

Congress of the United States
Washington, DC 20515

February 5, 2014

The Honorable Eric Holder
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Holder:

We are writing you today to inquire about the President's recent comments regarding the criminal investigation into the Internal Revenue Service's (IRS's) treatment of taxpayers applying for nonprofit status for their organizations based on political persuasion.

In May of 2013, President Obama said he would not tolerate partisan targeting and vowed to "make sure that we find out exactly what happened" at the IRS.¹ Since this situation came to light, we have received very little information on the Department of Justice's criminal investigation. You testified before the Senate Judiciary Committee on January 29, 2014, that the investigation is open and still proceeding, and criminal charges are still possible, noting, "All the options are on the table, given the fact that there has not been a determination either to bring charges or to decline the case."²

Additionally, on January 30, Deputy Attorney General James Cole sent a letter to Representative Jim Jordan refusing to allow any Department employees to testify before Congress because of the on-going nature of the investigation, stating it is the commitment of the Department to avoid

"... any perception that our law enforcement efforts are subject to undue influence from elected officials. Our disclosure of non-public information about this pending investigation would be inconsistent with this long-standing policy and could undermine judicial confidence in the independence of the criminal justice process."

In contrast to these statements, on Sunday, February 2, the President stated there is "not a smidgen of corruption" at the IRS regarding this targeting, despite the fact the investigation, to the best of our knowledge and according to your recent testimony, is not complete. We hope you can restore our confidence that the investigation into the IRS will be thorough and not swayed by any political biases.

¹ Shear, Michael. "Obama Dismisses Benghazi Furor but Assails I.R.S." *The New York Times* 13 May 2013.

² Becker, Bernie. "Holder: No decision on charges in IRS case." *The Hill* 29 January 2014.

In that vein, we are hoping you can answer several questions:

- 1) If the IRS investigation is “ongoing,” and there has been no determination as to whether criminal charges will be brought, how does the President know there is no criminality?
- 2) Is the President being briefed on the investigation while it is ongoing?
- 3) Can Congress be briefed on the status of the investigation and preliminary findings through a bipartisan, bicameral briefing?

Thank you in advance for your prompt response.

Sincerely,



Trey Gowdy



Jim Jordan



Jason Chaffetz