



Written by [William F. Jasper](#) on July 22, 2014

IRS Official Says Lois Lerner E-mails May Not Be “Lost”

The House Committee on Government Oversight and Reform [released testimony](#) yesterday from a top IRS official that further undermines the Obama administration’s crumbling credibility in the ongoing Lois Lerner/IRS e-mail scandal.

In testimony last Thursday, IRS Deputy Associate Chief Counsel Thomas Kane, who supervises the Internal Revenue Service’s targeting scandal document production to Congress, contradicted previous IRS confirmations that the subpoenaed e-mails no longer exist. During his testimony, Kane said he is unsure whether or not the e-mail correspondence of former IRS official Lois Lerner is permanently lost. According to Kane, earlier IRS assurances that the e-mail backup archives had all been recycled and were therefore permanently lost may not be accurate.



“There is an issue as to whether or not there is a — that all of the backup recovery tapes were destroyed on the six-month retention schedule,” Kane stated in response to a question during the committee hearing.

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“So some of those backup tapes may still exist?” a committee investigator asked.

Kane responded: “I don’t know whether they are or they aren’t, but it’s an issue that’s being looked at.”

A statement issued by the Oversight Committee, chaired by Rep. Darrell Issa (R-Calif.), pointed out that the new testimony is at odds with the June 13, 2014 memo sent to Sens. Ron Wyden (D-Ore.) and Orrin Hatch (R-Utah) by the IRS which reported that the IRS “confirmed that back-up tapes from 2011 no longer exist because they have been recycled.”

Kane also testified that in addition to the IRS officials who had allegedly experienced hard drive crashes, as reported to the House Ways and Means Committee, a number of other officials “have had computer problems over the course of the period covered by the investigations and the chairman’s subpoena” that could prevent the IRS from fully complying with the subpoenas. Kane characterized the number of such individuals as “less than 20.”

Chairman Issa issued the following statement on the new revelations in Kane’s testimony:

I’m struck by the fact that the IRS attempted to keep a key witness like Mr. Kane away from investigators and only agreed to his appearance after I issued a subpoena for his testimony. Finding out that IRS Commissioner Koskinen jumped the gun in reporting to Congress that the IRS ‘confirmed’ all back-up tapes had been destroyed makes me even more suspicious of why he waited



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months to inform Congress about lost Lois Lerner e-mails. Commissioner Koskinen has repeatedly blamed the reporting delay on an effort to be sure what he said was correct; we now know that wasn't the case.

When Internal Revenue Service (IRS) Commissioner John Koskinen [testified](#) before the committee on June 23, he admitted that the IRS had not attempted to recover the Lerner e-mails after Lerner's laptop allegedly suffered a hard drive failure. This contradicted the agency's repeated claims that it had gone to "extraordinary lengths" to recover the e-mails.

As previously [reported](#) by *The New American*, David Ferriero, chief archivist at the National Archives, testified before the House Oversight Committee on June 24 that the IRS broke the Federal Records Act by destroying the e-mail records without following proper protocols.

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