

**COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON REGULATORY REFORM, COMMERCIAL AND
ANTITRUST LAW**

**QUESTIONS FOR THE RECORD TO
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ACTING ASSISTANT ATTORNEY GENERAL
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U.S. DEPARTMENT OF JUSTICE**

Question for the Record from Subcommittee Chairman Marino

The Sixth Circuit, in *U.S. v. NorCal Tea Party Patriots*, issued this opinion: “the government is doing everything it possibly can, to make this as complicated as it possibly can, to last as long as it possibly can, so that by the time there is a result, nobody is going to care except the plaintiffs... I question whether or not the Department of Justice is doing Justice.” These are serious allegations from the Court. How has your division in particular responded to these allegations? Will you speak directly with the attorneys involved?

RESPONSE: *NorCal Tea Party Patriots, et.al. v. Internal Revenue Service, et al.* (S.D. Ohio - 6th Cir.) is currently pending before the district court. While I cannot discuss the specific pending case, I can tell you that the Department is committed to ensuring that allegations of misconduct are thoroughly investigated and that any substantiated findings of misconduct are properly addressed through the disciplinary process. Every time a court makes a comment on the manner in which the Tax Division has handled a case or the arguments we have made, I review those with the supervisors involved in that case. The Tax Division’s attorneys will continue to work to live up to the highest standards of the Department of Justice in representing the interests of the United States and fully and fairly enforcing the tax laws.