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Commentary

Left uses IRS to achieve its objectives

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George F. Will

Rep. Peter Roskam is now chairman of the Ways and Means subcommittee whose jurisdiction includes oversight of the Internal Revenue Service, and hence of Lois Lerner’s legacy. He knows how interesting Lerner’s career was before she, as head of an IRS division, directed the suppression of conservative advocacy groups by delaying and denying them tax-exempt status.



In 2013, Roskam, in a televised committee hearing, told the story of Al Salvi. In 1996, Salvi was the Republican running for the Senate against then-Rep. Dick Durbin.

Democrats filed charges with the Federal Election

Commission against Salvi's campaign, charges that threatened to dominate the campaign's final weeks. Salvi telephoned the head of the FEC's Enforcement Division, which he says told him: "Promise me you will never run for office again, and we'll drop this case."

That was Lois Lerner.

After Salvi lost, FBI agents visited his elderly mother, demanding to know where she got "that kind of money," referring to the \$2,000 she contributed to her son's campaign.

When a federal court held that the charges against Salvi were spurious, the FEC's losing lawyer was Lois Lerner.

Roskam's story elicited no denial from Lerner. Neither did the retelling of it in this column in June 2013. No wonder: The story had not been deemed newsworthy by the networks' evening news programs, The New York Times or The Washington Post.

With most of the media uninterested in the use of government institutions to handicap conservatives, stonewalling would work.

It still is working, through dilatory and incomplete responses to subpoenas and unresponsive answers to congressional questions. Lerner's name now has an indelible Nixonian stain, but there probably will be no prosecution. If the stonewalling continues as the statute of limitations' clock ticks, Roskam says, "She will get away with it."

Many thousands of Lerner's emails that supposedly were irretrievably lost have been found, but not released. The Justice Department investigation, which was entrusted to a political appointee who was a generous contributor to Barack Obama's

campaign, is a stone in the stone wall.

Roskam says the task now is “to see that Lois Lerner 2.0 is impossible.” One place to begin is with the evidence — anecdotal but, in the context of proven IRS corruption, convincing — of other possibly punitive IRS behavior toward Republican contributors and other conservative activists. This justifies examining the IRS’ audit selection process. This would produce interesting hearings for most of the media to ignore.

Next, there should be hearings into the illegal disclosure of taxpayer information about conservative individuals and groups to the media and to liberal officials and groups. Cleta Mitchell, a lawyer for some groups abused by the IRS (and for this columnist on different matters), also suggests prohibiting IRS employees from joining a union.

“The National Treasury Employees Union,” Mitchell says, “provides no protection to IRS employees that federal statutes and the civil service system do not already provide.

“It already takes an act of God to hold an IRS employee accountable for his or her actions. But it is worse than merely redundant for IRS employees to belong to the NTEU. Because it adds nothing to its members’ protections, it is a purely political organization. In 2014, fully 95 percent of its contributions went to Democrats, including 11 Democratic members of the House Committee on Oversight and Government Reform. So, the IRS employees’ union dues finance the election of people who are supposed to scrutinize IRS’ behavior.”

On Wednesday, the Supreme Court heard oral arguments

about whether the IRS' lawlessness has extended to its role in implementing the Affordable Care Act. The act says that federal subsidies shall be distributed by the IRS to people who buy insurance through exchanges "established by the state."

The act's logic and legislative history, as well as a statement by one of its architects, professor Jonathan Gruber of MIT, demonstrate that this clear language was written to "squeeze" — Gruber's word — the states into establishing exchanges. But when 34 states did not establish them, the IRS began disbursing billions of dollars through federal exchanges.

The court probably will rule that the IRS acted contrary to law. If so, the IRS certainly will not have acted contrary to its pattern of corruption in the service of the current administration.

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