

MEDIA MENTION

Robert Walker Quoted in *Politico* Article about IRS Scandal

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Robert L. Walker, of counsel in Wiley Rein's Election Law & Government Ethics Practice, was quoted yesterday in a *Politico* article about whether U.S. Internal Revenue Service (IRS) official Lois Lerner waived her Fifth Amendment rights during a congressional hearing in May.

The IRS division formerly headed by Ms. Lerner disclosed earlier this year that it had targeted conservative groups for extra scrutiny in its review of applications for 501(c)(4) tax-exempt status. The IRS has since placed Ms. Lerner on administrative leave.

Ms. Lerner's attorney told *Politico* this week that she will not testify again before the House Oversight and Government Reform Committee unless she is granted immunity from prosecution regarding her role in the IRS scandal.

Ms. Lerner had declared her innocence at the panel's May 22 hearing, saying she hadn't violated any laws. She then refused to answer lawmakers' questions, invoking her Fifth Amendment right against self-incrimination. Republicans on the committee passed a resolution last week, finding that Ms. Lerner waived her Fifth Amendment rights at the hearing when she made the statement to lawmakers that she had done nothing wrong.

Mr. Walker, a former chief counsel and staff director of both the Senate and House ethics committees, told *Politico* he does not believe Ms. Lerner waived her rights.

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In this setting, “in a congressional hearing where the witness has been forced to testify, I think the weight of the authorities indicates there is some leeway for the witness to make some statement—some very general statement, provided it doesn’t get into specific facts—there is some leeway for a witness to do that before they can be said to have waived their Fifth Amendment privilege,” Mr. Walker said.