



Written by [Dave Bohon](#) on October 27, 2017

IRS Apologizes for Targeting Conservative Groups

The Internal Revenue Service (IRS) has admitted that it wrongfully targeted “Tea Party,” “patriot,” and other conservative organizations during the Obama administration, and has agreed in court to issue an official apology for its actions.

The American Center for Law and Justice (ACLJ) announced October 26 that after a years-long legal battle with the agency, it had reached a settlement for at least three dozen conservative organizations — many with “Tea Party” or “patriot” identifications — which had been ideologically targeted when applying for tax-exempt status with the IRS between 2009 and 2012.



In a proposed [Consent Order](#) filed with the U.S. District Court for the District of Columbia, the IRS “admits that its treatment of Plaintiffs during the tax-exempt determinations process, including screening their applications based on their names or policy positions, subjecting those applications to heightened scrutiny and inordinate delays, and demanding of some Plaintiffs’ information that TIGTA determined was unnecessary to the agency’s determination of their tax-exempt status, was wrong. For such treatment, the IRS expresses its sincere apology.”

The federal court found that more than 40 conservative organizations in at least 20 states were subjected to an unrealistic process for gaining tax-exempt status with the government. Under the direction of Lois Lerner, who headed up the IRS’ Exempt Organizations Unit under President Obama, IRS agents routinely delved into the backgrounds of conservative groups, often investigating their officers and families.

ACLJ noted that the IRS made unrelenting demands on the organizations for such information as donor lists and internet passwords, in the process holding up tax-exempt applications for years (in some cases over seven years).

The targeting scheme first came to light in 2013 when Lerner admitted that her IRS unit specially scrutinized conservative groups applying for non-profit status, saying such actions was wrong. Following that admission, the ACLJ immediately filed suit against the IRS on behalf of dozens of conservative groups that said they were targeted.

But in October 2014, a federal court dismissed the claims, concluding that the IRS had voluntarily ceased all unlawful conduct. The ACLJ appealed that decision, and in August 2016, the U.S. Court of Appeals for the D.C. Circuit reversed the lower court decision, finding that the IRS had failed to provide evidence that it had ceased targeting such groups. The October 26 IRS apology, along with a financial settlement to the conservative groups, is the result of the case.

ACLJ president Jay Sekulow said that in its apology, the IRS “admits it targeted conservative and Tea Party groups based on their viewpoints (i.e., “policy positions”) and that such viewpoint discrimination



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violates fundamental First Amendment rights. This is the first time the IRS has admitted that its targeting scheme was not just ‘inappropriate’ ... but, as our clients alleged and we have vigorously and persistently argued for years, blatantly unconstitutional.”

During a speech at the Heritage Foundation October 26, Attorney General Jeff Sessions acknowledged the court settlement and IRS apology, saying that it should be “without question that our First Amendment prohibits the federal government from treating taxpayers differently based solely on their viewpoint or ideology. There is no excuse for this conduct. Hundreds of organizations were affected by these actions, and they deserve an apology from the IRS. We hope that today’s settlement makes clear that this abuse of power will not be tolerated.”

Sekulow said that the IRS’ admission of guilt in the case has far-reaching implications. “This marks the end of a years-long fight for justice in defense of the constitutional rights of our clients,” he said in a statement. “This is an extraordinary victory against the IRS. And it sends a powerful warning to the deep state bureaucracy that it will not be allowed to violate the Constitution in order to silence and shut down the conservative agenda.”



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