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SUBCOMMITTEE ON SOCIAL SECURITY

DEMOCRATIC STEERING AND POLICY COMMITTEE

## Congress of the United States House of Representatives

November 15, 2022

The Honorable Merrick Garland  
Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

Dear Attorney General Garland:

Public confidence and trust in the Internal Revenue Service (IRS) are vital to voluntary compliance and our nation. The American people must have faith our tax system is administered lawfully and fairly. We now have yet more evidence that Donald Trump sought to weaponize the IRS to target his perceived political enemies. This is a major scandal. These revelations must be fully investigated by the Department of Justice, with any criminal behavior held to full account.

On November 13, 2022, the New York Times reported that Mr. Trump repeatedly urged his chief of staff, John Kelly, to have the IRS investigate his enemies, including James B. Comey and Andrew G. McCabe.<sup>1</sup> This follows reporting on July 6, 2022, that the federal income tax returns for Mr. Comey and Mr. McCabe were selected for review as part of the IRS National Research Program (NRP) in 2017 and 2019.<sup>2</sup>

Given the comprehensive, cumbersome, and costly nature of NRP audits, only a small number of taxpayers are selected for review each year to assist the IRS in compiling representative data about voluntary compliance. The NRP selected roughly 5,000 returns out of 153 million filed in 2017 and roughly 8,000 returns out of 154 million filed in 2019, making the odds of these two tax returns both being selected for review miniscule.<sup>3</sup>

As leaders of the Federal Bureau of Investigation, Mr. Comey and Mr. McCabe were frequent targets of politically motivated vitriol by Mr. Trump, and were falsely accused by Mr. Trump of treason, perjury, and fraud. The astronomically unlikely NRP audits of both men by the IRS under Charles Rettig, an appointee of Mr. Trump, reeks of corruption and criminality.

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<sup>1</sup> The New York Times, Trump Wanted I.R.S. Investigations of Foes, Top Aide Says (November 13, 2022), <https://www.nytimes.com/2022/11/13/us/politics/trump-irs-investigations.html>

<sup>2</sup> The New York Times, Comey and McCabe, Who Infuriated Trump, Both Faced Intensive I.R.S. Audits (July 6, 2022), <https://www.nytimes.com/2022/07/06/us/politics/comey-mccabe-irs-audits>

<sup>3</sup> *Id.*

When these audits first became public knowledge, I urged President Biden to remove Mr. Rettig so we could begin the crucial work of fixing the IRS and investigating any wrongdoing.<sup>4</sup> At the time, the IRS referred the matter to the Treasury Inspector General for Tax Administration (TIGTA) for investigation. Yesterday, I joined Chairman Richard Neal in requesting consideration of the allegations set forth in the New York Times and an update from TIGTA on their findings.<sup>5</sup>

Corrupting the integrity of our tax agency is a gravely serious offense. Nobody is above the law. The recent evidence that Mr. Trump specifically sought to use the tax laws for his own gain and direct the administration and enforcement of such laws to punish his enemies demands a thorough criminal investigation.

The American people need to know that IRS is not subject to political influence and is focused on administering our tax system with competence and honesty. This cannot happen without a full investigation of criminal corruption at the IRS by Mr. Trump. Thank you for your attention to this urgent matter.

Sincerely,

A handwritten signature in blue ink that reads "Bill Pascrell Jr". The signature is written in a cursive, flowing style.

Bill Pascrell, Jr.  
Member of Congress

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<sup>4</sup> Bill Pascrell, Pascrell Demands Biden Fire IRS Chief Amid Massive Audit Scandal (July 8, 2022), <https://pascrell.house.gov/news/documentsingle.aspx?DocumentID=5158>

<sup>5</sup> Committee on Ways and Means, Neal and Pascrell Seek Expanded Probe of Unprecedented Trump Use of IRS (November 14, 2022), <https://waysandmeans.house.gov/media-center/press-releases/neal-and-pascrell-seek-expanded-probe-unprecedented-trump-use-irs>