

JEFF FLAKE

ARIZONA

SR-B85 RUSSELL SENATE OFFICE BUILDING
(202) 224-4521

COMMITTEE ON FOREIGN RELATIONS

COMMITTEE ON
ENERGY AND NATURAL RESOURCES

COMMITTEE ON THE JUDICIARY

COMMITTEE ON AGING

United States Senate

WASHINGTON, DC 20510-0305

STATE OFFICES:

2200 EAST CAMELBACK ROAD
SUITE 120
PHOENIX, AZ 85016
(602) 840-1891

6840 NORTH ORACLE ROAD
SUITE 150
TUCSON, AZ 85704
(520) 575-8633

June 3, 2013

The Honorable Max Baucus
Chairman
Senate Committee on Finance
219 Dirksen Senate Office Building

The Honorable Orrin G. Hatch
Ranking Member
Senate Committee on Finance
219 Dirksen Senate Office Building

Dear Chairman Baucus and Ranking Member Hatch:

I applaud your efforts to bring to light the circumstances surrounding the political targeting of conservative organizations at the Internal Revenue Service (IRS) over more than 18 months between 2010 and 2012. The act of scrutinizing 501(c)(4) organizations with names including “Tea Party,” “Patriots” or “9/12 Project” lies in stark contrast to the agency’s mission to “enforce the law with integrity and fairness to all.”¹ It is imperative that we find out who is responsible for ordering and maintaining the politically-motivated targeting. Unfortunately, during the May 21, 2013 Committee on Finance hearing, Former IRS Commissioner Doug Shulman and then Acting Commissioner Stephen Miller were less than forthcoming about the individuals involved in the matter.

As you consider witnesses for a follow-up hearing, I encourage you to call upon Cindy M. Thomas, Manager of Exempt Organizations (EO) Determinations at the IRS, to testify under oath about her involvement in this matter. According to the IRS website, as the manager in charge of the IRS’s Exempt Organization Determinations unit, Ms. Thomas is responsible for managing disagreements between EO specialists and taxpayers concerning the proper procedure or standards to apply in determinations cases.² Given Ms. Thomas’s management of the EO Determinations unit for more than eight years and her expertise on applications for tax-exempt status, the Committee fully investigating her involvement in the political targeting of organizations under her review would appear useful.³

Specifically, her mention in recent news reports on the IRS scandal suggests that her testimony could be beneficial to the Committee as it unravels the web of fabrications, omissions, and misleading statements surrounding this apparent abuse of power. For example, on May 21,

¹ <http://www.irs.gov/uac/The-Agency,-its-Mission-and-Statutory-Authority>

² <http://www.irs.gov/Charities-&-Non-Profits/Elevating-Exempt-Organizations-Examinations-and-Determinations-Issues>

³ <http://www.cincybar.org/files/events/pdf/Non-profit13.pdf>

2013, Fox19 Cincinnati reported that at least four of the IRS employees who sent scrutinizing letters to conservative groups are under the purview of Ms. Thomas.⁴ In November 2012, ProPublica also reported that when the IRS responded to a request for the applications of 67 non-profits: “The Cincinnati office of the IRS sent ProPublica applications or documentation for 31 groups. Nine of those applications had not yet been approved – meaning they were not supposed to be made public.”⁵ ProPublica’s website features a November 28, 2012, letter signed by Ms. Thomas acknowledging the enclosure of the requested copies of applications.⁶

Your commitment to uncovering the details of the targeting of conservative organizations, holding those responsible accountable and restoring the faith of the taxpayer is greatly appreciated. As you evaluate witnesses for future hearings on this matter, I hope that you will consider the evidence suggesting Ms. Thomas’s involvement. The question of who gave the order to target organizations based on their political beliefs needs to be answered and must be followed by swift corrective actions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Flake", is written over the typed name.

JEFF FLAKE
United States Senator

⁴ <http://www.fox19.com/story/22380127/reality-check-exclusive-cincinnati-agent-giving-orders-in-irs-scandal>

⁵ <http://www.propublica.org/article/irs-office-that-targeted-tea-party-also-disclosed-confidential-docs>

⁶ <http://www.propublica.org/documents/item/700081-irs-letter>