



Written by [Dave Bohon](#) on May 20, 2013

## IRS Abuse Extended to Traditional Marriage, Pro-Life Groups

As the disturbing saga of IRS abuse deepens, pro-life and traditional marriage groups have taken center stage. In the wake of revelations that the federal tax bureaucracy targeted conservative and Christian groups, the [National Organization for Marriage](#) (NOM) has announced that it is suing the IRS for leaking the group's tax documents to the homosexual activist group Human Rights Campaign (HRC) in 2012. "There is little question that one or more employees at the IRS stole our confidential tax return and leaked it to our political enemies, in violation of federal law," said Brian Brown, NOM's president, in a statement. "The only questions are who did it and whether there was any knowledge or coordination between people in the White House, the Obama reelection campaign, and the Human Rights Campaign. We and the American people deserve answers."



In a column published May 15 by *USA Today*, Dr. John Eastman, a constitutional law professor at Chapman University and NOM's chairman, recalled that in March 2012 HRC, the lead pro-homosexual group aggressively pushing for the legalization of same-sex marriage, published one of NOM's confidential tax documents, which was quickly picked up by the *Huffington Post*, *Mother Jones*, and other left-leaning news organs.

Additionally, the self-styled "public interest" investigative news site [ProPublica.com](#) reported that in response to a request from its own journalists, the IRS' Cincinnati office sent it applications or documentation for 31 different groups, including a number of conservative organizations. "Nine of those applications had not yet been approved — meaning they were not supposed to be made public," ProPublica reported. One of those groups was Crossroads GPS, a key group that at the time was backing Mitt Romney's presidential campaign.

Eastman argued that the leaking of NOM documents to a group pushing for homosexual marriage was a particularly egregious offense. "For months before March 2012, the pro-gay marriage HRC had been demanding that my group, NOM, publicly identify its major donors, something that NOM and many other non-profits refuse to do," Eastman wrote. "The reason is simple. In the past, gay marriage advocates have used such information to launch campaigns of intimidation against traditional marriage supporters."

Added the pro-marriage leader: "Just as gay marriage proponents were demanding the information, the IRS appears to have illegally given them exactly what they were looking for. The tax return released by



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the HRC contained the names and addresses of dozens of major donors to NOM. And there's little doubt where the documents came from. The tax returns contained internal coding added by the IRS after the returns were originally submitted."

In mid-April NOM asked both the Treasury Department's inspector general and the Department of Justice to investigate the leaking of its confidential documents, a request both agencies ignored. The organization followed up by filing requests for the relevant information under the Freedom of Information Act, a path that was also unfruitful. "Frankly we've been stonewalled," Eastman told the [Catholic News Agency](#). "They didn't give us any of the actually relevant information." That reticence on the part the federal agencies prompted NOM to initiate the civil action against the IRS.

Eastman noted that the illegal leaking of such confidential information is not only an ethical breach, but also constitutes a felony. "Every organization — liberal and conservative — should shudder at the idea of the IRS playing politics with its confidential tax return information," he wrote. "But the situation here is even more egregious because the head of the HRC was at the time serving as a national co-chair of President Obama's re-election campaign."

Eastman challenged the notion that the targeting of "Tea Party" and other conservative groups was nothing more than an error in judgment by low-level IRS employees. "The release of NOM's confidential data to a group headed by an Obama campaign co-chair suggests the possibility of complicity at the highest levels of politics and government," he challenged. "This wasn't a low-level error in judgment; it was a conscious act to reward a prominent Obama supporter while punishing an opponent."

NOM announced that it has retained the ActRight Legal Foundation in its federal lawsuit against the IRS. "The very core of our ordered society has been shaken by this political roughing-up of nonprofits by the IRS," said Eastman as NOM announced its lawsuit. "As a constitutional law scholar I can tell you that no nonprofit should ever have to experience this kind of retaliation."

Meanwhile, [Fox News](#) reported that the IRS also intimidated pro-life groups in their efforts to protect the unborn and pregnant mothers against Planned Parenthood and other abortion businesses. Fox columnist Todd Starnes reported that the IRS "told an Iowa pro-life group they had to sign documents promising not to protest or picket Planned Parenthood and they told a Texas pro-life organization they had to promote abortion, according to documents obtained by Fox News."

Attorney Sally Wagenmaker of the Thomas More Society, a legal advocacy group specializing in defending religious liberty, told Fox News that the IRS was concerned about the groups' advocacy positions, and IRS agents went as far in their intimidation to tell the groups that picketing and protesting were not allowed.

Wagenmaker and Thomas More represented the two groups, [Coalition for Life of Iowa](#) and [Christian Voices For Life](#) of Fort Bend County, Texas, in their efforts to gain tax-exempt status after being targeted by the IRS, according to Fox News.

On May 17 the Thomas More Society submitted a [150-page memo](#) to the House Ways and Means Committee about documenting the IRS harassment of the two pro-life groups, as well as a third pro-life organization in Illinois. In a press release the legal group recalled that the IRS' office in El Monte, California, initiated its harassment of the Texas group, Christian Voices for Life, in 2011, ordering the group "to explain its content, message, and prayers as if they were engaging in highly offensive or criminal behavior."

Similarly, Coalition for Life of Iowa "found itself in the IRS's crosshairs when the group applied for tax



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exempt status in October 2008,” explained the Thomas More Society. “Nearly ten months of interrogation about the group’s opposition to Planned Parenthood included a demand by a Ms. Richards from the IRS’ Cincinnati office unlawfully insisting that all board members sign a sworn declaration promising not to picket/protest Planned Parenthood. Further questioning by the IRS requested detailed information about the content of the group’s prayer meetings, educational seminars, and signs their members hold outside Planned Parenthood.”

The third pro-life groups targeted by the IRS was [Small Victories](#) in Illinois. According to the Thomas More Society, an agent in the IRS’ Chicago office repeatedly harassed the group’s founders, Daniel and Angela Michael, “with an intrusive investigation, calling the leaders every 2-3 weeks over the course of 2011, beginning in January of that year.” A year later the IRS abruptly closed its investigation of the group, having found nothing amiss.

Thomas More’s Sally Wagenmaker said that it is high time “the IRS be called to account for its workers’ potential to trample on our constitutional rights, through such ostensibly innocuous means.” She added that what her group has submitted to the House Ways and Means committee “may only be the tip of the iceberg of IRS abuses” against pro-life and other groups.



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