

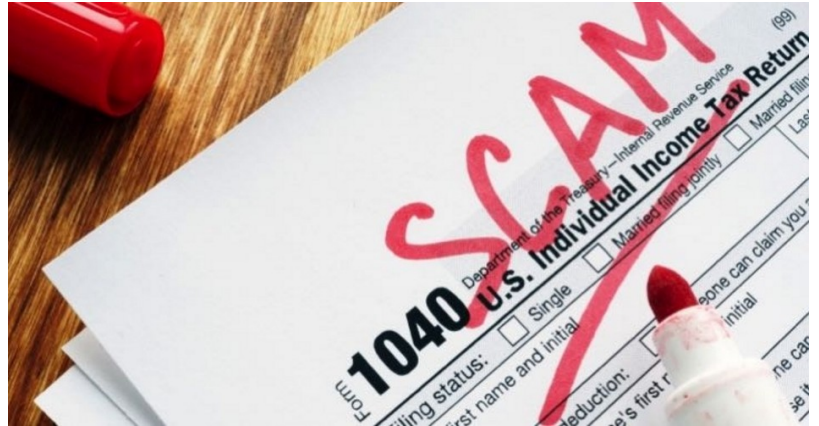


Written by [R. Cort Kirkwood](#) on July 3, 2019

House Committee Sues for Trump's Tax Returns. Reason: to Publicize Them for 2020

Continuing the Democratic attempt to suggest President Trump is a tax cheat, the House Committee on Ways and Means [has sued](#) the Treasury Department because it has refused to release Trump's tax returns.

The 49-page lawsuit, filed yesterday in the U.S. District Court in Washington, D.C., claims the committee needs the returns to evaluate whether the auditing policies of the Internal Revenue Service need amending by Congress.



The real reason, of course, is to publicize the president's tax returns and suggest or claim he is illegally avoiding taxes, which will force him to defend them during the 2020 campaign.

Justification

In May, the [committee subpoenaed](#) Trump's returns from 2013 through 2018. The committee needs them, Chairman Richard Neal said, to learn "the extent to which the I.R.S. audits and enforces the federal tax laws against a president."

[Treasury Secretary Steve Mnuchin refused](#), and so the committee sued. [Section 6103\(f\)](#) of the Internal Revenue Code, passed after the [Teapot Dome Scandal](#), entitles the committee to see the returns, the lawsuit avers. Mnuchin, his department, the IRS, and IRS commissioner are the defendants.

In refusing to release Trump's returns, the [lawsuit alleges](#), the Treasury Department and other defendants "have mounted an extraordinary attack on the authority of Congress to obtain information needed to conduct oversight of Treasury, the IRS, and the tax laws on behalf of the American people who participate in the Nation's voluntary tax system."

Amusing as calling the income tax "voluntary" is, the lawsuit is funnier in explaining why the committee needs the returns. The president has expressed "disdain" for and complained that the IRS's relentless audits of his returns are unfair, and the committee wants to ensure the IRS isn't mistreating him:

The Committee is investigating the IRS's administration of various tax laws and policies relating to Presidential tax returns and tax law compliance by President Trump, including whether the IRS's self-imposed policy of annually auditing the returns of sitting Presidents is working properly, even though it has not been updated in decades. Indeed, President Trump himself has repeatedly questioned the integrity of the process by which the IRS audits his tax returns, complaining that his returns are under "continuous audit" and that the IRS's policy of annually auditing Presidential returns is "extremely unfair." The President has also publicly theorized that the IRS audits him because of his assertedly strong Christian faith.

These complaints by President Trump underscore the appropriateness of the Committee's review of IRS audits of Presidential returns, including those of President Trump.



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As well, the [lawsuit alleges](#), “Through the complex arrangements of his personal and business finances,” Trump “has engaged in multiple aggressive tax strategies and decades-long tax avoidance schemes, including taking a questionable \$916 million deduction, participating in and using a grantor trust to control assets, manipulating tax code provisions pertaining to real estate taxes, and extensively using ‘pass through’ entities.”

“President Trump has taken pride in ‘brilliantly’ maneuvering the tax laws to his personal benefit,” the lawsuit complains.

All that said, because Trump won’t turn over his returns, “Congress and the Committee, however, have thus far been unable to evaluate the President’s claims about the IRS’s audit process or to assess if and how President Trump has been able to take inappropriate advantage of the tax laws.”

Most taxpayers likely believe the IRS has responsibility for ensuring that taxpayers don’t “take inappropriate advantage of the tax laws,” and given that the committee admits that all presidential tax returns are audited, the IRS would know if the president had done so.

The Real Reason for the Request

On June 13, the [Treasury Department’s general counsel explained](#) why the department refused to release the returns: Committee chieftain Richard Neal dissembled in explaining why the committee wants them:

The Chairman did not explain why, if the Committee were sincerely interested in understanding how the IRS audits presidential tax returns, he needed to review President Trump’s tax returns for many years before his presidency. Nor did the Chairman request any information concerning the IRS’s actual policies or practices governing presidential audits or the audit histories for any President other than President Trump.

Thus the memo continued, the committee does not have a “legitimate legislative purpose” to see the returns. The department, “quite reasonably, concluded that Chairman Neal had not articulated the real reason for his request” — to publicize the returns:

Under the circumstances, we agreed that it was reasonable to conclude that the Committee’s asserted interest in the IRS’s audit of presidential returns was pretextual, and that the true aim was to make the President’s tax returns public.

Making those returns public, again, would enable the radical Left and the Democratic candidate to embroil the president in defending his returns through the 2020 campaign.

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