



Written by [Jack Kenny](#) on October 31, 2014

IRS Sued for Withholding Info on Shaheen Targeting Conservative Groups

The conservative Citizens for a Strong New Hampshire [filed a lawsuit](#) Thursday against the Internal Revenue Service for allegedly withholding information about correspondence between the IRS and two New Hampshire members of Congress over the IRS targeting of conservative non-profit organizations applying for tax-exempt status.



The suit charges that the tax collection agency violated the Freedom of Information Act by refusing to divulge the content of communications between IRS officials and Senator Jeanne Shaheen and Representative Carol Shea-Porter, both Democrats. The suit was filed at U.S. District Court in Concord by attorney Bryan Gould, along with Jay Sekulow, chief counsel, and three other attorneys for the American Center of Law & Justice. The suit claims the IRS, by refusing to comply with the Freedom of Information Act request, denied Citizens for a Strong New Hampshire “the opportunity to obtain and effectively convey to the voting public vital information about those seeking re-election.”

“This is the latest in a series of actions by the IRS to interject itself into the election process — a move that reflects the unbridled arrogance of a tax agency out of control,” Sekulow said in a press release charging that the IRS with “engaging in a deliberate campaign to prevent voters from gaining important information that could have an impact on the outcome of the election.”

Citizens for a Strong New Hampshire has been running ads targeting Shaheen, now in a closely watched U.S. Senate race with former Massachusetts Senator Scott Brown, since the middle of last year. The organization has criticized both Shaheen and Shea-Porter, who is also running for reelection, for allegedly attempting to “isolate themselves” from New Hampshire voters by not holding town hall meetings where they might be questioned about their policies and actions. Spokesman Derek Dufresne issued a statement charging the pair has also “called on the IRS to target organizations like ours to hinder our ability to highlight their failed records in Washington. For months, the IRS has been stalling and surpassing deadline after deadline in order to delay the release of correspondences between their office and Senator Shaheen and Congresswoman Shea-Porter,” Dufresne said. “Citizens for a Strong New Hampshire has been more than patient waiting for a response, but at this point, we believe that



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the only means to gain these documents is through litigation.”

The suit is the latest development in a controversy that erupted last year with the discovery that the IRS had been targeting tax-exempt applications of certain non-profit groups for added scrutiny, based on names that indicated political or ideological leanings. The suit lists “Tea Party,” “Patriots” “9/12,” “We the People,” “Take Back the Country” and other groups “with conservative-sounding names” among those targeted for added scrutiny. The agency questioned the groups about “their donors and other aspects of their operations,” the *Washington Post* [reported](#) at the time. Organizers were asked about donor lists, Facebook postings, and even “what books people were reading,” according to the news site Politico reported. The *Washington Examiner* last May reported on a hearing by the House Ways and Means Committee in which Representative Aaron Schock (R-Ill.) raised the question of whether the IRS had even inquired about the prayers of members of a pro-life organization. Citing a report by The Thomas More Society, a public interest law firm for religious liberty, Schock said the IRS had asked the Coalition for Life of Iowa to “Please detail the content of the members of your organization’s prayers.”

“Would that be an inappropriate question to a 501(c)(3) applicant?” Shock asked Steven Miller, then the IRS commissioner. “It pains me to say I can’t speak to that one either,” Miller replied. The commissioner later said it would surprise him if that question had been asked, but he said he could not comment on a specific case.

Shaheen and Shea-Porter are both defenders of “abortion rights,” as well as supporters of “ObamaCare” and other policies and programs opposed by conservative groups. Shaheen was one of “a number of Democratic senators” who wrote letters to the IRS demanding investigation of nonprofits allegedly engaged in “political activities,” the lawsuit charges, leading to “a string of unconstitutional and intrusive inquiries to conservative groups around the country.” The New Hampshire senator was also among the signatories to a February 16 letter, the suit says, demanding the IRS “immediately change the administrative framework for enforcement of the tax code as it applies to groups designated as ‘social welfare organizations,’” and charging that organizations involved in political activity were using the tax code to “hide behind a façade of charitable work.”

The suit charges the IRS with repeated violations of a 20-day deadline for complying with the Freedom of Information Act request sent by Citizens for a Strong New Hampshire on June 18 of this year. The agency acknowledged receipt of the request on June 24, the suit says, and set August 23 as the deadline for compliance. It later pushed the date back to October 23. An October 22 letter from the IRS informed the group it could expect to hear from the agency by January 27, 2015.

Delaying the response to date well beyond this year’s November 4 election, the lawsuit contends, “has deprived Citizens for a Strong New Hampshire, Inc. of the opportunity to obtain and effectively convey to the voting public vital information about public officials seeking re-election to congressional office.” The suit seeks an order requiring the IRS to produce the requested records, a finding that the agency had violated the plaintiffs, the awarding of “reasonable attorneys’ fees” and other costs and “all other relief to which the Plaintiff may be entitled.”



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