



## IRS to Congress: The Dog Ate the E-mails

It's the equivalent of "The dog ate my homework." Late last Friday the Internal Revenue Service employed that classic schoolboy cover-up to explain why the agency would not be handing over e-mail and other records demanded by Congressional investigators who are looking into charges that Obama appointees improperly and unlawfully used the IRS to scrutinize Tea Party groups and conservative organizations and delay their applications for tax-exempt status. At the center of the ongoing brouhaha is former administrator [Lois Lerner](#), who headed the division that processed applications for tax-exempt status.



Last month the House of Representatives [voted to hold Lois Lerner in contempt of Congress](#) for refusing to testify about the IRS's targeting of conservative groups. On Friday, the IRS informed Congress that they have lost thousands of Lois Lerner's e-mails from the period of January 2009-April 2011, due to a supposed computer crash.

"The fact that I am just learning about this, over a year into the investigation, is completely unacceptable and now calls into question the credibility of the IRS's response to Congressional inquiries," said House Ways and Means Committee Chairman Dave Camp (R-Mich.). "There needs to be an immediate investigation and forensic audit by Department of Justice as well as the Inspector General."

"Just a short time ago, [IRS] Commissioner Koskinen promised to produce all Lerner documents," said Chairman Camp. "It appears now that was an empty promise. Frankly, these are the critical years of the targeting of conservative groups that could explain who knew what when, and what, if any, coordination there was between agencies. Instead, because of this loss of documents, we are conveniently left to believe that Lois Lerner acted alone. This failure of the IRS requires the White House, which promised to get to the bottom of this, to do an Administration-wide search and production of any emails to or from Lois Lerner. The Administration has repeatedly referred us back to the IRS for production of materials. It is clear that is wholly insufficient when it comes to determining the full scope of the violation of taxpayer rights."

House Oversight Subcommittee Chairman Charles Boustany Jr., M.D. (R-La.) was similarly critical and disbelieving. "In the course of the Committee's investigation, the Administration repeatedly claimed we were getting access to all relevant IRS documents," said Rep. Boustany. "Only now — thirteen months into the investigation — the IRS reveals that key emails from the time of the targeting have been lost. And they bury that fact deep in an unrelated letter on a Friday afternoon. In that same letter, they urge Congress to end the investigations into IRS wrongdoing. This is not the transparency promised to the American people. If there is no smidgeon of corruption what is the Administration hiding?"



Written by [William F. Jasper](#) on June 17, 2014

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Chairman Boustany was referring to President Obama's claim that the Lerner/IRS controversy is a "phony scandal" manufactured by Republicans and aimed at an agency where, he insisted, there is "not even a smidgeon of corruption."

### **Who Will Buy This Story?**

On MSNBC's *Morning Joe* on Monday, host Joe Scarborough taunted co-host Mika Brzezinski (daughter of Obama adviser Zbigniew Brzezinski). "Mika, even you have to admit this is pretty ridiculous," Scarborough mocked. "Pretty ridiculous," Brzezinski admitted. "Those e-mails exist."

Veteran IT professional Norman Cillo, a former program manager at Microsoft, told The Blaze: "I don't know of any email administrator that doesn't have at least three ways of getting that mail back. It's either on the disks or it's on a TAPE backup someplace or in an archive server. There are at least three ways the government can get those emails." Cillo provided a [detailed 6-point technical breakdown](#) of e-mail security explaining why he believes the IRS is not being truthful in its claims that the e-mails are lost.

CNN's John King said that he could not help being flippant regarding the IRS claim. "Do you believe in the Easter Bunny?" King asked his *Inside Politics* guests on Monday. "Do you believe in Santa Claus? Do you believe that Lois Lerner's e-mails suddenly went 'poof'?" He added that he agreed with Rep. Dave Camp (R-Mich.) that the IRS response was "unacceptable."

"Waiting a year to tell the Congress makes me suspicious," King said.

"It's hard to believe in this era, where you have servers, and backup servers, and all kinds of technology that can recover all kinds of emails, that these emails simply don't exist," Associated Press reporter Julie Pace commented, agreeing with King. "If that is true, and they don't exist, why wasn't that one of the first things that was told to Congress?"

Today, Ways and Means Committee Chairman Dave Camp and Oversight Subcommittee Chairman Charles Boustany announced the first three steps the committee is taking in reaction to the IRS announcement last Friday. In a press release, the two chairmen stated: "We are simply not going to accept the IRS claim that these documents are not recoverable. We will demand the President live up to his promise to work 'hand in hand' with Congress to get the facts. He can do so by quickly ordering his White House and key agencies to immediately conduct an exhaustive search for all Lois Lerner emails. There needs to be an immediate investigation and forensic audit by an independent special investigator."

They said they have already initiated actions, including:

- Today, the Committee interviewed IRS information technology personnel; and,
- Sent requests for all communications between Lois Lerner and any persons working at the White House, Treasury Department, Department of Justice, the Environmental Protection Agency, Federal Election Commission, and Occupational Safety & Health Administration.
- Tuesday, June 24, IRS Commissioner John Koskinen has agreed to testify before the Committee. He will be directly questioned about what, if any, IRS rules were broken with regard to the failure to preserve documents, when he and IRS staff knew that the documents were lost, and if the IRS exhausted all efforts to recover the documents — including consultation with outside experts

In a letter dated June 16 to President Obama, Chairmen Camp and Boustany wrote:



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As you know, the House Committee on Ways and Means (Committee) is conducting an investigation related to the Treasury Inspector General for Tax Administration's May 14, 2013 audit report, "Inappropriate Criteria Were Used to Identify Tax-Exempt Applications for Review." The day after the report was released you promised to "work with Congress as it performs its oversight role. And [to] work hand in hand with Congress to get this thing fixed." Given the revelation last Friday, June 13, 2014 that the Internal Revenue Service (IRS) had lost key evidence relating to the targeting of conservative organizations on the basis of name and policy position, we are writing to request critical assistance that only the White House can provide.

"Throughout its ongoing investigation," the letter continues, "the Committee has uncovered material evidence of wrongdoing at the IRS, including specific actions of former IRS official Lois Lerner, and, on April 9, 2014, referred this evidence to the Department of Justice. However, last week, the IRS claimed that a technological failure resulted in the loss of all emails between former Exempt Organizations Director Lois Lerner and parties outside of the IRS for the period between January 1, 2009 and April 2011. The Committee is in possession of some Lerner emails for this time period, but only those written to or from other IRS employees."

"In order to ensure accountability and 'get this thing fixed,' please provide by June 30, 2014, all communications between Lois Lerner and any persons within the Executive Office of the President (EOP) for the period between January 1, 2009 and May 1, 2011," request Camp and Boustany in the letter. "Also, please indicate in writing when the EOP was informed, and by whom, that the IRS had lost critical Lerner documents."

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