

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

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THE PEOPLE OF THE STATE OF NEW YORK, by :  
LETITIA JAMES, Attorney General of the State of New York :

Petitioners, : Index # 451825/2019

-against- : Hon. Melissa Anne Crane

ACKERMAN MCQUEEN and NATIONAL RIFLE :  
ASSOCIATION OF AMERICA, :

Respondents. :  
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**AFFIDAVIT OF TYLER SCHROPP IN SUPPORT OF THE NRA'S OPPOSITION TO  
THE ATTORNEY GENERAL'S SPECIAL PROCEEDING AND APPLICATION TO  
COMPEL RESPONDENT ACKERMAN MCQUEEN TO COMPLY WITH AN  
INVESTIGATORY SUBPOENA**

STATE OF NEW YORK )

COUNTY OF NEW YORK ) ss.:

TYLER SCHROPP, being duly sworn, deposes and says:

1. I am above the age of eighteen years, have never been convicted of a felony, and am fully competent to make this affidavit. The statements set forth below are true and correct and, unless otherwise qualified, are based upon my personal knowledge.

2. I am the Executive Director of the Office of Advancement for the National Rifle Association of America (the "NRA"). In this capacity, I cultivate and solicit major gifts on behalf of the NRA and its affiliates, including the NRA Foundation, an independent tax-exempt 501(c)(3) organization (the "NRA Foundation"). Therefore, it is my job to maintain relationships with current and prospective NRA donors, and to remain apprised of factors that encourage or deter donations. Before joining the NRA, I was an employee of Ackerman McQueen, Inc.

(“Ackerman”). In my capacity as Executive Director of Advancement for the NRA, I worked with Ackerman in connection with NRA donor-development activities and have personal knowledge of Ackerman’s involvement in those activities.

3. In my role at the NRA, I am personally aware that many donors express a strong desire to remain anonymous. Often, that desire is due to fears of harassment and retaliation—both in personal and business settings. Donors have stated to me that they fear that their spouses or children may be harassed, or that business partners may be pressured to abandon them, by those who bear animosity toward the NRA and its political speech. This fear is especially acute in states like New York, where government officials are perceived to seek to “punish” those who support the NRA.

4. Thus, when my office solicits donations, we frequently must assure donors that the NRA closely guards their confidential information. Absent this assurance, I know that many of the individuals and families with whom my office interacts would not donate. Indeed, some donors enter into grant-letter agreements with the NRA that outright prohibit disclosure of the donors’ personal information, including pursuant to a subpoena, unless basic procedural thresholds (*e.g.*, notice requirements) are met.

5. Because of the high importance placed on donor privacy, my office has historically taken care to ensure that donor information is never shared with vendors or service providers absent strict confidentiality safeguards. Because Ackerman was the NRA’s most-trusted vendor, it was exposed to a significant amount of donor information. For example, Ackerman was paid to organize donor events. Before the NRA’s relationship with Ackerman suffered setbacks, I had interactions with Ackerman executives that made me confident they understood the sensitivity of

the NRA's donor information and the importance of safeguarding it. Such executives included Tony Makris, Revan McQueen, and Melanie Montgomery.

6. I would never have shared donor information with Ackerman, or involved Ackerman in donor outreach activities, if I had not been told we could rely on Ackerman (and on the NRA's contractual NDA with Ackerman) to ensure that any donors' information remained private.

7. I reviewed the subpoena to Ackerman issued by the New York State Office of the Attorney General dated July 8, 2019 (the "Subpoena"). Although I do not have detailed knowledge of everything contained in Ackerman's files, at a minimum, I believe the Subpoena contains several requests that are likely to capture donor information entrusted to Ackerman. For example:

- a. Request No. 1 seeks "[a]ll documents concerning any . . . financial transactions between [Ackerman] and . . . the NRA . . . in connection with services [Ackerman] provided directly or indirectly to the NRA," and specifically includes, without limitation, travel and entertainment expense reimbursements. This is highly likely to capture the names of donors attending dinners and other events who trust the NRA to safeguard their identities.
- b. Request No. 2 seeks "[a]ll documents reflecting communications" between Ackerman and a wide swath of current and former NRA stakeholders including employees, directors, and officers. I am certain that communications have occurred between Ackerman and these NRA-related persons which reveal donor personal information.
- c. Similar to Request No. 2, Request No. 3 seeks "[a]ll documents reflecting communications concerning" the same wide swath of NRA stakeholders—in other words, communications that were not exchanged with NRA stakeholders, but pertain to NRA stakeholders. When I worked at Ackerman, I can recall engaging in internal communications that referenced NRA donor-relations activities, including the identities of donors. I expect that Ackerman has communications in its files responsive to Request No. 3 which contain donor information.

8. Over the past several months, I have dealt with multiple donors who specifically referenced actions by the New York Attorney General which reflect political animus toward the NRA and its supporters. During several of these conversations, donors specifically mentioned

statements by Letitia James, made during her electoral campaign for the office of Attorney General, which were unabashedly hostile toward the NRA. Multiple donors have also discussed ongoing litigation in the United States District Court for the Northern District of New York, where the NRA alleges unconstitutional retaliation by Governor Andrew Cuomo, and an agency working at his direction, against the NRA for its political speech. Such concerns are raised so frequently by donors that it would be difficult for me to count the number of conversations my office has had regarding these topics.

9. In light of these facts, I strongly believe that a compelled bulk disclosure of Ackerman's records to the New York Attorney General would alarm donors who interacted with Ackerman, and would likely inhibit the NRA's ability to raise funds, particularly if the disclosure occurred without any opportunity for the NRA to be informed about the documents being produced and take steps to protect its donors' information. Moreover, even current and prospective donors who have not interacted with Ackerman would likely be alarmed by a voluminous disclosure of other donors' information and could hesitate to donate in the future.

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

Executed this 22<sup>d</sup> day of October, 2019.

  
Tyler Schropp

Sworn to before me this 22<sup>nd</sup>  
day of October, 2019.



Notary Public

*Acknowledgment / Fairfax County*

STEPHEN SANDER MC CORMICK  
NOTARY PUBLIC  
REGISTRATION # 7833634  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES  
MARCH 31, 2023