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ONE HUNDRED THIRTEENTH CONGRESS

# Congress of the United States

## House of Representatives

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### Opening Statement

#### Rep. Elijah E. Cummings, Ranking Member

#### Hearing on "The IRS's Systematic Delay and Scrutiny of Tea Party Applications"

July 18, 2013

Eight weeks ago, on May 22, we met in this room to hear testimony about a report from the Inspector General about the IRS's review of groups applying for tax exempt status. At the time, there was justifiable outrage, including from me, about the inappropriate search terms used to screen these groups and the unacceptable delays they endured.

Since that hearing, Republican politicians and commentators have engaged in a sustained and coordinated campaign to accuse the President and the White House of using the IRS to target Tea Party groups for partisan political purposes—without any evidence to support their claims.

Our Chairman led the charge, saying this was the "targeting of the President's political enemies." Other Republicans followed suit. They cited "the enemies list out of the White House." They argued that President Obama "doesn't have clean hands." And they invoked the specter of disgraced former President Richard Nixon.

The fact is that there is no evidence before this Committee to support these claims—none. Two days ago, I issued a memo finding that since the Chairman and other Republicans first began making these accusations, the Committee has identified no evidence whatsoever—documentary, testimonial, or otherwise—to substantiate them. I ask that this memo be entered into the record at this time.

Committee staff have now conducted 16 transcribed interviews of IRS employees in Cincinnati and Washington D.C.—we did another one on Tuesday—and none of them reported any White House involvement or political motivation, including the six who identified themselves as Republicans and who the Chairman chose not to invite today.

To the contrary, these employees indicated that they sought guidance on how to process these applications in a consistent manner according to the law. For example, a Tax Law Specialist in Washington, D.C.—one who identifies herself as a Republican—called the accusations made by the Chairman "laughable." She explained:

This is purely cases that, unfortunately, Cincinnati didn't have enough guidance on. That (c)(4) area is a very, very difficult area, and there's not much guidance. And so the lingering length of time, unfortunately, was just trying to apply the law to the specific facts of each case.

Yet even today—this very morning—the Chairman is still peddling this claim. In an op-ed appearing in USA Today, he asks ominously: “Was the targeting of Tea Party applicants directed from the White House or somewhere else outside the IRS? As our investigation is ongoing, the responsible answer is that judgment should be withheld.”

This is unsubstantiated nonsense. It undermines the Committee's integrity, and it destroys the Committee's credibility. The Chairman certainly did not withhold judgment—he rushed to it with no evidence whatsoever. The responsible answer is that we have no evidence at all to back up that claim.

Since our previous hearing eight weeks ago, we have also obtained new documents that raise serious questions about the Inspector General's report. And I am encouraged that he has agreed to come back today in order to address them directly.

For example, the Inspector General failed to disclose to this Committee that he tasked his top investigator with reviewing 5,500 emails from IRS employees. After conducting this review, this official concluded: “There was no indication that pulling these selected applications was politically motivated.” I want to ask the Inspector General why he did not disclose this significant information when he testified on May 22.

I also want to ask the Inspector General why he was unaware of documents we have now obtained showing that IRS employees were also instructed to screen for progressive applicants and why his office did not look into the treatment of left-leaning organizations such as Occupy groups. I want to know how he plans to address these new documents.

Finally, I want to ask the Inspector General about some very troubling testimony we heard yesterday from the acting head of the IRS, Daniel Werfel. He testified that the IRS was about to produce unredacted documents to the Committee last week that include references to additional categories of non-Tea Party groups, but the Inspector General personally intervened to block the IRS from producing this information to this Committee. According to Mr. Werfel, no IRS officials he consulted with ever recalled such an unprecedented intervention.

Mr. Chairman, I am not here today to attack anyone. I am here to get the truth—not a partial or selective truth, but the whole truth. And I believe that should be the goal of everyone in this room. We need to stop making baseless accusations, and we need to get full information about the treatment of all of these groups, conservative, liberal, and everyone in between. I sincerely hope we can do that today.