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Congress of the United States

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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
<http://oversight.house.gov>

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April 4, 2014

The Honorable Elijah E. Cummings
Ranking Member
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Ranking Member Cummings:

Next week the Committee will meet to consider a resolution holding Lois G. Lerner in contempt of Congress for refusing to answer questions while under subpoena.

Based on our discussions several weeks ago, it is my understanding that you and your staff are communicating with William W. Taylor, III, Ms. Lerner's counsel. You told me that we should discuss the terms of an immunity agreement and proffer with Mr. Taylor.

Your insistence on the prospect of immunity is surprising. In discussions with my staff, Mr. Taylor stated that his client does not fear prosecution and would not make any incriminating statements if she testified, with or without immunity. Ms. Lerner does not require immunity to testify truthfully about facts that would not incriminate her. Furthermore, on March 3, 2014, shortly before Ms. Lerner's scheduled appearance on March 5th, my staff asked Mr. Taylor if he had any requests of the Committee, such as a one-week delay. He replied unambiguously, "I have no ask."¹

As you know, Mr. Taylor's position with regard to Ms. Lerner's willingness to cooperate with the Committee has changed several times. On February 26, 2014, he sent me a letter requesting immunity in exchange for Ms. Lerner's testimony.² The next day, he raised the possibility that Ms. Lerner would participate in a deposition on the condition that the Committee would never call her to testify at a public hearing. Then, on March 1, 2014, Mr. Taylor stated that Ms. Lerner was willing to testify at a public

¹ E-mail from William W. Taylor, III, Zuckerman Spaeder LLP, to Stephen Castor, General Counsel, H. Comm. on Oversight & Gov't Reform (Mar. 3, 2014).

² Letter from William W. Taylor, III, Zuckerman Spaeder LLP, to Hon. Darrell E. Issa, Chairman, H. Comm. on Oversight & Gov't Reform (Feb. 26, 2014).

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hearing. He confirmed that offer in an e-mail to my staff.³ Two days later, after hearing some of the evidence of the full extent of Ms. Lerner's involvement in the targeting program, he rescinded that offer.

So that all Members of the Committee can have a better understanding of Mr. Taylor's current position, please disclose any communications that you or your staff have had with Mr. Taylor. By identifying these communications, you will avoid concern that any last minute proposal is merely intended to delay and obstruct the ongoing investigation into IRS targeting. Thank you in advance for your cooperation in this important matter.

Sincerely,



Darrell Issa
Chairman

³ E-mail from William W. Taylor, III, Zuckerman Spaeder LLP, to Stephen Castor, General Counsel, H. Comm. on Oversight & Gov't Reform (Mar. 1, 2014).