

The real scandal is the role of big money

In an Orwellian twist of obfuscation, both Congress and the White House are excoriating the IRS for having "targeted" conservative political organizations.

The speaker of the House John Boehner wants responsible individuals in the IRS to go to "jail" for breaking the law. President Obama fired the acting IRS Commissioner Steven Miller (even though the "targeting" occurred when the IRS was led by the Bush-appointed Commissioner Doug Schulman).

There is a scandal here, but it was not perpetrated by a handful of local IRS agents, who, apparently overwhelmed by volume of applications for the so-called "social welfare" tax-exempt status under the 501(c)(4) provision of the tax code, took the possibly inappropriate shortcut of singling out for special scrutiny groups with phrases like "tea party" and "patriot" in their names.

It should be noted that every one of these scrutinized "tea party" and "patriot" applications for tax-exempt status as social welfare organizations under the 501(c)(4) statute was eventually approved, in spite of the fact that the IRS guideline states that: "the promotion of social welfare does not include direct or indirect participation or intervention in political campaigns on behalf of or in opposition to any candidate for public office ... a section

501(c)(4) social welfare organization may engage in some political activities, so long as that is not its primary activity."

The real scandal here is that neither Congress nor the White House has raised an eyebrow to the willful failure of the IRS to enforce the requirement of the Supreme Court Citizen United vs. Federal Election Commission decision that groups primarily engaged in overtly political campaigning must disclose their donor lists (Syllabus 3C: "... this Court affirms the application of the ... disclaimer and disclosure requirements ..."). The result of this wanton disregard of our highest court's interpretation of our First Amendment rights has been a flood of "black money" into politics, with some \$250 million of undisclosed donations having been spent in the 2012 presidential elections. While blatantly political groups on both the Republican and the Democrat sides

have been guilty of this illegal activity, the vast majority of the "black money" has come from such conservative 501(c)(4) outfits as Karl Rove's Crossroads GPS, the Koch brothers' Americans for Prosperity, and Grover Norquist's Americans for Tax Reform.

The current IRS "scandal" has been unfairly compared to President Richard Nixon's use of the IRS to harass his political enemies, which harassment involved auditing tax returns, not scrutinizing bogus applications for tax-exempt status. Rather than wallowing in this sideshow of a story, we should be focusing our attention on how to rid ourselves of the insidious influence that big-money donors — both liberal and conservative — have on politics.

Until we do so, our nation will remain a plutocracy rather than a democracy.
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OPINION

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