

**THE WHITE HOUSE**

Office of the Press Secretary

For Immediate Release

May 1, 2009

**PRESS BRIEFING  
BY  
PRESS SECRETARY ROBERT GIBBS**

James S. Brady Press Briefing Room

2:36 P.M. EDT

MR. GIBBS: Good afternoon, everyone. Please take your seats. I'm kidding -- I just wanted to say that. Let me do a couple of quick announcements and a week ahead, and then we'll be off.

In one of his first official acts, the President ordered an interagency review of the status of Ali al-Marri, who had been held without charges in facilities within the United States for more than five years. As a result of that review, the Department of Justice charged al-Marri in federal court. Yesterday he pled guilty to conspiracy to provide material support to the al Qaeda terrorist network. This is a victory for the rule of law.

The President also directed a parallel interagency review of the detainees at Guantanamo to determine their appropriate disposition consistent with the interest of justice, as well as our national security and foreign policy interest. Closing Guantanamo is in our national interest. We're grateful for the recent willingness by our partners in Europe to assist us in resettling detainees.

Let me do the week ahead. The President will spend the weekend in Washington and has no scheduled public events -- good news for you who drew pool duty this weekend.

On Monday, the President will attend an event in Washington. In the evening, he will attend a Cinco de Mayo event at the White House.

On Tuesday, the President will meet President Shimon Peres of Israel at the White House.

On Thursday, the President will sign a proclamation recognizing the National Day of Prayer, and attend meetings here at the White House. On Friday, the President will also attend meetings here at the White House.

On Wednesday, the President will meet with President Karzai of Afghanistan and President Zardari of Pakistan. I want to read a statement about that: In order to raise the level of the dialogue, accelerate the process of cooperation between the two countries, and implement the new strategy formulated by the United States, President Obama will host at the White House President Karzai of the Islamic Republic of Afghanistan, and President Zardari of the Islamic Republic of Pakistan.

In addition to the trilateral summit, both Presidents will have separate meetings with President Obama to discuss issues and U.S.-Afghanistan and U.S.-Pakistan relationships.

This follows up on the commitment President Obama announced on March 27th to establish a standing trilateral dialogue between our three governments. The President looks forward to discussing with these two democratically elected leaders how we can work together to enhance our cooperation in this important part of the world, as the United States implements a new strategy toward Afghanistan and Pakistan.

Delegations from both nations will be in Washington on May 6th and 7th for a range of official meetings.

Q Robert, is Captain Phillips coming by at all?

MR. GIBBS: I do not have that in any of my guidance, but I can double-check.

Q Is the Monday event --

MR. GIBBS: That's the only guidance I have. I don't have anything on that yet.

Yes, ma'am.

Q Thank you.

MR. GIBBS: Why did all those guys jump ahead of you just now? (Laughter.)

Q I don't --

Q No disrespect --

Q I yield my time and take it back, as Hans said yesterday.

MR. GIBBS: I hear you.

Q Two things on the Supreme Court, not directly related to Justice Souter. Can you walk us through how the White House is -- what's happening here at the White House? Obviously we know you guys have made preparations for this really from the beginning, talked about lists, vetting, getting the process -- thinking about a process. So can you talk about where that is and what it will look like?

MR. GIBBS: Let me -- I want to talk very obliquely about this because -- (laughter) --

Q I was asking very obliquely.

MR. GIBBS: Good -- check. Obviously I'll just say we have not at this point received any notification from any Supreme Court Justice regarding stepping down -- apparently somebody is listening as we speak -- (laughter) -- so I'm a little hesitant to talk about what would happen going forward, except to say this: that obviously throughout -- beginning in the transition and throughout the administration, members here in the administration have been making preparations to appoint federal judges and to begin starting, during the transition, in anticipation that at some point the President would have the important responsibility of nominating a Justice to the United States Supreme Court. Those meetings have taken place, as I said, throughout the transition and throughout the course of the first hundred or so days here to identify candidates for judicial positions.

Q Looking back to November of 2007, when he was a candidate, he said that he would not appoint somebody who doesn't believe in a right to privacy. Does he stand by that now that he's President?

MR. GIBBS: Absolutely.

Q Doesn't that come close and almost add a litmus test?

MR. GIBBS: No, I think he's been asked specifically about whether he had a litmus test and the answer to that was no. But this obviously is a President who's --

Q How do you square that, though?

MR. GIBBS: Well, he believes that --

Q -- in terms of a --

MR. GIBBS: No, I think he believes that the right to privacy in the case of Roe v. Wade, I think he said during the -- one of the presidential debates with John McCain was settled and was in his mind settled correctly. That having been said, this is a President obviously who's taught constitutional law, understands the Constitution, and I think he's pretty confident that discussing legal philosophy with a candidate, with any prospective candidate, he could get a sense of what their mind set was, relating to the law.

Q Robert since the President does have that background in teaching law for 10 years

Q ...background in teaching law for 10 years, constitutional law, can we expect the President will take a more direct role in this discussion in vetting, in finding the proper candidate?

MR. GIBBS: Well, I don't know who normally would pick a Supreme Court Justice in the White House, but I can assure you in this one, the President will be the person who picks that nominee, interviews that nominee.

Q But that's obvious. But I mean, in terms of -- compared to other Presidents, with his background, with his background, will he be more actively involved in the nitty-gritty of this nomination?

MR. GIBBS: I guess I'd -- what do you mean by "nitty-gritty"?

Q Well, it would be -- let's say, philosophical discussions about how judging should look at issues, or, you know, activist judges versus -- you know, that kind of a debate that's so hot in this area.

MR. GIBBS: Well, again, I think the President, based on his experience and his knowledge in teaching of the Constitution, will be actively engaged in discussions both on the right type of candidate to pick, ensuring diversity in their background and experience, as the President talked about during the presidential campaign, as well as, in discussions with whatever prospective nominees he might wish to speak with, in order to find somebody that he thinks is the best candidate -- again, in the event that there's a vacancy.

Q Does he have any kind of working short list already, or has he had one?

MR. GIBBS: Again, they have -- many people here have been working on the likely eventuality that there would be -- there are obviously judicial openings, and in the event that there might be a Supreme Court opening. And they've been going through names. But I'm not going to get into short, medium or long lists.

Q Okay. And also, just on another subject, the bank stress tests that are coming out next week. And I'm wondering -- I know you can't tell us what the conclusions will be, but will we get a broad sense of what is going to be needed in terms of money to the banking sector, is the extent of the problem, or is it going to be more of an interim type of thing?

MR. GIBBS: Well, I would -- I think specifically you should talk with the Fed and the regulators that are involved in conducting the bank health assessments and stress test. But I think -- it's my understanding that you'll see a pretty broad and transparent look at the results. These obviously were undertaken in order to provide an understanding of what capital cushion might be needed for banks if a recession got even more severe than the one we're in now.

So I think the regulators' hope is to be exceedingly transparent because we think it's important -- an important way of making decisions going forward and stabilizing the financial system.

Yes, sir.

Q Two quick questions. One, how important is diversity as an ideal that the President is considering when picking hypothetically the next Supreme Court Justice?

MR. GIBBS: You know, I've heard him talk about this during the presidential campaign and even as a senator. I think the most important thing to him is diversity of experience, somebody who has not just thought about the law, but somebody who has the type of experience to understand how the decisions that he or she might make at any level of the judicial process would affect average, everyday Americans.

So if, for instance, if you are reporting somebody that was -- were to have heard the case involving Lilly Ledbetter and fair pay -- that that's a person that could understand through empathy the situation that she was dealing with.

So I think he is looking for somebody more with a diversity of background of experience than anything else.

Q And just to follow up on al-Marri, what do you say to Americans who hear that al-Marri, who has admitted being trained by al Qaeda, given a mission by Khalid Sheikh Mohammed, sent

... has admitted being trained by al Qaeda, given a mission by Osama bin Laden, sent to the United States to commit terrorist acts, to hear that this person has been sentenced to 15 years in prison, with or without time served. But that doesn't really seem like enough time in prison for somebody who's clearly an al Qaeda -- an admitted al Qaeda sleeper agent.

MR. GIBBS: Well, understand, Jake, that this is a victory for the rule of law because he's finally going to jail, convicted of the crime of aiding that terrorist network.

Q But he will be out at the latest in 2024.

MR. GIBBS: Well, I don't think that it's been determined in terms of -- you mentioned time served. I think the American people should feel good that the President sought at the beginning of his term that justice be brought swiftly, and in this case it finally has.

Chip.

Q He was talking to I believe this was the Detroit Free Press editorial board meeting in -- this past October, and he was talking about the kind of Justice that he would want on the board and he said, somebody who doesn't think they should be making law, and then -- but then he went on to say someone who recognizes that one of the roles of the courts is to protect people who don't have a voice: the vulnerable, the minority, the outcast, the person with the unpopular idea, the journalist who shakes things up -- I like that. (Laughter.) But it almost sounds like --

MR. GIBBS: That mythical person has approval in this room. (Laughter.)

Q It almost sounds like the definition of an activist judge, somebody who's going in there to protect particular classes of people.

MR. GIBBS: No, I think it's --

Q And how does that square with saying it's not somebody who wants to make law?

MR. GIBBS: Well, because as I just said a minute ago, you -- I think you have to -- I think you have to understand the cases that you're hearing and understand the way those cases affect the individuals that are involved and the ramifications that those cases have. It's understanding, as I said a minute ago, what it's like -- having a diversity of experience to understand exactly what it's like when somebody comes seeking justice in front of the courts based on a grievance that they have.

Again, as I said, understanding, for instance, somebody like Lilly Ledbetter, who -- you know, keep in mind what the Supreme Court determined, that she missed her window to bring a grievance about fair pay because she would have had to have done so -- I forget the exact number of days, 120 or 180 days. Well, surprisingly, when one discriminates against your pay, they don't normally give you 120 to 180 day heads up that you're being paid markedly less than your male counterparts are for the duration of your activities.

So I think having a Justice that understands the ramifications of what each of those means is important and something that the President believes in.

Q Correct me if I'm wrong -- I'm sure somebody will -- but I believe every Justice on the court now had long experience as a federal judge, most of them as appellate judges. That's a real kind of ivory tower world. It's not a great diversity of experience and background. Do you think he'll be looking for somebody who did not spend their career sitting on a bench, but was a politician or someone out in the real world, if politics is the real world? (Laughter.)

Q (Inaudible.) (Laughter.)

MR. GIBBS: Well, there you go. (Laughter.)

Q And Savannah is a lawyer. (Laughter.)

MR. GIBBS: I think the President, again, will look for diversity of experience. I don't want to get into exactly what -- take it easy over there guys -- exactly this or that qualification, but a diversity of experience that can understand a range of issues.

Yes, ma'am.

Q Firstly, is it weird that you haven't heard from Justice Souter, consider that --

MR. GIBBS: No, it's weird that I'm talking about this not having heard from him -- yes, that's what's -- (laughter) --

Q Right.

MR. GIBBS: I think that's sort of materially weird, yes.

Q But in all seriousness, apparently everyone in Washington knows, he's told enough people that it's -- you're not resisting, you're not suggesting this isn't true. I guess I'm just wondering has there been any communication between the court and the White House at all?

MR. GIBBS: No. No, I checked before I came out here assuming that I might get a question or two about this. (Laughter.) But, you know, here's what I would say: I think whether somebody decides to serve or not serve or continue not to serve, I think the White House and the President strongly believe that that's a decision that each individual would make. And if or when we hear something, we'll, one, let you know and, two, probably have some reaction from the President.

But I don't -- do I find it weird that the press is ahead of somebody making that decision? No, no, not at all.

Q So you think that he hasn't made the decision?

MR. GIBBS: I haven't heard it, so in my mind he hasn't made it.

Q Okay. Back to this issue of diversity, I know you promised to be oblique, but considering that diversity of experience -- certainly encompassed in that is diversity by race and diversity by gender -- can you just let us know, is that something that he puts a premium on?

MR. GIBBS: I think the President would look for any individual that understands the rule of law; an individual that has an understanding of and an application for the law; somebody that has different experiences --

Q All things being equal, would a woman or somebody of a diverse race be a plus factor?

MR. GIBBS: I'd let the President pick the next Supreme Court Justice, if he's lucky to get that opportunity. I think a diversity of experience would include some of that. But at the same time, the President is going to look for the person that he thinks is most and best qualified to serve in a position of such unparalleled importance.

I also -- I think you'll -- again, in the event that this happens, I think the President will want to consult with people from a lot of different backgrounds and a lot of different political parties to get their input on an important decision.

Q And finally, though, quick, just to pick it up on what Jennifer said, I mean, you could argue about whether saying that the right to privacy is non-negotiable, is a litmus test or not. But just for the sake of transparency, what's wrong with a litmus test if there's -- if it's something that's important to the President?

MR. GIBBS: I didn't render a verdict on whether a nominee or a person should answer a certain way based on a litmus test. I'd simply --

Q I know. It's just sort of this accumulated wisdom that litmus tests are bad.

MR. GIBBS: Well, I don't want to -- I shouldn't be the spokesperson for accumulated wisdom. (Laughter.)

Yes.

Q Are you saying on the issue of notification that there hasn't been a whisper, a wink, a nudge conveyed to somebody in this building on behalf of Justice Souter?

MR. GIBBS: We have -- nobody that I can find at the White House, I asked at the mess -- (laughter) --

Q Is that where everybody goes?

MR. GIBBS: Well, there was a congregation there, and just wanted a broad sweep. Nobody has heard formally from Justice Souter about any intentions to change his status on the Supreme Court.

Q Informally?

Q When did the President -- when did the President learn about it?

MR. GIBBS: The President learn about?

Q That Justice Souter might be retiring.

MR. GIBBS: I have no idea. I assume, unless they broke into the basketball game last night, it was probably in the papers this morning.

Q You said nobody has heard formally --

Q One more --

Q I'm sorry, just to follow up on your question, but has there been any informal communication?

MR. GIBBS: None that I'm aware of.

Q A Supreme Court nomination -- selecting, vetting and getting one confirmed -- is an enormous burden. You've got such a hefty legislative agenda already.

MR. GIBBS: So I'm told.

Q Yes, well, and the President admitted as much the other evening that it's a -- you know, when he said he could really do without running auto companies.

MR. GIBBS: We're going to sell one today, just to --

Q Couldn't he do without this right now? Aren't you stretched very thin when it comes to this kind of a thing -- and a commitment?

MR. GIBBS: No, I don't -- no, we've covered this ground a bunch. I don't -- I guess --

Q Can we go again?

MR. GIBBS: Yes, I mean, I guess we could, you know -- please, nobody retire -- but that might not work. Look, the President doesn't get to decide when issues become something that he has to deal with, or when they become important to the American people.

Think back, Mark, to the press conference on Wednesday. You know, you guys asked about pandemic flu, autos, interrogation and foreign policy -- I'm going to forget a few -- Iraq, Pakistan, the economy, congressional relations writ large. You guys have had -- you believe each of those were issues that were important to what the President was dealing with, and I'm not entirely sure which of those we should neglect to do in the next six to eight weeks, but I think the President believes that Washington is capable of doing more than one thing at a time, and that we can't afford to neglect anything that's important to the American people. And I think that list, including many others, are what the President believes are the important issues facing this country.

Hans.

Q Can it be easier or harder on federal judges, generally -- without getting too specific here, because I know there's an elephant in the room -- if there's a parenthetical "D" after Specter's name? Is it going to make it easier or harder in getting your judges through the Senate?

MR. GIBBS: I assume that the role that the Senate will play is the traditional role; that there would be hearings and extensive questions and that --

Q But Specter's party change doesn't change the dynamic of that at all?

MR. GIBBS: I'm hesitant to say that just one person changes all of that. I think that --

Q So Senator Specter is not important? (Laughter.)

MR. GIBBS: You didn't ask me that. And I would say that Senator Specter, as the additional other 99 senators, are all important. But we can -- I think all 435 -- I actually think all nine Supreme Court Justices are important. So -- I don't think that's what you asked. But I think the role that the Senate would play in their -- their constitutional role is an important one and I wouldn't expect that it would change whether there were any given makeup of Congress.

Q On Pakistan, the meeting next week, the President talked about -- a lot about the benchmarks on that March 27th speech. Have any of those benchmarks changed, given so much in Pakistan has changed? Is there any policy review of the policy review?

MR. GIBBS: No, I -- well, there's no policy review of the policy review. Obviously we're continuing to monitor the situation throughout the region and in both countries, understanding that it's not a fixed situation. But the broader policy review is brought about because the President believed that it was a region of the world that we had not, over the course of the past many years, dedicated the time and the energy and the resources to getting right; that the President and his team believed that there are -- while there are regional challenges, there are also challenges that are unique to each individual country. And I think we see only in the past few weeks the importance of getting that right.

Yes, sir.

Q Thanks, Robert. Three quick topics. What did you mean when you said to Tom --

MR. GIBBS: I like honesty. (Laughter.) Yes.

Q What did you mean when you said to Tom about Europe's recent willingness to help settle detainees? Is there some news there -- additional commitments that Attorney General Eric Holder has received --

MR. GIBBS: None that we would -- none that we're ready to discuss.

Q What did you mean by that?

MR. GIBBS: Well, I think the Attorney General, as you know, spent some time in Europe this week, speaking specifically with allies about detainees that might be transferred and where they might go.

Q But you have nothing more to say than that?

MR. GIBBS: No.

Q And we already knew that. Okay.

MR. GIBBS: That was one. (Laughter.)

Q Does the President believe -- or do you have any reaction to what Secretary Gates said yesterday, which is there may need to be an allocation of substantial money to build a detention facility in the continental United States for upwards of a hundred detainees who can't be tried, who can't be released, and who pose a danger?

MR. GIBBS: Nothing specific on that except --

Q Does the President disagree with that?

MR. GIBBS: Well, we're in the process of, as you know, reviewing detainee and detention policies. The President has ordered the closing of Guantanamo Bay by, I believe it's the 21st or 22nd of January in 2010, and the process is ongoing to do that. But as in my previous question, I don't have any specific announcement.

Q Okay. In his remarks in the Cabinet meeting, the President said we're looking at the here and now, but we may actually have a deeper problem with this if the virus mutates. Was the President trying to help educate the public about not just now, but September, October, November? And is that based on some recent assessments he's received from public health officials about trying to make sure the public digests the crisis in two phases, not just one?

MR. GIBBS: Well, a couple of things. I think the President obviously was, and has throughout this, been briefed by the CDC, Homeland Security, the Homeland Security Council here, and HHS in a larger vein. And the importance of the Cabinet meeting obviously was to continue the coordination of our response.

I think it is somewhat likely that in the next few days that the WHO will raise their alert level. I think most people anticipate that. That won't change our preparation because we have always planned for doing all that is necessary to ensure the protection of the American people.

The President believes that it's important that he continue to update the American people on where our response is, the preparations that are being undertaken, the precautions that they can and should take, understanding, as Dr. Besser has said, that we're likely to see more cases of this going forward.

That having been said, to address specifically what happens in the fall -- and I mentioned this a few days ago -- we're at the tail end of what's traditionally the flu season. So I think we've heard from people that it is obviously -- it's important that we not just deal with this in the coming few weeks, whatever that might be, but understand that this is -- the likely course that this will take, we could see this again in the fall in the beginning of flu season.

Q It's a mutated form of the virus, as the President said for the first time, I believe.

MR. GIBBS: Yes. And --

THE PRESIDENT: Hey. I'm sorry, but Gibbs is screwing this thing up. You know, there's a job to do -- please, everybody, have a seat. There's a job to do, you got to do it yourself. (Laughter.)

MR. GIBBS: See you guys later. Have a good weekend. (Laughter.)

THE PRESIDENT: This is kind of cool.

MR. GIBBS: It's way cooler than it seems. (Laughter.)

THE PRESIDENT: Yes. Absolutely.

The reason I'm interrupting Robert is not because he's not doing a good job -- he's doing an unbelievable job. But it's because I just got off the telephone with Justice Souter. And so I would like to say a few words about his decision to retire from the Supreme Court.

Throughout his two decades on the Supreme Court, Justice Souter has shown what it means to be a fair-minded and independent judge. He came to the bench with no particular ideology. He never sought to promote a political agenda. And he consistently defied labels and rejected absolutes, focusing instead on just one task -- reaching a just result in the case that was before him.

He approached judging as he approaches life, with a feverish work ethic and a good sense of humor, with integrity, equanimity and compassion -- the hallmark of not just being a good judge, but of being a good person.

I am incredibly grateful for his dedicated service. I told him as much when we spoke. I spoke on behalf of the American people thanking him for his service. And I wish him safe travels on his journey home to his beloved New Hampshire and on the road ahead.

Now, the process of selecting someone to replace Justice Souter is among my most serious responsibilities as President. So I will seek somebody with a sharp and independent mind and a record of excellence and integrity. I will seek someone who understands that justice isn't about some abstract legal theory or footnote in a case book; it is also about how our laws affect the daily realities of people's lives -- whether they can make a living and care for their families; whether they feel safe in their homes and welcome in their own nation.

I view that quality of empathy, of understanding and identifying with people's hopes and struggles, as an essential ingredient for arriving at just decisions and outcomes. I will seek somebody who is dedicated to the rule of law, who honors our constitutional traditions, who respects the integrity of the judicial process and the appropriate limits of the judicial role. I will seek somebody who shares my respect for constitutional values on which this nation was founded and who brings a thoughtful understanding of how to apply them in our time.

As I make this decision, I intend to consult with members of both parties across the political spectrum. And it is my hope that we can swear in our new Supreme Court Justice in time for him or her to be seated by the first Monday in October when the court's new term begins.

And with that, I would like you to give Robert a tough time again. (Laughter.)

Q Mr. President, when did you learn --

Q -- Supreme Court practices when you were a Senator?

Q On that --

Q Will you --

Q I guess he wasn't in the mess today. (Laughter.)

MR. GIBBS: I have an announcement to make. (Laughter.) I've been notified that Judge Souter is stepping down from the Supreme Court. (Laughter.) I have this from the very highest levels in our government. (Laughter.) Do you see that the guy -- you know, he read the statement and he left the questions to me. Okay, well, where were we?

Q Did you know he was coming?

MR. GIBBS: Did I know he was coming? No, I didn't know he was coming. No, we would have put a fancy seal up and everything.

Q No offense, but you're kind of a let-down now. (Laughter.)

MR. GIBBS: Well, you guys are, too. (Laughter.) So it's -- we're kind of fair. Where were we before we were so rudely interrupted?

Q Robert, the President said, empathy in looking at the way the law intersects with average, ordinary people -- you said it before. There are some critics who say the courts should not be about that; that it should be about interpreting the work of legislatures, whether they be federal or state, and the Constitution; and within that construct, law must be made and that you err if you're a Justice when you try to find this empathetic approach outside of what legislatures, duly elected, have decided or what legal precedents established. What's the response to that line of criticism?

MR. GIBBS: Well, I would have those critics listen quite carefully to the words of the President just a few moments ago. He's looking for somebody who understands and respects constitutional values, who understands and respects the rule of law, as well as somebody who understands and respects the importance of what they're deciding and how that impacts millions of Americans in their daily lives.

Q Can you explain now how the process is going to work here, what it's going to look like?

MR. GIBBS: Not a whole lot differently than when I explained it when we didn't have a -- (laughter) --

Q Well, you already knew what it was, you just didn't want to talk about it.

MR. GIBBS: You know, I think the process is largely as I described it. Again, people have been working on judicial --

Q How is he working -- I guess is the question.

MR. GIBBS: Well, I think it's probably likely that a series or a grouping of people have been looked at and identified, but I think obviously, as I said earlier, this is something the President will spend a lot of his time looking at personally and before making any cuts to a list or assembling a larger list or finally picking a nominee.

Christi.

Q Is he considering -- is he looking for a Thurgood Marshall sort of nominee -- someone who has --

MR. GIBBS: That would be good. (Laughter.)

Q -- is a practicing lawyer and represent -- but I'm saying, you know, someone who is representing plaintiffs in cases; someone who has not been on the bench before?

MR. GIBBS: Well, I don't -- again, I think you can have a diversity of experience that has -- that might lead to somebody that is currently sitting on the bench, but in that diversity of their background, somebody who has represented plaintiffs, somebody who's been in public service, somebody who was in a job different than that before coming either to the law or public service.

So, again, I think you'll -- the President will look for all of that, understanding the issues as he just mentioned that are of most importance to him.

Q As far as the timing of this goes, though, the President just said that he would like to have him seated obviously when the next term begins. But in terms of announcing a replacement, would he like to see that done by July, by August? What is his time frame for doing this?

MR. GIBBS: Well, I think to get somebody seated by the time period that the President was talking about, I think you'd have to have a name before -- well before the end of July. Obviously the Congress will spend most of August outside of Washington.

Obviously, the change in parties is likely to require the Judiciary Committee on the minority side

of the Senate to have to do some reconstituting. But I think what's important and what the President just said is there should not be and he does not believe there are any barriers that would stand in the way of having somebody sworn in and ready to listen to cases by the time the court next begins to hear those cases in a new term.

Q What did he learn specifically from this process when he was a senator when he opposed the nominations of both Justice Alito and Justice Roberts?

MR. GIBBS: Well, I would point you to statements that he made on both of those -- obviously, in drawing some specific lessons in those time periods. And I think if you go back and look at one particularly around Justice Roberts, I think you'll see a little bit -- a further explanation of what we will all have been talking about in terms of understanding the applicability of the law, and that empathy factor that the President spoke about just a second ago.

Q In terms of the vetting that this administration has already experienced during these first 100 days and more, what has the President instructed the Counsel's Office to do in terms of vetting this nominee so the same thing does not happen that happened with several high-profile nominees?

MR. GIBBS: I will ask him when I next see him. But I think you can be assured that we'll have a rigorous process in place.

Yes, ma'am.

Q Robert, I'm sorry to take you off topic, but I wanted to ask you about housing. Since the enactment of the administration's housing relief plans, we've certainly seen rates come down on mortgages -- to historic lows. I'm wondering if there's any target on the low end that the administration is shooting for? And if they're considering any kind of proposals, including the purchase of additional Treasury or agency securities, to bring that rate lower?

MR. GIBBS: I don't think there is -- at least I have not heard enumerated a specific sort of goal or a point that we're looking for. I think the economic team and the President are very pleased that as a result of some of our efforts, combined with other factors, we have seen rates driven down to their lowest point since, I think, records have been kept since the early '70s.

You've heard the President speak many times about the importance of that for people that are lucky enough to refinance their homes; that in many cases you'll have roughly the equivalent of a tax cut for each individual. I think it also puts people farther away from any potential foreclosure because their payments obviously are something that are even more affordable.

And the President will continue to look at strategies and improve on the plans to ensure that that group of people that, because the ratio of what they owe to the value of their house makes it harder or impossible for them to refinance, that they'll have the ability to take advantage of a program and some opportunities to help them, as well.

Christina.

Q Robert, any update on the advance staffer? The testing that you said he was undergoing yesterday? And the flight that he took back from Mexico City --

MR. GIBBS: I have to check on -- I did not check on the flight. As I mentioned yesterday, that individual is back at work, having been cleared. I have not heard updates from Mr. Brennan on those individual tests. I don't believe -- and I'll double-check this -- I believe his testing has always come back negative, because, as I said yesterday, that virus had sort of run its course. And I would just repeat that all four have recovered and are doing well.

Q And nothing on the passengers that were on those flights?

MR. GIBBS: Not that I have, no.

Margaret.

Q Two questions. In terms of the President's outreach across party lines and such to get ideas for nominees, how soon do you expect that to begin? And how will it begin? Will it be by letter or email at staff level? Or is he going to invite groups of various people to come in and meet

with him?

MR. GIBBS: Well, my assumption would be that you'll have outreach both at the staff level here. You'll have -- undoubtedly have groups and individuals coming here. And I anticipate that somewhat quickly the President will pick up the phone and reach out to members of both parties to get a sense of what they think is important, and what they'd like to see in a Supreme Court nominee, understanding that we have to go through this process.

Q And on the bank stress test, there is the latest delay; I think we're now up to May 7th. And I guess what we're trying to get a handle on is, are the delays because things are like really bad and worse than anticipated, and should regular investors be freaked out? (Laughter.) Or is this the last delay, and are things pretty much under control?

MR. GIBBS: We were hoping to put it off until, like, the Supreme Court Justice retired. Oh, wait --

Q But what do we read into the ongoing -- how much should we read into the ongoing delay?

MR. GIBBS: Well, as I said earlier, I would push you to -- some specific timing questions to the Fed, because that's the regulatory agency that is in charge of these ongoing tests. I think I would not read anything into the delay in results except the notion that regulators and the administration want to get this right from the very beginning. Obviously these are very complicated. There are a lot of -- there's a lot of information that we want to get right and we want to ensure that, when that transparency happens, that the information is correct. But I wouldn't get freaked out.

Kirk.

Q Thank you, Robert. There was a story that when the President was in the Senate he was initially torn when the Roberts nomination came up. By all accounts, Roberts had very impressive credentials on paper, et cetera. Is that true and can you tell us anything about his decision-making process?

MR. GIBBS: Yes, it is true. I think we were -- many of us were in meetings and discussions with him about that. Obviously, as then-Senator Obama said, that Judge Roberts possessed a keen and sharp intellect. I think that might have been one Harvard guy talking to another. Obviously he's somebody who is an extremely bright and smart man.

As I said earlier, I would point you specifically to the statement that he made on the floor then about the role that he sees a Supreme Court Justice playing and understanding exactly how the decisions and the laws and how all that works together and how that affects real people. I think it's something that he spent a lot of time -- has spent a lot of time over the course of the past many years and certainly in both of those decisions thinking about the role that each individual Judge and Justice has to play.

Q And on an unrelated subject, do the vacancies at the Department of Health and Human Services, from Deputy Secretary on down, have they had an impact on the White House response to the flu?

MR. GIBBS: No, and I think I gave these statistics earlier in the week. I think there are 155 political appointees at the Department of HHS; I think 40--some of those positions are filled. At the same time, there are 65,000 career professionals at all levels of agency and department within the Health and Human Services that serve admirably each day to keep us safe and healthy.

So I think the response, because of the dedication of many of those men and women, has been completely professional and never once compromised.

Q Yes, Robert, thank you. One of the Chrysler holdout lenders late yesterday, Perella Weinberg, turned around and announced that it would accept or would like to accept the administration's offer. Does that have any effect and did the White House put any pressure on that firm to change its position?

MR. GIBBS: I don't believe the White House put pressure on anybody except to understand, as I denoted yesterday, that each of the stakeholders was going to have to make sacrifices. Workers did, management did, former owners did, and these debtors were going to have to and many of them stepped up to the plate and did. I think it helps the case that we're going to make in court that after the deadline passed and the government didn't blink as maybe some people thought in that room that they might, that the case is strengthened by one of these holdout creditors

in that room that they might, that the case is strengthened by one of those holdout creditors saying, upon some serious reflection, that the offer and the agreement were, as the President thought, a strong agreement that will put Chrysler and its many stakeholders on a path towards strong viability in the auto industry.

Thanks, guys. I'll see who I can bring out Monday to top that. (Laughter.)

END

3:23 P.M. EDT