



## Nothing to joke about in a partisan IRS

By: Gene Healy – May 14, 2013

---

President Obama has a sharp comedic delivery for a politician, but sometimes you wish he'd joke a little less about abuses of federal power.

He, er, slayed them in the aisles at the 2010 White House Correspondents' Dinner, warning the Jonas Brothers to steer clear of his daughters: "Two words for you: predator drones. You will never see it coming."

The year before, giving a commencement address at Arizona State University, Obama dryly noted that since ASU officials hadn't offered him an honorary degree, they'd "soon learn all about being audited by the IRS."

After the IRS scandal that broke last week, the president ought to stay away from that kind of material. Mindful of the impending release of a Treasury Department inspector general's report on improper targeting of Tea Party groups, the IRS offered a Friday news-dump "apology" for unlawful behavior that agency leadership has known about for at least two years.

A draft of the IG's report obtained by the Associated Press notes that in June 2011, senior IRS official Lois G. Lerner learned that agency employees had targeted applicants for 501(c)(4) tax-exempt status for having "Tea Party" or "Patriot" in their names -- demanding confidential donor lists, and the like.

Lerner objected, but the modified criteria adopted as a result, flagged suspect groups for, among other things, "Educating on the Constitution and Bill of Rights" -- hardly less troubling.

My colleague John Samples notes that "the long delays of approving tax status," which began in the run-up to the 2010 midterms, may have chilled political speech: "Do any sitting members owe their offices to the IRS?" he asks.

More than one commentator saw "shades of Richard Nixon" in the burgeoning scandal, recalling our 37th president's expletive-laden demands for IRS targeting of Democratic contributors.

White House Counsel John Dean employed slightly cleaner language in an infamous 1971 memo on "how we can use the available political machinery to screw our political enemies."

Past presidents have found the IRS an extremely useful piece of federal machinery for that purpose. A lot of what we know about that sordid history comes from the Senate

Select Committee on intelligence abuses, chaired by Sen. Frank Church, D-Idaho, in the mid-'70s.

As Chris Hayes wrote in the Nation in 2006, "Church and many Democrats had every reason to believe they would be chiefly unmasking the full depths of Nixon's perfidy," but soon found that presidents of both parties were culpable: "Secret documents obtained by the committee even revealed that the sainted FDR had ordered IRS audits of his political enemies."

In "The Lawless State," his account of the Church Committee revelations, Morton Halperin noted that "the first organized political 'strike force' was formed within the IRS in 1961, and was directed against right-wing political groups."

In this case, I doubt there was ever a JFK or Nixon-style direct command from on high to harass the Tea Party. It's more likely to be a case of "proactive" bureaucrats inspired by presidential railing against the Tea Party and Citizens United: "Will no one rid me of these meddlesome right-wing freaks?" We'll know more as congressional investigations unfold.

Meanwhile, Obama's recent commencement address at Ohio State University looks even more brazen. Recall that the president warned the graduates that their ability to think clearly had been undermined because "you've grown up hearing voices that incessantly warn of government as nothing more than some separate, sinister entity that's at the root of all our problems ... that tyranny is always lurking just around the corner. You should reject these voices."

Not so fast.