



## DOJ Ends Probe of IRS Tea Party Targeting Scandal

Though the Department of Justice has not so surprisingly declared that the Internal Revenue Service and its former executive Lois Lerner have been cleared of any wrongdoing related to the Tea Party targeting scandal, some question the validity of the Justice Department's investigation. And while the IRS will avoid criminal charges for its questionable actions, the *Washington Times* reports that the IRS continues to delay nonprofit applications of tea party groups.



The Justice Department's decision relates to the IRS scandal involving the Tax Exempt and Government Entities Division of the IRS openly targeting Tea Party and other conservative groups that applied for tax-exempt 501(c)(4) "social welfare" organization status between 2010 and 2012. Those groups faced additional audits and scrutiny by the federal agency. The audits cost the organizations tens of thousands of dollars and thousands of employee hours, and ultimately prevented or delayed the groups' receiving of tax-exempt status.

According to the Daily Caller, "At least 292 conservative groups were subjected to unfair targeting between 2010 and 2012."

The Justice Department's investigation into the scandal picked up from the inspector general's determination that the IRS was using inappropriate criteria to identify tax-exempt applications for review by a team of specialists, including applications from organizations with "Tea Party," "Patriots," or "9/12" in their name.

Last week's controversial announcement declaring the IRS innocent of criminal activity came in the form of a [letter](#) to Congress on Friday afternoon. The Justice Department wrote that while the IRS was guilty of mishandling nonprofit status applications from conservative groups, the organization's actions were not criminal.

The letter reads,

We found no evidence that any IRS official acted based on political, discriminatory, corrupt, or other inappropriate motives that would support a criminal prosecution. We also found no evidence that any official involved in the handling of tax-exempt applications or IRS leadership attempted to obstruct justice. Based on the evidence developed in this investigation and the recommendation of experienced career prosecutors and supervising attorneys at the department, we are closing our investigation and will not seek any criminal charges.

Findings in the investigation reveal that there was "substantial evidence of mismanagement, poor judgment and institutional inertia leading to the belief by many tax-exempt applicants that the IRS targeted them based on their political viewpoints."

"But poor management is not a crime," Assistant Attorney General Peter Kadzik wrote in the letter.



Written by [Raven Clabough](#) on October 27, 2015

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Kadzik remarked that none of the witnesses interviewed in the investigation believed Lerner's actions to be politically motivated, and that Lerner attempted to correct inappropriate scrutiny of conservative groups once she "recognized that it was wrong."

According to the Justice Department, Lerner was cooperative with the investigation, but the *Times* notes that her cooperation "stands in contrast with her interaction with Congress, where she refused to answer questions, invoking her Fifth Amendment right to remain silent."

Critics question the impartiality of the Justice Department's investigation, noting that Barbara Bosserman, a Department of Justice trial attorney tasked with leading the IRS tax exempt organization investigation, had been a donor to the Democrats.

Adding further fuel to allegations of bias by the Justice Department, Judicial Watch [released documents](#) earlier this year that were obtained from the Justice Department and IRS — documents that revealed a plot to pursue criminal charges against opponents of the Obama administration.

News that Lerner communicated with the DOJ about whether it was possible to launch criminal prosecutions against targeted tax-exempt entities was first revealed last year as a result of a court order in an October 2013 Judicial Watch FOIA lawsuit against the IRS.

But the documents obtained by Judicial Watch underscore the extent of the collaboration between the IRS and the Department of Justice in these efforts, showing that Lerner had been meeting with DOJ officials to discuss the plan to pursue criminal prosecutions. According to a "DOJ Recap" [memo](#) released with the documents, Lerner met with a number of top officials on October 8, 2010 to consider all viable options in bringing criminal charges against certain conservative groups under FEC law.

As noted by Townhall, a previous e-mail from Lerner had already provided evidence that she was comfortable making a public example of at least one conservative group in order to frighten others from applying for tax exempt status. "One IRS prosecution would make an impact and they wouldn't feel so comfortable doing the stuff," Lerner said in a 2013 [e-mail](#).

Still, the DOJ contends "The Department of Justice's exhaustive probe revealed no evidence that would support a criminal prosecution. What occurred is disquieting and may necessitate corrective action — but it does not warrant criminal prosecution."

The House Ways and Means Committee, which conducted its own investigation into the IRS scandal and referred Lerner's behavior to the Justice Department for criminal investigation, reports the *Washington Times*, expressed its disappointment in the Department's decision.

Representative Paul Ryan, Ways and Means Committee chairman, said that while the decision was "deeply disappointing," it was not particularly surprising.

Ryan asserts that the Ways and Means Committee did find "serious and unprecedented actions" by Lerner that deprived tea party groups of their rights.

"The American people deserve better than this. Despite the DOJ closing its investigation, the Ways and Means Committee will continue to find answers and hold the IRS accountable for its actions," said Ryan.

But Lerner's attorneys claim that the Justice Department's conclusion was the logical one.

"Anyone who takes a serious and impartial look at the facts would reach the same conclusion as the Justice Department," they said.



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The *Washington Times* reports that the DOJ's decision "does not end the legal jeopardy for the tax agency, nor does it quell the political battle in which the IRS has lost billions of dollars in funding from a Congress that remains troubled by employees' behavior."

The IRS remains the target of numerous lawsuits. One case seeks to be a class action suit, while another case is pending before an appeals court.

And meanwhile, some conservative groups contend that not much has changed, as their applications for tax exempt status continue to remain in limbo. The Albuquerque Tea Party, for example, applied for nonprofit status in December 2009 and is still awaiting approval, according to the group's attorneys at the American Center for Law and Justice (ACLJ). Unite in Action, another client of the ACLJ, has been waiting more than three years for approval.

"It's an outrage — a mockery of justice," opined Jay Sekulow, chief counsel for the ACLJ.



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