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Press Briefing by Press Secretary Josh Earnest, 1/5/2016

James S. Brady Press Briefing Room

1:25 P.M. EST

MR. EARNEST: Good afternoon, everybody. It's nice to see you all. I think you all made note of the President's remarks in the East Room today about the executive actions that his administration will be taking to make it harder for criminals and other people who shouldn't be able to get guns from getting their hands on them. I have, for your convenience, thought to put a little reminder of the President's actions today. But given the President's robust remarks, I will spare you a topper but certainly look forward to taking your questions about these steps or anything else that may be on your mind today.

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So, Darlene, would you like to start?

Q Yes, thank you. The President talked about \$500 million for expanding mental health treatment. Can you say what the source of that money is? And does it have to be in the budget that he is going to send to Congress next month?

MR. EARNEST: Well, I certainly would expect that many of the priorities that the President discussed today will be incorporated into the budget proposal that he'll present to Congress next month. Obviously, we have seen some interest from Republicans who claim that expanding access to mental health care coverage and better mental health care coverage for Americans would make our communities safer. I've described previously why I'm skeptical of those claims -- primarily because Republicans are prepared, for the 60th time, later this week to repeal the very law that actually did more to expand access to mental health care coverage than any other law that's been passed in decades. That is Obamacare. But we're willing to call their bluff.

And so the President is certainly serious about doing even more than we've already done to expand access to mental health care for people all across the country because there certainly is the reasonable prospect that that would -- that expanding access to mental health care coverage would make our communities safer. And we look forward to Republicans working with us constructively to accomplish that goal.

Q You said you're skeptical of their claims. Is the President also skeptical of their claims for wanting more money and attention to be paid to mental health treatment?

MR. EARNEST: Well, again, I think if Republicans were serious about expanding access to mental health care, then surely they would be able to support those elements of the Affordable Care Act that actually do exactly that. There are millions of Americans that now have access to mental health care coverage that they didn't previously have access to because of the Affordable Care Act. And Republicans are attempting, once again, this week, to vote to repeal that law. So it's hard to take seriously their claims that they're actually interested in ensuring that people have access to mental health care. But we're willing to call their bluff, test their proposition, and if they actually are willing to work seriously with the administration to invest \$500 million in expanding access to mental health care, I'm happy to be proved wrong.

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Q Can you talk a little bit about what preparatory work may have been done either here at the White House through the Counsel's Office or maybe over at the Justice Department to prepare for the anticipated legal challenges to what the President announced today?

MR. EARNEST: A lot of the work on this issue was done at the Department of Justice, and that's why you heard the Attorney General talk about many of these measures on a conference call last night.

There certainly were White House officials who were involved. And I would like to take this opportunity to single out a couple of White House officials who don't get a lot of attention but were certainly instrumental in the successful implementation of these actions. That is Michael Bosworth, who serves as the Deputy Counsel here at the White House, and Natalie Quillian, who serves as a Senior Advisor to the White House Chief of Staff. They were both the points of contact here at the White House for the development and implementation of this policy. And a lot of the steps that the President was able to announce today is thanks to the good work of those officials here at the White House, working closely with the legal experts at the Department of Justice, who, as I mentioned yesterday, were focused on producing recommendations to the President that were well within his legal authority as the President of the United States, but also effective in trying to address some of the problems that exist in the current system.

Q So as the work was being done to sort of figure out what he could do, the administration was also preparing for legal challenges? I mean, was it sort of a two-track process?

MR. EARNEST: No, I wouldn't describe it as a two-track process. I would describe it as a process whereby attorneys at the Department of Justice were looking for ideas that would address the problem that we have identified, which is that right now, it's too easy for people who shouldn't be able to get guns to acquire them. Too often, guns fall into the wrong hands. And we need to do more to keep that from happening. And keeping that from happening would make our communities safer. So that is the problem that the lawyers at the Department of Justice were focused on trying to address. But they wanted to be sure that any of the prescriptions that they put forward would be well within the President's legal authority as the President of the United States, as the head of the executive branch.

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Q Finally, can you describe for us any other time when you've seen the President be as physically emotional as he was today? It sort of goes against everything we know about the "no drama Obama" persona, stereotype of the President. An issue, an occasion, something that has moved him as he was so physically moved today?

MR. EARNEST: Well, Darlene, the President has talked before about how the violence at Sandy Hook Elementary in December of 2012 was the saddest day of his presidency. That's saying something. He's served as President for almost seven years now. And the President was quite emotional in speaking in this room at this podium on that day, and I think the President explained it for himself that even now, more than three years later, the thought of those first-graders being massacred is terribly sad and really tragic, and one that is emotional for the President of the United States, who also happens to have two daughters.

I think the emotional reaction that the President has, even three years later, I think is familiar to millions of Americans across the country who -- particularly parents, who envision their own kids in school. I think this is a very emotional issue and a terribly tragic situation, and one that I think does a lot to animate the President's determination to try to do something about it.

And he has been profoundly disappointed that despite this tragedy, Congress has not felt the same obligation to try to do something about it. But I think the President's announcement of 23 executive actions about a month or so after that terrible incident I think was pretty clear evidence of the President's determination to try to keep guns out of the wrong hands. And I think even three years later, a new set of executive actions that the President announced today are a vivid illustration of the President's ongoing determination to try to keep guns out of the wrong hands.

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Ayesha.

Q Hi. Thanks. More on the gun guidance. Is the change, as far as background checks and ensuring that dealers on the Internet, gun shows, other places, that they are adhering to background checks -- is that change contingent on having 200 new ATF agents and investigators to enforce it? Because it seems unlikely that Congress would approve funding for those measures. So is that contingent on getting the 200 new agents?

MR. EARNEST: Well, I think the point that you're making highlights one of the most vivid contradictions in the position that is advocated by Republicans. Many of the statements criticizing the President's executive actions that littered all of your inboxes today have noted the need for the federal government to more effectively enforce the law that's on the books. Well, if Republicans were actually serious about that notion, then why wouldn't they support hiring more officers to do exactly that? So, again, it's a little hard to take seriously Republican excuses for inaction when they're not willing to back up their suggested prescriptions that they believe would be more effective in trying to solve this problem.

But to answer your question more directly, no, it is not contingent on the ability of the federal government to hire additional ATF agents. This guidance has been issued and it certainly does clarify that anybody who is engaged in the business of selling firearms has to get a license and to make sure that their customers are getting a background check before their customers are able to purchase a weapon.

And the ATF, using the resources they have now, will enforce the law accordingly. Those who are engaged in the business of selling firearms that do choose to go without a license and do not force their customers to undergo

a background check will be subject to a substantial criminal penalty. This is a statute that carries with it a criminal penalty on the order of up to five years in prison and a fine of \$250,000. So this is a serious law that the ATF is committed to seriously enforcing. And the President has suggested that we should devote greater resources to enforcing the law that's on the books.

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Again, that is a position that Republicans themselves have advocated as recently as today. So we would certainly call on Republicans to back up their news releases with actual legislative action.

Q So when will enforcement actually begin? Attorney General Lynch yesterday said there will be an educational period. Is there a point sometime during this year when there will be a crackdown? Or when exactly does the enforcement start?

MR. EARNEST: Well, certainly the guidance will begin to be implemented today. And that is one of the benefits of the President's proposal, that these are actions that can be -- that aren't subjected to a protracted rule-making process but rather changes that can go into effect and begin being implemented today.

As for how it is enforced down the line, you'd have to check with either the Attorney General's office or even somebody at the ATF who could give you some greater clarity about how exactly that will take place.

Mary.

Q Do you have any indication that any Republicans are willing to work with you on these funding issues, any cause for optimism, given, as you say, that the President's proposals are in line with what they have previously supported?

MR. EARNEST: No. But again, we look forward to Republicans actually backing up the promises that are contained in their news releases with actual legislative action. I recognize that for this Congress that's a relatively novel concept, but it shouldn't be.

Q And given that many are predicting that there will be challenges in the courts, how optimistic are you that these actions will actually become a reality while the President is still in office?

MR. EARNEST: Well, I did note the reaction from the NRA spokesperson to this announcement that seems to downplay the significance of these executive actions. I'm not an attorney and wouldn't even play one on TV, but that certainly seems like it's going to hurt their legal case that these are actions that must be stopped and that this is a classic example of presidential overreach if the NRA is now claiming that it's no big deal. So I certainly have more confidence in our legal case based on that public reaction than I did before.

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Q And the President has admitted that comprehensive reform does not seem likely while he is in office. It now seems he's exhausted all of his executive options here. What will we see from him in the rest of the year? Will he continue in the coming months to sort of rally more public support for this? What will we see going forward? What more can he do?

MR. EARNEST: Well, I think you'll see a budget proposal that will come later this year that will reflect some of the priorities that the President has discussed today. As Ayesha mentioned, I think you'll see some steps that are taken by law enforcement to enforce the law consistent with the guidance that has now been put forward. We're hopeful that we'll have additional law enforcement resources that we can devote to that task. And, yes, I would anticipate that you're going to continue to see the President speak out publicly, with passion, on this issue. And I think that could come as soon as the President's nationally televised town hall meeting that he'll be doing with CNN on Thursday night. And I certainly wouldn't be surprised if it makes an appearance during the President's State of the Union address that will be covered by all of your networks next Tuesday.

Jordan.

Q Thanks, Josh. Were legal concerns one of the reasons that the background check measure was issued as a guidance rather than a rule? And are there concerns that a Republican White House would quickly reverse something like that, even more quickly than if you had issued it as a new rule or regulation?

MR. EARNEST: Well, I'm not aware of any specific legal concerns. As I mentioned yesterday, any action that the President would announce would be

something in which he and his attorneys have full confidence is well within his authority as President of the United States to exercise.

One of the benefits of the kind of guidance that the President issued today is that it can go into effect immediately and it can begin being implemented immediately. The rule-making process typically is more protracted and takes longer, and this is something that can be done more quickly.

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And each time the President has taken action, we've observed that it is not as enduring and oftentimes not as broad as what Congress can do through the legislative process. The reason the President is taking these actions today is because Congress hasn't done anything. And the President has had to resort to using every element of his authority to do as much as he possibly can to keep guns out of the wrong hands.

If you're asking me, well, gee, wouldn't it be better if Congress acted, I would heartily agree with you. Yes, it would be a lot better if Congress would act. It would be more enduring and it would have an even greater impact. But in the face of what even Speaker Ryan described as legislative failure, the President is determined to do as much as he possibly can to make our community safer by making it harder for those who shouldn't be able to get guns from purchasing them.

Q And on a separate topic, is the President aware of the reports that a U.S. servicemember was killed in Afghanistan? And is there any reaction from the White House on that report?

MR. EARNEST: Jordan, I can tell you that the President has been briefed about the ongoing incident in Afghanistan. The Department of Defense has confirmed that one U.S. servicemember has been killed and at least two others have been injured. So I'd refer you to their specific statement.

Obviously, this does underscore that Afghanistan is a dangerous place and that our men and women in uniform who continue to serve our country there are putting themselves at risk for our own national security. We're deeply indebted to them for their service and their sacrifice, and certainly our thoughts and prayers are with the family of this individual who was killed today.

For more details or updates on the situation, though, I'd refer you to the Department of Defense.

Jim.

Q Josh, why do you think Republicans believe the President is so hostile towards the Second Amendment?

MR. EARNEST: I think because -- I guess you'd have to ask them.

Q If you could hazard a guess --

MR. EARNEST: If I would hazard a guess, it would be that it is purely politics.

Q And why did the President elect to go with these executive actions? He could have come out at the State of the Union and called for a legislative package, tried one more time to bring Republicans on board. Why not that route?

MR. EARNEST: Primarily, Jim, because we have seen, again, what Speaker Ryan described as legislative failure in this policy area. Time and time again, Congress has failed to act, even in the face of unspeakable, tragic violence like what we saw in Newtown, Connecticut, but also in subsequent mass shootings.

What we also see are the types of acts of gun violence that are similarly tragic but now so common that they barely rate as news. And even those overwhelming numbers -- 30,000 gun deaths in America every year; over the last decade, more than 20,000 children under the age of 18 have been killed by firearms; hundreds of law enforcement officials have been shot and killed over the last 10 years -- if none of that is going to convince Congress to take steps, common-sense steps that would prevent guns from falling into the wrong hands, I'm not sure one more speech from even this persuasive President of the United States was going to compel the kind of action that the President clearly believes is needed.

The only way I think at this point that we're going to see congressional action is when those who share the President's concerns about gun safety and the need to prevent guns from falling into the wrong hands make clear that they're as passionate about this issue as those on the other side are.

The good news is that those on the President's side of gun safety far outnumber those on the other side of the debate. But what we need to see on

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this side of the argument is more passion. And I think the President's passion was on display in the East Room today -- not for the first time, but certainly the most recent. And moving forward, I think the President is hopeful that he can inspire that kind of passion among those who agree with him.

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And, again, there's a clear majority of gun owners and even Republicans who agree that some of these common-sense steps, like closing the gun show loophole, are the right thing for the country and would make our country safer, and could be successfully implemented without undermining the law-abiding -- the constitutional rights of law-abiding Americans.



Q And you're not maintaining that the President's actions today effectively closed the gun show loophole? You're not saying that he has administratively done what was attempted back in the previous Congress, the Manchin-Toomey amendment? Because the guidance -- it seems to rely on a lot of self-compliance and it seems to rely on enforcement. It's not really saying everybody has to have a background check. It's not the same thing it seems. Is that the right read on this?

MR. EARNEST: Well, as you've heard me say in a variety of contexts, executive action is not a substitute for legislative action. And the President taking this executive action today does not in any way absolve Congress of the serious responsibility that they have to take steps and pass legislation that would make it harder for criminals, domestic abusers, and even would-be terrorists from getting their hands on guns. Senator John McCain has sponsored legislation to close the gun show loophole precisely because he said that he knew that criminals and would-be terrorists were using that loophole to arm themselves. So this is not a controversial notion, and this is not an excuse --

Q So you're not saying that you've effectively closed the gun show loophole?

MR. EARNEST: I continue to believe and the President continues to believe that Congress must act. A congressional action, a piece of legislation would be more effective in part because, as you point out, it couldn't just be reversed by the next President. And so, yes, the President is as determined as ever to see Congress pass legislation. But, again, the President is also quite realistic about how unlikely that is to occur in this Congress. But I

certainly would expect that over the course of the next 10 months that you'll hear the President make a forceful case for people who agree with him about the need to keep guns out of the wrong hands that they should make their voices heard and their opinions on this issue known at the ballot box in November, and not just when they're voting for President, but also when they're voting for their representatives in Congress.

Mark.

Q Josh, are there any directives or executive orders or memoranda coming out along the lines of this gun policy?

MR. EARNEST: There are no executive orders, but certainly the details on what has been announced today is included in the factsheet that I believe you received last night.

Q Does he put it in writing as a memoranda to a Secretary of DHS or HHS?

MR. EARNEST: I'm not sure what sort of administrative paperwork is required to implement the policy that the President discussed today, but we can certainly consult with Counsel's Office here and get back to you with an answer on that.

Q And, Josh, does President Obama regret not having taken these actions years ago?

MR. EARNEST: Well, I think, Mark, I think the President certainly regrets that Congress didn't take the kinds of steps that the American public clearly supports. And certainly in the aftermath of Newtown, there was even in the -- look, what happened in Newtown was terribly tragic. And the one silver lining that I think the President and others hoped would come after that terrible event was that it would sufficiently tug at the conscience of members of Congress to take action that would prevent those kinds of incidents from happening again; that it was so graphic and what happened was so grotesque and so tragic that Congress could no longer ignore their responsibility to act. But yet that's, unfortunately, exactly what they did.

And since that time, the President and his team have been looking for ways that the President could take additional action. But we've never suggested that

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that would be a substitute for congressional action, and we're going to continue to call on Congress to take the steps that we believe are necessary.

Q And on one other story, there was a report last week in the Post saying that President Obama scolded aides on the flight back from Asia, feeling that the communications strategy wasn't working on U.S. policy against ISIL. Did that happen? Were you scolded? (Laughter.)

MR. EARNEST: I will say, Mark, my wife asked me the same question when she read that story. (Laughter.)

Q Could I call her? (Laughter.)

MR. EARNEST: You're welcome to do so, if you like. What I can tell you is this -- is I think the President has made quite clear, certainly not just in his words but also in his deeds over the last several weeks since the terrible incident in Paris and then again even in the aftermath of the terrorist incident in San Bernardino, to be much clearer and much more direct and even more conspicuous in making sure that all of you and the American public understand precisely the strategy that we are implementing to degrade and ultimately destroy ISIL.

And that is something that the President felt strongly about. And I think a lot of this is rooted in the criticism that has been directed at the President's strategy against ISIL has not been substantive; that we have not seen even the President's harshest critics advocating a strategy much different than the one that he's pursuing.

There are some isolated examples. There's the example of Lindsey Graham who, to his credit, had the courage of his convictions and actually suggested that 20,000, 30,000, 40,000, 50,000 American servicemembers should be deployed to Syria to safeguard the situation there. The President disagrees with that approach, but at least Senator Graham had the guts to put forward his own strategy.

We've seen others like Senator Cruz suggest that somehow the United States and our coalition partners should carpet-bomb Syria, or even potentially carry out a nuclear attack against ISIL. I don't think there's a lot of support for that strategy, but he did advocate something different than what the President is already doing.

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But most of the criticism that you hear from the President's critics, when you ask them what is it that the administration should be doing, they typically recite the list of things that we've already been doing for quite some time. And that is what prompted the President to conclude that we needed to be more effective and do a better job of helping all of you and the American public understand precisely what our strategy is.

James.

Q Thank you, Josh. As yesterday, I'd like to focus on two subjects. First, guns, and then the Middle East. I'll try and do this all quickly. You and the President have cited a great number of statistics in the run-up to this moment, so I wanted to share some statistics with you and get your reaction to them. Syracuse University's Transactional Records Access Clearinghouse, or TRAC, which uses the Freedom of Information Act to pry loose statistics from the Department of Justice and other federal agencies, records that federal criminal convictions on firearms charges have decreased almost 6 percent from last year; 15.5 percent since 2010; and 34.8 percent since 2005. How do you explain this stark plunge year after year getting bigger year after year under this President of enforcing the existing gun laws?

MR. EARNEST: Well, James, enforcement decisions are decisions that are made by prosecutors at the Department of Justice. So I'm certainly not going to be in a position to second-guess those prosecutorial decisions, but I think there are a couple of things that we could do to help. The first is we could devote more ATF officers and investigators to prosecute -- to investigating these crimes so that prosecutors have more material to work with.

Q Do you have fewer such investigators now than President Bush had?

MR. EARNEST: I'd have to check with the Department of Defense -- or the Department of Justice about that.

Q But you agree these are stark plunges?

MR. EARNEST: They are, but they reflect decisions that are made by career prosecutors. What I'm suggesting is that there are some steps that we could take, consistent with what the President announced today, that could turn those numbers around, which include hiring more ATF officers or even clarifying what exactly the rule is for how people should be licensed and who

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should actually have to go through a background check. That's exactly what the guidance that has been issued by the administration today.

Q So to that point, you were asked earlier in this briefing if the issuance of some of these executive actions in the form of guidance, as opposed to rules, doesn't have the feature of making those particular actions less susceptible to court challenge, and you didn't really answer that question. So perhaps the way to put it to you in a way that can be answered summarily with a yes or a no is, as follows, did President Obama receive legal advice from anyone at the White House or the Department of Justice to the effect that the issuance of some of these actions as guidance rather than rules would have that feature of making them less susceptible to court challenge?

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MR. EARNEST: James, I'm not able to give you much insight into the legal advice that is given to the President of the United States, but I do think that there are legal experts who would observe that the kind of guidance that the President issued today is well within his legal authority as President of the United States to offer --

Q The question is not whether it's within his authority. The question is whether he's choosing to use one vehicle rather than the others so he can evade court challenge.

MR. EARNEST: I think what I would describe as the chief benefit of the approach that the President has taken today is that it can be more quickly and effectively implemented.

Q Last on guns. After the shooting of Congresswoman Giffords five years ago, which the President has been noting in some of his remarks lately, there was a kind of a national discourse on the national discourse about guns, and whether it's appropriate to use words like "targeting," "killing," and so forth in the way we discuss not only the gun issue but all kinds of national issues. Today, in his remarks, President Obama accused his political opponents on this issue, which he likes to characterize as the gun lobby, of holding the Congress and the American people hostage. Isn't that precisely the kind of divisive and violence-tinged language that the President himself inveighed against after the Arizona shooting?

MR. EARNEST: Well, James, the President is certainly not advocating violence. But I do think it is an apt metaphor for what exactly is happening

right now. There are members of Congress who are quite concerned about the political influence that is wielded by the gun lobby, and that is the most powerful explanation about why they have refused to take action. If there is a more principled one, I'm open to hearing it. But given the toll that we know that gun violence has taken on communities all across the country, this is not just violence that has occurred in Democratic congressional districts across the country, that there are Democrats and Republicans all across the country who have been affected by gun violence. There were Democrats and Republicans standing on that stage with the President today and in the audience today who are concerned about this issue. And that is the point. The President wants to rally the American public to encourage Congress to respond.

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Q Very quickly, on the Mideast. Yesterday, from the podium, you called on both Saudi Arabia and Iran to deescalate their conflict, and you mentioned calls placed and pending by Secretary of State Kerry. Is there any evidence that those calls have been heeded today?

MR. EARNEST: Well, again, for positions or announcements that may be planned by the Iranians or Saudis, I'd refer you to them --

Q Have you noticed a de-escalation today is what I'm asking.

MR. EARNEST: Well, again, I haven't heard any new announcements from them that would appear to inflame or escalate the situation. But this is not something that, again, we're going to judge based on 24-hour increments, but rather over the long term, can this decades, centuries long sectarian conflict in this region of the world that is being fueled by the leaders of these two countries, that is having a terribly destabilizing influence on the entire region -- can they change that path? It's not in the interest of either of those -- the leaders of either of those countries or the citizens of either of those countries to continue to destabilize the region so violently, to continue to foment the kind of violence that often leads to radicalization and terrorism. It certainly is not the kind of path that is going to lead to greater economic prosperity for their citizens.

So that's why we believe that we've got a strong case to make when we can go individually to the Saudis, with whom we have a close and strong relationship, but even when we're making a case to the Iranians, with whom we do not even have official diplomatic relations, that it is within their interest

to try to change the path that they're currently on. And we won't be able to judge within 24 hours whether or not that message will be received or adhered to, but we're certainly hopeful that they'll get the message or at least arrive at that conclusion.

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Q Last thing on Iran. On December 7, my Fox News colleagues, Jennifer Griffin and Lucas Tomlinson broke an exclusive story reporting that back on November 21st, Iran had conducted a second illegal ballistic missile test. The United States government has yet to confirm that this second test occurred. Are you ready to do so now?



MR. EARNEST: I'm not. But if we have more information about those reports to share with you, we'll follow up.

Byron.

Q Thanks, Josh. Two forward-looking questions for you; the first of which is, can you give us a general idea of what else is on the President's agenda for this upcoming year and whether there's anything in there that might perhaps have some political benefits -- rallying Democratic voters, or getting them excited for the upcoming 2016 election?

MR. EARNEST: Well, let me take some liberties with your question in one way, which is to say that there is a high priority of the President's for this year that may not rally the Democratic base in the way that you described but certainly has shown some important political momentum just in the last couple of days. And that is the Trans-Pacific Partnership agreement that was completed at the end of last year. It was endorsed yesterday by the National Association of Manufacturers. This is an organization that typically does not endorse priorities of the Obama administration, but I think is a clear example of how even Democrats and Republicans can agree that the Trans-Pacific Partnership would do good and important things for the U.S. economy.

Just today, the Business Roundtable announced their endorsement for the Trans-Pacific Partnership. This comes on the heels of endorsements from the Farm Bureau and other business organizations that are not typically aligned with the Obama administration who announced their support for this proposal at the end of last year.

So that certainly is an administration priority. I think we are realistic that there is some deeply entrenched opposition in the Democratic Party to these kinds of measures, but there is bipartisan support for them in the Congress. And we're looking forward to that case and we are pleased to have the assistance of some influential Republicans in making the case.

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But something that is more focused on what Democrats can support -- I mean, there are a range of things that -- well, let me go to the next sort of legislative priority, which would be criminal justice reform. There are a lot of Democrats across the country and in Congress that are enthusiastic about the prospect of reforming our criminal justice system in a way that will both make our communities safer but also make our criminal justice system more just. And I think that progress in passing legislation that would do that would be warmly received by Democrats across the country, I believe.

The President is certainly going to continue his advocacy on a range of economic issues that the President knows would benefit middle-class families in the United States and certainly those families that are trying to get into the middle class. We're going to move forward on implementing the Affordable Care Act.

We're certainly going to continue to encourage Congress and officials at the state and local levels across the country to raise the minimum wage. Right now the federal minimum wage, if somebody is trying to raise a family of four and working full-time, making the minimum wage, they're trying to raise that family below the poverty line. That certainly is not consistent with our view that in this country, if you're working hard, that you should get a fair shot at success. So the President wants to make those changes and would like to see some of those changes made.

There are some other things that we believe can be done to make our tax code more fair, to close loopholes that only benefit the wealthy and well-connected, and make sure that we're investing the proceeds from those reforms into the kinds of things that benefit everybody, like a more modern infrastructure.

So those are some of the things that I think you can anticipate the President will talk about quite a bit over the course of this year and maybe as soon as a week from today.

Q Related, the State of the Union is earlier this year. It's I think a week from today. Is there anything you can preview? We've seen some reports it might not be the traditional speech. Anything you can share with us?

MR. EARNEST: Not at this point, but before the end of the week we'll get you some more guidance about what to expect in the speech.

Peter.

Q Josh, as in physics, every time there's an action there's always an equal opposite reaction to that. So given the fact that the President makes his remarks, every time after he speaks there is a spike in gun purchases in this country. Why do you think that is? Why do you think so many people hear this President speak and immediately go to their local gun dealer and purchase a weapon?

MR. EARNEST: I don't know, Peter. You probably have to ask them. I think what we have seen is that there -- because we have seen this pattern so much, I think it is hard for the gun lobby to continue to make the case that putting more guns on the streets somehow makes us safer, but yet that is what they often do. I'm sure it's only a coincidence that their ability to make that case is entirely consistent with their profit motive.

So I guess you'd have to ask people who are making those purchases why they're doing it. The President did rather conspicuously point out today his -- not for the first time -- his firm belief to the constitutional rights of law-abiding Americans to bear arms, consistent with the Second Amendment of the Constitution. But again, you'd probably have to ask them.

Q And while we've been speaking -- you spoke about the NRA, the gun lobby, as the President refers to -- and today, the executive director of the NRA's Institute of Legislative Affairs, Chris Cox, while you've been speaking put out a statement and referred to the President's remarks in part as another emotional, condescending lecture. He said, "Again, President Obama has chosen to engage in political rhetoric instead of offering meaningful solutions to our nation's pressing problems. Today's event," he adds, "represents an ongoing attempt to distract attention away from his lack of a coherent strategy to keep the American people safe from terrorist attacks." How does the White House respond to that?

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MR. EARNEST: I think the President's remarks make quite clear his passion and his determination to put in place using his executive authority that will keep guns out of the wrong hands. The President believes that doing so will make our communities safer. People are certainly entitled to disagree, but most Americans don't. Most Americans, most gun owners, most Republicans agree with the President.

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Q To conclude, 23 million -- I think more than 23 million background checks were conducted in the course of 2015. By some accounts, 40 percent of gun sales in this country are completed without any background check. Today the President called for -- it will be part of his budget -- 200 or so additional ATF agents will be the new enforcers to try to fill these gaps, as it were. Doesn't that sort of acknowledge the limits to the executive power, the limits to his ability to really effect any real change? Because we're talking about millions of sales in this country that will still go --

MR. EARNEST: I would make sure, Peter, that you take a close look at all the proposals that we put forward. One of the things that would address the problem that you've highlighted are some modernization proposals that we have for the background checks system; that an investment in new administrators who can conduct a background check and investment in a new system that would reflect technological advances that have been made in the last couple of decades that would make the system more efficient, presumably would make the system work more quickly, those would certainly address the kinds of challenges that you've just raised.

Q Kind of going back to the question of how airtight this would be from legal challenges -- obviously when the President announced his executive actions on immigration he said he was confident that that would pass judicial review, and it was rejected so far in the appeals courts. So did his legal team or did the President himself really take lessons from that setback in the courts to advance a more limited approach here that they believe may pass judicial muster?

MR. EARNEST: Well, let me take that in a couple different ways. The first is, I wouldn't describe this as a limited approach. I would describe this as an approach that reflects the extent of his authority under the current statute, and that is I think why we would describe these as pretty robust actions that would

make it much harder for those who shouldn't be able to get guns from being able to purchase them. So that's the first thing.

Second is we've been very mindful of the fact that our political critics and, in some cases, opponents on this issue were prepared to go to great lengths to try to use the legal system to block the implementation of these actions, and I continue to be confident that they will try to do that. But I also continue to be confident in the legal power of the arguments that we'll be able to make about how these actions fall well within the President's authority. And, again, it does strike me that the public statements from the NRA thus far significantly undermine I think any sort of legal claim that they would have that this is some sort of gross infringement on the Constitution if they're out there on the record saying it's no big deal. I'm not sure they can have it both ways.

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Q But when you were talking yesterday about the President, this kind of serious study to see what would be within his authority to do -- was his legal team kind of influenced at all by some of the rulings -- I mean, a recent appeals court ruling that said that he went too far on immigration -- was he concerned, or was his legal team concerned that result would happen with this executive action?

MR. EARNEST: Well, we continue to have a lot of legal confidence in the arguments that we'll make later this year before the Supreme Court about the President's authority to reform -- or about the kinds of reforms that we've proposed to the immigration system. But, look, this is not a legal strategy that started with the immigration issue. We saw repeated Republican challenges. There's even one that's ongoing now to the Affordable Care Act -- something that was signed into law by the President almost six years ago. Time after time, even going all the way to the Supreme Court, as you've covered quite closely, our arguments have held up. So we are mindful of the lengths that our opponents will go to, to try to prevent the President from using executive action in this way, even common-sense steps like the President is proposing today. And so we've been mindful of that at every stage of the process. And I think, frankly, that would be true even if we'd won the appeal at the level of the Fifth Circuit on immigration reform.

Q And then I guess when we talk about the statement from the NRA, I mean, do you expect lawsuits?

MR. EARNEST: I will certainly not be surprised if there are legal challenges that emerge to this executive action, but I continue to be confident, as the entire administration is, that these actions fall well within the legal authority of the President of the United States.

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Q And then, finally, when you're talking about -- this sounds like any opposition will be purely politics, I mean, in parts of the speech, I mean, the President is saying, you know, if you love your kids and your country then have the courage to vote, I mean, going so far as to say vote gun rights supporters out of office. How is that not political, just as you're saying the opponents are?



MR. EARNEST: Well, I'm not denying that this is a political problem. The President has acknowledged this before. The failure of Congress to act even on measures that are strongly supported by the vast majority of Republicans and gun owners I think is an open and shut case when it comes to political dysfunction in Washington, D.C. That's the point that the President is making. And in order to see that change we're going to need to see more people be engaged in the political process to solve that political problem. And this is something the President has observed on previous occasions and he reiterated that observation again today.

Q But, I mean, it is injecting -- he is making this in some ways a political issue going into the campaign. Is that part of what the President is hoping to see as he starts this conversation on gun control -- that it is going to be an issue in the campaign and voters will vote gun control opponents out of office?

MR. EARNEST: Well, again, I'm not going to predict the outcome of the election, but I will feel confident about our political prospects if we can mobilize those Americans that agree with the President of the United States on this issue. We know there's a lot of passion out there on this issue on both sides. But we need to make sure that the passion on the side of people who agree with the President that we need to do more to keep guns out of the wrong hands -- those people need to be mobilized.

We know that they far outnumber the people on the other side of the issue. The polls indicate that -- whether you slice and dice the numbers by region or by political party, by age, or even by gun ownership -- that a majority of Americans agree that it is a common-sense step to make sure that everybody gets a background check, even if they're purchasing a gun at a gun show.

That's something that even the previous Republican President who was reelected advocated.

But yet, in the face of all of that, in the face of terrible real-world consequences of congressional inaction, and in the face of public polls that indicate that the American public strongly believes that action is necessary, Congress hasn't done anything. And I think that is a clear illustration of political dysfunction on Capitol Hill. And that is a political problem that demands a political solution.

And let's be honest about this. Opponents of gun safety measures have been very effective in using politics to blunt action in Congress. That's been a clear part of their strategy. Every time something like this happens, they try to -- I'm confident that this is ongoing right now, that right now there is somebody at the NRA or some other gun owners group that is sending an email and putting out the call that people should flood their members of Congress with telephone calls urging them to oppose the President's executive actions.

What we need to see is we need to see people on the President's side of this issue responding in the same way and with the same passion, and responding the same way on Election Day, too, by making sure that they show up at the polls and making sure they vote for a member of Congress in either party that is willing to stand up for their position on this issue when they're actually representing their district or their state in the United States Congress. And that ultimately is what's going to be required to see the solution that the President would like to see.

Q So this is not just any -- kind of as you were suggesting yesterday, this is the President kind of doing what he can under his executive authority to effect changes, but it's also a call to action, a political call to action for voters to make changes in Congress or in the White House -- not change the White House, but for voters.

MR. EARNEST: Yes, that voters, if they feel strongly enough about this issue, that they should make their voices heard both now and on Election Day, and that at some point -- the President has made this observation before, that at some point, people who are in favor of gun safety measures -- at some point, they may have to just conclude that they're going to be single-issue voters; that they're going to set aside the other issues, that this one is going to

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take precedence over all the others. Obviously people will have to make up their own minds about that.

There are plenty of people on the other side of this debate who are single-issue voters, and maybe it's time for people on the side of gun safety and on the side of keeping guns out of the wrong hands to display a similar passion, both in communicating to their members of Congress their passion for the issue but also making clear that there are going to be consequences on Election Day.

David.

Q I just wanted to ask a little something off-topic. John King started as acting Education Secretary today. We're hearing that he may end up remaining in sort of the acting role for the full year. Is that true? Does the administration give any thought to formally nominating him, or would you think that that would be too hard to get a nomination of that level through a Republican Congress at this point? And if so, if he's going to remain active, does that limit any of his effectiveness?

MR. EARNEST: Well, David, I don't have any announcements to make about the Acting Secretary of Education at this point. I would observe, as surely you're familiar with, the record of this Congress in confirming presidential appointees is horrendous, to put it bluntly. Even people who serve in non-political positions, or have been appointed to serve in non-political positions, non-partisan positions, have been mindlessly blocked by Republicans in the United States Senate.

And let me just go to my favorite example, because it is one that is utterly indefensible: Adam Szubin is a financial expert who has served Presidents in both parties. He has been appointed to a position that puts him in charge of wielding some of the most powerful weapons that the United States has to impose sanctions against Iran, either for their ballistic missile program or for human rights violations or for their involvement in terrorism. This office is also responsible for imposing financial costs on Russia for their actions inside of Ukraine. The office that Mr. Szubin has been appointed to run is also responsible for countering Hezbollah and other terrorist organizations that are seeking to carry out acts of violence against U.S. allies or U.S. interests around the world. No one has questioned Mr. Szubin's qualifications for the

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job. The suggestion is not that he's dishonest or that he's unqualified or that he is inappropriately political. In fact, there's no objection to him serving in that role other than he was appointed by Barack Obama.

I'm not sure why somebody who has been appointed to the job of the Secretary of Education that I think is understandably and even legitimately a more political position would get a more fair hearing from a stridently partisan Republican majority in the United States Senate.

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Q So just to be clear, I mean, the White House -- the President feels John King would be a capable full-time Education Secretary. That's not in question.

MR. EARNEST: That is not at all in question. And I think -- look, you'd have to ask them. I suspect that there are even some Republicans -- I don't know if they'd do it on the record -- surely off the record -- I feel confident in telling you on the record that many Republicans in Congress off the record would confirm for you that Acting Secretary King is eminently qualified and would do an excellent job of leading that agency over the next year or so. But whether or not he will actually get a fair hearing in the United States Senate I think is definitely in doubt. But we'll have to see moving forward about whether or not we choose to appoint him to the job.

Q Final thing -- does that put any limitations on an Acting Secretary versus a full-time Secretary in that sense, I mean, in the ability to do his job, or to be effective, or to be listened to?

MR. EARNEST: Well, I certainly think when you're put in charge of an organization as large as the Department of Education that it is helpful and you can be more effective if it is quite clear that you've earned the approval of a bipartisan majority of the United States Senate.

I think Mr. King is going to be particularly successful whether or not he's confirmed by the United States Senate. But his prospects would be strengthened if the process worked the way that it should, which is that his credentials were carefully considered and he were given an opportunity to answer questions, even hostile, unfair, skeptical questions from people who do not serve in the same party. I'm confident that he would be able to withstand that questioning and make a forceful case about why he would be effective

serving in this role. But I'm skeptical that he'll get that opportunity. But we'll see.

Isaac.

Q You were talking about voters being single-issue voters on guns. Is the President willing to be a single-issue voter on guns? Will he make decisions about who he campaigns for based on that?

MR. EARNEST: That's an interesting question. I haven't talked to him about it. I think that you've seen the President be quite passionate about this issue and I think you have seen him acknowledge that we're going to need to see more conviction on the parts of voters and political activists who share the President's view on gun safety included in the political process if we want to see Congress take the kinds of steps that we'd like to see. But I don't want to make a formal declaration here without having spoken to the President about it, but maybe there will be an opportunity for you at some point to ask the President that question.

Q And can you foresee a situation where he would campaign for a Republican who's for gun control? Pat Toomey maybe, or Mark Kirk, both of whom are up for reelection?

MR. EARNEST: Well, as the President noted today, the President certainly gave Senator Toomey credit for what he had previously done on this issue. I think there are a lot of other things on which the President and Senator Toomey disagree, so it's hard to imagine a scenario where the President is willing to campaign for Senator Toomey, given the significant differences that they have on a whole bunch of other issues that the President also feels passionately about.

But I have -- again, I guess maybe this is the other way to answer your question, which is the other thing single-issue voters do is they give credit where it's due, and Senator Toomey, to his credit, did step forward three years ago to co-sponsor bipartisan legislation to close the gun show loophole.

Q So, conceivably, if the President is going to be a single-issue voter himself, he could campaign for Senator Toomey despite all their other disagreements?

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MR. EARNEST: Well, again, I am skeptical that that will happen given the significant other --

Q But if it's a single-issue voter --

MR. EARNEST: Yes, but --

Q I mean, would the President say to single-issue voters in Pennsylvania that they should be single-issue voters and reelect -- or vote for Senator Toomey because of where he was on gun control even though they may disagree with him on all those other issues that the President also disagrees with?

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MR. EARNEST: But here's the thing, Isaac. I suspect that Mr. Toomey's Democratic opponent, once he has one, will have at least as good of a record as Senator Toomey does when it comes to gun safety and keeping guns out of the hands of those who shouldn't have them, if not a better one.

And we'll see. I know there's a contested primary in Pennsylvania. But I feel pretty confident that a Democratic candidate that he faces off against will be someone who has in their own right a strong record on these issues.

Q One other thing. In October, Hillary Clinton spoke about some gun control measures that she'd like to see -- at that point that she wanted to see, and one of them was this gun show loophole question. People in the administration seemed to dismiss that as something that would work then. I'm wondering what changed in the intervening time.

MR. EARNEST: I'm surprised to hear you say that people were dismissive of it.

Q That it can't really work --

MR. EARNEST: Well, I'm not sure who those people were. Maybe they didn't understand the question or maybe they didn't know what they were talking about.

Gardiner.

Q Can you just sort of give us another update on the Iran-Saudi disagreement and how it affects U.S. interests in the Syria talks and in the anti-ISIL effort? There's been obviously -- a couple of days has passed since this breach has happened. Are you yet seeing problems crop up in these very strong U.S. interests around both the Syria talks and around the anti-ISIL efforts? I have a few questions, but --

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MR. EARNEST: Okay. Well, let me -- I think the short answer to your question is no. But let me just step back to provide a little context to that answer, which is to say it was very difficult and required a lot of painstaking diplomacy to bring Iran and Saudi Arabia into this process several months ago. There were already sufficient differences between those two countries that it was very difficult to get them into the same room. The only reason that we succeeded in making that case is we persuaded them that their own self-interest in the resolution of the political situation inside of Syria trumped the significant objections that they have about their adversary's behavior.

They didn't participate in these talks as a favor to anybody else. They did so because they concluded it was in the interest of their country and their citizens to try to resolve the political situation inside of Syria.

I think the case that we'll continue to make to them is that their self-interest in trying to reach this political resolution continues to be quite significant. And we're hopeful that they'll continue to participate in a constructive way as we work through that process.

Q The issues in southern Oregon right now with the group that's holding hostage -- perhaps that's bad language -- but the building there, there is concern that the -- what is the administration doing in terms of monitoring that? If you are not actively monitoring that at the Homeland Security Department and elsewhere, there is some criticism that this administration is not taking domestic extremism as seriously as it takes foreign extremism. And why aren't you doing that?

MR. EARNEST: Let me clarify one thing which is that there -- to our knowledge -- at least, I have not been told that there are any hostages involved in this particular situation. But there are --

Q I mistakenly used that word.

MR. EARNEST: That's okay. That's okay. I just wanted to clarify --

Q Yes, sir.

MR. EARNEST: -- to make sure that we're all in the same place in this.

Let me also just assure you that this is something that the law enforcement officials take quite seriously. The FBI is responsible for enforcing the law and ensuring that the law is followed. And they're working closely with state and local officials to respond to this particular situation.

Let me also just be blunt, Gardiner, about something else, which is it's not exactly clear what the motives or intentions are of the individuals who are involved in this particular situation. The speculation by some is that it's politically motivated. And I certainly wouldn't want to say something from here that could be construed as inflaming that situation, so that's why over the course of the last 24 hours or so I've been quite circumspect in discussing this issue, primarily because we're hopeful that law enforcement officials who are responding and closely monitoring the situation and take it quite seriously will be able to succeed in resolving it peacefully.

Q Okay, one last. The videos of Anwar al-Awlaki on YouTube have repeatedly turned out to be a factor in radicalizing supporters of al Qaeda and ISIS in the U.S. -- from Boston to San Bernardino. Does the President have any regrets about ordering the killing of al-Awlaki since it is now clear that his death has given him the authority of martyrdom? And what does the President think about calls for YouTube and other platforms to take down his material, his early mainstream lectures on Islamic history, as well as his calls for attacks after joining al Qaeda?

MR. EARNEST: Well, let me say a couple of things about that. As the President has discussed, Mr. Awlaki was someone who was an active leader of a terrorist organization and was involved in operational planning against the United States and our interests. So it is not just the spreading of propaganda and, in some cases, outright hate speech that totaled our concerns with his actions. And that is why the President and his national security team concluded that the United States would be safer by taking him off the battlefield. And that's what was done.

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More generally, this issue of cooperating with technology companies -- this is part of the discussion that we had last month -- and there is ongoing work by the administration and by technology companies to take a look at the most effective way for us to deal with these kinds of situations. Obviously, we need to protect free speech and free expression. But at the same time, these technology companies don't want to see their tools used to propagate hate speech and inspire people to carry out acts of terrorism against innocent civilians.

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So there has been effective -- there is a precedent, however, for working through these kinds of issues. Law enforcement officials have been able to work effectively with technology companies to counter the proliferation of child pornography, for example. This is something that obviously is spread around the Internet. And law enforcement organizations have been able to work effectively with technology companies to counter it. And obviously the issues are going to be a little bit different, but there is a precedent, at least a framework, for having a conversation about the best way to approach the situation consistent with national security and consistent with the kinds of values that are enshrined in our Constitution.

Q Thanks, Josh.

MR. EARNEST: JC, I'll give you the last one.

Q Thank you, Josh. On the same topic of terrorist videos, supposedly ISIL released a video yesterday of executions of reported British spies. And along with that went a message to Prime Minister Cameron and to the British people, a very threatening message. What is the administration's reaction to that?

MR. EARNEST: JC, I haven't seen the videos. I've seen some of the news reports about them. I don't know whether or not the intelligence community has authenticated them.

Q If I may interrupt, Prime Minister Cameron certainly has authenticated it in his own words.

MR. EARNEST: Okay.

Q And he sent back a rather vociferous reaction to that.

MR. EARNEST: Well, let me just say that the British government and the British people have stood shoulder-to-shoulder with the United States as we have confronted the threat from ISIL. And the British military has made substantial contributions to our counter-ISIL effort. And there are a range of other steps that the British government has taken to contribute to our effort to degrade and ultimately destroy ISIL. That is one example of the kind of deep cooperation between the United States and the United Kingdom that makes our countries and our citizens more secure.

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And the President, over the course of his seven years in office, has sought to deepen that coordination and to make that coordination even more effective than it has historically been. And he has found Prime Minister Cameron to be a very able partner in pursuing that kind of relationship that is so special between our two countries.

Q If I can just add, this was supposedly payback to the British people and to Mr. Cameron for their enhanced military activities in Syria.

MR. EARNEST: I feel confident -- I did not see Prime Minister Cameron's remarks, but I feel confident in saying that the British people and the leaders of that country will not be cowed, will not be terrorized, will not allow these kinds of videos to strike fear in their hearts or in any way diminish their commitment to succeeding in degrading and ultimately destroying that terrorist organization.

Thanks, everybody. We'll see you tomorrow.

END

2:34 P.M. EST

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