

IRS Contempt of Congress

The agency now admits it didn't fully comply with subpoenas.

The U.S. Internal Revenue Service is now telling Congress that it has lost the emails of no fewer than seven IRS employees central to the targeting of conservative nonprofits, though that's only half the outrage. There's also the IRS's quiet admission that it has spent most of the past year willfully defying Congress.

After informing Congress on Friday that it can't find two years of email from former Director of Exempt Organizations Lois Lerner, House Ways and Means Chairman Dave Camp revealed Tuesday that the IRS can't produce records for six more employees whose hard drives also supposedly failed. These six happen to have been central to the IRS crackdown on conservative groups, and the lost emails were sent when the targeting took place, including in 2010 and 2011. The six include Nicole Flax, former chief of staff to former IRS Commissioner Steven Miller.

There's an equally disturbing IRS confession contained in its Friday letter to Congress. Some history: House Oversight Chairman Darrell Issa as early as June 4, 2013 asked the IRS to provide "all documents and communications sent by, received by, or copied to Lois Lerner" between Jan. 1, 2009 and the present." Note the "all."

Mr. Issa sent an official subpoena demanding "all" the records in August 2013, and another subpoena reiterating the "all" demand in February 2014. Former Acting IRS Commissioner Danny Werfel in August of 2013 told Congress, under oath, that the IRS was "reviewing every one of Lois Lerner's emails, and providing the response." Current IRS Commissioner John Koskinen in February told Congress, un-

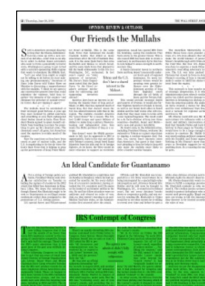
der oath, that the IRS was sending all of Ms. Lerner's emails.

Yet in its letter on Friday the IRS slipped in the following: "In early 2014, Chairmen Camp and Issa reiterated their requests for all of Lois Lerner's email, regardless of subject matter . . . Fulfilling the request," said the IRS, meant it had to compile Lerner emails that went beyond the "search terms" it had "originally loaded for review." By mid-March, the agency admitted, it had produced for Congress only the Lerner emails that it—the IRS—considered "related" to the scandal.

In other words, the IRS has from the start been picking and choosing which of Ms. Lerner's emails it deigned to show Congress. And it did so despite knowing that Congress wanted everything.

This IRS filter has delayed the investigation and denied Congress access to important information. Congressional investigators learned only last week that Ms. Lerner corresponded with the Justice Department about potentially prosecuting conservative nonprofits. Congress had to subpoena Justice to obtain that Lerner correspondence. Only after Congress demanded the IRS explain why it hadn't provided this Lerner-Justice correspondence did the IRS suddenly confess in its Friday letter that it had been picking and choosing emails.

And now we get the disappearance of seven hard drives. Ms. Lerner's hard drive, by the way, appears to have "crashed" in June 2011, not long after Mr. Camp first asked the IRS if there was any political targeting going on. She denied it. Mr. Koskinen is due to testify before Congress on Friday, and he's got a lot to answer for.



Il disprezzo dell'IRS per il Congresso