



Written by [Michael Tennant](#) on November 29, 2014

Obama Admin. Finds Thousands of “Lost” or Withheld IRS Documents

After many delays and denials, the Obama administration is finally releasing thousands of long-sought Internal Revenue Service (IRS) documents that may shed light on whether the IRS shared confidential tax information with the White House and whether the agency was used by the administration to target political opponents.

On Monday, the office of the Treasury Inspector General for Tax Administration (TIGTA) informed the government-watchdog group Cause of Action that it had “located 2,500 potentially responsive documents” related to the organization’s Freedom of Information Act (FOIA) request concerning TIGTA’s investigation of 2010 [remarks](#) by then-Council of Economic Advisers chairman Austan Goolsbee suggesting that Goolsbee had intimate knowledge of a corporation’s tax returns. Specifically, Goolsbee told reporters that “Koch Industries” was one of “a series of entities that do not pay corporate income tax.”



After a Koch Industries attorney told the [Weekly Standard](#) “that the administration may have crossed a line by revealing tax information about Koch Industries,” the White House quickly denied that Goolsbee had obtained his information from tax returns. Rather than settle the matter, the denial, which seemed to contain additional information discernible solely from tax returns, only added fuel to the fire. Republicans on the Senate Finance Committee asked TIGTA to investigate the matter; TIGTA agreed to do so.

An August 2011 [e-mail](#) from Treasury Special Agent Daniel Carney indicated that the investigation had been completed, but the report was not released to the public, the senators who had requested the investigation, or Koch Industries. Although the e-mail stated that the report could be obtained via a FOIA request, the administration refused to release it to Koch Industries on four separate occasions, once even saying it could neither confirm nor deny that the report had been compiled.

Cause for Action got into the act in October 2012, filing a FOIA request for the report and related documents. Again TIGTA tried the neither-confirm-nor-deny gambit, so Cause for Action took the government to court. Finally, in September 2014, a federal judge — with obvious scorn for the administration’s claim that even admitting the report existed would constitute an illegal release of tax returns — [ordered](#) TIGTA to confirm or deny the existence of the report. Apparently sensing that the jig



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was up, TIGTA not only confirmed that the report had been written but also decided to release the relevant documents. In a November 24 email to Cause for Action, TIGTA informed the group that it had located the 2,500 potentially responsive documents and could process them in full by December 15.

"This disclosure, coming only after Cause of Action sued TIGTA over its refusal to acknowledge whether such investigations took place, and after the Court ordered TIGTA to reveal whether or not documents existed, signals that the White House may have made significant efforts to obtain taxpayers' personal information," the organization said in a [statement](#) released Tuesday.

Just a few days earlier, on November 21, TIGTA made an even more stunning announcement: Tens of thousands of supposedly lost e-mails from former IRS official Lois Lerner, the central figure in the agency's targeting of conservative organizations, had been found. From 2006 to 2013, Lerner was the head of the IRS' Exempt Organizations Division, which approves applications for tax-exempt status. During a roughly two-year period beginning in early 2010, the agency indefinitely delayed the processing of tax-exemption applications from organizations that were perceived to be opposed to the Obama administration.

"Lerner was in charge of the review practice, had knowledge of the practice and allegedly did nothing to stop it," recalled *Forbes'* [Kelly Phillips Erb](#). "It has also been suggested that she may have even encouraged and/or expanded the practice. All of those allegations, however, have been tough to prove because, in addition to Lerner's refusal to testify before Congress, there's no real evidence: a number of Lerner's emails from the time period in question went missing."

Indeed, in June, IRS Commissioner John Koskinen [told](#) the House Oversight Committee that because of a (suspicious) series of hard-drive crashes among Lerner's division, all of the e-mails being sought by Congress were probably gone for good. (Koskinen, by the way, knew about the missing e-mails in April but informed Congress only after the fact was revealed in a court case.) Five months later, the agency would [admit](#) in court that it hadn't even bothered looking for the e-mails, believing they were unrecoverable.

But, lo and behold, TIGTA has now managed to locate "up to 30,000" of the supposedly unrecoverable emails, according to the [Washington Examiner](#). TIGTA "informed congressional staffers from several committees ... that the emails were found among hundreds of 'disaster recovery tapes' that were used to back up the IRS email system."

Investigators have already "combed through 744 disaster recovery tapes," the *Examiner* reported, and "they are not finished looking." By the time they're done reviewing the 250 million e-mails on the tapes, "officials said it is likely they will find missing emails from other IRS officials who worked under Lerner and who said they suffered computer crashes."

Koskinen — who, the [Wall Street Journal](#) observed, "is pulling off the impossible task of destroying what little credibility [the IRS] has left" — released a boilerplate statement in response to TIGTA's announcement: "The IRS welcomes TIGTA's independent review and expert forensic analysis. Commissioner Koskinen has said for some time he would be pleased if additional Lois Lerner emails from this time frame could be found."

"This is an extraordinary statement, in that it suggests the only way an agency can be held accountable for producing subpoenaed documents is if an outsider tosses the joint," the *Journal* remarked. "Either the IRS didn't bother to investigate these tapes or, more alarming, it did and chose not to produce the results."



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Lawmakers seeking the documents also responded to TIGTA's recovery of the Lerner e-mails.

"Though it is unclear whether TIGTA has found all of the missing Lois Lerner e-mails, there may be significant information in this discovery," House Oversight Committee chairman Darrell Issa (R-Calif.) told the *Examiner*. "The Oversight Committee will be looking for information about her mindset and who she was communicating with outside the IRS during a critical period of time when the IRS was targeting conservative groups. This discovery also underscores the lack of cooperation Congress has received from the IRS. The agency first failed to disclose the loss to Congress and then tried to declare Lerner's e-mails gone and lost forever. Once again it appears the IRS hasn't been straight with Congress and the American people."

In a [statement](#), Senate Finance Committee chairman Ron Wyden (D-Ore.) and ranking member Orrin Hatch (R-Utah) said that their committee's report on the matter would be delayed beyond the end of the current Congress while they awaited and then reviewed TIGTA's findings.

The Obama administration insists that any wrongdoing at the IRS was the work of lower-level staffers and certainly did not involve the president or other high-ranking officials. But if that is the case, why has the administration fought to keep documents related to the Goolsbee and Lerner affairs under wraps, even to the point of lying about their existence? When TIGTA finally produces the documents, we may well find out; chances are it won't be pretty.

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