

Judicial Watch Sues IRS Over Email Preservation

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(Washington, DC) — Judicial Watch today announced that it filed a Freedom of Information Act (FOIA) lawsuit against the Internal Revenue Service (IRS) to obtain records relating to the agency’s “preservation and/or retention” of the email records of officials who have left the agency since January 2010. ([*Judicial Watch v. Internal Revenue Service*](#) (No.1:17-cv-00596)). The suit was filed as part of Judicial Watch’s continuing efforts to gain information about the IRS’ targeting of conservative groups and citizens during the Obama administration.

Judicial Watch filed the complaint after the IRS failed to respond to a November 15, 2016, FOIA request seeking:

- All records concerning the preservation and/or retention of email records generated by IRS officials and employees upon their departure from the IRS; and
- All records related to any changes, updates, or modifications to IRS policies and procedures for the retention of email records generated by IRS officials and employees.

The timeframe for the request is for records from January 1, 2010, to the present.

“Judicial Watch doesn’t trust the IRS, especially given its dishonesty about Lois Lerner’s emails,” said Judicial Watch President Tom Fitton. “The IRS was used by Obama and his allies to suppress his political opposition in a way that helped guarantee his re-election. Now we need to make certain that the IRS is not continuing to try to cover its tracks by destroying records.”

Judicial Watch’s litigation forced the IRS first to say that emails belonging to Lois Lerner, former director of the Exempt Organizations Unit of the IRS, were supposedly missing and later declare to the court that the emails were on IRS back-

up systems. Lerner was one of the top officials responsible for the IRS' targeting of President Obama's political opponents. In [a case related](#) to the current complaint, Judicial Watch learned to question the IRS' record keeping:

- In [June 2014](#), the IRS claimed to have “[lost](#)” responsive emails belonging to Lerner and other IRS officials.
- In [July 2014](#) Judge Emmett Sullivan [ordered](#) the IRS to submit to the court a written declaration under oath about what happened to Lerner's “lost” emails. The [sworn declarations](#) proved to be less than forthcoming.
- In [August 2014](#), Department of Justice attorneys for the IRS finally admitted Judicial Watch that Lerner's emails, indeed all government computer records, are backed up by the federal government in case of a government-wide catastrophe. The IRS' attorneys also disclosed that Treasury Inspector General for Tax Administration (TIGTA) was looking at several of these backup tapes.
- In [November 2014](#), the IRS told the court it had failed to search any of the IRS standard computer systems for the “missing” emails of Lerner and other IRS officials.
- On February 26, 2015, [TIGTA](#) officials [testified](#) to the House Oversight and Government Reform Committee that it had received 744 backup tapes containing emails sent and received by Lerner. This testimony showed that the IRS had falsely represented to both Congress, Judge Sullivan, and Judicial Watch that Lerner's emails were irretrievably lost. The testimony also revealed that IRS officials responsible for responding to the document requests never asked for the backup tapes and that 424 backup tapes containing Lerner's emails had been destroyed during the pendency of Judicial Watch's lawsuit and Congressional investigations.
- In June 2015, Judicial Watch forced the IRS [to admit](#) in a court filing that it was in possession of 6,400 “newly discovered” Lerner emails. Judge Emmet Sullivan's [ordered](#) the IRS to provide answers on the status of the Lerner emails the IRS had previously declared lost. Judicial Watch raised questions about the IRS' handling of the missing emails issue in a court [filing](#), demanding answers about Lerner's emails that had been recovered from the backup tapes.
- In July 2015, U.S District Court Judge Emmet Sullivan threatened to hold John Koskinen, the commissioner of the Internal Revenue Service, and Justice Department attorneys [in contempt](#) of court after the IRS failed to produce status reports and recovered Lerner emails, as he had ordered on July 1,

2015.

Obama IRS Commissioner Koskinen was **nearly impeached** in **September 2016** for misleading Congress on Lerner's emails.

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