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Finally, Suing IRS Over All Those Emails

Whatever your political views, it is worth reading the [press release by Judicial Watch](#) about its latest lawsuit against the IRS. You have to be a kind of Energizer Bunny to keep after the dog-ate-my-homework targeting scandal. Like President Obama, some insist there was [not a smidgen of corruption](#) at the IRS. Others aren't so sure.

The latest Freedom of Information Act lawsuit seeks "any and all records related to the destruction of damaged hard drives from IRS employee computers from January 1, 2010, to the present." The suit was filed in federal court, [Judicial Watch v. Internal Revenue Service](#). Interestingly, the lawsuit was filed even before the latest [Hearings of the Committee on Oversight & Government Reform](#). On February 26, 2015, the Treasury Inspector General said he is investigating possible *criminal* activity at the IRS. The most disturbing revelation was that the IRS had not even *asked* for the backup tapes when the 'hard drive crash' excuse was first used. If true, that sounds like a game-changer.



After all, IRS Commissioner John Koskinen *testified* that recovery efforts had been thorough, and the tapes and emails couldn't be found. Remember all the millions and millions in taxpayer money spent looking? One report said over 250 IRS employees spend 100,000 hours, costing taxpayers at least \$14 million. Mr. Koskinen has been characterized as a political fixer who, unlike most IRS Commissioners, has not had a career in the tax industry.

He may want to explain all the multi-million dollar recovery efforts, particularly if somehow they did not include some simple questions! In the meantime, the IRS statements in briefs in the Judicial Watch case showcase what is hard to see as anything but obstruction. The IRS has said repeatedly that "records that pertain to the destruction of damaged hard drives are not maintained in a searchable manner." The IRS has denied multiple requests, leading to multiple suits.

In fact, the new Judicial Watch lawsuit focuses on the explanations of allegedly destroyed computer records in another Judicial Watch lawsuit ([*Judicial Watch v. Internal Revenue Service \(No. 1:13-cv-01559\)*](#)). On July 10, 2014, the judge granted a [request](#) for a status hearing to discuss allegedly missing emails from Lois Lerner and other IRS officials. The [hearing](#) resulted in two orders (dated [July 10](#) and [August 14](#)). The IRS was ordered to detail under oath how some of the emails of former agency official Ms. Lerner went missing or became destroyed, where they might be located, and what steps were being taken to retrieve them.

IRS attorneys said the back-up system would be too onerous to search. Yet in recent [testimony](#), the Treasury Inspector General for Tax Administration said IRS tech employees told them that IRS management never asked for the tapes. The latest lawsuit says the IRS has referred to "standard Internal Revenue Procedure disposal procedures for any equipment with data storage capability." Another IRS declaration referenced Lerner, but Judicial Watch was never provided any detail. The new lawsuit seeks it. Tom Fitton, President of Judicial Watch hasn't minced words:

"The Obama IRS, aided and abetted by the Department of Justice, continues to engage in a pattern of deception, delays, and clear violations of federal law. In this latest game, the IRS first denies there are records about the destruction of Lois Lerner's hard drive and then suggests that there may be records, but it would too difficult to look for them. Try that one during your next IRS audit. The IRS scandal isn't going away, and it is beginning to look like the IRS destroyed evidence about its abuse of Obama's enemies list of Tea Party groups and conservatives."

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