



Judicial Watch[®]
Because no one is above the law

“THE CONTINUING OBAMA IRS SCANDAL”

MODERATOR:

**TOM FITTON,
PRESIDENT, JUDICIAL WATCH**

PANELISTS:

**CONGRESSMAN JIM JORDAN (OH-04),
U.S. HOUSE OF REPRESENTATIVES**

**CLETA MITCHELL, PARTNER,
FOLEY & LARDNER LLP**

**BRIAN BROWN, PRESIDENT,
NATIONAL ORGANIZATION FOR MARRIAGE**

**JENNY BETH MARTIN, CO-FOUNDER,
TEA PARTY PATRIOTS**

THURSDAY, JUNE 20, 2013

**TRANSCRIPT PROVIDED BY
DC TRANSCRIPTION – WWW.DCTMR.COM**

TOM FITTON: We have folks waiting for us on the Internet and our other panelists I expect will be joining us. I know the congressman is on his way. Welcome to our offices here at Judicial Watch in Washington, D.C.

I'm Tom Fitton, Judicial Watch's president. And for those of you who don't know, Judicial Watch is a conservative, non-partisan educational foundation dedicated to transparency, integrity and accountability in government politics and the law. And through our activities, our educational activities, we advocate high standards of ethics and morality in our nation's public life and seek to ensure that political and judicial officials do not abuse the powers entrusted to them by the American people.

Welcome. Judicial Watch does not endorse or oppose candidates for public office. Thank you. Welcome to our presentation. This is on the continuing Obama IRS scandal. And let's get right into it.

You know, in my experience, the term BOLO, B-O-L-O, is a law enforcement term short for "be on the lookout" for criminals and suspects on the run. But for the Obama IRS, BOLO meant literally "be on the lookout for citizens' groups who might be opposed to the Obama agenda."

Here are some of the facts as we know them today. First, we know that the IRS purposely stonewalled the approval of non-profit applications from tea party and other conservative groups that were seeking tax exempt status and that CNN disclosed among the criteria used by IRS officials to flag applications was a "be on the lookout" list, or BOLO, which was discontinued in 2012 – I don't think that's true anymore – according to the report.

The criteria on the BOLO included whether Tea Party Patriots or 9/12 Project was referenced in the case file; whether the issues outlined in the application included government spending, government debt or taxes; whether there was advocating or lobbying to, quote, "Make America a better place to live," unquote; whether a statement in the case file criticized how the country is being run; and whether it advocated education about the U.S. Constitution and the Bill of Rights.

And how bad was the suppression that came from this targeting of the groups promoting these patriotic activities? The suppression was epic. Over the course of 27 months, not a single tea party type organization received tax exempt status. And I'm not aware of any one receiving status since the scandal's been disclosed. And this was no political witch-hunt, says the IRS, in the face of all evidence to the contrary.

And it was not simply a matter of lengthy bureaucratic delays. Conservative groups were subjected to an unprecedented amount of scrutiny, draining both time and

resources. So waiting on the bureaucracy was bad enough, but you couldn't do things until you got approval from the bureaucracy.

And on top of the tea party assault, we've learned that conservative groups and activists were audited. We've also learned that the IRS disclosed, contrary to law, confidential taxpayer information to opponents of conservatives and Obama supporters, usually one and the same.

And what was the purpose of this all-out assault? Was it simply a case of retribution against enemies? No. This is much bigger than political payback. This was a systematic and concerted effort to squash the tea party movement, the most organic and powerful political movement in recent memory during an election season. This was about campaign politics.

This is a scandal for the ages. Reports are that nearly 500 groups were targeted. The Obama IRS jihad against conservatives had the effect of suppressing the First Amendment protected activity, virtually the entire tea party movement, as Obama was seeking reelection. If you want to know how an election is stolen in plain sight, this is how.

Why do I believe that Obama knew exactly what his Internal Revenue Service was up to besides it being in the news for the last two years? Because of the record of Stephen T. Miller, the man Obama first hired and now pretended to have fired as active commissioner of the IRS.

Make no mistake about it. When Obama appointed Miller head of the IRS, the president should have known what he was getting. Before becoming acting commissioner, he ran – Miller did – the tax exempting government entities division of the IRS, where, according to the IRS's own bio on him, Steve oversaw the administration of tax law related to employee plans tax exempt organizations and various government entities. Perhaps the description should have – accurately should have read, oversaw and undermined the administration of tax law.

At Judicial Watch, we know this well because very early on, we were one of the many conservative organizations, and Clinton critics at the time, that Miller's tax exempt branch subjected to politically inspired audits. And when Judicial Watch complained about the audit and the cover-up about its political nature, an IRS official told us, for instance, what do you expect when you sue the president? We were also told, when you scrutinize the government, the government is going to scrutinize you, you know.

And Miller was one of the IRS officials who oversaw the invasive audit of Judicial Watch; his organization oversaw the invasive audits of other conservatives and critics of Bill Clinton, including the women critics who were alleging assault and other things against him. And he admitted to us that the stonewalling created at least the appearance of a problem, yet Miller, every time we complained about the audit, Miller's bureaucrats expanded its scope until it covered seven years worth of records.

So now, we find that Miller, despite the record of being a top official partly responsible for the last wave of IRS abuse during the Clinton years, was rewarded by Barack Obama with the top position at the IRS. And given our well-publicized experience with him, it is no surprise to me that Miller was content to allow this illegal IRS harassment of Obama's hit list and the subsequent cover-up.

Now, these IRS abuses are one more example of how the Obama administration is off the rails and out of control. To help put this government back on the rails is one of the reasons for our panel today. We will cover all the bases and hear firsthand from the victims of the Obama IRS and learn about the legal and congressional response to this ongoing scandal.

Joining me to my immediate right is Jenny Beth Martin, who is the Tea Party Patriots' national coordinator. She holds degrees from Reinhardt College and the University of Georgia. She resides in Georgia with her husband, Lee, and their three children. And she was recently named number 15 in "Time" magazine's 100 most influential leaders in the world.

To my immediate left is Congresswoman Jim Jordan, Republican from Ohio, who was raised in Ohio, went to school at the University of Wisconsin, where he is a two-time college wrestling champion. He earned a master's degree in education – I don't know how you sat through a master's program in education these days, but good for you – from the Ohio State University, and a law degree from Capital University in Columbus, Ohio. More importantly, he sits on the House Oversight Committee investigating this. And he also sits on the Judiciary Committee and that's where articles, impeachments will be considered. I'm not – just saying that as a matter of fact.

Cleta Mitchell, to my far left, is a partner in the Washington, D.C., office of Foley & Lardner and a member of the firm's political law practice with more than 40 years – you don't like you have 40 years of experience –

CLETA MITCHELL: It's true.

MR. FITTON: – in law of politics and public policy. Cleta advises non-profit and (issue ?) organizations, corporations, candidates' campaigns and individuals on state and federal campaign finance law and a whole host of other matters related to conservative public policy and activism. She is the go-to lawyer for much of the conservative movement on these types of issues. And she's taken the lead in the legal response not only to the IRS scandal but helping many of the tea party groups navigate the IRS over the last few years.

And last but not least is someone else out there on the front lines, specifically on the front lines defending traditional marriage at the ballot box and in the courts is Brian Brown. Brian co-founded the National Organization for Marriage in 2007 and has served as its president since 2010. And he has a hair-raising story and discussion to tell you

about with respect to his organization's run-ins with the IRS. And I want to get – you should remind me, Brian, to ask you about what you think is going to happen at the Supreme Court, what next.

But let's start off. Congressman, I'll defer to you first since I know you have a schedule that may require you to jump out. But I turn it over to you. We're going to start at the end with the congressional investigations, where they're going, and your perspective in general.

REPRESENTATIVE JIM JORDAN (R-OH): Thank you. Yeah. Thank you. Thank you for the work of your organization and the panel. I mean, Brian, Jenny Beth and Cleta have been just doing the Lord's work. So we appreciate that. I'll be brief. And there's a couple of quick points.

First, the goal is to get to the truth. Sometimes that takes a while. When you do an investigation, you've got to bring people in, depose and do the interviews, and it takes a while. I remind everyone it took eight months to get a breakthrough on the Benghazi story before Greg Hicks could come forward and tell his story in such a compelling way that he did. So it's going to take some time, but we are committed to getting there. There is – as my colleague has said, there's no statute of limitations on the truth. Let's get there.

A couple of key points. Never ever forget this is the same entity charged with enforcing "Obamacare." So think about the entity charged with enforcing "Obamacare" was systematically targeting groups who came into existence because they opposed "Obamacare," and the targeting started the very month, March 2010, the very month "Obamacare" became law. The link is strong and that's why we have to I think keep that in focus, this "Obamacare" and the expansion of government, and then, therefore, the limits on freedom that it will involve is central to this story.

Second, not only did the FBI director not know who was heading up the case in questioning in front of the committee last week and couldn't tell us who the investigative team was and who the members of that team were; they also took – to my knowledge, there's been no evidence to suggest – and Cleta would know this better and out panelists – but there's been no evidence to suggest the FBI has even talked to victim groups now since they've started the investigation. The investigation is over a month long, the criminal investigation at the Justice Department. They didn't even talk – one of the first things you obviously do is go talk to victims when there's an alleged crime that's taken place. And they've yet to do that.

But what we do know, based on what people have said publicly, and, again, Cleta, who has done such great work will – I think can talk to this better – but what we do know is that the FBI did pay groups a visit when they were applying for tax exempt status so not only were they being harassed by the IRS; they got a friendly visit from the local FBI agent, you know, months and months ago when they were applying for – maybe in some

cases years ago, when they were applying for tax exempt status. If that's not chilling, if that's not scary, I don't know what is.

Finally, two quick points. And Tom referenced this in his opening comments. The fact that the inspector – if you saw the hearing a few weeks ago we had in the Oversight Committee, the fact the inspector general, in May of 2012, shared some of his initial findings with Doug Shulman, and told Mr. Shulman that these three identifying terms, Tea Party Patriots and 9/12, were used to develop a list of groups who were targeted and harassed by the IRS, shared that information with Doug Shulman. Four days later, shared that with Chris Meade, the general counsel at Treasury, but didn't share it with the Republican House of Representatives; didn't share it with the Oversight Committee, even though we're the committee who has jurisdiction over all the inspector generals, even though we were the committee, Chairman Issa and myself, who asked for the audit initially, didn't share that information with us.

That's a pretty important point, particularly six months before a major election that he shared the information with the Democrat administration; didn't share it with the Republican legislative branch who would ask for the audit itself. That's information, frankly, we would have liked to have known in six months prior to an election, and we didn't get that information.

And, finally, the last thing I'll say is this. Viewed in context is the key. Just take the last four months. In the last four months – I always go back to – I start with the example of Senator Paul standing on the Senate floor asking a simple yet profound question: can the United States government kill an American citizen on American soil with a drone? And this administration couldn't answer the question for 24 hours.

And then you go next to the fact that we've discovered in the hearing on Benghazi this administration confirmed what we all suspected, the video had nothing to do with what took place. Then you go to the fact that Kathleen Sebelius is talking to insurance companies and hospitals and asking them to contribute as she starts to roll out this "Obamacare" legislation.

Then you go to the AP story; then you go to the James Rosen, Sharyl Attkisson's stories; and then you get to this NSA story just from the last two weeks; and then the IRS story.

And so when you view it all in context, that's what scares Americans, and, frankly, appropriately so. And that's why we're here and that's why it's important, as I said at the outset, we get to the truth. And the members, the Republican members of Congress and I think some Democrat members of Congress are committed to – they've said publicly at least they're committed to getting to the truth as well. And that's what we're trying to do.

MR. FITTON: Thank you, Congressman. Thank you very much. Jenny Beth.

JENNY BETH MARTIN: Thank you for having me here, Tom. And thank you, Congressman Jordan, for the work that you're doing in the investigation. We appreciate it. And we appreciate all the congressmen and the senators around the country who are working to get at the bottom of this.

Tea Party Patriots was asked – we applied for a tax exempt non-profit status for 501(c)3 and 501(c)4 in December of 2010. To this day, the IRS has still not given us a definitive answer or the final determination on either of those two organizations.

We are (c)4. We do act as a (c)4, saying we're a (c)4, and file as a (c)4. So (c)4s, you are able to do that and continue to operate as one, but it's good to have that final paperwork. And we don't have it.

With a (c)3, it's – without having the final paperwork, it's very hard for people to want to donate to you because a (c)3 donation is a tax free donation so if an individual donates to you, a (c)3, (c)3s, like the Red Cross, you want to know that it's going – if you're writing it off on your taxes, it's actually something you can write off. And without that determination, we're unable to collect – to raise money at this point.

We received a letter, like many other organizations, from the IRS, in early 2012. We had questions such as, name every person in legislative bodies that you've communicated with or have encouraged action for in any – they wanted copies of all written communication with those members of legislative bodies.

We did not give any of our written communication. I was looking back through some of the paperwork just this past week and realized that, last year, I just said just list every member of the Senate and the House and say that's who we're watching because that is who we're watching. We're Tea Party Patriots.

But as far as personal or written communications, we did not give that. They asked for all of our Facebook information, our Twitter information, all the comments that were made on any of our Facebook pages. So while maybe they want to see if what we're calling for, the actions that we're calling for fall within the (c)4 status, in the comments that are written on our page, it's a public page so if you comment on it, it's available to the public. But they wanted all of this printed out. We have over a million fans now on Facebook. Printing out that much material is – it's a huge burden. And also people who don't like us, just so you know, they still wanted to know what you were saying as well.

They've asked for some group's donors. They've asked – they asked for a group called American Patriots against Government Excess in Ohio. They asked this group for all of the books that they read in their book club meeting and a summary or a book report of each of those books. Now, when was the last time you were demanded to write a book report by the government? My 10 year olds, who are in – my 10-year-old twins in school, they have to do that but adults normally don't need to do that.

Yesterday, at our rally, we had retired Lieutenant Colonel Rick Morelan (ph) speak. The group he founded in Albuquerque was put a lot of scrutiny by the IRS. Not only is he retired lieutenant colonel; he is a West Point grad; he is a – he was in the Army cavalry. He flew helicopters. He currently is a surgeon with the VA and he founded this group as a volunteer to work to hold the government accountable. And he was asked all of these questions.

You heard, as many of the people testified before Congress two weeks ago, a lot of these groups, the most money that they raised in any one year was less than \$10,000. It is not this – these are volunteer organizations, and, especially around the country, these are groups who are trying to have their tax status so they're set up as a legal corporation so that they can go and rent a room in a building and get the proper insurance so that they can hold meetings and assemble.

These are not groups who are trying to evade taxes. They're not groups who are trying to raise money and profit. They are truly people around this country who are concerned about their government, want to get together with people who are concerned about it, petition their government for redress of grievances, speak their mind without being concerned that they're being asked – the comments that they make don't agree with the current administration and for this we were targeted.

And we're still being strung along by the IRS. And contrary to Congressman Cummings' claims two weeks ago, this is not solved. No one has been terminated. A resignation of an employee who was already going to resign does not count to me as any sort of accountability whatsoever. Paid leave does not solve the problem.

And, frankly, at this point, I don't trust that a fourth taxpayer bill of rights is going to do anything to help us. There have already been three taxpayer bill of rights that have passed since the 1980s. And all three of these so-called taxpayer bill of rights did nothing to protect the bill of rights.

MR. FITTON: Amen. Thank you, Jenny Beth. There are two seats available up front if there's anyone in the back who wants to sit down. And next up is Brian Brown of the National Organization for Marriage. Tell us – tell us what happened to you and what you're doing about it.

BRIAN BROWN: Well, we – when this all started with us, we thought we were alone. So if there's any good that's come out of this, it has been that we've realized that there are other folks like us that are willing to stand up and stand up for our civil rights, because make no mistake, this is a basic civil rights issue.

If you go back to the NAACP case in Alabama, the state wanted their donors and membership lists. And they won that case because what the government was attempting to do was to intimidate them, harass them, rob them of their First Amendment right, the freedom of association and speech, to hurt them.

And for us, this goes back to March of 2012, when an organization that opposes our position defending traditional marriage, the Human Rights Campaign, the so-called human rights campaign, took our donor list. And, as you may be aware, the IRS asks for some of your largest donors. You send them those donors on your 990, but then it's redacted and does not become public.

And lo and behold, I wake up one morning, and I have folks calling me saying, all of your donors from 2008 that are on your 990 are up on the Human Rights Campaign's website. I said, what? It was hard to believe. And one of the donors that was listed happened to be Governor Mitt Romney, who supported our effort in California. And they thought that this was a big deal. Well, actually, Governor Romney's name had already been public because he donated to one of our campaigns in California, a more political campaign, where we had to make his name public. That wasn't the target. The target was everyone else on that list.

And just like the Human Rights Campaign, whether you're on any side of the issue, we're – both groups are protected. And those donors that give to a 501(c)4 are not to be made public. The rules have to be the same for everyone.

So we did a little research and we looked at what the HRC had posted that also went up on AOL. It went all over the web. It was posted all over the place. And we noticed something.

Someone had attempted to hide markings on that document. And we had someone that was a specialist in forensics, computer forensics. He looked at this, and, actually, pretty easily, he uncovered the layer that they had put over these identifying markings. And lo and behold, what were the markings? There were markings I had never seen before and I submit our 990s. They came directly from the IRS. There was a SMIPS code that says SMIPS, and then there was a code that the IRS is the only group that has this. We don't have it. So it was very clear that this came directly from the IRS.

And understand this. You know, this was one of the articles of impeachment for Richard Nixon. This was a felony – created a felony in 1976. It's a criminal felony punishable by up to five years in prison for anyone to take our private tax information and to make it public.

So we immediately tried to scream from the mountain tops on what had happened. And, to be honest, at the time, I think a number of people didn't believe us. They didn't believe us. And there was not widespread coverage. I will guarantee you. If this had happened to the other side, it would have been a much different reaction.

But we kept fighting. And we went to the IRS. We went to the inspector Treasury General's Office. We filed complaints. And, you know what? This all took a ton of time and effort and money. And, finally, we actually were questioned from some folks from TIGTA.

And what happened after that was nothing, nothing. We had to do repeated FOIA, Freedom of Information Act, requests to TIGTA to find out whether anything had happened, whether anything had been found out, and nothing.

In fact, the most recent response from the Treasury Inspector General's Office is that the same law that protects our 990, our 990 from being publicly disclosed also protects the identity of the person who disclosed it. This is insane. So you can commit a felony and no one gets to know about it? No one is punished? And we don't get to learn who did this? This is complete and total political intimidation. It is completely unacceptable.

And I will tell you it has not stopped. We formed a group, Cleta and a number of folks, to fight for the civil rights of conservative groups and individuals who are targeted in this way, whether it's campaign finance or on issues like the IRS. And guess what? That group has not received its 501(c)3 or 501(c)4 letter.

MS. MARTIN (?): C three.

MR. BROWN: C three letter. I'm sorry. The 501(c)3 letter, we also haven't received it for another group. So to this day – and it's been over – I don't know, 15 months now. We still have not – so it is continuing.

And now, the precedent being set by the IRS, we're now finding that states like California are requesting the unredacted 990. I don't know what law gives the state of California the right to get that information, but I'll tell you this. We're not going to give it to them because the government has not shown itself able to protect our folks.

Why is this so important to us? Well, first of all, we have the rule of law that's at stake. You cannot treat one organization differently. And where is the ACLU? Where is the ACLU? I don't care if it's a liberal group or conservative group, I don't care. But if you really believe in civil rights and civil liberties, the ACLU should be the first jumping on this, because this goes to our most core freedom, our First Amendment Freedom. And I've heard nothing from them.

So now, states like California are asking for our donor lists. And, as we saw, and anyone can read Heritage Foundation did a piece on this, "The Price of Proposition Eight." Why are we concerned about it also? Because opponents of our position want to attempt to target, intimidate and harass donors of traditional marriage.

Now, many of them are not going to succumb to that, but after Prop Eight, where we had to disclose donors because it was a political campaign to pass a ballot measure to protect marriage – in California, you have to disclose the donors – we saw donors who give \$100 having folks try and harass them at their place of employment. A waitress who gave \$100, trying to attack her; we saw people being left message, death threats, other things. This is not acceptable in the United States of America. We cannot allow this to go on.

And, again, I don't care what, frankly, the view point or the difference in the organization is. We cannot have our government systematically attacking and trying to repress points of view that it doesn't agree with. This cannot happen in this country. And it is happening, and it's continuing to happen, and nothing's been fixed.

MR. FITTON: Thank you, Brian. You know, it's clear to me that, Cleta, that the IRS isn't going to be able to fix itself and that leads nicely into both what you witnessed as a representative of the victims and what you're pursuing now in court to try to get redress for the wrongs.

MS. MITCHELL: Well, thank you. I hardly know how to even do this in some limited period of time, but let me try.

What I do on a daily basis, I always say – you know, people ask me what I do. I say, well, I'm the consigliere to the vast right wing conspiracy. And I practice law in the area of – I help candidates and organizations and entities who are conservative or Republican candidates.

And I have people come in to see me, and they say, we would like to be involved in the policy or political process, and here's what we'd like to do. And I tell them, OK. Based on what you want to do, this is how you have to structure yourself.

Now, I don't care what you want to do in this country. You want to start a business; you want to do anything, the first thing you have to do, you cannot open a bank account in America – now, I mean, if you're going to operate underground or the black market or the illegal economy, that's just not what I do. So I don't deal with this.

So I'm assuming that if you're going to do anything on the up and up, that's legal, the first thing you have to do is you have to tell the IRS what you are. All of us have Social Security numbers. If you don't have a Social Security number, then you have – for an artificial entity, like a corporation or an LLC or whatever, you have to tell the IRS what type of artificial entity you are. That's the first thing you have to do. And then you get an employer ID number. And so everybody has a number the IRS.

So when these people want to gather together, as they are entitled to do under the First Amendment, to associate with one another for the purpose of either influencing policy or politics or something, which is what I help them with, I say, what you want to do, this is the – this is the box we check for you.

Before January of 2010, what we would do is – I brought a copy of the application for (c)4 status. It is 19 pages. There are probably a couple of hundred questions. You have to provide a lot of documents about what you're going – you have to tell the IRS what you're going to do.

That's one thing we should stop. I do not believe that anybody should have to go to the government and ask permission to say, this is what we are. If you're going to be an LLC or a sub-chapter S corporation, you don't have to ask permission. You just tell the IRS that's what you are. And I think the first thing we have to do is get rid of this "mother, may I" to the government. That's what started this. And we've got to get rid of it. That's one remedy.

But what began to happen in January 2010 is that not only did they start – I mean, they would usually ask you a few questions about your form or your articles of incorporation whatever. And the processing time was anywhere from a month to 60 to 90 days for a 501(c)4, maximum.

I began to realize in the spring of 2010 – I had a client who applied for (c)4 status on October the 9th of 2009. They still do not have their letter of determination of exempt status. I have other clients who applied in 2009, 2010, 2011; still no letters of exempt status from the IRS.

And so I began this – you know, this correspondence. I actually would tell these agents – I'm on my third agent with this one client. That organization was never – I've never dealt with anyone from Cincinnati for that client. I've been dealing with the Washington, D.C., office since day one. I think when we get to the bottom of this, we're going to find that that was one of the very first organizations that was singled out.

Guess what that organization did: it lobbied against "Obamacare." That's all it did. In the fall of 2009 – remember that was when Scott Brown was elected. They weren't involved with that, but they were – remember, that was the time when this – when "Obamacare" was before the Congress. And they were raising money, and running ads, and telling people to call their congressman to vote against "Obamacare," the fall of 2009 through the early part of 2010. Remember, "Obamacare" passed in March of 2010.

That's what that group did. That's all they did. They still don't have their letter of exempt status. And, of course, it has affected the organization. They kind of wound down, put on kind of on hold.

The other big thing they did, they do voter – they do guides about Congress. One of the terms that was a BOLO term was, unfortunately, one of their terms, to hold public officials accountable. Well, who knew that that would get you with a big target on your face if you said you want to hold public officials accountable? They do score cards on conservative issues about members of Congress. They lobbied for extension of the Bush tax cuts.

So, I mean, I have had correspondence – I'm on my third agent. I've had a lot of conversations about that one client with the IRS, in Washington. And, you know, I've told them, I said, you know, I've started calling you guys my parole officer because I check in with you once a month, but it doesn't do any – I was told three weeks ago, you will have your letter in two weeks. I was told that three weeks ago.

So my point is Brian's point is very, very important. This isn't in the past tense. This is still ongoing. And it is utter lawlessness is what it is. It is – there was a process duly promulgated forms, everybody filled out the same forms, everybody submitted to the same process.

What they created internally within the IRS was a complete abdication of the rule of law, created all these additional questions that they made up; they have no objective standards. There are legal standards by which to judge the responses. And, you know, they've asked for things, as Jenny Beth described, where you had to submit hundreds and hundreds of pages of documents. Only in the federal government, as Steve Miller claimed, would that be considered to be done for efficiency.

But when Lois Lerner issued her letter on May the 10th, I was outraged because I knew that Jim Jordan, a year ago March, had asked the IRS commissioner, in public testimony before the Congress, are you targeting conservative groups, because he had seen the letters; other members of Congress had seen the letters that went out to hundreds and hundreds of tea party groups and conservative groups a year ago, February, March. And Doug Shulman, the commissioner of the IRS sat there and told the Congress there is no targeting. We knew that wasn't true, but what are you going to do when the commissioner says no? These congressmen asked for a TIGTA investigation.

They knew in – they have admitted they knew in May of 2012 that the testimony given by the IRS commissioner to the people's elected representatives barely six weeks before was false. Ask Roger Clemens what happens to you when you lie to Congress. Why is he not indicted? Why is Stephen Miller not indicted? But, of course, the FBI would have to investigate.

But when I say – I wrote a letter the same day Lois Lerner set out that ham-handed, quote, “apology,” I wrote a letter that day and said, do not issue an apology. Issue my client's letters of determination of exempt status. Your apology is worthless. We want our letters. I can go – I can tell you what's the reasons why you need those letters.

But the bottom line is we have now, through Act Right Legal Foundation, which is the organization that Brian described, which is a conservative public interest law firm, we have filed suit on behalf of True the Vote, which applied for its final 501(c)3 status in July of 2010; still doesn't have it.

And we filed suit in federal district court in Washington, D.C., which you're required to do, because we are seeking – there's a provision under the law, if you haven't gotten your (c)3 status after 270 days, then you can go to court in Washington and sue to ask the court to issue your letter of exempt status. That is not available to a 501(c)4. The only remedy – see, all of the tea party groups would have been a lot better off if they just denied it. Then you can go to court and challenge it. But we're in legal limbo with 501(c)4s.

So we have filed suit. We're getting ready to file suit on behalf of the National Organization for Marriage for the unlawful release of its confidential donor information, which we know came from within the IRS. And Brian's point here is really well worth understanding.

What the – there's a statute that was passed after Watergate that protects taxpayers from the unlawful release of their confidential information. The IRS is using that statute to keep from having to tell the taxpayer what they've been doing with the taxpayer's information. They have taken 6103 of the tax code and turned it completely upside down.

And so look – I mean, there is so much that we have to do. There's much that Congress has to do. There is much that we have to do, as citizens, through the litigation. You know, one of the things I worry about is the fact that the federal government – it's hard to see the federal government and they fight us with our money. And so it is going to take some resources to be able to fight back and to get to the bottom of this story.

But there is a lawlessness which has become pervasive in this government. It is why I'm a conservative, because I decided some 25 years ago that a government big enough to take care of all of us is big enough to destroy any one of us, anytime it decides to do that. And I think the American people kind of know that.

And some of the stories that Jenny Beth is receiving – she's the mother hen of the entire tea party conservative movement. And the stories that are coming to Jenny Beth are hair curling. And the abuses, the arrogance of these IRS agents, not just the conservatives but believe me, if you have any political activity, I think we should stop having to disclose to the IRS our donors because the liberals use that as – they don't want transparency. They want a target list. And they are bullies. They are bullies. And they are bullying the American people. They bully conservatives. And we are not going to stop until we stop it. Thank you.

MR. FITTON: Amen. Well done. (Applause.) You know, and Obama is responsible for this. He's responsible by being president of the United States. And as I disclosed earlier, the IRS works for him and he's responsible.

And my question for accountability is here, when the president of the United States, an agency answerable to the president of the United States suppresses an entire political movement in a way that has the effect, intended or otherwise – I think it was intended – to help him stay in office, you have to remember what the election turned on in 2012, less than 500,000 votes, and I think that's a generous number, between Ohio and Florida. If it had gone a few hundred thousand votes the other way, we'd have a different president.

And I know from my experience in talking to entities that weren't involved in elections per se, but I know – and you know this, Jenny Beth, and Cleta, and Brian, that

these organizations were not active, either active at all or severely restricted in their activities as a result of this IRS pressure.

So as far as I'm concerned, there's an asterisk on this man's reelection. And as the head of our government, as the head of our executive branch, he is responsible. And I know people talk about impeachment. You know, I think we're beyond that. In different circumstances, in different governments, the governments of Western democracies and republics, someone responsible for this would resign. I know politically he's not going to do that. But that's how severe an issue it is. It would cause the resignation of more honorable officials.

So with that being said, what next, Congressman, in terms of congressional investigation?

REP. JORDAN: You just keep the pressure on. Again, think about what we've learned in just the – what's it been now? Six weeks.

MS. MITCHELL: May 10th.

REP. JORDAN: May 10th is the story. Since Lois Lerner went to that event and had the question – we've learned that the question was planted, where she revealed it. We learned that the two rogue agents' explanation is not true. We've learned that the – Mr. Shulman went to the White House 157 times. We've learned that the FBI doesn't know who's heading up the case.

The director of the FBI didn't know who was heading up the case. There's no evidence that they visited any of the victims' groups, but we do know they did pay people a visit, as I said earlier, when they were applying for tax exempt status.

We still – we know that groups who had exempt status applications in, still pending, still haven't got the notice. And we have learned that confidential information was in fact released. So we've learned all these facts as we've started – you've just got to keep going.

Two weeks ago, we sent a letter requesting interviews for 17 different folks in the IRS, some in Cincinnati, some in Washington. And we'll continue to get to the bottom of it. The commitment is strong from our side to get to the truth. And that's what we're all about. So hearings will continue.

But you can't get that evidence – and I know – I want to go as fast – I want to get this – get to a remedy and hold people accountable as quickly as possible. But you can't until you bring people in and talk to them.

And, remember, the inspector general's report, what Tom is talking about is not only were conservative groups in this kind of limbo – legal limbo status because – and that maybe prevented it from doing as much as they want. They didn't know that they –

if they didn't know they were officially being targeted, talk about a motivating factor in an election. That would have been huge. And yet, the inspector general didn't share that information.

We also have learned that the inspector general, when doing the audit, had Holly Paz, who was central to this whole scandal, she sat in on almost every single interview he did. So when you're trying to get to the truth – I mean, Cleta knows this – you don't have the boss sitting in with the person you're asking questions. You do those kind of things separate when you're trying to get to the truth. They didn't do that.

So we've learned those kind of things in some of the depositions and the hearings. We've just got to keep going.

MR. FITTON: Well, you know – remember, the IRS began this process, it looks like to me, by initially talking about targeting individual donors to so-called (c)4s. To put it in context, the left is obsessed with these (c)4s because they want to suppress political speech that they don't like. And so they were pressuring the IRS to reinterpret the law as to disallow, practically speaking, contributions by donors to the – to (c)4s by making the tax bite as a result of such donations so onerous as to prevent them from happening to begin with.

In response to outrage at that, they backed off. But we didn't know they didn't back off, because what they did was they started doing what the left wanted them to do, both the Obama campaign, their allies in Congress, and their left wing interest group allies on the outside, and started focusing on the (c)4s directly.

My next question is – and then we're going to open it up to the floor – is this is – we're talking about only (c)4s now and application status. We also know that (c)3s were audited. We also know – and Jenny Beth, you know, and we've been in meetings and there's been talk about individuals being audited as well. So this is just the tip of the iceberg. And to the degree you all have information to share with individuals about how broad this scandal is beyond this application exempt – this exemption application process, I thought it would be useful to talk about.

REP. JORDAN: Could – I may have to run to vote so I just would jump and say one last thing, and Jenny Beth hit on this earlier. I think this is so important.

Think about so many of these groups are just folks who – Jenny Beth talked about the very little amount of money they spend in (operating ?) each year. They meet in the church basement. They meet at the elementary school. They meet at the VFW hall. And yet, they were systematically targeted by their government. And, in some cases, the FBI paid them a visit.

Now, if that – to me, that's the story that needs to be told more, that that took place – it's one thing for the IRS – and we all hate the IRS and what they were doing. That's terrible, but for the FBI to actually come pay a visit to some of you? I mean, the

FBI comes to your door and leaves their card. If that's not killing, I don't know what is, just because you're exercising your First Amendment rights and a group, because you're getting together because you care about the constitution; you don't like Obamacare; and you're meeting at the church basement, and the FBI visits you? That happened in America.

So to me, that's the story that – I mean, some of this is starting to get out, but that's a story that needs to be told. These are just regular Americans doing what Americans have been doing forever, and the FBI visits their home.

MR. BROWN: One thing on the (c)3 side, during the campaign in North Carolina, the marriage amendment campaign which was victorious – we passed a marriage amendment in North Carolina by 61 percent – we were able to work with – Billy Graham supported the amendment and ran some ads supporting the marriage amendment defining marriage as the union of a man and a woman.

Lo and behold, a month later, two letters arrive, two different organizations, Samaritan's Purse, which you may have heard of, Sean Hannity supports, and also the Billy Graham Evangelistic Association. They're two different groups. Franklin Graham is involved with both but two different groups the IRS decides it's going to audit.

There are too many examples like this for it to just be random coincidence. Why would both of those groups be subject to an audit? Did they find anything? No. But, you know, Franklin Graham has spoken about this even with – you know, relatively large organizations trying to do great good, it took a ton of their staff time, a ton of money to try and get through both of this.

So here's a (c)3 that's subject to an audit and it happens right after they do what they're allowed to do and take a position on the marriage amendment. That's just one example.

MR. FITTON: Congressman – just before you go, Jenny Beth, I want to say thank you to Congressman Jordan. I know you want to leave. I don't want to make it awkward for you leave in the middle of a presentation. But thank you for your help and support here.

REP. JORDAN: Thank you.

MR. FITTON: Thank you very much. (Applause.) Jenny Beth, please.

MS. MARTIN: One person – he did not have a personal audit, but he was targeted by the IRS by name in these questions. There was a person from Ohio named Justin Binik-Thomas and he – and one of the questions that the IRS sent last year in the forms of – the letters that they sent asking for all these additional questions, they sent Liberty Township Tea Party group in Ohio a questionnaire, or the letter asking who is Justin Binik-Thomas and how is he associated with your group?

Well, at the time, Justin was not even associated with that group and had – actually, the IRS (knew ?) they were associated. He hadn't even done anything for that group. And it's the only place where his name came up. And to this day, he still doesn't know why they asked about him personally.

And it's the same provision – I'm sure that both of you have mentioned – and that is that the IRS says, well, we can't tell you because that would – they can't tell him about it because it violates somebody else's privacy so he can't find out who asked about him, why they asked about him, and why his name was ever – how his name ever came into the IRS's radar because it would violate somebody else's privacy. But they were OK violating his privacy to ask about him.

There's George Brunemann, who is also from Ohio. He was personally audited. And his wife is a treasurer of their local tea party group. They went through a personal audit.

There are – there is a person in Texas who – I don't – I'm not sure if I'm at liberty to give their name or not so I won't, to be – air on the safe side, but the IRS showed up for a personal audit at their house. And the first point of contact for this audit was not a phone call or a letter from the IRS but a knock on their front door.

And the IRS has the ability to seize property, garnish wages, levy bank accounts, and imprison people. Now, imagine how you would feel if an IRS agent shows up at your house and the very first point of contact is not a letter or a phone call but a knock on the door. And this particular group was associated with both Tea Party Patriots or this person had done things with both Tea Party Patriots and True the Vote.

And the stories just keep coming. And, Rachel, who's sitting in the back row there, she's on my support team. She's been talking and interviewing a lot of the people where we're getting these stories. And they just keep coming.

Yesterday, at the rally, she had to go out and talk to two or three different people at the rally who were saying, I haven't been able to get anyone to talk to me yet but I believe I was a target. I've spoken to a person who said, I donated online and 60 weeks later, I got an audit. Another person who said, I made comments online and then I was audited, and the questions they were asking were about – tied to the comments that I had made online.

So we're running these things down. It's hard to tell if there's a true trend or not because there's so many people in America that, statistically speaking, maybe it's just random. So we're trying to get to the bottom of it.

But at this point, we know that the IRS has been doing this. We knew it was going on in March of last year or earlier than March of last year. We know that the IRS commissioner lied before Congress, which made it very difficult for people to believe

what we were saying about what happened, because you have this person who swears to tell the truth and actually lied before Congress. We know those things were happening.

We know that government is too big and too powerful. And the integrity has been so severely shattered that now, the IRS can't even conduct business at this point, because if it does, people question, is this really legitimate or is it because of where I stand on the political issues or the donation that I made to the Romney campaign or the donation I made to Tea Party Patriots or some other organization, or simply because I made a comment online?

It's lawlessness and it's a very serious problem in our country right now because the foundation of our government has – is shaking right now.

MR. FITTON: Amen. And True the Vote – by way of disclosure, we're representing True the Vote and working with them on election integrity issues. It's a separate legal matter. But True the Vote wants election integrity so you imagine why the left hates them.

MS. MITCHELL: Hates them. Hates them.

MR. FITTON: The True the Vote story, if that is not frightening, I don't know what would be.

MS. MITCHELL: Well, I've always said – I'll tell you just briefly. Brian and I did a panel at CPAC in March of this year called "The Bullying of the Left." And what I've said, what I realized over the last couple of years, if you really want to get the loony left – and that is a very expansive group that starts at the White House and includes many members of Congress – if you want to get them really exercised, then you get involved in one of two issues: marriage, traditional marriage, supporting and defending traditional marriage or election integrity. I happen to work with people who do both.

So I've seen it really up close and personal, but the kind of treatment that Catherine Engelbrecht, her family and her family business has endured because she had the temerity to want to get involved in training citizens, recruiting and training citizens to be poll watchers, to be involved in watching the election process, which, by the way, we as taxpayers pay for people to go to other countries to monitor elections, to do exactly what True the Vote is trying to do in this country, and we are supporting through two different agencies sending citizens to monitor elections in other countries.

And that's really all that Catherine Engelbrecht and True the Vote has tried to do, make sure that the election officials are following the law. As Tom knows, as Judicial Watch has been very involved in, you know, sending letters to election administrators saying, you have more registered voters in your jurisdiction than you have adults eligible to register to vote. You need to clean up your rolls. Very, very controversial stuff, right?

Catherine Engelbrecht, after she founded King Street Patriots in 2009, in Houston, Texas, and they met once a week, they would have people come – you know how they funded their organization? They passed a cowboy boot. That’s how they funded themselves with just donations of people would put into the cowboy boot as it went around. It is Texas. And then they started a separate offshoot, which is this 501(c)3 of True the Vote. Neither of them have their (c)3 or their (c)4 status yet.

And, Catherine Engelbrecht, after she filed for her – applications for exempt status for these two groups, she was visited by the FBI on multiple occasions, asking, well, who comes to your meetings? What do you talk about there? Can we come? We want to monitor your meetings.

She had a surprise visit from the Bureau of Alcohol, Tobacco and Firearms at her family company. She and her husband have had a small manufacturing company for 20 years. They have a license to manufacture a certain kind of firearm. They’ve never actually utilized it. They’ve never manufactured that. They’ve had not one but two visits from the Bureau of Alcohol, Tobacco and Firearms.

They’ve been visited by OSHA. And the OSHA inspector who came said, I don’t know why we’re here. We were just told to come here. We want to know who told them to come there.

They have had two different – they’ve had their personal tax returns audited, their company audited. And, as Jenny Beth described, the IRS agent showed up. They went out to their home. They counted the head of cattle that they had mentioned about their farm.

I mean, this is – and I know of another group that I just learned about two weeks ago, from Florida, where they started a 9/12 group. They applied for tax exempt status. And one of the leaders got a local small video company to prepare a video that they posted on the website. I don’t know what the video was about, but it’s something about – you know, in support of their 912 organization. The FBI visited them twice, not once by twice. They wanted to come into their offices and look around. And the first time, the landlord said no. The next time, he let them in. People are afraid of the FBI. And the small video company that did the video that was posted online, IRS audit.

So we can say this is all coincidental. Jenny Beth has sent me two stories just in the last 24 hours that are just hair curling about things that the IRS has done to people.

MS. MARTIN: One has just happened in the last month.

MS. MITCHELL: The thing –

MS. MARTIN: Not stopping.

MS. MITCHELL: And, you know, and the IRS agent comes in – they are in Indiana and they had supported Mitch Daniels. They have a picture of Mitch Daniels who had visited their business, their restaurant. And the IRS agent says, why do you have a picture of Mitch Daniels on your wall? Well, he's the governor. You want to say to them, why do you have a picture of Obama hanging on your wall at the IRS? Because he's the president, right? I mean, the president's picture is hanging on their wall.

But it's the audit division. It's not just the exempt organizations division. It's the audit division. It's all of it. And I actually think that it is so rotten that it can never be reclaimed. I don't think that this is an – you know, I'm really old, and there used to be this magazine called "Red Book," and they had a column every month called "Can this Marriage Be Saved"? (Laughter.)

So here's the question: can this agency be saved? And my answer is no. It cannot. People, it's too big. It's too powerful. It has instilled fear in every American. We're Americans. We should not be afraid of our government. But right now, I would say, be afraid, be very, very afraid.

And I've had these people write to me and say to me, you're so brave. Isn't that terrible that people will say you're so brave just because you're standing up for our constitution? I mean, all of these people – I'm sure Brian gets that, Jenny Beth gets that, Tom gets that, you're so brave.

There's something wrong, people, and it is rotten to the core. And when an agency is this big and this powerful, and when you run deficits the size of these deficits so that they feel empowered to go and basically take as much money as they can to finance these deficits, it all fits together. These are not separate. It's all the same. It's a continuum.

So I would tell you, you should read Eliana Johnson at "National Review." She's doing wonderful work. And you should – go to "National Review" online. You should be reading her articles. She is digging, digging, digging. You should read the "Wall Street Journal," Peggy Noonan and Kim Strassel, John McKinnon, the reporters at the "Wall Street Journal" are not letting up. Others may have subsided. I hope I'm not leaving anybody out. But they are the ones. And if you want to know what's happening and – you know, we're going to do our best to try to keep people informed about this also.

MR. BROWN: Tom, can I say one – I'll try and be brief. I don't think that I've ever talked about this angle of this, but I do think – it's a bit philosophical, but I think that it – there's an idea that I have about why this is so important that I think is important to convey.

And that is – you know, when de Tocqueville wrote "Democracy in America," he talked about Americans' almost rampant necessity to create organizations. What was unique about America was that Americans would organize. They would get together.

They would create, you know, a temperance society or they would create some sort of organization to solve a problem that they believed it.

And when he was pointing to what was unique about America in contrast to Europe was this civic responsiveness, this need to create organizations. And this was the uniqueness. And then he further posited, well, this has – this is a part of the reason why the state is not so a part of every American's life, because these institutions are mediating structures between the state and the individual.

What is at stake in this IRS investigation? Well, nowadays, it's not like then. When we want, as Cleta said, when we want to organize behind a cause, whether it's a social welfare cause, whether it's a charity, we have to get a letter from the IRS that allows us to do this so we can open up a bank account, as you said.

Well, if you think it's just coincidence, why is it that the one side of the organizing, the conservative side happens to be the one where there are all of the stories of harassment, intimidation, not being able to get your determination letter?

So what is at stake is exactly what de Tocqueville said was the unique and important part of what makes America America. Can we organize freely with one another to advance causes we believe in, without the state coming in and trying to push or make it more difficult for those mediating structures to do what they do?

And I think that's something that even folks on the left, even liberals that may disagree with our politics can understand what's at stake, because if the government can do this to us now, if an administration changes, you know, God forbid that you would have a Republican administration doing this to the left. Once the precedent is set, it can be used against any side of the aisle. And that's why everyone should be concerned about this.

MR. FITTON: Well, this reminds me how much I disliked the Bush administration. I remember, you know, during the audit of Judicial Watch. They had made these outrageous demands of Judicial Watch. And we sued and we fought back aggressively. And they said, I'll tell you what. We'll wait until the Bush administration to audit you. Well, I go, fine. Maybe it will be more common sense there. You know, we hadn't sued Bush yet.

And the Bush administration comes in. We pour out all the evidence, the IRS officials telling us what you expect when you see the president. Your audit will begin in two weeks after the Clinton White House sent a missive over to the IRS, and the Bush administration said, oh, no. We don't care. So the audit will continue. And we were audited for seven years not under the Clinton administration but under the Bush administration.

They allowed this Clinton corruption in the IRS that everyone knew about, to fester and continue unmolested. And Stephen Miller, as I pointed out, was one of the

architects, in my view, of what was going on in the Clinton IRS, elevated during the Bush years. And then, Obama picked him up to make him actually an IRS commissioner.

So, you know, the question I have and I think the concern we need to pressure is that the Republicans who now are very much concerned about this really follow through in a way that is impactful as opposed to just what politicians of both parties like to do when it comes to corruption, they associate with the other political party is complain about it in a way only as to make political points as opposed to make structural changes, as Cleta suggested and I know Jenny Beth strongly supports. So that ought to be one of our focuses.

Now, let's open it up to the audience. I think we have a microphone available. We have an extra one up there that we'll pass around if there any quick questions or comments. Are there any questions or comments? Yes, up front here. We'll – my colleague here will hand you the microphone. Thank you. Identify yourself.

Q: Jan Tyler. And in 2006, I visited here from Denver, where I was just finishing up a term as election commissioner. And someone suggested – I've forgotten the guy's name – that I do a blog. And I thought, oh, I just don't have time to do that, but I did. And then I wrote this National Election Reform Examiner, before Christian Adams and some of those people came on the scene. I don't do that now but I still follow things.

So my question to you is this: what's going to happen actually? Congress really does not have enforcement authority. So where is this going to lead us? I mean, you've mentioned that you think certain changes should be made in how these applications for 501(c)3 and 4s are administered. Do you really have hope for that? And then, what's going to happen to the people who actually released your information, both the individuals and the institutions?

MS. MITCHELL: Well, we want to be able to name names. I think that's really important. That's one of the things – and we may be – we want to be able to name names. And, hopefully, through discovery in the litigation, we'll be able to get those names.

Eventually – you know, when you ask me about the Congress – you know, I think that there should – I personally think that what the House should do is create a select committee that consists of people from several of the committees, because this goes across jurisdictional lines of the committees and it goes across agency lines. And I think there should be a select committee with its own staff. I don't want a special counselor appointed because that person would no doubt be reporting to Eric Holder and the Obama administration. You know, that gives me no comfort.

But I think that Congress should have a select committee, whose job it is to develop this information and then to do hearings much like the Watergate hearings, where you actually have people testify and disclosing. Because when the hearings –

when you have these hearings and you get people like Jenny Beth and Brian and others in front of the American people, that's how we educate.

But there's so much of this, and it's not just – as I say, it's not just in the exempt organizations, you know. It's in the audit division of the IRS. It's all throughout the agency. And I don't know how you solve it unless you just literally – unless Congress is willing to be very bold. The Republicans need to be very bold and I think they need to have a bill to abolish the IRS and just jerk it out by the roots and start over.

MR. BROWN: Well, in our case, there are both civil and criminal penalties. And so it's critical that we get the answers as to what TIGTA found, because right now, we're – you know, we're not as small as some organizations, but we're really spending a lot of money to research, to find out, to get lawyers to help us. And it's taken a lot of work.

But, eventually, I do think we will find out there's going to be a lot more that comes out on this. And it's not going to be two rogue employees, I guarantee you that, the way this has played out.

So, at that point, there's both civil and criminal penalties. As I said, it's a felony punishable by up to five years in prison and I think \$5,000 for each instance of releasing this.

We will be filing a lawsuit against the IRS because I don't – you know, that's what we have to do because what – TIGTA isn't getting us the answers we need. Also, the groups that have continued to post the names, it's – they're breaking the law, potential civil penalties there. We will sue them.

But I think the larger question is – and the problem is that we sort of get used to things. I've created a lot of organizations, and you sort of get used to that the way it is, is just the way it is, and so you're going to file what you need to do, because we're law-abiding citizens. We want to follow the law. So if we need to create a political action committee, that's what we create. We talk to Cleta. We try and follow the law in whatever we're going to create.

But then, something like this happens and you start to sit and think. And, as I said, you know, in the 1800s, what our founders have had to do this, and I'm sitting and thinking, why on earth does the IRS need a list of our largest donors? What is that serving? They're not making it public if you're a social welfare organization or a 501(c)3. Churches don't have to do that. The NAACP, because of its threats, it didn't have to do that. Why on earth does the IRS have the right to do that at all? And now, as I said, states are starting to ask for your unredacted 990s so they get the name.

And I think that Congress has to say no more. There's absolutely no reason that the IRS should be getting our donor names. And I think that you're going to have to have people that maybe commit some acts of civil disobedience and say that given the track record here of releasing our names – and we're not alone; the more that this has come out

– I talked to a group in Texas where their donors were put forward. This is happening more often than I would ever expect. I mean, this should be sacrosanct that they would never let this out. I don't think that groups may not – should not give them those names until Congress acts and stops them from having the ability to take it in your 990. That shouldn't be happening.

So I think there's a lot of different – I agree. I mean, there's the full answer that the IRS shouldn't – the “abolish the IRS” answer, but I do think that there are also intermediate steps that have to be taken to solve the problems that we're facing right now.

MR. FITTON: The left doesn't believe in these mediating institutions, in my view. And, you know, as the head of a non-profit – and, Cleta, I know you see this through your legal work, there's a myriad – hosts of regulations and rules designed to suppress the activity of independent grassroots organization. If you knew what our (donor dollars ?) have to go to do in order to just to have us operate in terms of regulatory compliance, you would be astonished. And the left is perfectly happy to have this activity going on.

The idea that the left is nervous about this – no, no, no, no. And, you know, unleashing these dogs, everyone thinks that the left will be worried if a Republican administration comes in and – no, they don't care because they hold the leash no matter who's running the offices.

MS. MITCHELL: Because they're all union employees. They're union members. Yeah.

MS. MARTIN: Well, they don't go away. They're there from administration to administration. You abolish the IRS, everyone – anyone who is involved in this, I don't want them working for the government ever again on any, in any government agency. They've abused their authority. They turned their position of authority into a weapon, and they weaponized it, and set their weapon, the sights of that weapon on citizens of this country. And I don't trust them to do it – not to do it in any other position. I have no faith that they will not do it. It may not be for another five or 10 or 20 years, but these people, they get in there and they're lifetime employees. And I simply – I want – I want them out – I don't want my taxpayer dollars paying for someone who's willing to abuse their authority in this way.

MR. FITTON: Any other questions or comments? In the center, Fred.

Q: Yeah. You mentioned –

MR. FITTON: Fred, could you identify yourself?

Q: Yeah. I'm sorry. Fred Lucas with CNSNews.com. You mentioned earlier, talked about President Obama possibly having awareness about this. We do know it has gone to the White House doorstep in the sense that the White House counsel's known

about it. How certain are you that the president might or seems to have some kind of information regarding this?

MS. MARTIN: At Tea Party Patriots, it's why we want an investigation. I don't know – I don't know how far up it goes and who was involved. And I won't speculate as to who was involved. I want investigations. I want names. I want to know why it started, who started it, and everyone that was involved.

And if it's – and if it is outside of this one agency, I want to know who did it in all of the agencies. And, frankly, I want to know why the FBI isn't actually reaching out to any of the victims. If they're actually investigating this, then when I asked the tea party groups around the country, they've all told me none of them who I've spoken with have been contacted by the FBI for an investigation. It just – I want to know who's – I won't speculate. I want facts to prove who is and isn't involved.

MS. MITCHELL: One thing that I would say about that. If you've read Kim Strassel's pieces – she's now written three pieces in the "Wall Street Journal," in which she outlines how – we don't – we may never find a direct conversation between the president and the IRS, although Dough Shulman was at the White House – what is it – 157 times.

MR. FITTON: The IRS Commissioner.

MS. MITCHELL: IRS commissioner was there. But what we do know is that the president himself, over and over and over again, has demonized the tea party, has demonized certain donors to conservative groups by name.

We know that the White House economic adviser spoke about the tax information, confidential tax information about Koch Industries. Now, how did he know that? How did he know that information? No explanation has been given for that. They have asked – the Koch industries has asked – has FOIA to find out about how their confidential tax information made its way to the White House economic adviser, who, in a press call with reporters, talked about it.

And guess what they've been told. They've been told the same thing NOM has been told: we can't give you that information under 26 USC Section 6103 because that information is confidential. Well, they're protecting the confidentiality of who the IRS employees are who violated the taxpayers' confidentiality. If that's not Orwellian, I don't know what is. It turns 6103 completely on its head.

But I do think that clearly there were public calls by people very close to the president, and including the president, to mistreat, to bully, to do bad things to, to rid us of these pesky conservatives, these pesky tea party people and anyone who would contribute to them.

So that's been – but, you know – you know, and this is a lot like Brian, this is a little bit philosophical, but I want you to think about the campuses of America. I want you to think about big corporations who are bullied by the Human Rights Campaign to say if you don't do X, Y or Z, if you don't support gay marriage, then we're going to say bad things about you. You think about everything big in America.

I mean, it is so politically correct, why would we expect big government and the people who work in it to think anything of bullying and harassing conservatives? We see it every day in every part of American life. That to me is ultimately part of the problem that I think you have these – these are union employees. They give all of their money to the president and his party. They don't like conservatives. They talk about that. That's just accepted.

So why are we surprised that when they get power that they would use in a way that is negative or detrimental to people that they think it's perfectly appropriate to think ill of? I just think that that's part of our – what we're dealing with.

MR. BROWN: Well, in our instance, the co-chair of President Obama's reelection campaign was the one who got and made public the donor list. So, again, does that mean President Obama knew? No. It doesn't necessarily. But it doesn't – it doesn't look good.

And, at this point, that same group, the Human Rights Campaign, refuses to answer any questions on where they got the document, when they got the document, how they got the document. So this is why – I agree. We have to have these answers. People have to be subpoenaed. This is a felony.

And at this point, you know, I know Congress is having hearings, but the FBI is visiting tea party folks, but the FBI is not visiting the Human Rights Campaign, which somehow – we already know republished confidential tax information, and they're thinking that it's just fine to tell reporters, we're just not going to answer your questions.

At this point, I don't – I'm pretty certain that they have not been visited by the FBI, that they have not answered any of the questions that would get us to the answers we need. They could pretty much answer it, because they're the ones who got the document and posted it.

Q: There is something I wanted to ask about because there seems to be sort of a pattern with both the FBI not talking to the victims, and also the IG, in your case, not really following up since they talked to you that once, that particular time. Is there sort of a pattern there in terms of sort of maybe why we're watching this?

MR. FITTON: We need independent investigations. I mean, the FBI will do something; we'll complain, they'll do something more. The Justice Department will do something or pretend to do something. Congress will do something.

But you have to remember, these – that’s a political process. The congressional investigation is a political process. We need independent investigations done by entities like – through Cleta’s lawsuits; we’re doing Freedom of Information Act requests or considering more direct lawsuits. We need the media to be on this in ways that they haven’t been with Obama scandals. Thankfully, there’s a new conservative media out there that can fill in the oversight gap there.

We cannot rely on Congress to solve this. And they will get some facts and good information out, I know. But, in the end, just remember how this scandal erupted. Congress was asking questions and they were stonewalled without too much work by the Obama administration. And, frankly, they just stood there as it happened. And, you know, Congress will never be our protector here.

And I have to say about the presidential responsibility – we have our investigations going on into that, but he is responsible. Whether or not he made a phone call, he runs our federal government. He is responsible in the end. And, as I said earlier, the buck stops with him, whether or not he made a phone call. Even if he’s completely innocent, he managed a bureaucracy that did this to his political opponents in a way that is – without compare with previous presidential administrations.

The IRS has never been abused in this way before, never. Nixon, Kennedy, Roosevelt. I mean, there were targets of audits, political audits during all presidencies. We understand that, but I’m sure there were some leftist groups that were audited by an over exuberant IRS agent during the Bush years, probably one or two.

MS. MITCHELL: We never heard about it. We would have heard about it.

MR. FITTON: Yeah. Well, now, they’re coming in out of the woodwork after the fact. But that’s almost irrelevant to this case because we’re talking about an entire movement, hundreds of groups that were targeted. There’s nothing to compare. And this president is responsible whether or not he told the IRS to do the audit.

Now, in my view, as Cleta pointed out, and Kim Strassel’s pointed out in the “Wall Street Journal,” all the IRS have to do is look to the skies to see what the bat signal was from the White House and his allies in the Obama campaign, and the allied interest groups and Congress. All the dirty work was being done in a coordinated way. And I guarantee you there’s a White House involvement here. I’ll bet you a nickel that the White House made a phone call, and was aware, and had pushed this indirectly or directly.

MS. MITCHELL: Well, don’t forget that in the case of True the Vote, there were the – Elijah Cummings who is the ranking Democrat on House Oversight Committee, who, a week ago, posted an entire transcript of an interview with one of the IRS employees, no doubt for the purpose of giving a roadmap to the White House and all the other potential witnesses from the IRS as to what they’re asking so they can all get their stories straight.

And Elijah Cummings and his chief staff person organized a letter signed by a whole group of Democrats in the House that went to the IRS requesting that True the Vote's tax status be denied. Now, that's a direct directive from Congress. They also – you know, there were a group of 17 Democratic senators who signed the same letter.

MR. FITTON: Didn't the Obama campaign complain about True the Vote?

MS. MITCHELL: Yes. In the month before the election, Bob Bauer, who was Obama's general – you know, the campaign general counsel then he went over to the White House and was White House counsel for a period of time, then he came back out of the White House and was again general counsel of the campaign, a month before the election or a week before the election did a memo about all the – how bad all the Republicans are on various things. And then did a whole section attacking True the Vote as being engaged in voter suppression because they – as I said, had the temerity to want to do poll watching and do election integrity, had pages and pages attacking True the Vote. So why are we surprised that the IRS was following suit?

MR. FITTON: So the president, in his personal capacity, his people, representing him personally in his campaign were, pressuring an organization that was subsequently – that was contemporaneously being audited by the IRS, and, as Cleta pointed out, audited by other government agencies. These ATF inquiries were audits, were audits. So maybe the IRS isn't the only agency that needs to be considered from the bottom up. Other questions or comments?

Q: Yes. This is Bob Magnuson. I'm retired. About the Supreme Court decision on marriage coming up, is there any hope? And what are the ramifications if it does pass?

MR. FITTON: I wanted to ask Bob that anyway. So a little bit change of pace. Go ahead.

MR. BROWN: Well, I have to say – I mean, do not buy the media spin of the inevitability of same-sex marriage. I mean, for example, two months ago, in Illinois, President Obama, Rahm Emanuel, everyone was pushing a super majority Democratic legislature to pass gay marriage. And the African-American ministers there were – and there was a broad coalition but I have to give them kudos. They were able to stop the bill by putting pressure and working together with African-American Democratic legislators.

So that same spin that this is inevitable, even though the overwhelming majority of states have voted to protect marriage as the union of a man and a woman, most recently in North Carolina, is also being spun at the Supreme Court.

Listen to what the lawyers are saying though for the folks who brought the suit against Prop Eight, Ted Olson and David Boies. A year ago, they were saying we're going to win this whole thing. We're going to win it. We're going to have to "Roe vs.

Wade” on marriage. There’s going to be gay marriage throughout the whole country. It doesn’t matter that people voted on this. We’re going to get the court to do it.

What are they saying now? They’re not saying that now. They’re not predicting victory. They’re trying to lower the bar. And that’s because I believe we’re going to – I’m cautiously optimistic. I think we’re going to win. I don’t think that Justice Kennedy and the rest of the court are going to want to launch another culture war with the court short-circuiting the democratic process, as it did in Roe.

Remember, in the Roe decision, a lot of people claimed once the Supreme Court stepped in, the debate would be over. How’s that worked out? It has not worked out. And the justices have talked about this. Again, it’s hard to read tea leaves, but if you look at some of the comments from Kennedy to even Kagan about the court injecting itself into the political process, I think they bode well for us.

So I think what we’re going to see is probably – it will be next week, I’m guessing the 27th we’ll get a decision. And I’m hopeful that we’ll win both the Proposition Eight case and the case on DOMA.

That won’t be the end of it, but it will allow us to fight another day. It will stop a “Roe vs. Wade” on marriage and we’ll be back in the states. They will almost immediately launch a further legal strategy, which will be to attack DOMA.

So this – the fight will not go away, but I will tell you this. If we win at the Supreme Court, it will be one of the biggest victories, and the media will try and downplay it. As I said, the other side is already trying to lower the bar. But this would be like the pro-life movement winning on Roe. It will be a massive setback for the other side regardless of how they try and spin it. So that’s what I think will happen.

MR. FITTON: All right, Brian. Thank you. Jenny Beth, can you – well, first of all, everyone here is available. I want to get the Internet sites out. So, Cleta, where can people find out about the lawsuits?

MS. MITCHELL: We have put – Act Right Legal Foundation has put together a page called theirslitigationfund.org. And that’s at the Act Right Legal Foundation – the ActRightLegalFoundation.org site has a page. And we’re actually redoing it even as we speak so that we can have constant updates on the – about the – on all the various lawsuits. And we’re trying to make some law so that groups like other groups can possibly come in and file suit too.

MR. FITTON: Good. Brian, where can folks reach you?

MR. BROWN: NationforMarriage.org. You can reach me – the website is NationforMarriage.org, but BBrown@NationforMarriage.org. We’ll say one thing. If you have any other examples of IRS abuse, I know there are a bunch of groups, you can go to – but send them to me too because the more information we have, the better we’re

going to be. And we need to – and I'll get them to the other folks working on this issue. It's amazing how many people are coming up and saying they've been through this. This is not isolated.

MR. FITTON: Jenny Beth.

MS. MARTIN: TeaPartyPatriots.org. And if anyone's watching online, exactly what he said. If you know of any other government abuse, let us know. There's a place from our website you can go to report IRS abuse or any other government agency abuse. If you work for the government and you're aware of waste, fraud, or abuse, we'd like to know that as well. We've had a few people anonymously send us information for areas we should be looking at and investigating that are related to the IRS and other matters.

If you own a gun store or are active in the Second Amendment, or if you are a pro-life organization and have counseling sessions that maybe the IRS was asking information about, we're looking for information about any of those as well because we think this runs far and we're trying to just figure out what's happened. And if it's not an issue we take up, we'll get it to the appropriate group that does it take it up.

But this is – it's bad. So let us know. And we'll do what we can to help. And if you're willing to go forward and you want to be able to get your story out, we do all that we can to help those people get their story out as well.

MR. FITTON: Well, you know, thank you. And, you know, Obama has set so many fires on the horizon, it's often difficult to figure out where to run to. And I'm sure now that he set this fire on the horizon, others will be set to help distract us.

But this is a real big one. And, Judicial Watch, we – our work is uncovering and prosecuting government corruption. And this is about as bad as it gets. This is probably one of the top five certainly of the 100 or so Obama scandals. But this is a top five in terms of the last century, as I point out, in terms of the history of the IRS. This is the worst the IRS has ever been abused by any administration, the worst, worse than Nixon.

So thank you very much for your time, and attention, and participation, and our panel today. And I want to comment to you to follow all the panelists here, including Jim Jordan who – I didn't mention this in the intro. Jim Jordan is one of these congressmen who isn't liked by other Republican establishment types because he shares our views on a lot of key issues. So he certainly is a brave heart as well.

But between Cleta, Jenny Beth and Brian, we're talking about folks who are on the front lines, doing work at great personal cost and expense, and often unheralded for the work that they do on behalf of our great nation.

So I want to thank them for educating us about this ongoing Obama IRS scandal. Thank you very much. (Applause.)

(END)