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ONE HUNDRED THIRTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074  
FACSIMILE (202) 225-3974  
MINORITY (202) 225-5051

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March 20, 2014

The Honorable Eric H. Holder, Jr.  
Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Mr. Attorney General:

The Committee on Oversight and Government Reform continues to conduct oversight of the Administration's investigation of the Internal Revenue Service's targeting of conservative tax-exempt applicants. For over eight months, the Committee has sought to carry out its oversight obligations in concert with the Department of Justice's law-enforcement duties. At every stage, the Department has outright refused to fully cooperate with the Committee. In light of recent reports that the Department interviewed former IRS official Lois Lerner,<sup>1</sup> we write to again request information about the Administration's investigation of the IRS targeting.

On May 14, 2013, you condemned the IRS targeting as "outrageous and unacceptable" and announced a Department investigation in coordination with the Federal Bureau of Investigation.<sup>2</sup> Subsequently, we learned that DOJ attorney Barbara Bosserman, a substantial donor to President Obama, is playing a leading role in the investigation.<sup>3</sup> Troubled by the manner in which the investigation appears to be conducted, we wrote to you on January 8, 2014, requesting information about the Administration's investigation.<sup>4</sup> Your Principal Deputy Assistant Attorney General for Legislative Affairs, Peter Kadzik, replied on your behalf, providing no useful information and instead equating our inquiry to the targeting of tax-exempt applicants.<sup>5</sup>

The *Wall Street Journal* recently reported that DOJ attorneys interviewed former IRS Exempt Organizations Director Lois Lerner about the IRS targeting "within the last six

<sup>1</sup> John D. McKinnon, *Former IRS official Lerner gave interview to DOJ*, WALL ST. J., Mar. 6, 2014.

<sup>2</sup> Rachael Weiner, *Holder has ordered IRS investigation*, WASH. POST, May 14, 2013.

<sup>3</sup> See Letter from Darrell Issa & Jim Jordan, H. Comm. on Oversight & Gov't Reform, to Eric H. Holder, Jr., U.S. Dep't of Justice (Jan. 8, 2014).

<sup>4</sup> *Id.*

<sup>5</sup> See Letter from Peter J. Kadzik, U.S. Dep't of Justice, to Darrell E. Issa & Jim Jordan, H. Comm. on Oversight & Gov't Reform (Jan. 24, 2014).

months.”<sup>6</sup> According to the article, Ms. Lerner gave a “lengthy interview” to unspecified DOJ lawyers without a grant of immunity from the Department.<sup>7</sup> Ms. Lerner spoke freely with DOJ investigators while refusing to provide public testimony to the Committee.

As a part of its Constitutional obligation to perform oversight of the Executive Branch, the Committee is entitled to all material relating to the Department’s interview of Lois Lerner. However, in light of the Department’s stated law-enforcement interests,<sup>8</sup> and in an effort to accommodate those interests, we request that you please produce the following limited material as soon as possible, but no later than noon on April 3, 2014:

1. All documents and communications referring or relating to the scope of the Department of Justice’s interview of Lois Lerner.
2. All documents and communications referring or relating to the timing of the Department of Justice’s interview of Lois Lerner.
3. All documents and communications referring or relating to the scheduling of the Department of Justice’s interview of Lois Lerner.
4. All documents and communication between or among the Department of Justice, other federal law enforcement agencies, and Lois Lerner or her counsel referring or relating to immunity for Lois Lerner.

Additionally, please provide answers to the following questions:

5. When did the Department’s interview of Lois Lerner occur?
6. Where did the Department’s interview of Lois Lerner occur?
7. Which Department of Justice personnel participated in the interview of Lois Lerner?
8. Which other federal agencies were present for the interview of Lois Lerner?
9. Did Lois Lerner invoke her Fifth Amendment right against self-incrimination at any time during her interview with Department attorneys?
10. Did Lois Lerner refuse to answer any questions during the interview?

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<sup>6</sup> McKinnon, *supra* note 1.

<sup>7</sup> *Id.*

<sup>8</sup> See Letter from Peter J. Kadzik, U.S. Dep’t of Justice, to Darrell E. Issa & Jim Jordan, H. Comm. on Oversight & Gov’t Reform (Jan. 24, 2014); Letter from James Cole, U.S. Dep’t of Justice, to Jim Jordan, H. Comm. on Oversight & Gov’t Reform (Jan. 30, 2014).


The Honorable Eric H. Holder, Jr.

March 20, 2014

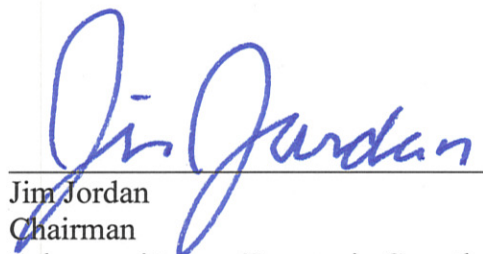
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The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X. Please contact David Brewer or Tyler Grimm with the Committee staff at 202-225-5074 if you have any questions. Thank you for your attention to this matter.

Sincerely,

A blue ink signature of Darrell Issa, written in a cursive style, positioned above a horizontal line.

Darrell Issa  
Chairman

A blue ink signature of Jim Jordan, written in a cursive style, positioned above a horizontal line.

Jim Jordan  
Chairman  
Subcommittee on Economic Growth,  
Job Creation and Regulatory Affairs

cc: The Honorable Elijah E. Cummings, Ranking Minority Member

The Honorable Matthew A. Cartwright, Ranking Minority Member  
Subcommittee on Economic Growth, Job Creation and Regulatory Affairs