- it's not
21 insignificant what they spend to encourage people to
22 vote. I mean, it's -- on the other hand, it's not --
23 if you look at their budget for the whole year, it's
24 probably not the biggest chunk, either.

25 Q And would the same be true of the NRA?

□

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2 A I would say that that -- depending on the
3 year, you can find years where NRA has spent -- I

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4 mean, I don't know how much, again, but NRA has spent
5 dollars encouraging people to vote from the NRA side,
6 too. It's not tied specifically to vote for or
7 against this candidate.

8 Q When either the NRA or ILA or in those
9 rare instances PVF spends money on this sort of
10 generic noncandidate-specific activity --

11 A Right.

12 Q -- how do they determine where those
13 efforts will be focused?

14 A I think they -- it's not an exact science
15 I mean, I think NRA's just -- they have been more
16 broad voter registration campaigns and stuff like
17 that. I mean, if you -- it -- there are some -- you
18 get into an election year, I'm sure there are -- there
19 are instances where NRA has spent -- I mean, and
20 Institute for Legislative Action have spent more money
21 in -- in states where there are -- are crucial
22 elections urging people to -- to get registered to
23 vote than in states where there are not critical
24 elections from NRA's point of view encouraging them to
25 vote but it -- it -- it's -- I guess that's the

□

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2 answer.

3 Q But NRA wouldn't undertake a 50-state
4 effort to get people to vote, would they?

5 A Well, we've done -- yes, we -- we've done
6 stuff in our magazine in all 50 states encouraging

7 people to vote. We have done mailings throughout the
8 country encouraging people to vote. I'm sure that
9 there are also instances where if there's key
10 elections where Institute for Legislative Action has
11 done voter registration drives in -- in -- in key
12 states, and -- and I'm sure there are instances where
13 NRA has -- has -- has run electronic media urging
14 people to get registered to vote in key states or to
15 vote -- vote for freedom or whatever.

16 Q And when any of the three arms of the NRA
17 conduct this type of activity, the get out the vote,
18 voter identification, the voter registration, is it
19 targeted primarily at your members or at the general
20 public?

21 A It has been targeted at -- at -- at NRA
22 members and it has been targeted at the general
23 public --

24 Q Can you --

25 A -- hunters, people that own firearms.

□

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2 It -- areas where there are a lot of hunters, there
3 are a lot of people that own firearms.

4 Q And those people are targeted because
5 they're subscribers to your publications, is that
6 fair?

7 A They would be targeted because they're
8 members, and we want to make sure all of our members

9 are registered to vote. We also hope all people that
10 have hunting licenses from the states register to
11 vote. We hope that people that -- that -- that
12 believe in the Second Amendment and/or own firearms,
13 law-abiding people, vote, and -- and we hope everybody
14 votes. I even say that, to tell you the truth.

15 Q Can you quantify in any way for me either
16 generally or specifically how much of this activity is
17 aimed at your members and how much of it is aimed
18 at -- at the general public?

19 A I think with ILA, they've done more stuff
20 with our members to try to make sure they're
21 registered to vote, the Institute for Legislative
22 Action. I think when NRA has spent any of their money
23 urging people to vote, it's been more of a general
24 appeal that probably hit members and nonmembers.

25 Q And is -- are those efforts along the

□

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2 lines of the infomercial that we saw earlier --

3 A Yes --

4 Q -- where people were urged to vote?

5 A -- where it's much more general, I mean,
6 people -- whoever turns on the TV is seeing it as
7 opposed to the ILA efforts where it's -- it's much
8 more geared toward hunters, people that have state
9 hunting licenses, gun owners, that segment.

10 Q The NRA is a national organization, is
11 that correct?

12 A That's correct.
13 Q Hence, the National Rifle Association.
14 A Right.
15 Q Does it have state and local affiliate or
16 chapters of any kinds?
17 A NRA has about -- yes, yes is the answer.
18 I really -- state affiliates and --
19 Q State and/or local affiliates?
20 A Yes.
21 Q How many state affiliates and how many
22 local affiliates does it have?
23 A I believe we have about 40,000 clubs that
24 affiliate with the NRA around the country. I -- I --
25 hunting clubs, fishing clubs, shooting clubs. I think

□

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2 we have about -- I'm doing these off the top of my
3 head, I'm not -- I think we have -- we have thousands
4 of law enforcement clubs also that affiliate with the
5 NRA, I'd say 5-, 6,000, something like that, I think.
6 I mean, there's -- we don't really have a state
7 structure but we have -- we have clubs that affiliate
8 with the NRA around the country.
9 Q To what extent are those affiliated clubs
10 involved in the sorts of activities that are discussed
11 in paragraph 11 of this declaration?
12 A It -- again, affiliation doesn't imply
13 control, it -- which is where we're different than a

14 lot of other organizations. NRA is really -- when you
15 look at it, we're an individual membership
16 organization. That's where the authority flows from
17 and that's where the communication flows to.

18 The clubs that affiliate with the NRA,
19 they -- they -- I think there's a general -- I don't
20 even know how they do it. I think -- I think
21 there's -- I think there's a -- a small fee or
22 something that they pay, but it's a very small fee and
23 then they -- they try to sign up their members as
24 individuals but it's not a -- they do it basically to
25 say they're affiliated with the NRA as more than any

□

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2 other reason. It's not really a dollar issue as much
3 as that this club is affiliated with the National
4 Rifle Association.

5 we -- when we encourage them to do this,
6 we -- to get involved in politics, it's more done on
7 an individual basis, it's not really a -- we try to
8 get them to -- to encourage their members but there's
9 not really a structure set up to do it is what I'm
10 trying to say.

11 Q So there's no formal structure by which
12 the National Rifle Association can work with these
13 clubs to perform these sorts of activities, is that
14 fair?

15 A That -- that is fair with the -- that --
16 that's -- that's absolutely fair. There's -- there

LaPierre.Cross

17 are state affiliates. There's -- it's a little bit
18 more formal in the fact that it's not control as much
19 as the fact that NRA -- I don't even know how to say
20 it. They can -- they're -- they're more sanctioned by
21 the NRA but they are not -- they don't engage in
22 political activities, they -- they -- they -- they
23 more do safety training and things like that. It's
24 not really a political structure.

25 Q So to the extent that this kind of

□

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2 political activity is done, it's done by the national
3 organization?

4 A It's done by the Institute for Legislative
5 Action and it's done on an individual basis with
6 individual volunteers, although the NRA does from time
7 to time I think mail their -- not NRA, ILA. ILA mails
8 their club lists and I'm sure tells them to get active
9 but there's no structure to force them to get active
10 one way or the other. It's a request, not an order is
11 what I'm saying and they -- they take it like that,
12 too.

13 MS. ISPAHANI: And that's not an order.

14 THE WITNESS: Yeah, yeah.

15 MS. BHATTACHARYYA: I think that's all I
16 have.

17 MR. COOPER: Then I take it that the
18 examination -- the cross-examination is over.

19 LaPierre.Cross
MS. BHATTACHARYYA: Yes.
20 MR. COOPER: Great. I have just a
21 question or two I'd like to ask on redirect.
22 MR. SCHWARZ: A question or two can open
23 up an hour or two by us.
24 MR. COOPER: I hope that that doesn't come
25 to pass, but I guess I'll take that chance.

□

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1 COUNSEL ONLY - CONFIDENTIAL - WAYNE LaPIERRE
2
3 EXAMINATION BY COUNSEL FOR NRA AND THE WITNESS:
4 BY MR. COOPER:
5 Q Mr. LaPierre, do you recall earlier today
6 when you were questioned in your cross-examination
7 with respect to a magazine cover that appeared in one
8 of your infomercials that was run in 2000, I believe,
9 year 2000? Do you recall that?
10 A I do recall that.
11 Q Okay. I think you testified that the
12 magazines published by the NRA are benefits of
13 membership. Is that correct?
14 A That's correct.
15 Q Okay. Could you explain what, if any,
16 role that magazine subscriptions play in recruitment
17 of members?
18 A Well, I think that they play a significant
19 factor in recruitment of members. I mean, it's one of
20 the things that if you're a member of the NRA, we put
21 in members' hands every month. It -- we -- we do

22 it -- we know that there are -- and that's why we try
23 to give people a variety of magazines to pick from. I
24 mean, we have The Rifleman, which is more involved
25 with competitive shooters, it's more involved with

□

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2 people that have -- are involved in the technical
3 aspects of -- of gun ownership, collectors, people
4 like that. We have The Hunter, which goes primarily
5 to the hunting interest segment of the NRA and then we
6 have the news magazine, which is First Freedom, which
7 is intended to be a cutting-edge, hard news magazine
8 that -- that we publish, as I -- as I said before,
9 that -- that we believe it's telling the truth to
10 the -- about the gun issue to the segment -- to -- to
11 people that don't get it from -- from the national
12 media companies.

13 Q I believe you testified that the -- the
14 cover that depicted Mr. Gore morphing into Clinton or
15 perhaps it was Clinton morphing into Gore, but in any
16 case, it was a -- a picture that you've discussed
17 previously of Mr. Gore and that we saw on the
18 videotape.

19 I believe you testified that that cover
20 was of the First Freedom magazine, is that correct?

21 A That's correct.

22 MR. SCHWARZ: Capital F, capital F. In
23 other words, the title of the magazine "First

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24 Freedom," not the first, small F, freedom magazine.
25 MR. COOPER: I -- I appreciate that

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2 clarification.
3 BY MR. COOPER:
4 Q Is that --
5 A That's correct.
6 Q -- correct?
7 Do you recall the issue of First Freedom
8 magazine that -- that bore the photograph of Mr. Gore
9 that we're discussing?
10 A I do.
11 Q Can you describe why Mr. Gore's photograph
12 was on the cover of that magazine?
13 A Well, for a lot of reasons. I mean, he --
14 he -- he was a new story on this issue. He had also
15 earned it. I mean, he had become -- over the last
16 year, he had become one of the -- other than the
17 President, probably the most prominent -- one of the
18 most prominent national spokespersons against the --
19 against the -- the NRA's legislative objectives and
20 against the -- the organization. I mean, he had a --
21 he had attacked me personally by name. I had debated
22 him on national TV in terms of back-to-back formats.
23 He cast the tie-breaking vote in the Senate against
24 the NRA on -- on -- on a big piece of legislation and
25 walked out and bragged about how it was one of the

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2 best days of his life in terms of doing that, so he
3 became to symbolize the -- the antifirearms movement
4 just as the President had become to symbolize the
5 antifirearms movement in the country, antiSecond
6 Amendment movement and hence, the cover of Clinton
7 morphing into Gore. It --

8 Q Did the depiction of the cover of that
9 magazine, to the extent you recall, play a role in
10 your recruitment efforts for members?

11 MR. SCHWARZ: Objection, no foundation for
12 his being able to answer that question.

13 MR. COOPER: I think the witness testified
14 that the infomercial at issue was designed to -- as a
15 recruitment vehicle, at least, at least in part, and
16 that the magazine descriptions are a specific benefit
17 of membership, and I'm asking if the -- if the
18 magazine at issue including its cover played any role
19 to the extent he can recall in NRA's recruitment
20 effort.

21 A It -- I don't -- I don't think it's any
22 secret that any time we -- we -- we feature a
23 politician that's become a symbol of the antiSecond
24 Amendment, antiNRA, antiNRA legislative agenda
25 movement, whether it's an ad, whether it's a news --

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2 magazine cover, it -- it -- it -- it helps with
3 recruitment. People are emotional about this issue.
4 If they see a politician trying to take away their
5 guns, trying to take away the Second Amendment,
6 they'll join and that's -- Al Gore through his own
7 desire came to be one of those -- one of those
8 symbols. In fact, they ad -- they ad -- they admit
9 it.

10 MR. COOPER: Thank you, Mr. LaPierre. I
11 have no further questions on redirect.

12

13 EXAMINATION BY COUNSEL FOR INTERVENORS:

14 BY MR. SCHWARZ:

15 Q When you join as a member of the NRA, you
16 get copies of each of the NRA three magazines,
17 correct?

18 A No, you -- you -- you have your choice
19 of -- actually, we've five now. We have a -- we have
20 a new one and we have a woman's magazine that's brand
21 new and we have another one that's -- that's a little
22 bit more general of a shooting magazine.

23 Q Uh-huh.

24 A You get your pick as to one of them and
25 you have the ability to subscribe to any of the others

□

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2 at a reduced rate.

3 Q Okay. And in 2000, were there three, four
4 or five magazines?

5 A There were three.

6 Q Okay. And the circulation of each of the
7 three as of whatever point you think is most
8 representative in 2000 was what? Give the names of
9 each of the three if you can and then the --

10 A I think The American Rifleman is -- is --
11 again, I'm doing this off the top of my head.

12 Q Right.

13 A I'd say The American Rifleman was probably
14 a million-5, a million-6, maybe a million-7. The
15 Hunter was probably a million, and -- and then First
16 Freedom I think ended up as about 648,000 now or
17 650,000, so it was -- it was growing throughout the
18 year. I -- I don't know exactly what it was at --
19 at -- we started the magazine in 2000, so I guess we
20 start at zero and it -- it -- it -- it increased
21 throughout the year. And I could be off. The
22 Rifleman may be up, because all of our members get a
23 magazine, so the Rifleman and Hunter may be are
24 probably a little bit higher than what I said.

25 Q Okay. So -- I see, because you need to

□

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2 get up to 4 million?

3 A Right, that's correct.

4 Q So if we need to get up to 4 million and

5 First Freedom at the end of 2000 was approximately
6 650, we've got 3.2 -- 3.3 and a half million to be
7 split between The Rifleman and The Hunter?

8 A That's probably about right.

9 Q Okay. And do you know after your --

10 A I was laughing because I was tearing stuff
11 up again.

12 Q Yeah, yeah.

13 A Got to take it out of my hands. I'm
14 sorry.

15 Q As you sit here today, do you know after
16 your various appearances on infomercials that used the
17 three magazines as potential benefits, do you know how
18 many people picked each of the magazines?

19 A I -- I don't know specifically, although I
20 have been told that the infomercials came down much
21 heavier on the side of picking First Freedom.

22 Q Even though First Freedom is -- is --
23 what's the number? -- is -- in the neighborhood of 12
24 or 15 percent of your magazine subscribers? Have I
25 got that math right?

□

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2 A well, it's -- it's -- it's about 650 --
3 50,000, whatever that is. Yeah, I -- I really don't
4 know how many of the infomercial people subscribe to
5 First Freedom. I have been told in general that more
6 of them pick First Freedom, but I -- honestly, I'm not
7 even sure that that's accurate.

8 Q Okay. But you didn't pick what cover went
9 on the -- excuse me, what magazines -- I think you
10 testified this morning that it was not you who picked
11 which issues of Rifleman or Hunter or First Freedom
12 were depicted on the screen in that one-second
13 interval. Am I right that you testified --

14 A That -- that -- that is correct. In terms
15 of the infomercial, I did not pick what cover of the
16 three magazines was featured in the infomercial,
17 although I was consulted and did pick putting Al Gore
18 on the cover of that magazine that particular month.

19 Q Of -- of a particular month in the
20 year 2000?

21 A Of a particular month in 2000. They told
22 me that -- the people that put the magazine together
23 told me they were going to do it and I signed off on
24 them doing that.

25 Q Do -- do -- do you happen to remember

□

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2 which month that was?

3 A I said earlier it was either -- I believe
4 it was either August or September.

5 Q Yeah.

6 A And I'm -- I'm -- I'm not sure which, but
7 I think it was either August or September.

8 Q And -- and did the magazine -- did the
9 magazine -- inside the magazine have -- let's see if I

10 can use a neutral word -- critical comments about
11 Mr. Gore?

12 A I'm sure it had a -- again, I -- I don't
13 remember specifically what the story was but I'm sure
14 if Al -- if -- if Vice President Gore was on the
15 cover, I'm sure that there was a story inside the
16 magazine talking about his position on guns and the --
17 and the Second Amendment that makes sense to me.

18 Q You would not characterize -- I
19 interrupted you there, which I apologize for. You --
20 you don't think it's likely that that article within
21 the magazine was -- was being laudatory about
22 Mr. Gore, do you?

23 A I think it was being accurate.

24 Q Yeah, but just use my word. Do you think
25 it was likely to be laudatory?

□

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2 A I -- I -- you know, you pick up Time
3 Magazine, it -- it -- I mean, it was -- it was -- it
4 was a news story on Mr. Gore in relation to the gun
5 issue and in terms of -- do you think it was -- it was
6 intended to be accurate, and he may not have
7 considered it that way, but I'm sure Charlton Heston
8 didn't like the Time Magazine article on him, either,
9 so it's -- and that happens.

10 Q Let's see if you can -- I'll refer you to
11 something else in one of the NRA infomercials run in
12 October of -- and November before the election of

13 19 -- of 2000 and I'm going to ask you whether these
14 comments were laudatory.

15 In the excerpts from comments made by
16 union members indicating why they would not vote for
17 Mr. Gore, there were statements that Mr. Gore had
18 invented the internet and discovered Love Canal. Do
19 you remember those statements?

20 A I'm sorry, that was in the magazine?

21 Q No, that was in the -- the infomercial
22 called "Union/Gore," and there were --

23 A And union members said that?

24 Q A union member, in explaining why he or
25 she was not going to vote for Mr. Gore, said that.

□

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2 A It -- it -- it -- it doesn't -- I don't
3 remember specifically but it doesn't surprise me. I
4 mean, I heard people say a lot of things about --
5 about -- about Mr. Gore and, I mean, if you -- if
6 you -- if you go and put a camera in front of people's
7 face, they'll say a lot of things, but it doesn't
8 surprise me.

9 Q Of course, NRA chose what comments were
10 made by people in response to Mr. Cohen's --

11 A You know, but -- but aren't --

12 MR. COOPER: Let him finish the question.

13 THE WITNESS: All right. I'm just
14 enthusiastic. This gets to the heart of the debate.

15 BY MR. SCHWARZ:

16 Q You -- you -- you -- you were saying that
17 people say a lot of things when a camera is put in
18 front of them and my question, which I think calls for
19 a yes-or-no answer, was: Isn't it true that NRA chose
20 which comments were made by union members to include
21 in that infomercial?

22 A Yes, that's correct.

23 Q Okay. And I'm -- well, I was going to ask
24 you whether a reference to Love Canal and the internet
25 was laudatory but I don't think I don't need to.

□

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2 A The only point I'd make to follow up
3 beyond the note is that's our point. The national
4 media does the same thing every day in terms of the
5 news stories that they choose to air where they choose
6 to edit what they want to edit, and they pick which
7 quotes they want to pick, and -- and -- and -- and
8 most often, they -- look what they say about Charlton
9 Heston. I mean, look what they say about -- look what
10 they did yesterday to Charlton Heston on -- on -- on
11 The Today Show. I mean, it was a disgrace, and --
12 and -- and that gets into why we're doing these news
13 magazine documentaries and why we're doing the news
14 magazine is we're doing it to offset the media
15 conglomerates and to tell the truth the way we see it.

16 MR. COOPER: Okay, I don't have anything
17 more.

LaPierre.Cross

18 MS. BHATTACHARYYA: Well, I do, but I
19 should have probably asked it earlier so unless you're
20 willing to indulge me --

21 MR. COOPER: If you're giving me that
22 choice, Rupa, then no, I'm not. In other words, if
23 it -- if it relates to the redirect --

24 MS. BHATTACHARYYA: It does not.

25 MR. COOPER: -- then I'd prefer that you

□

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2 not.

3 MS. BHATTACHARYYA: That's fine.

4 MR. COOPER: I guess we're done.

5

6 (Signature having not been waived, the
7 confidential deposition of Wayne LaPierre was
8 concluded at 2:30 p.m.)

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ACKNOWLEDGEMENT OF DEPONENT

I, Wayne LaPierre, do hereby acknowledge
that I have read and examined the foregoing testimony
and the same is a true, correct and complete
transcription of the testimony given by me, and any
corrections appear on the attached errata sheet signed
by me.

(Date)

(Signature)

24
25

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CERTIFICATE OF REPORTER

DISTRICT OF COLUMBIA:

I, Mary Ann Payonk, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me, that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction, that I am neither counsel for, related to nor employed by any of the parties to the action in which this deposition was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

MARY ANN PAYONK, Notary Public
DISTRICT OF COLUMBIA

My Commission expires: April 14, 2004

2 E R R A T A S H E E T

3 IN RE: McConnell v. FEC

4 AFFIANT: Wayne LaPierre (CONFIDENTIAL)

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