

Post Politics

House votes to hold Lois Lerner in contempt of Congress

By **Ed O'Keefe** May 7  [Follow @edatpost](#)

Former IRS official Lois Lerner invokes her Fifth Amendment right against self-incrimination at a congressional hearing in March. (Lauren Victoria Burke/AP)

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The House of Representatives voted Wednesday to hold a former [Internal Revenue Service](#) official in contempt of Congress for refusing to cooperate with an ongoing investigation into the agency's special targeting of groups with “tea party” or “patriot” in their names that were seeking tax-exempt status.

[On a 231 to 187 vote](#), the House approved a contempt citation against Lois G. Lerner, whose admission last year that the tax-enforcement agency had targeted conservative groups infuriated lawmakers in both parties, led to an overhaul of the IRS and Lerner's eventual retirement from government service.

Six Democrats -- a band of moderates and others facing difficult reelection challenges -- joined with all voting Republicans to approve the contempt charge.

Now the matter will be referred to the U.S. Attorney for the District of Columbia. The contempt charge will then be referred to a grand jury for further review, but it is unclear how the Justice Department will proceed.

Politically, however, House Republicans will be able to declare victory after working swiftly in the last year to investigate the matter and hold a senior IRS official accountable for the agency's decision and her unwillingness to cooperate with a congressional investigation.

If ever convicted, Lerner could face between one and 12 months in jail and a fine of up to \$100,000.

With Wednesday's vote, [Lerner becomes one of only a handful of government officials](#) found in contempt of

Congress in recent years. Most recently, the GOP House voted in 2012 to hold Attorney General Eric H. Holder Jr. in contempt for withholding documents related to a failed gunrunning operation. During the George W. Bush administration, his chief of staff, Joshua B. Bolten and the White House counsel, Harriet Miers, were held in contempt by a Democratic-controlled House.

Separately, the House also passed a resolution Wednesday evening that called on Holder to appoint a special prosecutor to investigate the IRS's targeting of conservative groups. [Lawmakers voted 250 to 168](#) to pass the resolution; 26 Democrats joined all voting Republicans to approve it.

The Justice Department has said it is conducting an investigation of the IRS's actions and that the case "remains a priority."

The two votes came 362 days after she [admitted during a conference held by the American Bar Association](#) that the agency had targeted certain groups. Her admission appeared to happen by chance and came in response to a question asked during the conference. In the hours and days after her admission, the IRS was exposed as unprepared for the firestorm that ensued.

A hastily arranged conference call with reporters was clumsily handled, with Lerner at one point attempting to do arithmetic over the phone and admitting: "I'm not good at math."

Later, an IRS watchdog audit concluded that the agency had inappropriately targeted groups for extra scrutiny based on their political leanings. Those findings sparked a Justice Department investigation, congressional inquiries and a leadership shake-up at the IRS. When Lerner was called to Capitol Hill to testify at hearings, she [invoked her Fifth Amendment right](#) against self-incrimination. Her decision led to further bipartisan outrage, with Democrats and Republicans alike calling for her removal or resignation.

Lerner [retired from the IRS last September](#).

But House Republicans kept their attention on Lerner and ordered her to appear before the Oversight and Government Reform Committee [again in March](#), where she once again invoked her Fifth Amendment right. That decision set off an emotional exchange between Republicans and Democrats on the panel.

Lerner's attorney, William Taylor, has repeatedly denied that his client did anything illegal. Democrats on the Oversight Committee have expressed frustration with Lerner's refusal to testify, but have also opposed efforts to punish her for invoking the Fifth Amendment.

But the Oversight panel approved a contempt resolution on a [party-line vote](#) last month and sent the matter to the full House. The measure asks the Justice Department to consider criminally prosecuting Lerner. The House Ways and Means Committee last month also agreed in a [separate party-line vote](#) to request criminal

prosecution of Lerner for various alleged violations, including misleading investigators and exposing confidential taxpayer information.

Hoping to continue currying political favor with Americans concerned about potential government overreach and coverups, Republicans will shift their focus Thursday to the Sept. 2012 attacks on U.S. diplomatic outposts in Benghazi, Libya. The House is scheduled to vote to establish a select committee to investigate the attacks. While Republicans are expected to vote to approve establishing the panel, it is unclear whether any Democrats will join them in doing so.

Josh Hicks contributed to this report.

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[View Photo Gallery — Lois Lerner isn't the first government official who has been found in contempt by a congressional panel. Congressional Research Service compiled this list of well-known officials from prior administrations who lost committee — or even full House or Senate — contempt votes. Holder did become the first sitting attorney general to be held in contempt by a full House of Representatives.](#)

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