

Jay Sekulow: The IRS Is Out of Control

It's a reprehensible breach of trust. The Internal Revenue Service (IRS) admits to targeting conservative groups. Unbelievable.

We represent 27 tea party groups targeted by the IRS. We got involved after the IRS launched an effort to intimidate tea party organizations by demanding information that is outside the scope of legitimate inquiry and violated the First Amendment. The IRS demanded that groups reveal the internal workings of their organizations—including the identification of members, how they are selected, with whom they associate and even what they discuss.

Early in my career I served as a trial lawyer with the Office of the Chief Counsel for the IRS. And what is absolutely clear to me is that many of the questions asked of our clients were simply inappropriate. A sampling of the problematic questions is posted here.

Of the 27 groups we represent at the American Center for Law and Justice (ACLJ), 15 have been granted tax-exempt status by the IRS, 10 are still pending before the IRS, and two other organizations withdrew their applications due to frustration with the IRS process.

What is most troubling is the IRS assertion that this intimidation tactic originated in the Cincinnati office by a couple of rogue employees. Nonsense. That narrative doesn't square with the facts.

The fact is that the ACLJ's clients have received letters from Cincinnati, but also from 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 our clients as recently as one month ago.

We now know this coordinated intimidation scheme went beyond tea party groups to include Jewish organizations and even groups that discuss the Constitution.

The targeting scheme employed by the IRS not only violates its own rules and regulations but is certain to result in a growing mistrust of the IRS by the American people.

First, by singling out tea party and related groups for special scrutiny based on their political views, IRS agents violated the IRS mission to operate with integrity and fairness.

Second, by singling out tea party and related groups for special scrutiny based on their political views, IRS agents violated the requirement to act impartially.

And third, by singling out tea party and related groups for special scrutiny based on their political views, IRS agents engaged in dishonest, notoriously disgraceful conduct. The same can be said of IRS leaders who knew of but failed to rein in such biased, politically motivated conduct, thereby allowing the politicization of the IRS. Each such action was prejudicial to the government and impacted negatively the reputation of the IRS.

It is no wonder that, in light of the open and notorious politicization of the IRS vis-a-vis tea party and other conservative groups, many Americans view with outright alarm the called-for expansion of the IRS to implement the Affordable Care Act (Obamacare). Agencies like the IRS must be scrupulously apolitical to retain the confidence and trust of the American people.

With respect to its treatment of tea party and other conservative groups, the IRS failed miserably. The growing mistrust of the IRS is the inevitable (and totally

understandable) result of its unwise actions.

The IRS must be held accountable for this dishonest and notoriously disgraceful conduct. The resignation of acting IRS Commissioner Steven Miller does not solve any of the problems of this tainted and politically driven agency.

The American people and our clients deserve much more.

There are many questions that President Obama has failed to address, including why his attorney general is heading up this investigation. The fact is that an independent counsel needs to be appointed—with no ties or allegiance to this president.

The IRS scheme to target conservative groups because of their thoughts and ideological positions is both unconscionable and intolerable. It is also actionable.

We continue to move forward in preparing a federal lawsuit on behalf of our clients—a complaint that could be filed as early as next week.

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