

25 Tea Party Groups Sue IRS for Unlawful Conduct

The American Center for Law and Justice (ACLJ) on Wednesday filed a significant lawsuit in federal court in Washington, D.C., on behalf of 25 tea party and conservative organizations against the U.S. attorney general, Treasury secretary and Internal Revenue Service—including top IRS officials.

“The IRS and the federal government are not going to get away with this unlawful targeting of conservative groups,” says Jay Sekulow, chief counsel of the ACLJ. “As this unconstitutional scheme continues even today, the only way to stop this flagrant and arrogant abuse of our clients’ rights is to file a federal lawsuit, which we have done.

“The lawsuit sends a very powerful message to the IRS and the Obama administration—including the White House: Americans are not going to be bullied and intimidated by our government. They will not be subjected to unconstitutional treatment and unlawfully singled out and punished because of their ideological beliefs. Those responsible for this unprecedented intimidation ploy must be held accountable.”

The lawsuit, posted here, urges the court to find that the Obama administration overstepped its authority and violated the First and Fifth Amendments of the U.S. Constitution, the Administrative Procedure Act, as well as the IRS’ own rules and regulations.

The lawsuit requests a declaratory judgment that the defendants unlawfully delayed and obstructed the organizations’ applications for a determination of tax-exempt status by means of conduct that was based on unconstitutional criteria and impermissibly disparate treatment of the groups. The suit also seeks injunctive relief to protect the ACLJ

clients—and their officers and directors—from further IRS abuse or retaliation. Further, the lawsuit seeks compensatory and punitive monetary damages to be determined at trial at a later date.

In the lawsuit, the ACLJ cites six counts, arguing the federal government violated the Constitution, federal law and even its own rules and regulations. The suit contends that the Obama administration “unlawfully delayed and thereby effectively denied approval of Plaintiffs’ applications for tax exempt status by means of a comprehensive, pervasive, invidious and organized scheme that purposefully established unnecessary and burdensome inquiries and scrutiny of Plaintiffs’ applications based solely upon Plaintiffs’ political viewpoints (or Defendants’ assumption of Plaintiffs’ viewpoints, based on their organizational names).”

Further, the complaint asserts that the federal government’s “unlawful conduct included but was not limited to excessive scrutiny of Plaintiffs’ applications by requiring donor names, listing of issues important to Plaintiffs’ organizations, including their positions on such issues, the contents of communications between the organizations and legislative bodies, the applicants’ criteria for membership, volunteer names and the political affiliations of persons associated with the organizations.”

The ACLJ represents a total of 25 organizations in the lawsuit, with additional groups likely to be added to the suit as it progresses. The names of the organizations represented are available [here](#). Of the 25 groups, 13 organizations received tax-exempt status after lengthy delays, 10 are still pending and two withdrew applications because of frustration with the IRS process.

The ACLJ lists as defendants in the case U.S. Attorney General Eric Holder; the Internal Revenue Service; Treasury Secretary Jacob Lew; Steven Miller, former acting Commissioner of the

IRS; Lois Lerner, director of the exempt organizations division for the IRS; Holly Paz, director of the office of rulings and agreements; and unknown named officials inside the IRS.

The IRS contends that the targeting scheme originated with a couple of rogue IRS agents out of the Cincinnati, Ohio, office and contends the abusive conduct has been halted.

However, the ACLJ has correspondence showing this tactic was used not only in the Cincinnati office, but also in two offices in California—El Monte and Laguna Niguel—as well as the national office in Washington, D.C. In fact, the Washington office sent a letter to one of the ACLJ's clients as recently as one month ago.

Furthermore, the ACLJ has letters signed by Lerner, suggesting her personal involvement in sending invasive questionnaires to 15 of its clients in March 2012—some nine months after she was told about the scheme and promised to stop it.

The ACLJ has heard from nearly 100,000 Americans calling on President Obama and members of Congress to end the IRS abuse.