

**9-21-2016**

JDJ: Mr. Koskinen, is the IRS still targeting conservative groups?

K: Absolutely not.

JDJ: Mr. Koskinen, that's not what the United States Court of Appeals for the District of Columbia said. They just issued a decision on August 5, 2016, last month, and I just want to read from that decision. They said, "Cessation has never occurred. The IRS has admitted to the Inspector General, to the District Court, and to this court that applications for exemption by some plaintiffs have never to this day been processed." That sounds like it's still going on to me, Mr. Koskinen. Let's read further. They say it's absurd to suggest that the effect of the IRS's unlawful conduct which delayed the process of the plaintiff's applications has been eradicated when two of the plaintiff's applications remain pending. Sounds like targeting is still going on to me. Let me just paraphrase that: It's absurd to say targeting has stopped when the unlawful conduct continues. Again, this is not Jim Jordan saying this, this is not Donald Trump saying this, this is not the Freedom Caucus saying this, this is the United States Court of Appeals for the District of Columbia decided just six weeks ago. So you guys are still up to it, aren't you?

K: No. As I wrote in a letter to all of the oversight committees including yours, there are three cases out of the 145 that have not been processed because they are in litigation and our policy for years has been if you're in a process and then you sue us we stop the process. But, those are three from four or five years ago. They are not new cases. There is no new case in the last--

JDJ: Yeah these guys have been waiting four or five, some cases six years. And, you know, I figured you would say that, and it doesn't carry much weight with me, and it frankly didn't carry any weight with the court. Because here is what the court said to that very argument. They said, the IRS is telling applicants in these cases, "We've been violating your rights, not processing your applications. You are entitled to have your applications processed but if you ask for that processing by way of a lawsuit, then you can't have it." So the court wasn't buying your argument. They don't care what your internal policy is, they're more concerned about people's fundamental liberties and you guys continue to violate them. They go on to say this: "We would advise the IRS, if you haven't ceased to violate the rights of the taxpayers, then there is no cessation." So, if you're still doing it – if you haven't stopped doing it, then you're still doing it is what the court said. You can't sit there and say you're not still targeting. So, here's what we've got to keep in mind--

K: Targeting is a present tense verb. Those organizations were in properties selected four years ago.

JDJ: These organizations still don't have their tax-exempt status.

K: And, as I noted once the court made that issue, while we for 50 years have stopped processing, we are processing those applications.

JDJ: Remember Mr. Koskinen. This is not me making the argument, this is not just all these conservatives who want to impeach the IRS Commissioner. This is the court saying you guys are still doing it. Never forget what happened here. Never forget the underlying offense: The IRS targeted people for exercising their most fundamental liberty – their right to speak against the policies of their government – and they got harassed for doing that. We've heard a lot about due process from the other side – I think you should get every bit of due process you're entitled to. But how about the due process that all these people were entitled to who got harassed for

years, and three groups are still getting harassed today? Here's what happened: The IRS targeted folks. They got caught. Ms. Lerner, at first, she lies about it. She says, "Oh, it wasn't us, it was those folks in Cincinnati." Then she takes the Fifth. That sort of puts a premium on all the documents and communications – making sure we get those – that's why we had two subpoenas and three preservation orders for that information. You come in to clean up the mess, and under your watch documents are destroyed, false statements are made, 422 backup tapes are erased. And now the clincher. Now the clincher: it's still going on. And so the other side can say, "We shouldn't be here today, you shouldn't have to sit through this." I'm saying why haven't we done this a long time ago? You should've been gone a long time ago. When this is the record: losing emails, backup tapes destroyed, targeting still continues to this day – not Jim Jordan's words, not Freedom Caucus words, words from the Court of Appeals – for goodness sake, that's why this hearing is important, and that's why we should move forward with the articles that Mr. Chaffetz submitted 15 months ago and make sure that you no longer hold office.