

<http://www.judicialwatch.org/press-room/press-releases/judicial-watch-lawsuit-forces-release-doj-emails-showing-irss-lois-lerner-met-doj-officials-just-2010-elections/>

## **Judicial Watch Lawsuit Forces Release of DOJ Emails Showing IRS's Lois Lerner Met with DOJ Officials Just Before 2010 Elections**

DECEMBER 09, 2014

(Washington, DC) – Judicial Watch today released internal Department of Justice (DOJ) [documents](#) revealing that former IRS official Lois Lerner had been in contact with DOJ officials about the possible criminal prosecution of tax-exempt entities two full years before what the IRS conceded was its “[absolutely inappropriate](#)” 2012 targeting of the organizations. According to the newly obtained documents, Lerner met with top Obama DOJ Election Crimes Branch officials as early as October 2010.

The new documents were obtained through a Judicial Watch Freedom of Information Act (FOIA) lawsuit filed against the DOJ on July 21, 2014 ([Judicial Watch v. Department of Justice](#) (No. 14-cv-01239)), after the agency failed to respond to an April 21, 2014, FOIA request seeking:

Any and all records concerning meetings and/or communications between the Department of Justice Criminal Division Public Integrity Section and the Internal Revenue Service Tax Exempt and Government Entities Division, the White House, Members of Congress and/or congressional staff, and any non-government entity, regarding 501(c)(4) or other tax-exempt organizations.

As result of a [court order](#), the DOJ last month produced only two pages of heavily redacted emails (832 pages were withheld in entirety) that show the Obama Justice Department initiated an October 8, 2010, meeting between the IRS and top criminal prosecutors at the DOJ Public Integrity Section and Election Crimes Division “concerning 501(c)(4) issues.” On September 29, 2010, a DOJ official (whose name is blacked out) emailed a staff assistant at the IRS (whose name is also redacted):

As we discussed this afternoon, we would like to invite Ms. Ingram [apparent reference to Sarah Hall Ingram former commissioner, IRS Tax Exempt and Government Entities] to meet with us concerning 501(c)(4) issues, and propose next Friday at 10:00 a.m. We are located in the Bond Building, 12th Floor, New York Avenue, NW, Thank you for your assistance.

The document shows that the unknown DOJ official setting up the meeting is with the Election Crimes Division of the Public Integrity Section of the DOJ's Criminal Division. (Judicial Watch believes the redacted name of the DOJ official is Richard Pilger, Director of the Election Crimes Division.) The DOJ email setting up the IRS meeting is cc'd to the DOJ's Public Integrity Section Chief, Jack Smith, and Principal Deputy Chief Raymond Hulser. The documents show that Ingram was not available but arranged for her deputy, Lois Lerner, then-Director of the IRS Exempt Organizations branch, to meet with the DOJ senior officials.

On September 30, 2010, the Election Crimes prosecutor emails Lerner:

Hi Lois - It's been a long time, and you might not remember me, I've taken on [REDACTED] duties. I'm looking forward to meeting you, Can we chat in advance? I'm a [REDACTED]

Lerner responded on October 2, 2010:

Sure-that's a good Idea [*sic*]. I have a meeting out of the office Monday morning, but will try you when I get back sometime early afternoon. You can try me at 202 283-8848.

The Justice Department has withheld in full at least 832 additional pages of documents, citing various “taxpayer privacy,” “deliberative privilege,” and other exemptions to keep the records secret.

Earlier this year, on April 16, 2014, Judicial Watch forced the IRS to release [documents](#) revealing that Lerner communicated with the DOJ in May of 2013 about whether it was possible to criminally prosecute targeted tax-exempt entities. The documents were obtained because of a court order in an October 2013 Judicial Watch FOIA [lawsuit](#) filed against the Internal Revenue Service (IRS).

Those documents contained an email exchange between Lerner and Nikole C. Flax, then-Chief of Staff to then-Acting IRS Commissioner Steven T. Miller discussing plans to work with the DOJ to prosecute nonprofit groups that “lied” (Lerner’s quotation marks) about political activities. The exchange included an [May 8, 2013](#), email by Lerner:

I got a call today from Richard Pilger Director Elections Crimes Branch at DOJ ... He wanted to know who at IRS the DOJ folk s [*sic*] could talk to about Sen. Whitehouse idea at the hearing that DOJ could piece together false statement cases about applicants who “lied” on their 1024s – saying they weren’t planning on doing political activity, and then turning around and making large visible political expenditures. DOJ is feeling like it needs to respond, but want to talk to the right folks at IRS to see whether there are impediments from our side and what, if any damage this might do to IRS programs. I told him that sounded like we might need several folks from IRS...

Democratic Rhode Island Senator Sheldon Whitehouse [held a hearing](#) on April 9, 2013, during which, “in questioning the witnesses from DOJ and IRS, Whitehouse asked why they have not prosecuted 501(c)(4) groups that have seemingly made false statements about their political activities

The House Oversight Committee followed up on these Judicial Watch disclosures with hearings and interviews of Pilger and his boss, DOJ Public Integrity Chief Jack Smith. Besides confirming the DOJ’s 2013 communications with Lerner, [Pilger admitted to the Committee](#) that DOJ officials met with Lerner in October 2010. (Department of Justice Public Integrity Section [statistics](#) show indictments and convictions of federal officials for public corruptions have dropped significantly under the Obama administration.)

According to [congressional investigators](#), on October 5, another Lerner email shows the IRS had sent the FBI and DOJ a “1.1 million page database of information from 501(c)(4) tax exempt organizations” that contained confidential taxpayer information. (In October 2010, the IRS also stopped processing “[potential political cases](#)”).

In her [May 2013 answer](#) to a [planted question](#), in which she admitted to the “absolutely incorrect, insensitive, and inappropriate” targeting of Tea Party and conservative groups, Lerner suggested the IRS targeting occurred due to an “uptick” in 501(c)(4) applications to the IRS, but there had been a [decrease](#) in such applications in 2010.

“These new documents dramatically show how the Justice Department is up to its neck in the IRS scandal and can’t be trusted to investigate crimes associated with the IRS abuses that targeted Obama’s critics. And it is of particular concern that the DOJ’s Public Integrity Section, which would ordinarily investigate the IRS abuses, is now implicated in the IRS crimes. No wonder the Department of Justice under Eric Holder has done no serious investigation of the Obama IRS scandal,” said Judicial Watch President Tom Fitton. “It is shameful how Establishment Washington has let slide by Obama’s abuse of the IRS and the Justice Department. Only as a result of Judicial Watch’s independent investigations did the American people [learn](#) about the IRS-DOJ prosecution discussions of Obama’s political enemies and how the IRS sent, in violation of law, [confidential taxpayer information](#) to the FBI and DOJ in 2010. Richard Nixon was impeached for less.”