

April 21, 2014

John Hinderaker of Power Line reproduced some of the IRS emails dredged up by FOIA requests by Judicial Watch. Here we find Lois Lerner suggesting "one IRS prosecution would make an impact" as she goaded DOJ and the FEC, pushing them towards criminal filings against Tea Party groups. This from the women who said all this came from "rogue agents" in Cincinnati. See for yourself the face of modern American tyranny. This woman is a liar who needs to see the inside of a cell.

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#### **More from US News & World Report.**

*The so-called "smoking gun" proving the Internal Revenue Service played politics with conservative groups seeking official non-profit, social welfare status over the last several years may finally have been found.*

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*Responding to a message "What can I say?" from Lerner, Fish responds, "Tell Ruth she needs to get on the stick and that the next election cycle is around the corner. This is obviously a wonderful idea (that's why we suggested it). I think you told Greg all you can tell him, unless you want to tell him that we're taking guidance plan suggestions."*

*The email is dated April 15, 2013 – well after initial allegations that the IRS had "slow-walked" the applications of conservative groups had been made and, by the agency, denied.*

*The "Ruth" mentioned in the message refers to Ruth Madrigal, an official at the U.S. Treasury Department. The "Greg" mentioned in Fish's message is apparently a San Francisco-based attorney named Gregory Colvin, who started this chain with an e-mail to Lerner and Madrigal letting them know he has just testified before the Senate Judiciary Subcommittee on Crime and Terrorism on the issue of whether officers of (c)(4) organizations who made false statements under penalty of perjury on tax returns "could be criminally prosecuted."*

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*The particular mention by Fish of the idea that “the next election cycle is around the corner” seems to any reasonable person to confirm or at least suggest higher-ups at the IRS including Lerner knew exactly what they were doing, had used their positions for partisan political purposes, and were continuing to do so even though the word about what they were doing had leaked out. ...*

**Bryan Preston** of PJ Media posts on the terrifying implications of all this.

*Thank God for Treasury Inspector General for Tax Administration J. Russell George. His investigation of what turned out to be the IRS abuse scandal may well have saved the Constitution and the nation.*

*For his fair and impartial investigation into the Internal Revenue Service’s abuse of Americans who dissent from President Obama’s agenda, Democrats have called for an investigation of him. George should not be investigated, but perhaps the Democrats who want him investigated — Reps. Gerry Connolly (D-VA) and Matt Cartwright (D-PA) — should be. Their call for an investigation of the investigator might constitute interference with the ongoing investigation of the IRS abuse scandal. That would be obstruction of justice, in what may turn out to be the most widespread and damaging scandal in American history.*

*The implications of today’s email disclosure are stunning and terrifying.*

*Lois Lerner intended to use her position atop the IRS’ tax exempt approval office to coordinate the prosecution of political speech. The Department of Justice under Attorney General Eric Holder had at least tentatively bought into that. The Federal Elections Commission was being roped in as well. Lerner’s emails prove that beyond doubt.*

*Democrats in Congress were involved. Rep. Elijah Cummings (D-MD) appears to have led the anti-constitutional attack on free speech in the House. Sen. Sheldon Whitehouse (D-RI) led it from the Senate.*

*Two days before Lerner was forced to publicly disclose the scandal, she was moving forward with an insidious plan to stamp out conservatives and Tea Party activists’ ability to organize and raise money, by working with the IRS commissioner’s office and the Department of Justice. At the same time, there was no plan for any government crackdown on groups who agreed with President Obama. The traffic was entirely one-way. It was nakedly political, and everyone involved knew it. They also had reason to believe that they would succeed, or they would not have engaged in it. DOJ would serve two roles: Prosecute conservatives, and protect the bureaucrats who were pushing those prosecutions.*

*Was there a full-fledged plan to use the full power of the federal government to take the abuse, delay and invasive questioning of conservatives to a new level after President Obama’s re-election? Was there a plan to criminalize the mere act of being a conservative activist? Was there a plan to drum up false charges of “lying” on applications in order to put conservatives in jail?*

*Lois Lerner's communications with the Justice Department strongly suggest that there was. ...*

Jonathan Tobin posts on yet another spineless obama move on the Keystone Pipeline. *After a lengthy study of the plans for the construction of the Keystone XL pipeline, the U.S. State Department issued an 11-volume report back in January confirming what most experts had already concluded long before then: the vital project would not damage the environment or increase the rate of carbon pollution. But liberal activists weren't happy and have used the 90-day automatic review process that followed that report to furiously lobby the administration to stop the construction of the 1,700-mile pipeline from Alberta to the Gulf Coast refineries. The key player in that effort was Tom Steyer, the billionaire environmental extremist who has pledged to give \$100 million to Democratic candidates who do his bidding. Though President Obama has flirted at times with doing the right thing and letting the project proceed, the result of the push from Steyer and the rest of the global warming alarmist crowd was as predictable as it was politically motivated. In a Friday afternoon news dump to guarantee minimal news coverage, the State Department announced that it would indefinitely postpone the decision on approval of Keystone. ...*

*... The Keystone delay is also symbolic of the way Obama's indifference to energy independence has hindered U.S. foreign policy. At a time when European dependence on Russia as well as the Middle East has hampered efforts to defend Ukraine's independence or to rally the world behind the cause of stopping Iran's nuclear quest, the administration's politically-motivated foot-dragging on Keystone is more evidence of how an unwillingness to lead by example has hamstrung Obama.*

*But the bottom line of the Keystone delay is that for all their talk about the Kochs and the supposedly malevolent forces financing the right, there is no longer any doubt that this administration is far more dependent as well as more in the pocket of men like Steyer than the Republicans are on any single contributor or group. When faced with a choice between Steyer's \$100 million and doing the right thing for both the economy and energy independence, Obama's decision was never really in doubt. Democrats who think voters are too stupid to make this connection may rue this corrupt and foolish move in November.*

For some reason, author William Cohan decided to write a revisionist rehash of the Duke Lacrosse scandal of a few years back. He shouldn't have wasted his time. Anybody who wants to issue counter-factual speculations about the case better wait until Stuart Taylor has passed, because as long as he draws breath nobody can hide from the facts. Taylor wrote his debunking piece for The New Republic. Another good essay was written by Peter Berkowitz of the Hoover Institution. Follow the link if you want, but it is long and we don't have enough space. *The most striking thing about William D. Cohan's revisionist, guilt-implying new book on the Duke lacrosse rape fraud is what's not in it.*

*The best-selling, highly successful author's 621-page The Price of Silence: The Duke Lacrosse Scandal, the Power of the Elite, and the Corruption of Our Great Universities adds not a single piece of significant new evidence to that which convinced then-North Carolina attorney general Roy Cooper and virtually all other serious analysts by mid-2007 that the lacrosse players were innocent of any sexual assault on anyone.*

*Unless, that is, one sees as new evidence Cohan's own stunningly credulous interviews with three far-from-credible participants in the drama who themselves add no significant new evidence beyond their counterfactual personal opinions.*

*They are Mike Nifong, the disbarred prosecutor and convicted liar; Crystal Mangum, the mentally unbalanced rape complainant and (now) convicted murderer, who has dramatically changed her story more than a dozen times; and Robert Steel, the former Duke chairman and Goldman Sachs vice chairman, who helped lead the university's notorious rush to judgment against its own lacrosse players.*

*Cohan is not deterred by the fact that Nifong admitted and Steel said, quite unequivocally, both in April 2007, that the lacrosse players were innocent of committing any crimes during the March 13–14, 2006 spring break party at their captains' house, where Mangum and Kim Roberts were hired to strip. Nifong said on July 26, 2007 that "there is no credible evidence" that any of the three indicted lacrosse players committed any crime involving Mangum. Steel said on April 11, 2007 that Cooper's exoneration of them that day "explicitly and unequivocally establishes [their] innocence." Nifong has since all but retracted his admission and Steel has waffled on his.*

*Cohan duly but inconspicuously includes these statements in his semi-free-association narrative. At the same time, he implies dozens of times that one or more players sexually assaulted Mangum in a bathroom during the party. In recent interviews, Cohan has made his thesis more explicit: "I am convinced, frankly, that this woman suffered a trauma that night" and that "something did happen in that bathroom," Cohan told Joe Neff of the Raleigh News & Observer. In an April 8 Bloomberg TV interview, he ascribed the same view to his three main sources: "Between Nifong, Crystal, and Bob Steel, the consensus seems to be something happened in that bathroom that no one would be proud of." He said much the same on MSNBC's fawning "Morning Joe" the next day.*

*Cohan also asserted in a Cosmopolitan interview that Mangum now "describes it as somebody shoving a broomstick up her. All I know is that the police believed her, district attorney Mike Nifong believed her, and the rape nurse Tara Levicy believed her." This seems doubtful, since none of Mangum's many stories in March 2006 and for years thereafter mentioned anything about a broomstick being used to assault her, a scenario also ruled out by the physical evidence.*

*(Disclosure: I coauthored, with KC Johnson, a 2007 book concluding that all credible evidence points to the conclusion that no Duke lacrosse player ever assaulted or sexually abused Crystal Mangum in any way. I have also become friendly with some of their parents and lawyers. I thus have both a lot of relevant information and an obvious interest in discrediting Cohan's book. I have no complaint about its references to me.)*

*The rape-by-broomstick and other Cohan innuendos and assertions are not supported—indeed, they are powerfully refuted—by the long-established facts that his own book repeats, not to mention some facts that he studiously leaves out.*

*This has not prevented an amazing succession of puff-piece reviews in The Wall Street Journal, FT Magazine, the Daily News, Salon, the Economist, the Daily Beast, and The New York Times, whose reviewer (unlike the others cited above) at least knew enough to write that "Cohan hasn't unearthed new evidence" and that "[t]here is still nothing credible to back up the account of an unreliable witness.*

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## Power Line

### Today's IRS Documents: What Do They Show?

by John Hinderaker

Earlier today, [Judicial Watch](#) made public a batch of documents that it received from the IRS in response to a Freedom of Information Act request. The documents consists of a series of emails relating to the IRS's treatment of applications for 501(c)(4) status from "Tea Party" or otherwise conservative organizations.

I am still working my way through the emails, but have a few preliminary observations. First, the most significant ones I have seen so far have already been widely discussed. The email below documents a call from the Department of Justice about whether non-profits that "lied" about doing political activity can be criminally prosecuted. This was an idea that Senator Sheldon Whitehouse raised at a committee hearing. It was picked up on by DOJ, and there was some coordination among DOJ, the IRS and the FEC.

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**From:** Flax Nikole C  
**Sent:** Thursday, May 09, 2013 8:04 AM  
**To:** Lerner Lois G  
**Cc:** Grant Joseph H; Marks Nancy J; Vozne Jennifer L  
**Subject:** RE: DOJ Call

I think we should do it – also need to include CI, which we can help coordinate. Also, we need to reach out to FEC. Does it make sense to consider including them in this or keep it separate?

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**From:** Lerner Lois G  
**Sent:** Wednesday, May 08, 2013 5:30 PM  
**To:** Flax Nikole C  
**Cc:** Grant Joseph H; Marks Nancy J  
**Subject:** DOJ Call  
**Importance:** High

I got a call today from Richard Pilger Director Elections Crimes Branch at DOJ. I know him from contacts from my days there. He wanted to know who at IRS the DOJ folks could talk to about Sen. Whitehouse idea at the hearing that DOJ could piece together false statement cases about applicants who "lied" on their 1024s --saying they weren't planning on doing political activity, and then turning around and making large visible political expenditures. DOJ is feeling like it needs to respond, but want to talk to the right folks at IRS to see whether there are impediments from our side and what, if any damage this might do to IRS programs.

I told him that sounded like we might need several folks from IRS. I am out of town all next week, so wanted to reach out and see who you think would be right for such a meeting and also hand this off to Nan as contact person if things need to happen while I am gone --

Thanks

*Lois G. Lerner*  
Director of Exempt Organizations



This one is obviously significant. Lois Lerner says, in effect, to disregard administration spin: the effort is “ALL about 501(c)(4) orgs and political activity.”

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**From:** Lerner Lois G  
**Sent:** Wednesday, March 27, 2013 12:39 PM  
**To:** Flax Nikole C; Sinno Suzanne; Barre Catherine M; Landes Scott S; Amato Amy; Vozne Jennifer L  
**Subject:** RE: UPDATE - FW: Hearing

**As I mentioned yesterday--there are several groups of folks from the FEC world that are pushing tax fraud prosecution for c4s who report they are not conducting political activity when they are(or these folks think they are). One is my ex-boss Larry Noble(former General Counsel at the FEC), who is now president of Americans for Campaign Reform. This is their latest push to shut these down. One IRS prosecution would make an impact and they wouldn't feel so comfortable doing the stuff.**

**So, don't be fooled about how this is being articulated --it is ALL about 501(c)(4) orgs and political activity**

*Lois G. Lerner*

Director of Exempt Organizations

This one is my favorite. It was sent by Cindy Thomas to Lerner just after Lerner disclosed the targeting of conservative groups at an American Bar Association conference, and blamed it on “low level workers” in the IRS’s Cincinnati office. That was obviously a total lie, and Ms. Thomas, who was in charge of exempt organizations at the Cincinnati branch at the time, rubs it in. This email was actually made public last November, but if you haven’t yet seen it (I hadn’t), you should.

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**From:** Thomas Cindy M  
**Sent:** Friday, May 10, 2013 01:58 PM Eastern Standard Time  
**To:** Lerner Lois G  
**Cc:** Paz Holly O  
**Subject:** Low-Level Workers thrown under the Bus

As you can imagine, employees and managers in EO Determinations are furious. I've been receiving comments about the use of your words from all parts of TEGE and from IRS employees outside of TEGE (as far away as Seattle, WA).

I wasn't at the conference and obviously don't know what was stated and what wasn't. I realize that sometimes words are taken out of context. However, based on what is in print in the articles, it appears as though all the blame is being placed on Cincinnati. Joseph Grant and others who came to Cincinnati last year specially told the low-level workers in Cincinnati that no one would be "thrown under the bus." Based on the articles, Cincinnati wasn't publicly "thrown under the bus" instead was hit by a convoy of mack trucks.

Was it also communicated at that conference in Washington that the low-level workers in Cincinnati asked the Washington Office for assistance and the Washington Office took no action to provide guidance to the low-level workers?

One of the low-level workers in Cincinnati received a voice mail message this morning from the POA for one of his advocacy cases asking if the status would be changing per "Lois Lerner's comments." What would you like for us to tell the POA?

How am I supposed to keep the low-level workers motivated when the public believes they are nothing more than **low-level** and now will have no respect for how they are working cases? The attitude/morale of employees is the lowest it has ever been. We have employees leaving for the day and making comments to managers that "this low-level worker is leaving for the day." Other employees are making sarcastic comments about not being thrown under the bus. And still other employees are upset about how their family and friends are going to react to these comments and how it portrays the quality of their work.

The past year and a half has been miserable enough because of all of the auto revocation issues and the lack of insight from Executives to see a need for strategic planning that included having anyone from EO Determinations involved in the upfront planning of this work. Now, our leader is publicly referring to employees who are the ones producing all of this work with fewer resources than ever as low-level workers!

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If reference to low-level workers wasn't made and/or blame wasn't placed on Cincinnati, please let me know ASAP and indicate what exactly was stated so that I can communicate that message to employees.

[http://www.washingtonpost.com/business/irs-apologizes-for-inappropriately-targeting-conservative-political-groups-in-2012-election/2013/05/10/5afef7b8-b980-11e2-b568-6917f6ac6d9d\\_story.html?wpisrc=al\\_comboPNE\\_p](http://www.washingtonpost.com/business/irs-apologizes-for-inappropriately-targeting-conservative-political-groups-in-2012-election/2013/05/10/5afef7b8-b980-11e2-b568-6917f6ac6d9d_story.html?wpisrc=al_comboPNE_p)

<http://www.usatoday.com/story/news/politics/2013/05/10/irs-apology-conservative-groups-2012-election/2149939/>

<http://www.wlwt.com/news/local-news/cincinnati/irs-cincinnati-workers-singled-out-conservative-groups-for-review-/13549970/20096270/-/xcujae/-/index.html>

My only other comment is that the emails are heavily redacted. Almost all of the redactions cite exemption b5, which is very general; it covers any document or portion of a document that would not have to be produced in a civil action. Actually, if documents fall within the scope of a Rule 34 request, the circumstances under which they do not need to be produced are quite narrow. While it

is impossible to judge the appropriateness of a redaction without knowing what has been blacked out, there are a number of instances where it is hard to believe that any normally recognized privilege would apply.

## US News & World Report

### The IRS Scandal's Smoking Gun?

***A suspicious email could confirm Lois Lerner's culpability in recent IRS abuses.***

by Peter Roff

The so-called “smoking gun” proving the Internal Revenue Service played politics with conservative groups seeking official non-profit, social welfare status over the last several years may finally have been found.

In a rash of documents provided under the Freedom of Information Act to Judicial Watch, a non-partisan public interest law group, is an April 2013 email written by David Fish, acting manager of IRS Exempt Organizations Technical Guidance and Quality Assurance and sent to, among others, former IRS Director of Exempt Organizations Lois Lerner. It was part of a thread discussing a recent U.S. Senate hearing on the potential for the abuse of the 501(c)(4) tax status by organizations intervening inappropriately or improperly in candidate elections.

Responding to a message “What can I say?” from Lerner, Fish responds, “Tell Ruth she needs to get on the stick and that the next election cycle is around the corner. This is obviously a wonderful idea (that’s why we suggested it). I think you told Greg all you can tell him, unless you want to tell him that we’re taking guidance plan suggestions.”

The email is dated April 15, 2013 – well after initial allegations that the IRS had “slow-walked” the applications of conservative groups had been made and, by the agency, denied.

The “Ruth” mentioned in the message refers to Ruth Madrigal, an official at the U.S. Treasury Department. The “Greg” mentioned in Fish’s message is apparently a San Francisco-based attorney named Gregory Colvin, who started this chain with an e-mail to Lerner and Madrigal letting them know he has just testified before the Senate Judiciary Subcommittee on Crime and Terrorism on the issue of whether officers of (c)(4) organizations who made false statements under penalty of perjury on tax returns “could be criminally prosecuted.”

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The particular mention by Fish of the idea that “the next election cycle is around the corner” seems to any reasonable person to confirm or at least suggest higher-ups at the IRS including Lerner knew exactly what they were doing, had used their positions for partisan political purposes, and were continuing to do so even though the word about what they were doing had leaked out.

“The David Fish email proves the IRS originated and fed to Senate Democrats the idea of threatening conservatives with criminal prosecution for engaging in political speech – specifically with an eye towards the 2014 cycle. It’s the strongest proof yet that there should indeed be criminal



prosecutions, not of conservatives but of the IRS bureaucrats who conspired to suppress them," said Phil Kerpen, the president of American Commitment and one who has followed this issue closely since it first become public knowledge.

Interestingly, sources close to the House Committee on Ways and Means, one of the congressional panels looking into the issue, is not at all certain the document containing the Fish email was given to the panel subsequent to a rather broad, comprehensive subpoena of the IRS.

There is also this message from Lerner, also made public as a result of the Judicial Watch FOIA. In it she writes, "As I mentioned yesterday – there are several groups of folks from the FEC world that are pushing tax fraud prosecution for c4s who report that are not conducting political activity when they are (or these folks think they are). One is my ex-boss Larry Noble (former General Counsel at the FEC), who is now president of Americans for Campaign Reform. This is their latest push to shut these down. One IRS prosecution would make an impact and they wouldn't feel so comfortable doing the stuff. ... So don't be fooled about how this is being articulated – it is ALL about 501(c)(4) orgs and political activity."

It seems the agency, which seemed to be moving past the scandal under its new leadership, is now right back in the thick of things as a result of these two emails. Lerner's not talking – and faces a congressional contempt citation and possible prosecution for failing to do so. She should come clean immediately; the American people have the right to know what went on.

It also appears congressional investigators need to refocus, to cast a wider net and make sure all the documents they asked for were actually turned over. If they weren't, then it would seem reasonable to conclude a cover-up had in fact occurred and may be a bigger thing than the underlying crime.

Rather than slow down its efforts and wind them up, congressional committees investigating what the IRS actually did and finding what other federal agencies – if any – it worked with to subvert the constitutionally protected rights to freedom of speech and association need to go into high gear. The upcoming summer recess would be the perfect time to focus on it since there will be nothing else going on in town.

## **PJ Media**

### **[The Terrifying Implications of the IRS Abuse-DOJ Connection](#)**

by Bryan Preston

Thank God for Treasury Inspector General for Tax Administration J. Russell George. His investigation of what turned out to be the IRS abuse scandal may well have saved the Constitution and the nation.

For his fair and impartial investigation into the Internal Revenue Service's abuse of Americans who dissent from President Obama's agenda, [Democrats have called for an investigation of him](#). George should not be investigated, but perhaps the Democrats who want him investigated — Reps. Gerry Connolly (D-VA) and Matt Cartwright (D-PA) — should be. Their call for an investigation of the investigator might constitute interference with the ongoing investigation of the IRS abuse scandal. That would be obstruction of justice, in what may turn out to be the most widespread and damaging scandal in American history.

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Democrats in Congress were involved. Rep. Elijah Cummings (D-MD) appears to have led the anti-constitutional attack on free speech in the House. Sen. Sheldon Whitehouse (D-RI) led it from the Senate.

Two days before Lerner was forced to publicly disclose the scandal, she was moving forward with an insidious plan to stamp out conservatives and Tea Party activists' ability to organize and raise money, by working with the IRS commissioner's office and the Department of Justice. At the same time, there was no plan for any government crackdown on groups who agreed with President Obama. The traffic was entirely one-way. It was nakedly political, and everyone involved knew it. They also had reason to believe that they would succeed, or they would not have engaged in it. DOJ would serve two roles: Prosecute conservatives, and protect the bureaucrats who were pushing those prosecutions.

Was there a full-fledged plan to use the full power of the federal government to take the abuse, delay and invasive questioning of conservatives to a new level after President Obama's re-election? Was there a plan to criminalize the mere act of being a conservative activist? Was there a plan to drum up false charges of "lying" on applications in order to put conservatives in jail?

Lois Lerner's communications with the Justice Department strongly suggest that there was. The disclosure provides strong, compelling evidence that Obama's re-election had emboldened many, including government bureaucrats like Lois Lerner, to believe that they could move forward unchallenged to criminalize Americans for exercising their constitutional rights.

I also believe that the players in this scam had identified a target to single out, harass, investigate, silence, destroy, and send to prison. Her name is Catherine Engelbrecht.

Lerner's email on March 27, 2013, suggests that there was an idea moving within the bureaucracy to hit one or just a few Americans, and prosecute and imprison them, to scare others out of political engagement.

"One IRS prosecution would make an impact and they wouldn't feel so comfortable doing the stuff," Lerner wrote to IRS staff. "So, don't be fooled about how this is being articulated – it is ALL about 501(c)(4) orgs and political activity."

It was all about conservative 501(c)(4) orgs. Liberal groups were left entirely alone. This was to be a leftwing reign of prosecutorial terror.

Engelbrecht founded True the Vote in 2010 and filed for tax exempt status with the IRS that year. She was subjected to invasive questioning while Lerner's IRS group held up her investigation. Soon thereafter, several executive branch agencies descended on her, her family and her business. The ATF, OSHA, the FBI all harassed her. OSHA fined her \$25,000 for minor violations.

Fast forward to 2012. True the Vote is going strong, despite the IRS holding up its tax exempt application. It is making a difference. States are adopting voter ID and other election integrity improvements. Local groups are organizing to receive True the Vote's poll training. Rep. Elijah Cummings (D-MD) and his staff communicate with Lerner at the IRS, in what now appears to be a fishing expedition to find something — anything — to use against Engelbrecht.

Why Engelbrecht? True the Vote is not the largest activist group out there, and it is not partisan. It advocates election integrity legislation and it trains people to help ensure that our elections are fair and free from corruption. As such, it backs measures like voter photo ID. Voter ID is supported by about 70% of the American people. It's not controversial, despite the left's efforts to make it so.

Many Democrats including President Obama oppose such measures. Holder's DOJ has even sued Texas to stop its voter ID law.

Rep. Cummings sought dirt on Engelbrecht and True the Vote not just to discredit it, and thereby halt election integrity legislation. It's now clear that the next step, after re-election, was to turn activism for election integrity itself into a criminal offense. Not directly, of course. Congress would pass no law banning anyone from advocating for election integrity or voter ID or anything. But destroying Engelbrecht would serve the same end. No one would dare stand up for her if she faced prison. No one would dare step up and organize the next True the Vote election integrity group on the national level.

So let's look at True the Vote's "crime," and how the Democrats intended to punish Engelbrecht and what it all means.

There was a plan by Democrats, in Congress and infested in the government bureaucracy, to use Barack Obama's second term to destroy freedom of speech and the right to dissent, through prosecution and the fear of prosecution. Lerner's emails disclosed today prove that. Only Russell George's unstoppable disclosure forced her to shut it down and issue a modified, limited hangout to control the damage that was about to be done to her, the IRS and possibly the entire Democratic Party and the Obama White House. Lerner pleaded the Fifth Amendment to protect herself, and many others.

The purpose of the plan that Lerner was moving on was to stifle dissent and give Democrats total control of Congress in 2014, giving President Obama full control of all of government for his last two years in office.

Alongside that plan, was a plan to destroy anyone who advocated for election integrity legislation, legislation which gained steam and widespread passage at the state level after the 2010 mid-term elections. What this tells us is that the Democrats, at least some Democrats, fully intended to weaponize government against dissent while it watered down election law and used lawfare via the Justice Department to damage and even remove state-level election law improvements.

Criminalizing conservative activism was about consolidating the Democrats' 2012 gains and winning back the House in 2014. Destroying voter ID by whatever means Democrats deemed necessary was about 2016. There's only one reason to make it easier to commit election fraud. You only do that if you intend to commit election fraud.

And after that? Well, Sen. Chuck Schumer (D-NY) [wants a law abridging the freedom of the press](#). And there's always another tragedy to exploit to attack the Second Amendment.

## Contentions

### [Dems May Regret Steyer's Keystone Payoff](#)

by Jonathan S. Tobin

After a lengthy study of the plans for the construction of the Keystone XL pipeline, the U.S. State Department [issued an 11-volume report](#) back in January confirming what most experts had already concluded long before then: the vital project would not damage the environment or increase the rate of carbon pollution. But liberal activists weren't happy and have used the 90-day automatic review process that followed that report to furiously lobby the administration to stop the construction of the 1,700-mile pipeline from Alberta to the Gulf Coast refineries. The key player in that effort was Tom Steyer, the billionaire environmental extremist who has pledged to give \$100 million to Democratic candidates who do his bidding. Though President Obama has flirted at times with doing the right thing and letting the project proceed, the result of the push from Steyer and the rest of the global warming alarmist crowd was as predictable as it was politically motivated. In a Friday afternoon news dump to guarantee minimal news coverage, [the State Department announced](#) that it would indefinitely postpone the decision on approval of Keystone.

Like the numerous delays of implementation of many of the provisions of ObamaCare, the delay in the final decision on Keystone is blatantly political. By putting it off until after this year's midterm elections, the president is hoping to both assuage left-wing donors who are essential to his party's waning hopes of holding on to the Senate and to allow vulnerable red-state Democrats to avoid blame for a decision that would hurt the economy and the cause of energy independence. But though this seems like an astute compromise that will allow the president to play both ends against the middle, it is a case of the administration being too clever by half. Far from helping the cause of Democrats like Alaska's Mark Begich, Colorado's Mark Udall, and Louisiana's Mary Landrieu, the Keystone delay has handed Republicans an issue with which they can batter these incumbents. Though liberals like Obama have sought to demonize GOP donors like the Koch brothers for trying to buy votes to advance their libertarian agenda, the Keystone decision is nothing less than a \$100 million payoff to Steyer.

In her usual role as administration apologist, Democratic National Committee Chair Debbie Wasserman Schultz [was trotted out today](#) on NBC's *Meet the Press* to deny that the decision was politically motivated. But like so much of what comes out of Wasserman Schultz's mouth, that assurance has zero credibility. The bottom line here is that a shovel-ready jobs project that will be good for the American economy and energy independence has been shelved, perhaps forever, because of the Democratic party's dependence on a small group of environmental extremists with disproportionate financial and political clout.

Keystone critics howl about what they claim will be the negative impact on the environment from Canada's recovery of oil from the sands of Alberta. But their claims are largely unproved. And, as far as the U.S. is concerned, spiking the pipeline won't stop Canada from getting the oil out of the ground and shipping it somewhere. The only question is whether the resources will be kept in North America or sent to China or some other place.



Obama's delays of Keystone are a symptom of an administration that talks about wanting to promote jobs but is far more interested in sweetheart deals like the Solyndra boondoggle than in getting the government out of the way of the private sector on projects that could actually put a lot of people to work. While their focus on alternatives to fossil fuels seems admirable, it actually betrays hostility to economic development and industries like oil refinement and coal that remain essential to the country's future.

The Keystone delay is also symbolic of the way Obama's indifference to energy independence has hindered U.S. foreign policy. At a time when European dependence on Russia as well as the Middle East has hampered efforts to defend Ukraine's independence or to rally the world behind the cause of stopping Iran's nuclear quest, the administration's politically-motivated foot-dragging on Keystone is more evidence of how an unwillingness to lead by example has hamstrung Obama.

But the bottom line of the Keystone delay is that for all their talk about the Kochs and the supposedly malevolent forces financing the right, there is no longer any doubt that this administration is far more dependent as well as more in the pocket of men like Steyer than the Republicans are on any single contributor or group. When faced with a choice between Steyer's \$100 million and doing the right thing for both the economy and energy independence, Obama's decision was never really in doubt. Democrats who think voters are too stupid to make this connection may rue this corrupt and foolish move in November.

## **The New Republic**

### **[The Many Ways in Which The New Book About the Duke Lacrosse Case is Wrong](#)**

by Stuart Taylor

The most striking thing about William D. Cohan's revisionist, guilt-implying new book on the Duke lacrosse rape fraud is what's not in it.

The best-selling, highly successful author's 621-page [\*The Price of Silence: The Duke Lacrosse Scandal, the Power of the Elite, and the Corruption of Our Great Universities\*](#) adds not a single piece of significant new evidence to that which convinced then-North Carolina attorney general Roy Cooper and virtually all other serious analysts by mid-2007 that the lacrosse players were innocent of any sexual assault on anyone.

Unless, that is, one sees as new evidence Cohan's own stunningly credulous interviews with three far-from-credible participants in the drama who themselves add no significant new evidence beyond their counterfactual personal opinions.

They are Mike Nifong, the disbarred prosecutor and convicted liar; Crystal Mangum, the mentally unbalanced rape complainant and (now) convicted murderer, who has dramatically changed her story more than a dozen times; and Robert Steel, the former Duke chairman and Goldman Sachs vice chairman, who helped lead the university's notorious rush to judgment against its own lacrosse players.

Cohan is not deterred by the fact that Nifong admitted and Steel said, quite unequivocally, both in April 2007, that the lacrosse players were innocent of committing any crimes during the March 13–

14, 2006 spring break party at their captains' house, where Mangum and Kim Roberts were hired to strip. Nifong said on July 26, 2007 that "there is no credible evidence" that any of the three indicted lacrosse players committed any crime involving Mangum. Steel said on April 11, 2007 that Cooper's exoneration of them that day "explicitly and unequivocally establishes [their] innocence." Nifong has since all but retracted his admission and Steel has waffled on his.

Cohan duly but inconspicuously includes these statements in his semi-free-association narrative. At the same time, he implies dozens of times that one or more players sexually assaulted Mangum in a bathroom during the party. In recent interviews, Cohan has made his thesis more explicit: "I am convinced, frankly, that this woman suffered a trauma that night" and that "something did happen in that bathroom," [Cohan told Joe Neff](#) of the *Raleigh News & Observer*. In an April 8 *Bloomberg TV* interview, he ascribed the same view to his three main sources: "Between Nifong, Crystal, and Bob Steel, the consensus seems to be something happened in that bathroom that no one would be proud of." He said much the same on MSNBC's fawning "Morning Joe" the next day.

Cohan also asserted in a [Cosmopolitan interview](#) that Mangum now "describes it as somebody shoving a broomstick up her. All I know is that the police believed her, district attorney Mike Nifong believed her, and the rape nurse Tara Levicy believed her." This seems doubtful, since none of Mangum's many stories in March 2006 and for years thereafter mentioned anything about a broomstick being used to assault her, a scenario also ruled out by the physical evidence.

(Disclosure: I coauthored, with KC Johnson, a 2007 [book](#) concluding that all credible evidence points to the conclusion that no Duke lacrosse player ever assaulted or sexually abused Crystal Mangum in any way. I have also become friendly with some of their parents and lawyers. I thus have both a lot of relevant information and an obvious interest in discrediting Cohan's book. I have no complaint about its references to me.)

The rape-by-broomstick and other Cohan innuendos and assertions are not supported—indeed, they are powerfully refuted—by the long-established facts that his own book repeats, not to mention some facts that he studiously leaves out.

This has not prevented an amazing succession of puff-piece reviews in [The Wall Street Journal](#), [FT Magazine](#), the [Daily News](#), [Salon](#), the [Economist](#), the [Daily Beast](#), and [The New York Times](#), whose reviewer (unlike the others cited above) at least knew enough to write that "Cohan hasn't unearthed new evidence" and that "[t]here is still nothing credible to back up the account of an unreliable witness."

Some of the most sensational supposed revelations in Cohan's "definitive, magisterial account" (as touted in Scribner's press package) were proved false within two days of his April 8 publication date.

- In an April 9 email responding to an inquiry from me, Robert Steel contradicted Cohan's claim that Steel thinks "that something happened in that bathroom that no one would be proud of." Steel told me: "I have no view now, nor have ever had a view of what if anything happened in the bathroom. Period." He added that he had never used, or heard, the words used by Cohan.
- James Coman, the veteran prosecutor who led Attorney General Cooper's reinvestigation of the case, has denounced as "figments of [Nifong's] imagination" Nifong's assertion that Cooper had "sandbagged" Coman. To the contrary, [Coman told reporter Joe Neff](#) that, after

an in-depth reexamination of the evidence, he and his colleague Mary Winstead insisted that Cooper declare the players innocent, and Cooper agreed. Cohan appears never to have called Coman or Winstead to check the accuracy of Nifong's self-serving speculation.

- Phil Seligmann, father of wrongly indicted lacrosse player Reade Seligmann, denounced as "patently false" Cohan's claim that the Seligmanns had never paid Reade's first two lawyers, Buddy Conner and the late Kirk Osborn, for any of their work. "We made hundreds of thousands of dollars in legal payments to Kirk and Buddy," for all the work they did, Seligmann said. He added that Cohan had never contacted him or Reade to check his false report.
- Cohan's claim that Duke University paid \$60 million in 2007 to the three wrongly indicted lacrosse players to settle their threatened lawsuit against the university is flat-out false. The actual figure is widely known to have been one-third as much, as stated in [more reliable reports](#). These reports also give the lie to Cohan's wild, book-promoting claims that the lacrosse case has cost Duke "near \$100 million" in settlements and legal and PR fees.

Sensational smears based on false information aside, the absence of new evidence does not deter Cohan from seeking to spin his own tendentious characterizations of old evidence—often contradicted by other evidence elsewhere in the book—into dark Nifongesque innuendos of sexual assault, or "something."

Along the way, Cohan repeatedly smears the falsely accused "Duke lax bros," as he mockingly calls them on Twitter. Sometimes he disparages them in his own voice (as in, "the festering wound that was Duke lacrosse"). Sometimes he happily quotes Nifong, left-leaning professors (one of whom calls the players "arrogant, callous, dismissive"), and journalists. Cohan does not cite many specifics other than the lacrosse players' admittedly bad (but not very unusual) record of binge drinking and noisy parties at rented houses in a residential neighborhood near the campus. And sometimes, just for balance, he says nice things, especially about the only team member who gave him an interview.

He deprecates as "perfunctory" the conclusion of a committee chaired by liberal, black law professor James Coleman that the lacrosse players were generally polite, nondisruptive students who had "performed well academically," behaved in an "exemplary" fashion on trips, and been "respectful of people who serve the team," from bus drivers and airline personnel to the groundskeeper.

In a remarkably content-free exercise in character assassination by proxy, Cohan approvingly quotes Nifong's attacks on all of the former DA's major antagonists—without, it appears, seeking responses from any of them, excepting Roy Cooper, who refused to talk to Cohan. With seeming approval, Cohan quotes Nifong trashing Cooper for "selling [his] soul to the devil" by exonerating the lacrosse players. He quotes Nifong denouncing as "corrupt" Superior Court Judge Osmond Smith. (Smith had sentenced Nifong to a night in jail for lying to him in court.) Corrupt? Nifong explains that he was told by someone who was told by someone that someone else had "overheard" Judge Smith at a wedding saying something that seemed to prejudice the case.

Cohan also endorses Nifong's attack on the three-person, North Carolina State Bar disciplinary panel that disbarred Nifong after a five-day trial. Nifong calls the panel a "kangaroo court" engaged in what Cohan calls a "sacrificial slaughter." The panel had found Nifong guilty of violating the state's ethical rules by his aggressive media campaign, early in the case, to tar the lacrosse players as racist rapists and "hooligans"; by seeking to hide highly exculpatory DNA evidence from the defense; and by lying to Judge Smith about that evidence. Cohan does not put the slightest

dent into the overwhelming evidence supporting the actions of Cooper, Judge Smith, and the state bar panel.<sup>1</sup>

Cohan devotes dozens of pages to describing Nifong—and quoting his self-descriptions—in mostly glowing, if sometimes unintentionally ironic, terms, as in "Nifong developed a lifelong disdain for bullies."<sup>2</sup> Indeed, Cohan's attitude toward Nifong's proven, extreme abuses of prosecutorial power is so astonishingly benign as to almost imply that because poor black kids often don't get fair treatment from the criminal justice system, rich (and not so rich) white kids should not get fair treatment either—no matter how innocent.

Cohan offers a breathtakingly misinformed (to put it charitably) argument dismissing as "a red herring" the charge that Nifong had hidden from defense lawyers exculpatory evidence that the DNA of four unidentified males (not Duke lacrosse players) and sperm from her boyfriend was found in or on Mangum. Why does Cohan deem it a "red herring"? First, he argues that Nifong did not try to hide the four males' DNA. But mainly, he asserts that "it didn't matter" because "Nifong had tried—and won—many rape cases without DNA evidence."

Perhaps he had, either before DNA evidence was available or in cases in which its presence or absence proved little. But DNA was dispositive in the Duke lacrosse case. The absence of lacrosse players' DNA on or in her body or clothing proved the innocence of the three indicted defendants. It's almost inconceivable that they could have brutally raped, sodomized, and ejaculated in Mangum for anything close to 30 minutes, as she originally claimed, without leaving DNA. The evidence of the four unidentified males' DNA was damaging to Mangum's credibility, showing that she had concealed recent sexual activity from the police, among other points.

Even Cohan admits that if Nifong had released the state's exculpatory analysis of the DNA evidence as soon as he had it either to the public or to defense lawyers (who would have made it public), it "would likely have doomed Nifong's reelection [*sic*] effort" and been "the end of the case." (This was the appointed DA's first election.)

None of these actions by Nifong prevent Cohan from presenting him as a person of integrity who had made a few forgivable mistakes in his zeal to champion "my victim," Mangum. While straining to make excuses for Nifong, Cohan sneers repeatedly at the players' defense lawyers, whom he calls "masters at manipulating the media" (in the *Cosmopolitan* interview) for their "shock and awe" campaign and "fat retainers."

Manipulating the media? The defense lawyers' media campaign consisted of making public what Cohan never denies was truthful and probative evidence of innocence. And unless I missed something while slogging through this seemingly endless tome, Cohan does not cite a single intentionally false, misleading, or otherwise inappropriate statement that any defense lawyer for a lacrosse player ever made.

Cohan also seems at times to lose track of the flow of events, repeatedly contradicting on one page claims that he makes elsewhere. On page 572, for example, Cohan states that Nifong "never said he agreed with Cooper's finding of innocence." This flatly contradicts what Cohan writes *on the preceding page*, where he quotes Nifong's above-referenced July 26, 2007 admission that "there is no credible evidence that [the three indicted players] committed any of the crimes for which they were indicted or any other crimes during the party."



Although Cohan seems to try to libel-proof his book by pasting in, with little analysis, dozens of pages of material favorable to the lacrosse players (as well as much more material hostile to them, and much deadly dull filler), there are some telling omissions. Two come in his discussion of sexual assault nurse Tara Levicy, who—alone among the three doctors and five nurses who interviewed or examined Mangum after she reported to Duke University Hospital as a self-styled rape victim—expressed confidence that Mangum was telling the truth and claimed (falsely) that there was physical evidence to back her up. Levicy was not in charge of the physical exam.

Cohan dismisses claims that Levicy was biased in favor of rape complainants as based on nothing more than her time with Planned Parenthood, her enthusiasm for Eve Ensler's *The Vagina Monologues*, and her strong feminist convictions. But the defense never attacked her for feminist convictions. It suggested that she was incompetent. And when *others* (including KC Johnson and me) stressed Levicy's apparent bias, the most important evidence we cited was her highly revealing sworn deposition testimony that she had "never" doubted the truthfulness of *any* rape complainant and her pattern of changing her own analysis repeatedly to fit Nifong's changing theories of the case. Cohan omits both.

A Scribner-Cohan press release also claims falsely that Levicy's "report of what Mangum told her that night [actually, the next morning] is stunning and has never before been revealed." (Cohan said the same on the April 14 *Diane Rehm Show*, two days *after* KC Johnson had exposed it as false on his blog.) In fact, Levicy's report was obtained and summarized in detail more than seven years ago by numerous reporters and authors, including KC Johnson and me, and was publicly discounted as unconvincing by Attorney General Cooper's distinguished investigators.

More generally, after endorsing many times Nifong's assertions that the medical evidence supported Mangum's rape claim, Cohan acknowledges that Cooper's investigators had found that "[n]o medical evidence confirmed her stories." They also found that Levicy had "based her opinion that the exam was consistent with [Mangum's story] largely on [her] demeanor and complaints of pain rather than on objective evidence."

How does Cohan manage to fill 621 pages? He stuffs them with long, long, often repetitive quotations from his interviews with Nifong, news articles, op-ed columns (including two of mine), blog posts, and other previously published remarks. He also goes on for dozens and dozens of pages detailing and lamenting the well-known culture of underage binge drinking, overemphasis on athletics, and flaccid academic standards at Duke and other prestigious colleges.

These temperance lectures would be harmless, and even of some value, but for the author's underlying campaign. He is remarkably indulgent, on the whole, of the disgraceful rush to judgment against the Duke lacrosse players by Robert Steel, by Richard Brodhead, the cowardly Duke president, by other top administrators, and by almost 100 Duke professors.

The great mystery here is why a skillful, highly successful author and journalist would stoop so low. Dreams of a movie deal, perhaps? One also wonders why, to take one of many possible examples, Cohan didn't bother to check his facts with James Coman or Mary Winstead—an elementary precaution for any responsible journalist or author—before trumpeting Nifong's false claim that Cooper had "sandbagged" them when he exonerated the lacrosse players. Was the best-selling author of this "definitive, magisterial account"—which I would call deeply dishonest—afraid of letting stubborn facts spoil sensational stories?

Stuart Taylor, Jr., a Washington writer and Brookings nonresident senior fellow, coauthored with KC Johnson the 2007 book *Until Proven Innocent: Political Correctness and the Shameful Injustices of the Duke Lacrosse Rape Case*.



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MY JOB IS TO TARGET HIGH  
VALUE TERRORISTS WHO  
CHALLENGE THE SOVEREIGNTY  
OF THE UNITED STATES....  
WHAT ABOUT YOU?

SAME, ONLY WE  
CALL THEM  
CONSERVATIVES.

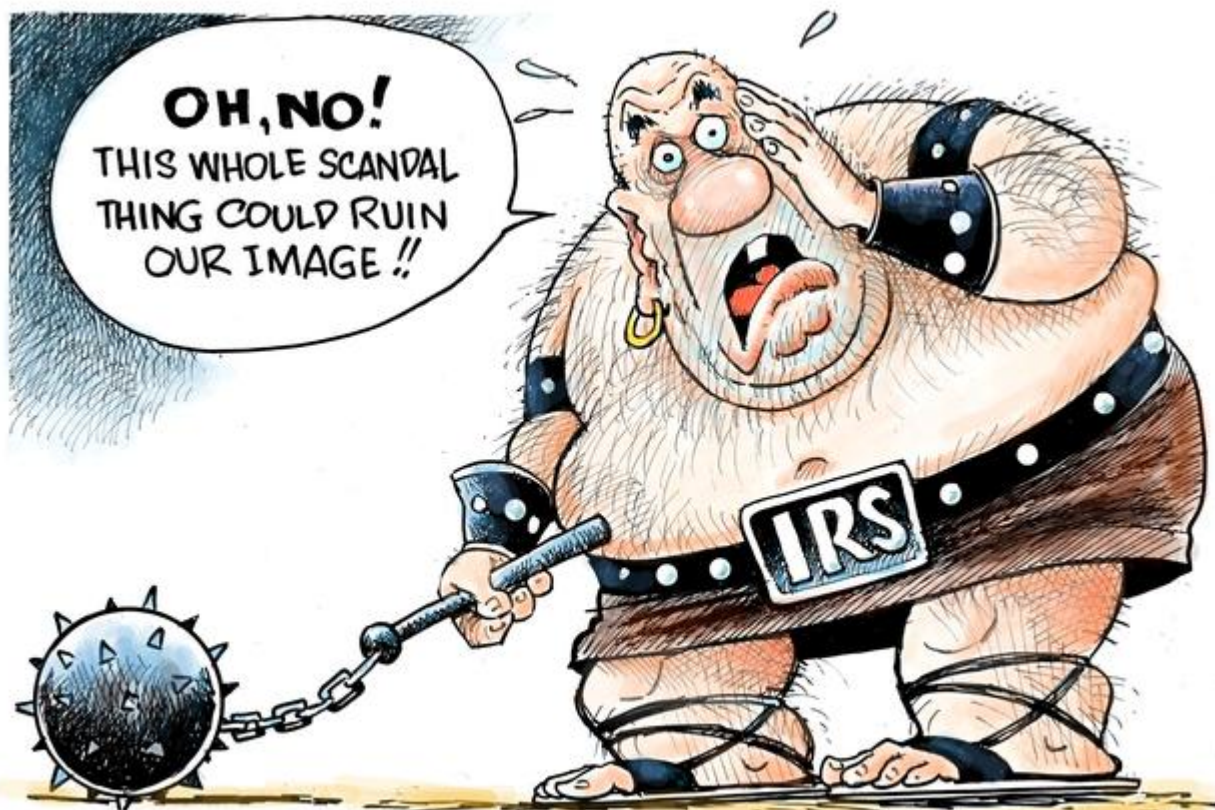
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"BAD DOG!"

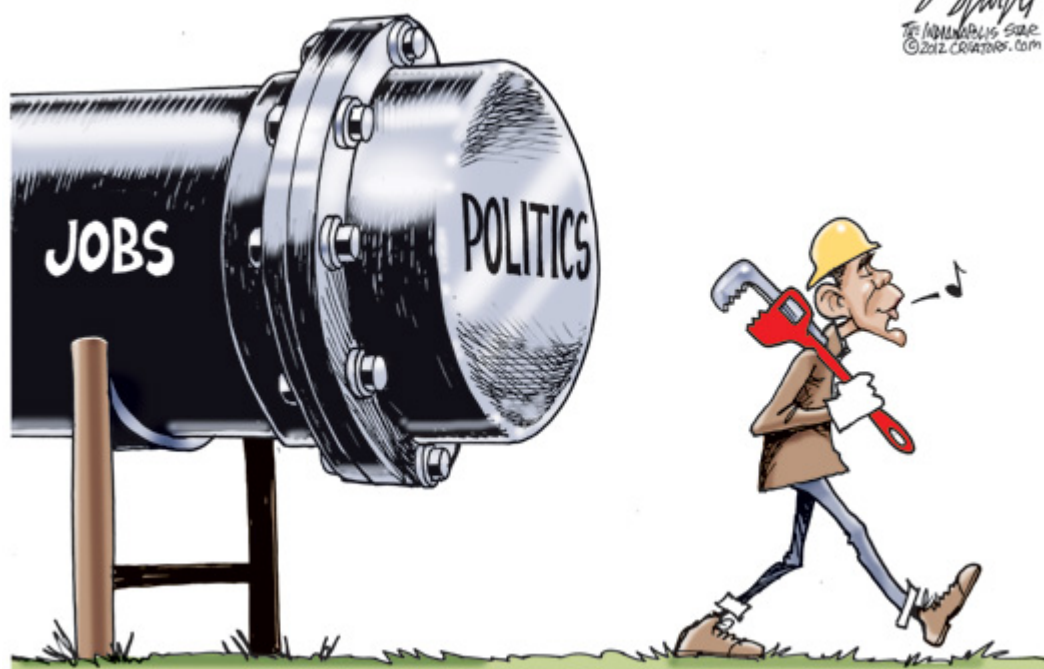
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