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May 22, 2013

The Honorable Eric H. Holder, Jr.
Attorney General
U.S. Department of Justice
Washington, D.C. 20530

Dear Attorney General Holder:

Thank you for appearing before the House Judiciary Committee on May 15, 2013, at its oversight hearing of the Department of Justice.

As you know, the Internal Revenue Service (IRS) has admitted to targeting conservative groups for additional scrutiny as they applied for tax-exempt status under 26 U.S.C. § 501(c)(4). Last week, the U.S. Treasury Department's Inspector General for Tax Administration reported that the IRS used "inappropriate criteria" in its targeting of conservative groups – for example, based upon a group's name or policy positions, rather than any indications of potential political campaign activity. We are very concerned that the IRS's actions may have been an attempt to intimidate organizations that disagree politically with the Administration.

During the May 15 hearing, you assured the Committee that the Department would conduct a "dispassionate" investigation into whether the IRS engaged in criminal activity when it targeted conservative groups.[1] You stated that "[t]his will not be about parties…this will not be about ideological persuasions…anybody who has broken the law will be held accountable," and that the Department would "go wherever the facts lead us."[2] We appreciate your commitment to this matter, and urge you to conduct a thorough investigation. In particular, we believe the investigation must address several key issues:

1. First, the IRS admitted to "inappropriately" targeting conservative groups, but blamed low-level employees in its Cincinnati, Ohio field office for the conduct. However, it was recently revealed that officials based in Washington, D.C. were aware of the

[1] Transcript of House Judiciary Committee Hearing on Oversight of the United States Department of Justice at page 68, line 1364, May 15, 2013.
[2] Transcript at page 68, lines 1364-67; and page 54, line 1078.

conduct as early as April 2010,[3] and repeatedly failed to disclose the conduct to Congress in letters and sworn testimony. We are concerned that this failure amounted to a deliberate attempt by the IRS, and possibly the Administration, to mislead Congress and the public. Will the Department investigate whether these senior IRS officials willfully concealed this inappropriate conduct?

2. If, as has been reported, senior White House officials were aware of this conduct prior to its publication and declined to inform Congress, will the Department's investigation extend to current and former White House officials to ensure that, as you stated, "anybody who has broken the law will be held accountable"?

3. Prior to the November 2012 election, the IRS provided 31 applications for tax-exempt status to the investigative website ProPublica. All of the applications were from conservative groups and, significantly, nine of them had not yet been approved by the IRS. Given that Federal law prohibits public disclosure of application materials until after the application has been approved,[4] will the Department's investigation include an analysis of whether these leaks amounted to a criminal violation of the law?

4. As the Congressional committee with primary oversight responsibility over the Department of Justice, we have a Constitutional responsibility to ensure the Department's investigation is as thorough as possible. To that end, please provide a list of the Federal criminal statutes the Department is considering as it investigates this matter.

Thank you for your attention to this important matter. We appreciate your prompt response to these questions.

Sincerely,

BOB GOODLATTE
Chairman
House Committee on the Judiciary

F. JAMES SENSENBRENNER, Jr.
Chairman
Subcommittee on Crime, Terrorism
Homeland Security and Investigations

[3] *See* Report by Treasury Inspector General for Tax Administration, "Inappropriate Criteria Were Used to Identify Tax-Exempt Applications for Review," May 14, 2013; *see also IRS Timeline: What We Know So Far*, The Wall Street Journal, May 17, 2013.
[4] *See* 26 U.S.C. §§ 6103, 6104.

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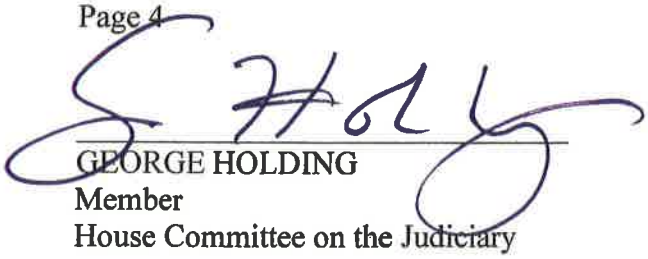

GEORGE HOLDING
Member
House Committee on the Judiciary

cc: The Honorable John Conyers, Jr., Ranking Member
cc: The Honorable Bobby Scott, Ranking Member, Subcommittee on Crime, Terrorism, Homeland Security and Investigations