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ONE HUNDRED THIRTEENTH CONGRESS

# Congress of the United States

## House of Representatives

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### Opening Statement Rep. Matt Cartwright, Ranking Member

#### Subcommittee on Economic Growth, Job Creation and Regulatory Affairs Hearing on "Is The Obama Administration Conductive a Serious Investigation of IRS Targeting?"

February 26, 2014

Thank you, Mr. Chairman.

Today marks the second hearing that this Subcommittee has held in three weeks about the IRS, and less than twenty four hours from now, it will be convening yet another hearing on this matter. Thus far, the Oversight Committee has interviewed 38 IRS and Treasury Department employees and received more than 385,000 pages of documents. Responding to Congressional investigations has cost the IRS at least \$14 million so far.

And NONE of the evidence shows ANY political motivation or ANY White House involvement.

The Department of Justice and the FBI are conducting their own, independent investigation to determine if there was any crime committed by anyone at the IRS. They do not rely on our investigative findings, and they will reach their own conclusions.

Today's hearing is about allegations that there is some political bias in the Department of Justice's investigation.

Republicans have criticized the Department for failing to discuss the details of its ongoing criminal investigation and that this is somehow a cover up for the political bias they allege. As the majority knows well, the Department of Justice has a longstanding practice, spanning Democratic and Republican administrations, of not disclosing information about ongoing criminal investigations, in order to preserve their integrity. That's why none of the witnesses testifying today have any direct knowledge about the investigation – including who in the Department is actually leading the investigation, what they have found, and when they will conclude.

Perhaps the most troubling criticism is Chairman Jordan's claim that the investigation has "the appearance of a substantial and material conflict of interest." The basis for the Chairman's

claim is that a career prosecutor, who is one of at least 13 DOJ and FBI employees involved in the investigation, exercised her constitutional right to participate in the democratic process and made political donations to the Democratic National Committee and President Obama's campaign.

During the last hearing we had on this very same topic, I entered into the record the legal opinion of Professor Daniel Richman of Columbia University Law School who has spent decades working on just such issues and, prior to serving in academia, served as an Assistant U.S. Attorney in the Southern District of New York and was the Chief Appellate Attorney in that office.

He categorically rejected Chairman Jordan's interpretation of the law, saying "Any claim that these contributions, in of themselves, create a conflict of interest... strikes me as meritless."

The plain and indisputable language of the law allows career civil servants—like any other American—to exercise their constitutionally protected right to participate in the democratic process.

Can you imagine, Mr. Chairman, if a private employer looked into a private citizen's participation in the political process before hiring them? Or didn't give them an assignment based solely on whether they were a Democrat or a Republican? And where would it end? Would it end at campaign contributions? Or what about signing a petition to their Member of Congress? What about whether or not they simply voted in the last election?

In fact, what is even more interesting, is that this is the exact same thing that some of the groups applying for their c4 status are complaining about—that they are being scrutinized excessively because of their involvement in the political process.

So let me make this final point clear. If the Justice Department were to adopt the Republican position and start screening career federal employees for their participation in the democratic process before assigning them cases, it would not only be illegal, it would be unconstitutional, and frankly, un-American.

Thank you Mr. Chairman and I yield back.

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