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THE TAX LAWYER

TAXES 6/01/2015

### IRS' Lois Lerner Got Pension, \$129K Bonus, New Call For Criminal Charges

Many Republicans are still upset that Lois Lerner of the IRS got a pass from the Obama Justice Department. As [the IRS scandal hit day 750](#), 24 Republicans sent a [letter to Attorney General Loretta Lynch](#), who recently replaced Eric Holder as the nation's top law enforcement officer. It seems unlikely that the new AG will upset the apple cart. Still, the 24 House members want the new AG to criminally prosecute Lois Lerner, the IRS official at the center—if not the top—if the agency's targeting scandal.

Here is the [letter to Ms. Lynch](#) asking for her to take up the panel's 2014 request to charge Lerner for possible crimes:

“ As Members of the House Ways and Means Committee we are writing to inquire about the status of the Committee's [April 9, 2014 referral](#) of Lois Lerner to the Department of Justice for criminal prosecution as supplemented July 30, 2014. See attachments.

On [March 31, 2015](#), the U.S. Attorney for the District of Columbia, Ronald Machen, wrote U.S. House Speaker John Boehner stating that the U.S. Attorney's office would not prosecute Lois Lerner for contempt of Congress based on her refusal to testify before the House Committee on Oversight and Government Reform, despite offering a brief opening statement before asserting her Fifth Amendment right to remain silent. Mr. Machen's letter responded to Speaker Boehner's referral of Ms. Lerner of May 7, 2014.



Mr. Machen's letter did not address the April 9, 2014, criminal referral of Ms. Lerner issued by the House Ways and Means Committee under my predecessor, Chairman David Camp. In that referral, the Committee identified three specific acts undertaken by Ms. Lerner that may have violated one or more criminal statutes, including that:

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Ms. Lerner used her position to improperly influence agency action against only conservative organizations, denying these groups due process and equal protection rights under the law.

Ms. Lerner impeded official investigations by providing misleading statements in response to questions from the Treasury Inspector General for Tax Administration (TIGTA).

Ms. Lerner risked exposing, and may actually have disclosed, confidential taxpayer information, in apparent violation of Internal Revenue Code section 6103 by using her personal email to conduct official business.

The Committee continues to believe that these serious charges should be pursued by the Department of Justice. We would appreciate receiving an update on the status of the referral as soon as possible. Thank you for your assistance in this matter.

Congress found Ms. Lerner in contempt after she professed her innocence, and *thereafter* [took the Fifth](#). Much later, Ms. Lerner [broke her silence to Politico, saying she did nothing wrong](#), and claiming *she* was the victim. The U.S. Attorney's Office was supposedly considering prosecution, but announced she [would not be charged with contempt](#). A [seven-page letter](#) the U.S. Attorney sent to Speaker John Boehner gave the news and its rationale.

Ms. Lerner and Justice Department officials met in 2010 about going after conservative organizations after the Supreme Court's *Citizens United* case. In August 2010, the IRS [distributed a 'be on the lookout'](#) list for Tea Party organizations. By March 2012, amid reports of targeting, [former IRS Commissioner Doug Shulman testified](#) there is "absolutely no targeting" by the IRS.

On November 9, 2012, [Mr. Shulman stepped down](#), replaced by Steven Miller. On May 10, 2013, Ms. Lerner admitted targeting, calling it "absolutely incorrect, insensitive, and inappropriate." Four days later, on May 14, 2013, the Inspector General [issued a report](#) confirming targeting. Attorney General Eric Holder announced an [FBI investigation](#), and Acting IRS Commissioner [Steven Miller resigned](#).

On May 22, 2013, Ms. Lerner professed her innocence, then [took the Fifth](#). Next day, she was placed on [administrative leave](#). On September 24, 2013, Ms. Lerner's retirement was announced with full pension. President Obama said there is "[not a smidgen of corruption](#)" at the IRS, but the Committee on House Oversight and Reform [issues a report](#) on Lois Lerner.

On April 8, 2014, the Committee on House Oversight and Government Reform said it would pursue contempt charges against Ms. Lerner. On May 7, 2014, the House of Representatives held Ms. Lerner in contempt of Congress. On June 13, 2014, the IRS *first* stated that it lost Ms. Lerner's emails from 2009 to 2011.

The IRS said hard drives and backups are destroyed for six other IRS employees too. The IRS spent \$10 million unsuccessfully trying to recover them, but much later, the Inspector General found them, noting that IRS IT professionals said *no one ever asked for them*. It is still possible Ms. Lerner could be queried over the [hearings revealing 32,000 more emails, and possible criminal activity](#).

But on his last day in office, U.S. Attorney Ronald Machen concluded that Ms. Lerner's statement was not a waiver of her constitutional right against self-incrimination. House Oversight and Government Reform Committee Chairman [Jason Chaffetz](#) complained that, "Mr. Machen attempted to absolve Ms. Lerner of her actions by substituting his judgment for that of the full House of Representatives. It is unclear whether the Administration directed Mr. Machen not to prosecute Lois Lerner, or whether he was motivated by an ideological kinship with IRS's leadership."

Ms. Lerner will probably not face any further action. Yet [while she presided over alleged discrimination against conservative nonprofits](#), Ms. Lois Lerner [received \\$129,000 in bonuses](#). Some people have asked [but for what](#).

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