

Press Briefing by Press Secretary Josh Earnest, 3/30/2016

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James S. Brady Press Briefing Room

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MR. EARNEST: Good afternoon, everybody. It's nice to see you all. I do not have any announcements to make at the top, so we can go straight to questions.

Darlene, do you want to kick us off?

Q Sure, thanks. On the commutations today, was that part of an effort to kind of jumpstart the progress in Congress for overhauling the criminal justice system?

MR. EARNEST: Well, look, the administration has been enthusiastic about the possibility that Democrats and Republicans on Capitol Hill can work together on common-sense criminal justice reform legislation. And White House officials have been involved in the process both on the House and Senate side. And our role has been to try to nurture bipartisan cooperation. And in the era of divided government that we're currently operating in, that kind of bipartisan cooperation on Capitol Hill, particularly on something this important, is pretty rare. And so we want to continue to encourage them in those efforts.

The commutation process reflects the authority that's vested in the executive branch, vested in the office of the presidency, and represents a case-by-case review of people who have come forward seeking clemency.

So there are two different -- the process is quite different and the issues are somewhat different. But if the announcement of 61 commutations by the President today is a reminder of why criminal justice reform is important and serves to encourage greater cooperation and progress on a broader criminal justice reform package on Capitol Hill, then we obviously welcome that development.

Q The process is stalled, though. Would you describe it as being stalled on the Hill? There was a period there when R's and D's seemed to be working together to try to move legislation, but it seems stalled now.

MR. EARNEST: Well, I've observed on many occasions that sometimes the legislative process on Capitol Hill doesn't work nearly as quickly as we would like, or even as quickly as one could reasonably expect. But at this point, we continue to be encouraged by the fact that there are advocates of this legislation in both parties, in both houses of Congress. One recent example is that in the speech that Speaker Ryan delivered last week -- I believe it was Wednesday or Thursday of last week -- his comments about the many problems plaguing the Republican Party got a lot of attention, understandably so. But he also had some comments that indicate his continued support for criminal justice reform.

And look, there are not too many situations in which I would say this, but Speaker Ryan's description of why criminal justice reform is a priority for him I think is something that many people at the White House would strongly agree with. He talked pretty powerfully, I thought, about the importance of redemption and how Speaker Ryan's faith informed his view of this issue. I don't think it was a coincidence that he chose to deliver these remarks and make this observation during Holy Week.

And look, it's just one example of a leading Republican who's indicated that this is a priority that they share at the White House. My guess is that as you get into the elements of competing legislative proposals, that there might be some differences that emerge.

That will only just require Democrats and Republicans to cooperate and compromise to work through some of those disagreements to arrive at the kind of solution that everybody can support.

And I continue to be cautiously optimistic that we'll be able to get that done, even in an election year.

Q I wanted to also ask about Syria. There's an interview that President Assad gave to some Russian media that he's proposing a national unity government and is rejecting calls for a transitional ruling body. Is there any reaction to that from the White House?

MR. EARNEST: I didn't see the interview, and I don't know whether he envisioned himself being a part of that national unity government. Obviously, that would be a nonstarter for us. And again, we have raised the significant concerns we have with President Assad's leadership. The manner in which he has used that nation's military to attack innocent civilians isn't just completely immoral, it has also turned a large majority of the country against him. So it is impossible to imagine a scenario where the political turmoil and violence inside of Syria comes to an end while President Assad is still there. And by "there," I mean in the President's office in Syria.

So that's why we have been clear for years that the successful resolution of the political chaos inside of Syria isn't just critical to solving the many problems plaguing that nation and the broader region, it also will require President Assad stepping aside.

Q Syrian forces recently retook the town of Palmyra from ISIL. I know that the U.S. is for Assad to go, but how does the White House feel about Syrian forces retaking that town? And he's also said they're going to push on to Raqqa, which is the ISIL de-facto capital.

MR. EARNEST: Well, a couple things about that. The first is obviously that ISIL -- the actions that ISIL undertook while Palmyra was under their control were terrible. They plundered precious historical artifacts that actually illustrate the common heritage that we all have. They also carried out terrible acts of violence against the individuals who are responsible for protecting that heritage.

So seeing them driven out of that location, seeing ISIL driven out of that location is obviously a welcome development. But that doesn't change the basic calculus that I just described, which is that the political turmoil inside of Syria will not recede as long as President Assad is in office. And that's why we continue to believe that he must go. Roberta.

Q In the two weeks since President Putin said he would partially withdraw the Russian military from Syria, there seems to have been a buildup in Moscow shipping more equipment and supplies to Syria, according to an analysis of shipping data and patterns. And I'm wondering how closely the United States is tracking that partial withdraw, and whether the White House has concerns about what's happening in terms of the withdrawal or the shipping of more military supplies there.

MR. EARNEST: I haven't seen the analysis that you just cited. I can tell you more generally that the United States and our coalition partners, including our intelligence agencies are carefully watching the situation inside of Syria for a variety of obvious reasons. The early indications after making the announcement that they were planning a military withdraw out of at least a large portion of Syria, that the Russians were following through on that commitment. I haven't gotten an updated assessment on that, but I haven't also been alerted to any sort of change in that assessment.

Our case to the Russians has been for, frankly, it was case that we were making prior to their military buildup. You'll recall that Russia has had a military presence in Syria for a long time, and they were using this military presence to shore up President Assad's grip on power. We were concerned about the military buildup, because that military buildup was used to further strengthen President Assad's hold on power. And our view is that by strengthening President Assad's hold on power, it was only going to make it harder for us to reach a diplomatic and political agreement among the variety of parties who were concerned about Syria, because President Assad wouldn't have nearly the same kind of incentive to negotiate. He certainly wouldn't have the kind of incentive to consider leaving the country.

And we've made clear, and a variety of opposition groups have made clear, that's what would be required to reach a political agreement.

So what's notable about that is that the Russians themselves identified this as a top priority. They understood -- and said publicly and privately -- that a political transition inside of Syria was required to try to bring an end to the chaos and violence there. And yet they were engaged in a military strategy that actually hindered those negotiations.

So what we're hopeful of is that Russia will continue to engage in that political process constructively and bring about the kind of transition that is so clearly in the interest of not just the United States and Russia, but a variety of countries in the region, and certainly in the interest of the opposition parties, many of whom are representing civilians that have been innocently slaughtered by Bashar al-Assad.

Q And can you tell us a little bit more about what exactly President Obama hopes to accomplish when he meets with leaders this week at the summit in the session on Islamic State specifically?

MR. EARNEST: Well, there are more than 50 world leaders that are coming to the United States, that are coming to Washington tomorrow who will be participating in the Nuclear Security Summit. And many of them are countries who are making important contributions to our counter-ISIL campaign. And the President felt it was important while they're all in town and all in one place and all talking about national security that they should have a discussion about what the President has identified as his top priority. And this should be a useful session to review the important progress that our counter-ISIL coalition has made. There's been notable progress on the ground in Iraq and in Syria just in the last couple of weeks, particularly as it relates to ISIL leaders that have been taken off the battlefield.

There's also been important progress made in our strategy to shut down ISIL's ability to finance their operations. And so reviewing that progress and discussing additional steps for building on that momentum will certainly be part of the agenda. At the conclusion of that meeting, the President will do a news conference with all of you, so you'll all have an opportunity to talk to him in at least a little bit more detail about why the President believed that that discussion was important to have.

Justin.

Q The House Natural Resources Committee yesterday released its discussion draft on Puerto Rico. Leader Pelosi said that the draft is far from what Democrats could support and would exert undemocratic control on Puerto Rico's government and residents. So I'm wondering if you guys share that assessment of the draft -- it being far from what you could support. And I wanted to loop back on the Federal Control Board question that you got asked yesterday since that -- draft.

MR. EARNEST: Well, look, let me start by saying that at the end of last year, Speaker Ryan made a commitment to try to advance legislation that would help the Puerto Rican government and the Puerto Rican people deal with their financial challenges. And the fact that we've seen this discussion draft put forward I think reflects continued good faith in trying to fulfill that commitment. And so obviously we appreciate the constructive efforts that have been made by Chairman Bishop and other members of the House Natural Resources Committee. This is another example of where Democrats and Republicans have been able to at least coordinate their efforts with regard to this legislation.

Like Leader Pelosi, the White House believes that the current draft does stand to benefit from some improvement. And we have been pretty clear about what we believe is the crux of addressing these challenges, and that specifically is giving the Puerto Rican government the kind of restructuring authority that municipalities all across the United States have, and that would allow them to deal with their financial challenges.

Now, at the same time, we also believe that the Puerto Rican government needs to be held accountable for implementing reforms that they have committed to make. And so having a mechanism for independent oversight to confirm that those reforms are being effectively implemented is also important. How exactly to do that I recognize is the subject of extensive negotiation, and there can be a lot of back and forth on that. But we would view that as another area of where this bill could be improved.

Now there are a couple of other proposals that we have supported that we continue to advocate, and that is that the reimbursement rates under Medicaid that are given to the government of Puerto Rico should be increased, consistent with the kind of reimbursement rates that are given to states all across the country. We also have advocated for the expansion of the earned income tax credit so that U.S. taxpayers in Puerto Rico would benefit from it.

The EITC is a proven strategy for combatting poverty while continuing to incentivize taxpayers to pursue gainful employment. And currently, U.S. taxpayers in Puerto Rico don't have access to the earned income tax credit, and we believe that should be changed because it would both improve the financial standing of the Puerto Rican government but it would also improve the economic outlook for the Cuban people -- I'm sorry, for the Puerto Rican people, but also for the broader economy in Puerto Rico.

Q A federal judge today rejected the Financial Stability Oversight Council's rationale for classifying MetLife as "too big to fail." So I'm wondering if you have a reaction to that, but also if you could talk about how this law kind of undercuts the administration's ability to look at non-bank companies that still are kind of representative of part of the financial sector, and your ability to regulate them.

MR. EARNEST: I'm not going to react to the specific decision -- I think the Treasury Department has done that and you can cite their statement on the matter.

But you do raise something that I do think is worthy of some discussion in here, which is that one core component of Wall Street reform legislation that was passed early in President Obama's presidency included giving regulators the tools that they need to regulate non-bank financial institutions. This is one of the lessons that we've learned from the Great Recession -- that it's not just banks on Wall Street that could potentially shake the foundation of our financial system if they make a bunch of risky bets that go bad without proper oversight. Worse yet, it could also put taxpayers on the hook for bailing them out.

And if we're serious -- and the President certainly is -- about following through on a commitment to make sure that taxpayers are never in that position again, we need to make sure that our regulators can have -- can exercise at least some authority over non-bank institutions because we know that non-bank institutions and the financial crisis that was precipitated in 2008 made risky bets, they went south, it shook our financial institutions and our financial system, and it put taxpayers in a position where we had to offer them some assistance to bail them out.

That wasn't good for our economy, and we can't ever let that happen again. That's why giving financial regulators in the United States greater authority over non-bank institutions was so important. And the President believes strongly in that principle, and that's why Wall Street reform created the FSOC in the first place, and it's why the FSOC has been taking a close look at what they call systemically important financial institutions.

So this principle is one that the President believes in, and it's an obvious one that's based on the experience that we all went through in the midst of the financial crisis in 2008, and it's why the President worked so hard to pass legislation to address it.

Let me say one other thing and I'll let you follow up. Many of our critics warned that passing Wall Street reform that would give regulators additional authority, including around bank institutions, that passing these kinds of regulations would be overly burdensome, that they would throw a cold, wet blanket over innovation and the dynamism of our financial markets. They were wrong. We can take a look. We can evaluate this.

We can just look at the numbers and see -- this will sound familiar to you -- every month since President Obama has signed into law the Wall Street reform bill, our economy has created private-sector jobs. Every single month.

And we have seen the growth in the stock market be rather dramatic over that time period. So it is clear that we can effectively regulate financial institutions to protect taxpayers without stifling economic innovation and economic growth. We can do both.

We have to be smart about it, but again, I think the results over the last five years speak for themselves, and I think they speak loud and clear.

Q Just a last quick one on tomorrow's festivities. I think I was kind of interested in the idea of having both a bilat with China, a trilat with South Korea and Japan. And obviously we've seen warm relations between South Korea and Japan and one that the U.S. has invested in and tried to bring about. But I'm wondering if that sparked any renewed concern among China that they've either expressed to you directly or that you've seen sort of motivate their actions in the region, and whether or how the U.S. kind of considers that balance going forward.

MR. EARNEST: Well, Justin, the United States has invested quite a bit of time and diplomatic energy into encouraging and promoting the reconciliation between two of our closest allies in the Asia Pacific region -- South Korea and Japan. And we have welcomed the steps that they have taken over the course of the last year or so to strengthen the relations between those two countries. The interests of the United States are enhanced when two of our closest allies can coordinate effectively together. So we obviously have welcomed those developments and that will certainly be the subject of some discussion when the three leaders have an opportunity to meet in Washington tomorrow.

As it relates to China, one thing that we've been quite clear about is we understand that even our close allies are going to have their own independent relationship with China -- nothing wrong with that. In fact, I think you could make a strong case that the right kind of relationship-building between China and some of our allies can actually be good for interests in the same way that the ability of China and the United States to work together can have a positive impact on South Korea and Japan.

The most obvious example of this is in our dealings with North Korea. It is only because the United States and China have been able to effectively work together that the United Nations imposed the toughest sanctions that have been imposed on North Korea. That will pressure the North Korean regime and isolate the North Korean regime over their nuclear weapons program in a way that has positive benefits for our allies, South Korea and Japan.

So there's nothing inherent in the strength of our alliance with those two countries that should affect our ability to work effectively with the Chinese to promote the interests of all of our countries.

Mark.

Q Josh, a number of the commutation recipients had gun possession charges on their record. Was that not troubling to the President in search of non-violent offenders?

MR. EARNEST: Well, Mark, the President and his team review individual cases individually. And so they're looking at these individual cases to determine how appropriate it is to offer them some clemency. What's important about these cases is many of them are low-level drug offenders and many of them, had they been sentenced under the rules that are in place today, would have already served out their sentence. And that's what made them particularly strong candidates to receive this kind of clemency from the Commander-in-Chief.

Q On the fight against ISIS, in the aftermath of the bombings in Brussels, has anybody raised the idea of invoking Article 5 in the NATO charter?

MR. EARNEST: That's a good question. No one has raised it with me, at least. And I think at least part of the reason for that is that there's no denying that the United States of America stands squarely with our allies in Belgium as they confront this threat. And we do that rhetorically in comments you've seen from the President of the United States, but we also do that as a real, practical matter as well, That there's expertise when it comes to our law enforcement, when it comes to our intelligence community, and when it comes to other national security assets that we can offer to the Belgians as they try to protect their country and stem this extremist threat inside their borders.

So I haven't heard of a discussion about this. But I don't know, frankly, how it would impact the way in which we have offered our assistance to our allies in Belgium as they confront this threat.

Q Might not it require all NATO nations to step up the fight against ISIS?

MR. EARNEST: Well, we obviously have been --

Q An attack on one is an attack on all?

MR. EARNEST: Yes. Look, we have been pleased with the kind of response that we've seen from our European allies and the contributions that they've made to our counter-ISIL coalition. In certain cases, we believe that there is certainly more that they could do. One example that we frequently cite that remains true today is that we believe that our European allies could more effectively share intelligence with one another and with the United States in a way that would enhance the security of all our citizens, and we continue to make that case.

I don't know whether or not invoking Article 5 of the NATO charter would enhance that or not, but we continue to make that case. And I don't think it is an overstatement to suggest that, particularly right now, this is a case that we're making through law enforcement-national security channels with our European allies every single day. And we're going to continue to make that case because, again, we believe that it would be valuable in enhancing the national security of our allies who are under a lot of pressure right now, but we also believe it would be helpful in strengthening the national security of the United States.

Q One last item. At the prayer breakfast, President Obama said that once he leaves office he's looking forward to three or four months of sleep. (Laughter.) Is he sleep-deprived? (Laughter.) Does he not sleep late some days?

MR. EARNEST: Well, I don't know the answer to that. (Laughter.) Presumably, he does. Maybe on the weekends.

Q We can ask him Friday.

MR. EARNEST: Yes, I guess if you choose to ask. Look, I think the President is just making reference to the fact that after serving as President for eight years that anybody --

Q He's tired.

MR. EARNEST: -- anybody would be due a little R&R.

Q He didn't say R&R, he said sleep.

MR. EARNEST: Well, I think that those two things aren't inconsistent. Look, I think the President is prepared to spend the next nine months losing a little sleep as he thinks through how he can maximize the opportunity he has left while he remains in office.

Q Talking about the bilateral meeting with President Obama and President Xi, we know that the nuclear cooperation will be a major topic there. And other than that, what are those major issues in your mind that will be at the top of the agenda?

MR. EARNEST: Well, that's a good question. There obviously are a wide range of issues that the United States and China are able to effectively coordinate on. The best example of that recently is our efforts to work together to isolate and apply further pressure on the North Korean regime for their destabilizing activities on the Korean Peninsula. But there are other areas where the United States and China, through their coordination, can make progress for both of our countries.

I'm confident that there will be a discussion about the global economic climate. Obviously this is an issue that's gotten a lot of attention in China, and that has consequences for the U.S. economy. And so I would anticipate that there would be a discussion of that.

Cybersecurity is an issue that often comes up between the United States and China. We were pleased with the progress that we were able to make in those discussions when President Xi visited the White House last fall, and I'm confident that there will be an additional discussion of that.

As we say, the President often, regularly, brings up the issue of human rights, and I would anticipate that he'll bring up that issue once again in his conversation with President Xi.

Once that meeting has concluded, we'll try to get you a more detailed readout of the agenda that they followed and try to get you some better insight into exactly what was accomplished in that conversation. I can tell you that President Obama looks forward to every opportunity that he has to sit down with President Xi. He obviously respects President Xi and is appreciative of those areas where they have been able to effectively coordinate to advance the interests of citizens -- have been able to advance the interest of both our countries' citizens.

Q You know this will be the eighth meeting actually between the two leaders since 2013, so this is actually a quite high tempo, highest level engagement. So what is the significance of that, of the relationship between China and the United States? And do you describe their relationship?

MR. EARNEST: I think what I would say is, frankly, that the frequency of the meetings is an indication of how many issues our countries are able to coordinate on. I left out an important one, which is climate change. The ability of the United States and China to work effectively together on this issue was critical to the completion of the U.N. climate change agreement in Paris at the end of last year. And the President observed when that agreement was reached in Paris that that wasn't the end of our work to coordinate on issues related to climate change, it actually was the beginning. And I would anticipate that President Obama and President Xi will talk about how we can advance the global effort to fight climate change by taking steps inside both of our countries.

Michelle.

Q I'd just like to -- whether it is the case that Erdogan asked for a private meeting with President Obama and he declined that?

MR. EARNEST: Well, I don't know what sort of request President Erdogan put forward. You can check with his office. What is true is that President Obama has met frequently with President Erdogan in the last six months or so -- twice in the last year, both in Turkey and in Paris. There have been phone calls between the two leaders in addition to that. Vice President Biden was in Turkey just in the last six weeks and had the opportunity to sit down for a one-on-one meeting with President Erdogan. And I would anticipate that the Vice President will sit down in a formal meeting with President Erdogan when he's here this week, and I certainly wouldn't rule out a conversation between President Erdogan and President Obama while he's here as well.

The reason for all those engagements is that there are a number of issues where we are working together on, and that certainly includes Turkey's efforts to fight terrorism inside of Turkey, but also to continue to enhance the military pressure that's being applied against ISIL.

Q Why not a bilat, though, since they are such an important piece of that puzzle and since they obviously have asked for a more formal meeting? Can you just sort of once and for all say why not a bilat with Erdogan?

MR. EARNEST: Because world leaders are only here for two days and there are 50 of them, and that is obviously going to prevent President Obama from meeting with each of the world leaders who are here. But, again, it also presumably rule out Vice President Biden meeting with each of the world leaders who are here, but yet he is going to make time in his schedule for President Erdogan. And I'm confident that President Obama will also make at least a little time for some kind of conversation with President Erdogan while he's here.

Q So are there other world leaders, too, then, that have asked for bilats and there just wasn't time to accommodate them?

MR. EARNEST: I'm sure there are.

Q Okay. And Erdogan today made some interesting comments on CNN, saying the Europe as a whole has failed to address the significance of the terror threat that they face, and that Belgium in particular exhibited a similar negligence. But he's talking about negligence on the part of Europe as a whole. What do you think of those comments?

MR. EARNEST: Well, Europe is in a unique situation. There are -- the President has been focused on this issue of foreign fighters since the very emergence of ISIL on the global scene. You'll recall that just a month or two after the President initiated military action against ISIL in Iraq and Syria, he convened a United Nations Security Council meeting with other world leaders who were attending the United Nations General Assembly, a session specifically on shutting down the flow of foreign fighters to Iraq and Syria. And the concern that we've had all along is that individuals who travel to Iraq and in Syria would get training, would be further radicalized, and could use potentially their passport to return home and carry out acts of violence in their home country. That is apparently what happened with the attacks that we've seen in Europe recently.

And we've been mindful of this threat, and we've been focused on countering this threat from the beginning. What's unique about Europe are two things. One is, they have a relatively significant population of individuals that fit the description that I just offered -- individuals who left Europe, traveled to Iraq and Syria, fought alongside ISIL, and have returned home. Europe is also geographically closer to that region than the United States. And again, that puts Europe in a particularly difficult situation in mitigating this threat.

That's why the United States continues to support them as they undertake these efforts. I think the Europeans, themselves, have also acknowledged that there's more that they can and should do to protect their citizens and to protect their individual countries. And we're obviously going to stand with them and encourage them as they do that.

I mentioned to Justin, I believe, that one example of how they could do that would be to improve their intelligence-sharing both among the European countries but also with the United States. That would be one example of how they can begin to plug some of the gaps that have emerged.

Q Does the White House feel, though, that they have done all they can? And when you have a situation where Turkey is warning them about a particular individual that's back in Belgium. And obviously what happened, happened. So --

MR. EARNEST: Yes. And look, the Belgians have acknowledged that that was an error and that was a mistake, and that there needed to be reforms to their methods of transmitting this information so that they could better protect their people and better account for those potential risks. And obviously they're right about that.

Q And yesterday, Ben Rhodes talked about Russia not attending the summit tomorrow. And he acknowledged that there's still cooperation and there's still ongoing dialogue and all of that. But what message does that send to the White House, they're not attending this? What's your take on that?

MR. EARNEST: Well, look, the fact is, the Russians have been able to effectively coordinate with the United States on our top nuclear priority, which is preventing Iran from obtaining a nuclear weapon. And Russia's participation in the P5+1 talks was critical to our longer-term success both in reaching that agreement but also in implementing it.

And we've been pleased that Iran has been following through on the steps that they committed to take to ship a bunch of their uranium stockpile -- 98 percent of their uranium stockpile out of the country. That was a key commitment that Iran made. And Russia was instrumental in facilitating Iran's ability to live up to that commitment. That's just one example.

But look, Russia has also effectively coordinated with us when it comes to North Korea. And they supported at the Security Council level the imposition of sanctions that went beyond the sanctions that were previously in place to apply additional pressure to the North Korean regime and to further isolate them because of their continued development of their nuclear program.

So on those areas where we have high priorities, obviously the Russians have been effective partners. But at the same time, we would welcome the Russian participation in the Nuclear Security Summit.

Q So is it not a problem at all that they're not coming? It's not significant that they're a no-show?

MR. EARNEST: Well, obviously we would welcome them doing so, and they're going to miss out on an opportunity to coordinate with the rest of the international community on these important issues. I do think that it serves to further illustrate the degree to which Russia is isolated from the rest of the international community. That for whatever reason, they've chosen not to engage in this conversation.

And I think -- I'm sure some of that is at least in part related to tensions that they have with the United States and other countries in other regions of the world, including Ukraine. And this is yet another consequence of Russia's involvement in that particular matter.

Q And lastly, on the commutations, can we expect to see many, many more of those as the President leaves office?

MR. EARNEST: I certainly wouldn't rule out the President using his clemency authority to offer commutations to additional individuals. That will only be done after a careful review of individual cases by lawyers at the Department of Justice. But I certainly wouldn't rule it out.

Q Is there a target number that he's looking for? I mean, are we talking hundreds of thousands of people?

MR. EARNEST: No, there's not a target number simply because each of these cases is reviewed individually. So there's not a target number. There is just a commitment to try to review as many of these cases and to offer clemency to individuals who are deserving of it.

April.

Q I want to follow on Michelle. She kind of asked this last series of questions -- what I was going to ask. But when it comes to commutations and these last 10 months this President has in office, you say you're going through them carefully. Do you have a large number that you're going through? How are these lists compiled? What happens?

MR. EARNEST: There's a formal application process that individuals who are incarcerated, who want to see clemency, can undertake with their attorneys. But this is a process that resides at the Department of Justice, and I'm sure they could give you a briefing both on the details of the process and how many individuals are currently going through it.

Q So you don't know exactly how many there are sitting to --

MR. EARNEST: To be reviewed. I don't know, but the Department of Justice may be able to give you an idea.

Q And do you have the numbers of those -- as you said earlier, many of the people have low-level drug charges and sentences, and they would be sentenced down to finish their time, do you have the numbers of the people who actually are in prison in the country now on those charges?

MR. EARNEST: I don't have those numbers in front of me, but the Department of Justice may be able to give you some of those statistics. I think one of the things that's notable about this, April, is that about a third of the individuals who received clemency today were previously serving life sentences. So we're talking about people who are facing -- who previously were sentenced to terms that weren't just a little bit longer than what they would face today, but substantially longer.

And there are significant, positive consequences for offering this kind of second chance. So that's why the President has made this a priority.

Q To get in the weeds a little bit about this, the crack cocaine versus powder cocaine disparity -- when President Obama was then-Senator Obama, the Congressional Black Caucus was working on this issue, trying to lower the disparity. How much work or how important was it to him when he was then-senator in Chicago on the Hill?

MR. EARNEST: Well, look, there are a variety of questions that have been raised about the fairness in our criminal justice system. And there was important progress that was made on Capitol Hill to at least reduce this disparity, and that was only possible because

there were some Republicans who would actually recognize that disparity and, to their credit, were willing to work with Democrats to try to address it. So we're hopeful that that same spirit will prevail as Congress takes a broader look at broader criminal justice reform.

Q And you opened your book -- apparently you were going to go to something. Read us what you wanted to say, or thought I was going to ask.

MR. EARNEST: Well, I turned to the section that sort of has the outlines of our criminal justice proposal and some of the priorities that we have said that we'd like to see included in that measure.

Q And lastly, going back to the numbers, so typically the last day, or before the last day or last week -- or within the last month, the President has a lot of pardons. Should we expect a large number of pardons and commutations as this is a legacy piece for him, particularly on this issue?

MR. EARNEST: Well, the pardon process is similar in that individual cases are reviewed individually by the Department of Justice. And when they find deserving individuals, then they send those over to the White House for the President's consideration. And that process will continue and I certainly wouldn't rule out additional pardons being granted before the President leaves office.

Chris.

Q Josh, a question about North Carolina's anti-LGBT House bill 2, which you spoke out against earlier this week. The North Carolina governor cast the law as an assertion of state authority over the localities of his state, including Charlotte. Does the President think the federal government should assert its authority to override the state law?

MR. EARNEST: Well, I have to admit that I'm not familiar with sort of the legal consequences of applying municipal, state or federal law in this kind of scenario. So I hesitate to sort of wade into the legal argument. I think that what is true is that Governor McCrory has chosen to use his state authority in a rather mean-spirited way. It certainly does not promote the kind of fairness and justice that our country has long stood for. And that's why I think you've seen the President speak out when other states have pursued similar measures. And we're going to continue to do that.

As I observed in, I guess, the gaggle that I did yesterday, the President was quite pleased with the Supreme Court decision that was handed down last summer that guaranteed the freedom to marry. But the President recognized, even at the time, that while that was a decision that was worth celebrating and progress that was worth celebrating, that was far from the end of the struggle. And we're going to continue to engage in these debates, and the President is always going to be on the side of fairness and justice.

Q The other thing I thought you would mention it in your response is the President's support for the Equality Act, which established non-discrimination protections for LGBT people over the state law. Isn't that something that would have a positive consequence on the House bill 2?

MR. EARNEST: Let me check with our attorneys in terms of sort of how -- what specific impact proposed federal laws could have on this situation. I'm not steeped in the legal details of this particular matter, so let us follow up with you on that. I think I can speak about the principle that is clearly at stake here, and I think that principle is one that the President holds dear and I think that accounts for why you've seen certainly strong comments from me on this and if you have a chance to ask the President about it on Friday I'm confident that the point of view that he'll express will be similarly assertive.

Q Well, I certainly hope I get the opportunity to ask him. (Laughter.)

MR. EARNEST: Margaret.

Q Josh, President Obama back in 2009 called nuclear terrorism the most immediate and extreme threat. That was before the rise of ISIS, which is the best-funded, best-networked terror group out there. So are we now in sort of a nuclear threat emergency?

MR. EARNEST: Well, there's no denying that it would be very dangerous and deeply troubling if ISIL was able to get its hands on nuclear material or even a nuclear device. And it does underscore why the President has made securing nuclear material around the globe a top priority. And since the President took office, we've made a lot of important progress in that regard.

The Iran deal, the international agreement to prevent Iran from obtaining a nuclear weapon is probably the best example of that. A large percentage, 98 percent of their stockpile, of highly enriched uranium was shipped out of the country and was secured. That's a good example.

Q Are you concerned about Iran selling to ISIS?

MR. EARNEST: Well, I think the concern was just that when you have this dangerous material in such large quantities, it enhances the risk of proliferation. The other thing that we know is that Iran supports terrorism -- there's no denying that as well.

So that's why there are a variety of ways in which our national security was significantly enhanced by reaching an agreement to prevent Iran from obtaining a nuclear weapon but also to ensure and verify that their nuclear program was dedicated to specifically peaceful purposes, but also to ensure that Iran had the appropriate protocols in place to protect the nuclear material that they did retain. And you'll recall that that actually was also a key component of the international agreement -- was putting in some protocols and standards related to nuclear security, some of which involved the United States lending our expertise to those efforts.

What's also true is that since the President initiated the series of nuclear security summits, 13 countries plus Taiwan have eliminated their stockpile of highly enriched uranium. That is another tangible example of the progress that we have made. There also has been important progress made in establishing essentially a nuclear security architecture -- a set of standards that countries around the world abide by when it comes to shipping and storing nuclear material, but also in terms of deploying equipment at their borders that could detect the attempted shipment of nuclear material. All of that enhances the national security of the United States. All of that makes the world a safer place. And all of that is a result of the President making this issue a top diplomatic priority.

Q So do you think the threat from nuclear terrorism is greater or lessened?

MR. EARNEST: Well, I think there's no denying that the risk to the United States has been reduced because of the progress we've made in the context of the Nuclear Security Summit and the series of them that we've hosted over the last several years.

At the same time, we continue to be very mindful of the threat that is posed by a terrorist organization like ISIL or AQAP getting their hands on nuclear material. And that is an important motivator I think for all of the heads of state who are participating in the summit this week; that they recognize the dire consequences of that happening and they're taking the responsible steps and participating in the summit in a responsible way to ensure that the security of the world can be enhanced.

Q But when you've talked about this summit and you mentioned this coalition against ISIS meeting, it sounds sort of like you're describing it as a check-in versus the level of threat that many feel and many intelligence analysts would say ISIS poses, and reflecting

the level of concern that the White House has specifically about nuclear terrorism. So do you expect to have any kind of action plan coming out of this focused meeting on an urban threat from nuclear terrorists?

MR. EARNEST: Well, it is true that the President envisions a much broader discussion about our counter-ISIL efforts beyond just preventing ISIL from getting their hands on nuclear material. Given the fact that all the leaders are here to participate in a Nuclear Security Summit, I'm confident that that will be an aspect of their discussions, but the President is interested in having a much broader discussion about our strategy to degrade and ultimately destroy ISIL. But, again, you'll have an opportunity to talk to the President a little bit more about this when he does a news conference on Friday.

Q And one follow-up. You mentioned Iran. The administration is very proud of its nuclear agreement with Iran. Was there thought of actually inviting it to the Nuclear Security Summit?

MR. EARNEST: Not that I'm aware of, primarily because the most important business that we had to do with the Iranians as it relates to their nuclear program and the nuclear material that they retain is something that we're able to resolve in the context of the P5+1 talks. And so I'm not aware of much serious consideration that was given to including the Iranians in this year's Nuclear Security Summit.

Q Does the U.S. still consider them a nuclear proliferator?

MR. EARNEST: Well, the United States now -- I'm not aware of the consequences that are associated with applying that specific label. What I can tell you is that the United States now, for the first time, is able to verify Iran's handling of their nuclear material. We can verify that they are not building a nuclear weapon; that their program is focused only on peaceful gains. And we also know that Iran has followed through on applying many of the safety and security protocols that other countries with nuclear programs respect. And we believe that's important as well.

Q But you did bring up the point that you believe Iran is a state sponsor of terrorism. Your Treasury Department in the past has talked about illicit nuclear trade and collaboration between North Korea and Iran. So do you -- are you saying that the nuclear deal that this country, along with its allies, came to an agreement on this summer ends that concern about Iran illicitly trading nuclear material with other groups?

MR. EARNEST: Well, it is going to be a lot harder for Iran to do that, if they choose to do so, because of the unprecedented access that the international community has to Iran's nuclear program. We're going to be able to detect if they begin to take steps that are either in violation of the Iran agreement or if they take steps that are in violation of other U.N. regulations that govern the shipment of materials that could potentially be used for a nuclear program. There are a whole set of prohibitions that certainly apply to North Korea but also apply to Iran when it comes to things like their missile program or other technology that could be used to weaponized nuclear material.

So if Iran were to seek to enhance their coordination with North Korea on something like that, as a result of the international agreement to prevent Iran from obtaining a nuclear weapon, we would have more insight into their activities than we ever have before.

Q But still not confident enough to consider Iran a partner at this Nuclear Security Summit?

MR. EARNEST: Well, we are confident that we are able to successfully resolve many of the concerns that we previously had with Iran's nuclear program in the context of the P5+1 talks.

Kevin.

Q Thanks, Josh. Would it be fair to say the President doesn't really care if Russia is here or not? Does it matter if the Russians attend the nuclear summit or not?

MR. EARNEST: Well, I think to be blunt about it, Kevin, I think we'd prefer that they were participating constructively. But look, there are a lot of things that we'd prefer the Russians do that they don't do. And that has led to a situation where Russia is more isolated than they've been in quite some time. That's had consequences for their broader economy but, at the same time, it hasn't prevented us from being able to effectively coordinate on some areas, including related to nuclear security with the Russians in a way that enhances both our countries' national security -- the Iran agreement and the recently imposed sanctions against North Korea I think are the two best examples of that. Those things could not have happened without Russia's constructive participation in the process.

Q But them not being here would be sort of like having the U.S. not be at a G7. I mean, can you imagine that? I mean, they have such an enormous nuclear program and have had for years. Them not taking part in such an important summit seems to me to be a big mess.

MR. EARNEST: Well, look, again, we would welcome Russia's constructive participation in all this. But it hasn't affected our ability to advance the goals of our two countries. Let me give you -- there are a couple of other examples. The United States does work effectively with Russia to secure some nuclear material that's in Uzbekistan. Obviously, this is --

Q (Inaudible) from Iran by chance? Or you can't say?

MR. EARNEST: I don't know much about that nuclear material, but I do know that the Russians have worked effectively with the United States to safeguard that material. I don't know its current status, but it's just another example of how the United States and Russia can work together, even if it's not in the context of the Nuclear Security Summit.

The other thing that I would observe is Russia's agreement early in President Obama's tenure to sign on to an update of the START Treaty. That also had a positive impact in advancing cooperation between our two countries on nuclear issues.

So we're able to cooperate with them on a whole range of nuclear issues that are high priorities for the United States, even though Russia unfortunately has chosen not to participate in this year's summit.

Q Just a couple more. The Supreme Leader in Iran says that it's "the time of both missiles and dialogue," making the comment that they would like to continue their missile program despite the fact that there are major limitations based on the Iran nuclear deal. What's your reaction to the Supreme Leader's comments?

MR. EARNEST: Well, look, my understanding is, as of today, France, Germany, the United Kingdom and the United States submitted a report to the U.N. Security Council documenting how Iran's ballistic missile activities are inconsistent with U.N. Security Council standards. And we're going to continue to hold Iran to account for that.

You'll recall that, just last week, the United States announced a new set of sanctions that would be imposed on Iran for their continued violation of regulations applying to their missile program. And we continue to be serious about that. We've announced that next month the President will be traveling to Saudi Arabia where the President will be meeting with Saudi Arabia and other GCC countries to discuss our ongoing efforts to coordinate our interdiction efforts. We know that Iran is trying to illicitly ship and acquire technology that could be used to advance their ballistic missile program. And we continue to look for ways to coordinate with other countries in the region to prevent that illicit behavior from continuing.

So the President has made this a priority. And there have been consequences, including economic consequences, for Iran's failure to pursue a program that's inconsistent with what's envisioned by the United Nations.

Q Just to button that up, the consequences wouldn't impact the \$150 billion of assets that were unfrozen at the completion of the deal. Is that correct?

MR. EARNEST: Well, the \$150 billion is not one that -- but we can avoid that argument for now. But our concerns with Iran's ballistic missile program is something that we have long had. And our efforts to reach an international agreement to prevent Iran from obtaining a nuclear weapon did not address our longstanding concerns with Iran's ballistic missile program, except the reason that we were trying to and were committed to successfully completing this agreement to prevent them from obtaining a nuclear weapon is we were mindful of the fact that they were also developing a missile program that would make the development of a nuclear weapon even more dangerous. So that's why we made this a priority.

But, no -- to answer your question directly -- no, our ongoing concerns with Iran's ballistic missile program and our efforts to counter it will not affect our ability to continue to implement the agreement that will prevent Iran from obtaining a nuclear weapon that could potentially be placed atop a ballistic missile.

Q Final one for me is the FBI-Apple story. Should the American public, from the White House's perspective, have any presumption of privacy from law enforcement being able to essentially hack into their telephones or other devices?

MR. EARNEST: Yes, absolutely. And the reason that they should be confident in that privacy is because there are laws on the books that are assiduously followed by our law enforcement and national security officials that protect the privacy of the American people. In fact, the President led the effort in Congress to reform some of these surveillance programs to give greater confidence and inspire greater confidence on the part of the American people in our ability to protect the American people's privacy, even as we undertake the necessary actions to protect our national security.

The whole debate between Apple and the FBI in the context of this investigation was actually taking place not between the two of them, but actually in a court of law -- because there was a judge that was presiding over this debate to ensure that the privacy of the American people was protected. And that is the way that our system should work, and that is why people can have confidence in their right to privacy -- because we know that there are laws that are on the books that are assiduously followed by our national security and law enforcement professionals to protect that privacy. And we have a whole judicial branch that understands that they have a need to interpret that law to both protect our privacy but also to keep us safe. And that is essentially, in the mind of the President, exactly how this process should play out.

Ron.

Q Just on the ISIS meeting again, it seems like it's a unique moment because all these world leaders are here and because a week or so passed that Brussels was attacked. And you mentioned that there are some things that the President thinks the coalition should be doing more, like the Europeans sharing information and the Turks sealing the border. Is there anything else -- what else specifically are the shortcomings that the President thinks need to be plumped up in the coalition to move this whole situation forward?

MR. EARNEST: Well, let me answer that in a couple of ways. So the first is, let me point out that the counter-ISIL meeting that the President will convene later this week is something that we've been planning since the beginning of this year, so even before the Brussels terrorist attacks. So this isn't a direct response to that, but of course the attacks that we saw in Brussels will only add to the urgency that's part of this meeting. I just wanted to make that part of it clear.

More generally, you've identified sort of two of the most frequent asks that we make of our ISIL coalition partners, which is improved intelligence-sharing and improved efforts to secure the Turkey-Syria border. I know that Secretary Carter has talked at some length about more significant military contributions that some of our partners could make to our counter-ISIL campaign. There are a number of requests that we have made related to gathering intelligence about ISIL's financing activities. And our efforts to coordinate on that have been very useful, but there are some instances where we believe our partners could do more.

I'm confident that somebody like Brett McGurk could give you a more detailed wish list, if you will, or at least a request list that we put in front of other members of our coalition. What we have sought to do is to capitalize on the expertise of our partners in certain areas to effectively integrate them into a broader counter-ISIL coalition to maximize our efforts. And so we can see if we can get you some more details about the specific request that we've been making.

Q Just on the military part of this, is the President convinced that this war, this effort can't be won without significant ground troop presence there?

MR. EARNEST: Well, let me answer that -- well, the President has been clear --

Q Not American boots on the ground, but some boots on the ground. In principle, I think the U.S. strategy -- the U.S. part of the strategy has relied heavily on airstrikes.

MR. EARNEST: That's right.

Q Now we've had Paris, you had Brussels, so on and so forth. And there's been progress, as you've noted. But in terms, fundamentally, does the President think that there has to be a significant ground military troop component to ultimately destroy ISIS that's not there now?

MR. EARNEST: Well, our strategy when it comes to making military progress against ISIL -- and recognize that's just one component of our strategy, but clearly a very important one. That strategy has rested upon the notion that we need to build the

capacity of fighters inside those countries to fight the security situation in their own country.

Obviously, the situations in Iraq and in Syria are quite different. We have a pretty effective -- we've received effective cooperation from the Iraqi central government who is committed to this fight, and the United States has offered them significant financial assistance to carry out this fight. The United States has offered significant training assistance to enhance the capacity of their fighters to carry out this fight. There are even U.S. Special Operations forces that are offering some advice and assistance, even as these Iraqi forces carry out military operations. There is no denying that their efforts on the ground are greatly enhanced by the precision airstrikes that are carried out by U.S. and coalition military pilots. That is our strategy. And that is why we've been able to drive ISIL out of about 40 percent of the populated territory that they've previously occupied.

The calculation in Syria is much different because we don't have that kind of effective cooperation with the central government in Syria. And it means that the United States has had to put a small number of individuals on the ground to try to organize the efforts of fighters on the ground that are focused on taking the fight to ISIL. And we've made important progress in that regard, too -- driving ISIL out of Kobani, driving ISIL out of Shadadi, and beginning to take some steps that would sever the link between Raqqa and Mosul.

Q I've heard some commentary suggesting that that could be months and months away - - a serious attack on Raqqa or an effort to get Mosul back. So in the Syrian context, as you point out, there's a difference. Is it still the belief of the administration that that can be done by enhancing the capacity of local troops without a significant foreign component? I guess the ultimate question is, is the President going to say to the coalition, look, if we want to win this we've got to send some troops in now?

MR. EARNEST: I think the President's view is that the core of the fighting forces on the ground have to be individuals who are fighting for their own country. And we've learned the lessons of not pursuing that kind of strategy. So that doesn't mean that there could be other ways for other countries to contribute to that effort on the ground. And I would defer entirely to Ambassador McGurk and Secretary Carter to discuss exactly what they would envision.

But the truth is we know that there's a very small number of U.S. military personnel on the ground inside of Syria that are contributing to that effort. They're not on the front lines, but they certainly are playing a very valuable role in offering advice and assistance to this alliance of fighters on the ground in Syria. Are there more robust military

contributions that could be made by other members of our coalition? I certainly wouldn't rule that out. But the principle that we're dealing with here is that the core of the fighting force on the ground can and must be people who are fighting for their own country.

Q On the Judge Garland nomination, is there anything that's happened over the last day or two that gives you more room for optimism, aside -- I know there was the meeting with Senator Kirk. Is there anything else that you can point to that's progress towards moving this nomination forward?

MR. EARNEST: Well, I would certainly direct you to the public comments made both by Senator Kirk and Senator Collins in the last 24 hours that I think would sound strikingly similar to the kinds of sentiments that you've heard me and other administration officials articulate about the Senate fulfilling their constitutional responsibility.

Senator Kirk said -- he observed, "When you just say you're not going to meet them at all that, it's too closed-minded." That's a pretty direct rebuke of the statement from the Senate Majority Leader and the Chairman of the Senate Judiciary Committee who said that they didn't intend to meet with this individual. Senator Grassley has more recently expressed some openness to that and we're working to schedule that with him.

Senator Collins, in some ways, was even more direct. She said that she was "perplexed" -- her word -- by the position that was taken by Senate Republican leaders. She said, "It just seems to me to be no basis in saying that no matter who the President nominates we were not going to consider that individual."

So I think that does represent -- I think that does serve as an illustration that more than a handful of Republicans are pretty uncomfortable with the position that they've adopted, vis-à-vis Chief Judge Garland's nomination to the Supreme Court.

Q But there are no more firm commitments, no more firm meetings, nothing that's definitely on the books that we didn't know about? The Senator Grassley meeting is still somewhat not scheduled?

MR. EARNEST: It is not scheduled at this point, but we're working with him to schedule it. But, look, there are now 17 Republican senators that have indicated an openness to meeting with him.

You'll recall that in the hours after Justice Scalia's untimely death Leader McConnell put out a statement definitively ruling out any sort of Senate consideration of the President's nominee. I think this represents a significant erosion in his -- in the Republican Party's position. I also would note that there's been a not insignificant erosion in the Senate Republican poll numbers, that we have seen the American public express some concern with the Republican insistence that they're not going to fulfill their constitutional responsibility.

I think the American people understand that this is not a principled position that they're taking, it's a political one. And Senator Johnson, Republican from Wisconsin, admitted as much. He said that the Senate would be treating a Republican President's nominee much differently than they're treating President Obama's nominee. And they're doing that not because they have any substantive objection to Chief Judge Garland -- Republicans say that, too -- they're doing that only because he was nominated by a Democratic President. That's not the way that our system is supposed to work.

And again, there's ample public data to indicate that most Republicans are uncomfortable with that kind of contention. And that's the case that we're going to continue to make, and that's why we -- I think that's why we've seen the progress that we've made thus far.

It's not at all unrelated to the fact that the President has appointed someone whose qualifications are beyond question. We've appointed somebody who understands that it's his responsibility to interpret the law, not to advance a political agenda. And that's something that he's demonstrated over his 19 years on the bench -- which, by the way, is more federal judiciary experience than any other Supreme Court nominee in the history of this country.

Q Let me ask one more about politics since you raised politics. Corey Lewandowski -- what's your reaction to what's happening with him?

MR. EARNEST: Well, I have to admit I haven't been following the ins and outs of this legal case very closely, so I don't know --

Q You haven't?

MR. EARNEST: Well, look, at least in terms of now that it's a legal case, I haven't been following it. I don't know if he's made bail yet, for example. But -- that was a joke.

(Laughter.) You guys are no fun. I walk out here telling Schultz we're going to have some fun today. (Laughter.)

Q That's my question -- what's your reaction to his --

MR. EARNEST: There you go. Well, look, here's the thing. There's no denying that the kinds of actions and statements we've seen from this campaign is completely outside the realm of acceptable behavior that's been observed by Democratic and President Presidents over the course of our history. And so I feel confident in doing something that I'm always loath to do, which is to express a view that I'm confident that even President George W. Bush would agree with -- and this is relevant because this is a prospect that Mr. Trump raised. I am confident that neither President Obama, nor President Bush would tolerate someone on their staff being accused of physically assaulting a reporter, lying about it and then blaming the victim. That is completely unacceptable behavior. And I'm confident that -- I know for a fact that's not something that President Obama would tolerate, and I feel confident in telling you that that's not something that President Bush would tolerate.

I'm also confident in telling you that nobody is particularly surprised that that's behavior that Mr. Trump doesn't just seem to tolerate, he seems to encourage.

Q What about the President Bush part of this, how do you know that or suspect that?

MR. EARNEST: Well, I suspect that based on the kinds of principles and commitment to values that, despite our political differences, make clear that assaulting a reporter is wrong; assaulting women is wrong. And the accusations that have been raised about Mr. Lewandowski's conduct go directly to those core values. And again, I'm happy for President Bush or someone who works for him to say this definitively on their own. I'm confident they -- despite our many disagreements on a range of other issues, I'm confident they would agree with me on this one.

Colleen.

Q Thanks. One other calculated question.

MR. EARNEST: Okay.

Q Donald Trump said last night that more countries should have nuclear weapons, including Japan and South Korea. That obviously --

MR. EARNEST: I guess we won't invite him to the Nuclear Security Summit either.
(Laughter.)

Q That seems interesting right as the President is convening the Nuclear Security Summit. What's your response to the suggestion that more countries should be developing their own nuclear weapons?

MR. EARNEST: Well, that prospect would be incredibly destabilizing. And I think the best way to sort of view this -- well, I think there are a couple different ways to view it. Let's do it through the prism of examining the situation in North Korea. Right now, the policy of the United States -- a policy that is strongly supported by the broad international community -- is that we should denuclearize the Korean Peninsula. So Mr. Trump's suggestion that somehow we should encourage our allies in South Korea to develop nuclear weapons is directly contrary to a policy that the United States has long pursued, and is directly contrary to a policy that the international community has long supported.

And it's hard for me to imagine why it would be a good idea to give the North Koreans any justification or any incentive to further accelerate their nuclear weapons program. It doesn't make any sense.

And what protects South Korea and Japan is knowing that they have the steadfast support of the most powerful country in the world. And the United States will stand shoulder to shoulder with them as they confront the nuclear menacing from North Korea. They, rightly, take great comfort in that. And it is why it's particularly important that our country is led by a Commander-in-Chief who understands the consequences of his words and his policy decisions.

Scott.

Q Josh, you mentioned the process at DOJ for reviewing clemency applications. The woman that used to run that process quit in January, and thanks to USA Today, we now know she complained in her resignation letter about all kinds of roadblocks, some of them involving access here at the White House. Is the White House doing anything to address that?

MR. EARNEST: Well, Scott, I think there were a couple of concerns that she raised, and some of them were not inconsistent with concerns that we've had.

The first is, we would like to see that unit of the Department of Justice be given more resources to do their work. And in the President's latest budget proposal, there's a significant increase proposed for the budget of that office.

More generally, we have seen a steady ramping up of that office's ability to review applications and send recommendations to the President. And we've been pleased with the improvement that we have seen. That includes some of the work that was done by the previous leader of that office. She deserves some credit for that.

But the President is interested in seeing continued improvement and building on the momentum that has been built up. And we've got -- we're entirely confident in the current leadership of that operation to fulfill the President's promise.

Q And in his blog post today, the counsel said that these individual clemencies are no substitute for broad reform. Is the administration de-emphasizing individual clemencies in service of broad --

MR. EARNEST: No, not at all. In fact, the President is serious about using this executive authority to try to correct injustices in the system where they are detected. But the best way to do this is for the United States Congress to work in bipartisan fashion to pass the kind of criminal justice reform that would inspire much greater confidence in the American people that our criminal justice system is more effective in actually bringing about justice.

Q I wanted to go back to the Apple and FBI case. Now that the FBI was able to access this phone, there were reports that Apple wants to know exactly how they were able to do so. We've been told that this is going to be an interagency decision about whether the government provides this information to Apple. Where do those discussions stand right now? And how involved is the White House going to be in making that decision?

MR. EARNEST: Well, I am not aware of the status of those discussions. Obviously, there will be -- we value the important dialogue between the government and technology companies. We obviously value the cooperation that many of those technology companies have lent to law enforcement as they do things that make us safer. We've talked about some of these examples.

We've enjoyed important cooperation with technology companies, for example, in shutting down child pornography. And our ability to work with those technology companies only enhance our ability to stop the spread of that crime. A similar statement could be made about human trafficking -- that many human traffickers have turned to online and social media tools to try to market their criminal activity. And we've been able to work effectively with the technology companies to counter it.

So we've been able to find common ground in the past on these kind of priorities. And certainly when it comes to the national security of the United States and the ability of terrorists to carry out acts of violence against innocent patriotic Americans, we should be able to find some common ground there, too. And we're hopeful that we'll be able to continue our coordination not just with Apple but with technology companies in a way that doesn't undermine anybody's basic commitment to privacy and robust encryption. After all, the President himself has said that he's a strong believer in the robust deployment of strong encryption.

Q So does the federal government have a responsibility to alert companies like Apple about vulnerabilities in their products that, theoretically, will affect millions of consumers?

MR. EARNEST: Look, what I can assure you of is that we are interested in a serious dialogue with technology companies. And I can't get into the status of any ongoing conversations, but I can tell you that, as a matter of principle, we value the kind of cooperation that we have received from technology companies. It has not required

anybody to capitulate on their dearly held values or on their business model. But by working together and acknowledging where our interests overlap, we've been able to make important progress that has protected the privacy of the American people while also protecting the national security of the United States.

That kind of cooperation would not be possible without an effective dialogue. So we're committed to that dialogue. In general, that dialogue will continue. But I don't have an update for you in terms of where the discussions are as it relates to this specific matter.

Q And on Merrick Garland, Senator Grassley this week is predicting that Democrats will eventually force a vote -- a discharge petition. Is that something that the White House is more seriously considering in their discussions with Senate Democrats?

MR. EARNEST: Well, I pointed to the public comments of Senator Kirk and Senator Collins as illustrations of the discomfort that some Republicans are experiencing as it relates to their position on confirming Chief Judge Garland to the Supreme Court.

I actually think the quote that you've just mentioned is probably the best illustration of how uncomfortable Republicans are with their position. It seems strange that the Chairman of the Judiciary Committee would be suggesting that the Judiciary Committee's constitutional responsibility to consider the President's Supreme Court nominee should be circumvented by Democrats.

The truth is, the Judiciary Committee and the Chairman of the Judiciary Committee should just fulfill their constitutional responsibilities. That's the way that this process should move forward. And I know Republicans have suggested that while they don't want this process to be swept up in presidential politics, but it's a little hard for them to make that claim when they suggest that, well, this decision shouldn't be made until we've had an opportunity to play presidential politics and determine who the next President is going to be. It doesn't make sense.

The best way for us to prevent this process from being further polluted by partisan politics is for the President, first of all, to put forward an individual who's got unquestioned credentials. In fact, that's exactly what the President has done. He's put forward somebody with a strong track record -- a 19-year track record on the federal judiciary of fairmindedness and fairness, and a commitment to interpreting the law, not advancing a political agenda.

That's why even Republicans have described him as a consensus candidate. That's the best way for us to reduce the political pollution around this nomination. And that means Republicans also have a responsibility to fulfill their constitutional obligations.

Republicans would have a much better case if the President had put forward somebody who was of questioned credentials who was geared toward specifically trying to influence the outcome of the presidential race by trying to drive up turnout, and trying to provoke a big partisan political fight. The President didn't choose that path. The President actually chose the path of choosing somebody that even Republicans said was a consensus nominee.

And even in the last two weeks, after Republicans promised to treat the President's nominee as a "piñata," even most Republican senators have acknowledged that it's kind of hard to argue with the fact that Chief Judge Garland deserves a lifetime appointment on the Supreme Court. His credentials and his public service to this point demonstrate that he is clearly qualified for that important job.

But I'm not suggesting that they should just take the President at face value, or even Judge Garland at face value. The President put forward Chief Judge Garland's nomination promptly, within four or five weeks, so that there would be ample time for the Senate to conduct their usual process. And that includes giving Chief Judge Garland the opportunity to testify before the Senate Judiciary Committee.

I described it as an opportunity -- it makes it sort of sound good. Typically, those hearings are pretty tough. You're on camera for hours at a time. You're testifying under oath. And you're facing tough questions from Democrats and Republicans about a range of complex legal issues that have significant consequences for the United States. That's an arduous process, but that's what it should be. That's the arduous process that any nominee to the Supreme Court should have to undergo.

And the President is confident that after Chief Judge Garland goes through that process, that in the minds of the American people and the members of the United States Senate, that they'll all arrive at the same conclusion -- or that they should arrive at the same conclusion that the President did, which is that Chief Judge Garland would serve with

honor and distinction on the Supreme Court. And that's why we believe that the United States Senate and particularly the members of the Senate Judiciary Committee should get to work.

Q So can you tell us, is a discharge petition a viable option that the White House is considering?

MR. EARNEST: Well, right now what we believe should happen is that the Senate Judiciary Committee should do their job. And I'm not -- I'll be honest with you, before Senator Grassley mentioned this at a town hall meeting in a way that apparently was unplanned and not terribly thought-through, I didn't realize there actually was a discharge-petition process on the Senate side. Now, that may be my own bias -- I briefly worked on the House side and was aware of how that process worked. So I can tell you that's not something that's gotten serious consideration over here primarily because there's ample time for Senate Republicans to actually follow through on Leader McConnell's promise to get the Congress moving again. And there's no reason that if we operate under the timeline that previous Supreme Court nominees have in the last 30 years, that Chief Judge Garland should be able to get a hearing and a fair up or down vote before the Senate goes into recess and, more importantly, before the Supreme Court begins their next term in October.

If the Senate doesn't do that, we will be encountering a situation that is unprecedented in at least recent Supreme Court history in which one judicial vacancy actually has an impact on two different Supreme Court terms.

John.

Q Thank you, Josh. One question: Does the White House, through its congressional affairs office, talk to any of these Republican senators, such as Senator Collins, Kirk, or Moran of Kansas? Or is this all spontaneous? Is it news to you when they make statements like this as it is to us? Or have they been talking to the congressional liaison office at all??

MR. EARNEST: Well, I can tell you that the White House was in touch with every office of every United States senator in advance of the President announcing Chief Judge Garland was the nominee. The President takes quite seriously his responsibility to offer

advice and consent. And when we have seen public statements from individual senators indicating their willingness or even desire to have a meeting with Chief Judge Garland, then we've contacted them, and we've followed up with them to schedule those meetings.

So we have been in touch, but I feel confident that Senator Kirk and Senator Collins here are articulating their genuine opinion on this.

Q The other thing is Iran, on January 28th, signed an agreement -- I believe it was signed by President Rouhani to acquire 118 Airbuses that presumably are going to be used for commerce and business. Is there any evidence at all that this has benefitted U.S. business in the last three months in any way?

MR. EARNEST: Well, I guess I'd encourage you to check with the Commerce Department on this. Obviously there are a whole range of regulations that prevent extensive business ties between the United States and Iran. That's because we have concerns about the way that Iran continues to support terrorism; the way that Iran frequently violates the basic human rights of their people; the way that Iran continues to develop a ballistic missile program; the way that Iran continues to threaten our closest ally in the Middle East, Israel. And that's left Iran pretty isolated.

Now, they've gotten some sanctions relief because they have followed through on their commitments as a part of the international agreement to prevent Iran from obtaining a nuclear weapon. We didn't trust them to do that; we verified that they followed through on those commitments. But the significant limitations that remain in place on U.S. businesses doing business with Iran haven't changed, and won't change until we see Iran begin to pursue a path that demonstrates a commitment to complying with basic universal -- or at least international principles about human rights and terrorism and their military program.

Andrew, I'll give you the last one.

Q I just wanted to get back to clarify something you said at the beginning. Is the administration's position that Assad should step aside before a transitional government, not at the end of a transition?

MR. EARNEST: What we have said, Andrew, is that President Assad must step aside because until he does, we will not see an end to the political turmoil and chaos that's been plaguing that country for far too long. It is because of President Assad's failed leadership that we have reached this point. That is the root cause of the violence and mass migration that we've seen there. It's also the root cause of the terrible atrocities that have been committed in Syria, and the hundreds of thousands of people who have lost their lives as a result of President Assad's failed leadership. And that's why we continue to believe that we're not going to resolve this situation until President Assad makes a clear commitment to leave.

Q You seem to be more specific on the timing. You said that it would be a non-started for Assad to be involved in the transitional national unity government.

MR. EARNEST: I think what I said is that it will not -- the chaos and violence and turmoil inside of Syria will not come to an end until President Assad has left office. And that has long been our position, and it continues to be.

Thank you, guys.

END

2:28 P.M. EDT