From: "Brinkley, Winnie (ODAG)" <(b) (6)>
To: "Pietranton, Kelsey (PAO)" <(b) (6)>, "Gamble, Nathaniel (ODAG)" <(b) (6)>
Cc: "Markopoulos, Amy M. (ODAG)" <(b) (6)>, "Mogil, Joshua (ODAG)" <(b) (6)>, "Chandler, Adam (ODAG)" <(b) (6)>
Subject: RE: Pls print
Date: Mon, 02 Dec 2024 17:39:27 -0500
Importance: Normal
Inline-Images: ~WRD0001.jpg

Kelsey,

Is this for the evening book?

Winnie Brinkley
Staff Assistant
Office of the Deputy Attorney General
Tel: (b) (6) (direct)
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From: Pietranton, Kelsey (PAO) <(b) (6)>
Sent: Monday, December 2, 2024 5:33 PM
To: Gamble, Nathaniel (ODAG) <(b) (6)>; Brinkley, Winnie (ODAG) <(b) (6)>
Cc: Markopoulos, Amy M. (ODAG) <(b) (6)>; Mogil, Joshua (ODAG) <(b) (6)>; Chandler, Adam (ODAG) <(b) (6)>
Subject: Pls print

DELIBERATIVE // PREDECESIONAL

Nate: Pls print the below and attached. I will come organize. Thx!

###

Statement from President Joe Biden
December 1, 2024

Today, I signed a pardon for my son Hunter. From the day I took office, I said I would not interfere with the Justice Department's decision-making, and I kept my word even as I have watched my son being selectively, and unfairly, prosecuted. Without aggravating factors like use in a crime, multiple purchases, or buying a weapon as a straw purchaser, people are almost never brought to trial on felony charges solely for how they filled out a gun form. Those who were late paying their taxes because of serious addictions, but paid them back subsequently with interest and penalties, are typically given non-criminal resolutions. It is clear that Hunter was treated differently.

The charges in his cases came about only after several of my political opponents in Congress instigated them to attack me and oppose my election. Then, a carefully negotiated plea deal, agreed to by the Department of Justice, unraveled in the court room – with a number of my political opponents in Congress taking credit for bringing political pressure on the process. Had the plea deal held, it would have been a fair, reasonable resolution of Hunter's cases.

No reasonable person who looks at the facts of Hunter's cases can reach any other conclusion than Hunter was singled out only because he is my son – and that is wrong. There has been an effort to break Hunter – who has been five and a half years sober, even in the face of unrelenting attacks and selective prosecution. In trying to break Hunter, they've tried to break me – and there's no reason to believe it will stop here. Enough is enough.

For my entire career I have followed a simple principle: just tell the American people the truth. They'll be fair-minded. Here's the truth: I believe in the justice system, but as I have wrestled with this, I also believe raw politics has infected this process and it led to a miscarriage of justice – and once I made this decision this weekend, there was no sense in delaying it further. I hope Americans will understand why a father and a President would come to this decision.

###

On pardon:

MS. JEAN PIERRE: So, just one note at the top before I hand it over. I know you've all seen the president's statement on the pardon he signed for his son, Hunter. The president's statement was quite comprehensive, but I'll take your questions on this after my NSC colleague, Admiral John Kirby, previews the president's trip to Angola and takes your question on foreign policy news of the day. And after after that, we'll we'll continue.

Topic of the day: You you have said repeatedly yourself since the election, the president has said for months no pardon was coming. I just you know, I wanted to ask you: Could those statements now be seen as lies from the American people? Is there really a credibility issue here, given now this announcement?

MS. JEAN PIERRE: First of all, one of the things that the president always believes is to be truthful to the American people. That is something that he always truly believes.

And if you see the end of his I'm I assume that you've read his his statement and you look at the end of that statement, and he actually says that in the first line in the last paragraph and and respects the thinking and how the American people will actually see this in his decision making.

And I would encourage everyone to read in full the president's statement. I think he lays out his thought process. He lays out how he came to this decision. He came to this decision this weekend. So, let's be very clear about that.

He says it himself. It's in his voice. [redacted].

He also said that no reasonable person, if you are looking at this in a good faith way, if you are looking at the facts of Hunter's cases and can reach you can't reach any other conclusion, right? And what we have seen and not just us; there's other people who have commented on the president's actions in the last 24 hours I've lost track of time and could see that Hunter was si singled out and because he his last name was Biden, because he was the president's son. That's what we saw.

And so, the president believed enough is enough, and the president took action. And he also believes that they tried to break his son in order to break him. That's what

we saw.

And this again, I am just repeating what the president said. I think the statement in full really lays out his thought process. He said that he came to this decision this weekend, and and he wrestled with it. It was not it wasn't an easy decision to make.

Q But, Karine

(Cross talk.)

Q So, when when he says

Q One one other

MS. JEAN PIERRE: (Laughs.) Okay.

Q Sorry. Just a re just real quick on that. The the two of them were together this weekend. Did the president and Hunter discuss this possibility? Did they talk about this happening?

MS. JEAN PIERRE: So, what I can say is he made this decision hi this weekend. He made it himself. I don't have anything else to discuss beyond that.

Q Karine

Q Do you know if he talked about it with Hunter?

MS. JEAN PIERRE: I I just don’t have anything to discuss. I I've been pretty consistent in in not talking about private conversations that the he's had with his family. I just don't have anything to say besides the president made this decision this weekend, as he said in his statement, and he made this deci this decision himself. Once he made s this desic this decision, he shared it with his senior
staff.

Go ahead.

Q What changed, though? What ch the the reasons y he laid out in his statement, if we assume those to be correct, that's been correct. The those are not changes that occurred this weekend. So, what changed his mind this weekend?

MS. JEAN PIERRE: Look, again, it's in it's in his statement. He wrestled with it. He thought about it. And he tr he believed and what he saw was that his son was singled out. And so, he made the decision. And once he made the decision, which was this weekend, he decided to move forward with it and not to not to wait.

And, you know, I think he truly believed enough is enough. This is this is we have seen, in last five years or so, the president's political opponents say this. Not even I mean, this is not the president saying it; they said it themselves. They were going after Hunter Biden.

Q So

MS. JEAN PIERRE: And so, he made this decision.

Q So, Karine, when the when the president says that that the justice system is “infected” with politics, how deep is the rot? And how much of the blame does the president take on himself for the fact that his his own Justice Department, his appointees, have allowed to have have allowed it to get this bad?

MS. JEAN PIERRE: Let me just le and I'm going to get to your answers, but I do want to just share a couple of things from for example, former Attorney General Eric Holder said, "No U.S. attorney would have charged this case given the underlying facts. After a five year investigation, the facts as discovered only made that clear. Had his name been Joe Smith, the resolution would have been fundamentally and more fairly a decl a declination. Pardon warranted."

Former U.S. attorney to the Eastern District of Michigan, Barbara McQuade, said, "Pardon of Hunter Biden is the best interest of justice. Based on the facts, most federal prosecutors would have declined to charge him. The botched mis misdemeanor guilty plea and sentence of the diversion were a tell that the special counsel had the same assessment."

One more. Former deputy chief of of the Criminal Division Southern District of New York said, "As SDNY Criminal Division deputy chief, I was responsible for approving charges and non prosecution requests. I wouldn't have approved Hunter Biden's tax or gun cases. If Hunter's last name wasn't Biden, I don't believe he would have ch he would have been charged. His pardon is justified."

And the president says it I'm going to pull out his statement to your to your question. And this this plays into what I just read with the SDNY deputy chief, which is, look, there was a deal on the table "a carefully negotiated plea deal, agreed to by the Department of Justice, unraveled in the courtroom, with a number" this is the president's voice "with a number of my political opponents in Congress taking credit for bringing political pressure on the process. Had the plea deal held, it would have been a fair, reasonable resolution of Hunter's cases." This is the president saying this.

Q Yeah, he's saying his own Justice Department is broken, Karine.

MS. JEAN PIERRE: He believe he believes he's he believes in the Justice Department. He believes that there was

Q After saying all of that?

MS. JEAN PIERRE: He believes

Q He believes in the Justice Department?

MS. JEAN PIERRE: This is his words. He said this. This is the president saying this.

Q He just said it's "infected" with politics.

MS. JEAN PIERRE: I he believes "I said I would not interfere with the Justice Department's decision making, and I kept my word even as I have watched my son being selectively and unfair[ly] prosecuted."

Q So, how deep is the rot?

MS. JEAN PIERRE: I'm not

Q How many selective

MS. JEAN PIERRE: Look, I I

Q prosecutions are there at the DOJ?

MS. JEAN PIERRE: What I what I can speak to what I can speak to is this particular case, which is Hunter Biden, who has the last name of the president, who, I just said, there were political opponents who were very clear and very vocal about

going after his son. And I just laid out and there's more multiple people who are part of that who are part of that system right? who have either worked in the justice system or currently do so, and they have been very clear on how they feel about this particular case the cases against Hunter Biden.

Q So, can other can other

Q But, Karine

MS. JEAN PIERRE: I don't

Q the judge was also clear in this case. The judge said it wasn't political pressure when it came to the plea deal. They said this was a process issue, that you basically had two agreements in one and that you can't have side deal.

MS. JEAN PIERRE: Yep.

Q There were basic questioning

MS. JEAN PIERRE: Yeah.

Q in this case that both lawyers could not really answer the questions of.

So, the president, in his statement, is he not undermining the judge and a judicial system that he promised would be independent? The judge in this case did not say

MS. JEAN PIERRE: Hold on.

Q it was political pressure.

MS. JEAN PIERRE: And I and I just talked about the SDNI [SDNY] Criminal Division deputy chief who said he was responsible for th for approving the charges and not prosecuting requests. I just also quoted him and what he said, right?

And there are others who have said former White House counsel said, "If if I were his White House counsel, I would encourage him to pardon his son. The clemency power has few limitations and certainly would extend to a Hunter Biden Hunter Biden pardon."

Former Watergate Assistant Special Prosecutor Jill Weinberg: "This was one of those cases that called out for clemency. Hunter Biden, first of all, would not ever be prosecuted for the gun crime but for his last name. Hunter has now been sober for many years, and this and this is a time when it is really appropriate to grant a clemency."

Look

Q Karine

MS. JEAN PIERRE: the president wait. Wait. Two things could be true. The president does believe in the justice s system and and the Department of Justice, and he also believes that his son was singled out politically. And this is what we saw over and over and over again over the last couple of years.

And when his deal that deal that that fell apart, which the president said in his statement he thought would have been fair the president said this that the Desh the Department of Justice agreed with he said if that had gone through, he believed it would have been fair. When that fell apart, his own political opponents just continued to revel in it.

And one of the reasons the president did the pardon is because they didn't seem like

his political po opponents would let go of it. It didn't seem like they would move on.

Q Is

MS. JEAN PIERRE: And so, this is why this president took this action.

Q But is it the same argument

Q Is the president seeking

MS. JEAN PIERRE: Okay, guys. Okay.

Q Karine

Q Is the president seeking the resignation of the attorney general?

MS. JEAN PIERRE: No.

(Inaudible.)

Q Is do you think this would have happened if Harris hadn't lost the election?

MS. JEAN PIERRE: Look, I'm not going to I'm not going to get into into the election. It is a no. I can answer that. It is a no.

And what I can say

Q It's a no, this would not have happened if Harris hadn't lost the election?

MS. JEAN PIERRE: Oh, would what would have not happened?

Q The pardon would not have happened

MS. JEAN PIERRE: Oh, I'm not

Q if Harris hadn't lost the election?

MS. JEAN PIERRE: Look, it's hap what I can speak to where we are today. And so, I can't speak to hypotheticals here.

Where we are today: The president made this decision over the weekend. He thought about it. He wrestled with it. And for him, he made this decision because he believed his son was being politically singled out.

Q But we're wondering what changed his mind. And obviously, the election in the statement he refers to "enough is enough." He thinks that there could be further it sounds like he thinks there could be further prosecution of Hunter under a Trump administration.

MS. JEAN PIERRE: He didn't he didn't believe that they would let up. Right? He didn't think that they would they would continue to go after his son. That's what he believed.

And, look, I'm not going to get into hypotheticals, to the original part of your question. The president wrestled with this decision. He made this decision this weekend. And he decided to move forward with pardoning his son.

Q But these systematic

Q So, does the president believe now does the president believe now and agree

with President elect Trump that the justice system has been weaponized for political purposes and that it needs r root root and branch reform?

MS. JEAN PIERRE: No. Read the president's statement. Seriously, read the pr the president's statement. He said he believes in the Department of Justice. He does. He says it in his statement.

He believes he also believes that raw politics infected the process and it led to a miscarriage of justice. He believes his son was unfairly targeted. He said that what his political opponents have done to my son that's his words is cruel, and enough is enough.

He says he believes in the justice sy system. And I said both things

Q But those are the same arguments

MS. JEAN PIERRE: No, but no, no, no, but

Q the Trump camp was making.

MS. JEAN PIERRE: I mean, both things well, I I'm not going to I can only speak for for this president. I'm not going to speak for anybody else. Bo both things could be true. Right? And that's what he says.

He says that the Department of Justice he believes in the Department of Justice. He also believes that, you know, politics infected the process here. It infected the process. And you saw that when the deal fell apart.

And let's not forget, the Depart the Department of Justice agreed on that deal. The president said if that deal had moved forward, he thought it would be a fair a fair process. And when that deal fell apart, his political opponents took credit for it. They took credit for it and didn't seem like they were going to stop.

Q President elect Trump has likened this to the case of the so called January Sixers, the people who are in prison because of their role in January 6th. What do you think of that argument? And do you think that that's a a fair parallel that he believes he should

MS. JEAN PIERRE: Look, we

Q pardon

MS. JEAN PIERRE: Today, I'm going to talk about the pardon. We've been very clear about January 6th. The president has been clear about that. He has spoken to that many times before.

What we believe in this particular case is what is unprecedented is the way that his son was singled singled out.

And this is not the first time a president has granted a pardon before sentended sentencing. It's not the first time a president has pardoned a family member. And it's not the first time a president has pardoned conduct that occurred during a certain time of time period.

We've been very clear where we stand on January 6th. I don't have anything else to add, but

Q But, Karine, what

Q Do you

Q Karine, what kind of precedent is this setting going forward for American families who, you know, don't have the president as their dad? You know, is the president taking advantage of his position by doing this? Because not everyone, like I just said, has President Biden as their dad, who can, you know, do this do this.

MS. JEAN PIERRE: Well, let me let me go back to the last thing that the president said. He said, "For my entire career, I followed a simple principle: just to tell the American people the truth. They'll be f fair minded. Here's the truth: I believe the justice system I believe in the justice system, but I as I have wrestled with this, I also believe raw politics has infected this process and it led to a miscarriage of justice. And once I made this decision this weekend, there was a no sen they were no there was no sense in delaying it further. I hope Americans will understand why a father and a president would come to this decision."

And as I've stated, and I read a couple of a couple of a couple of quotes from folks who said, incor including Eric Holder, who said, "If his last name was Joe Smith, this would not have happened." "This would not have happened."

Q So

MS. JEAN PIERRE: They targeted him hold on. I'm answering this question. They targeted him because his last name was Biden.

And, again, I think the way the president ended his statement, I think, clearly states where his head where he was at, how he feels about this process, how he feels about being truthful to the American people. And so, that's why he put out the statement. And we encourage everybody to to really take a look about this.

And the last line is, "I think the American people will understand a father and a president" "why father and a president would come to this decision."

Q Karine, the United States has more people in prison than any country on Earth. Some are facing a death penalty that the president himself said he would get rid of, has not gotten rid of.

Can we expect that other people who are in prison whose clemency petitions are sitting at the White House are going to have their cases see the same care and attention that the president gave his own son?

MS. JEAN PIERRE: So, look, as you know, when it comes to the criminal justice system and really making sure we get to a place where it's equal and fair, this is a president has taken this very seriously, and you know that by executive actions that he took very early on in his administration.

And he understands what certain communities go through. He has been very clear about that. He has talked about that.

As it relates to pardon pardoning or any clemency, the president, as you know, at the end of the year, makes announcements. He's thinking through that process very thoroughly.

There's a process in place, obviously. And so, once I'm not going to get ahead of of the president on this. But you could expect more announcement, more par pardons and clemency at the end of at the end of at the end of this term.

Okay.

Q But, Karine

MS. JEAN PIERRE: Yeah.

Q why was it the case that both you and the president said well after the plea deal fell apart that there wouldn't be a pardon and now there is a pardon?

MS. JEAN PIERRE: Again, I'd refer you to his statement. He thought about this this weekend. This is a decision that he made this weekend. He agonized over it.

Q Were there any new details that

MS. JEAN PIERRE: I mean, what I can tell you is what the president said himself. He made this decision this weekend. And I think again, encourage you to read the statement and really, just the first paragraph and what he's watched his son go through an unfair process, being singled out.

And let's not forget, even in the last two th parts of his first paragraph here says "people are almost never brought to trial on fenoly felony charges solely for how they filled out a gun form. Those who were late paying their taxes because of serious addictions, but paid them back subsequently with interest and penalties, are typically given non criminal resolutions. It is clear that Hunter was treated differently."

And so, he wrestled with it this weekend, and he made a decision this weekend on how to move forward with this. And so, I'll leave it there.

Q So, was he not wrestling with it before this weekend?

MS. JEAN PIERRE: What I can le tell you is that the president himself said he wrestled with it, and he made this decision this weekend.

(Cross talk.)

Q If he was st if he was still if he was still wrestling with this decision I guess, two things. Is there anything in that statement that is a new detail in the case that would be a factor in him changing his mind here?

And then, two, if he was still wrestling with this which, I mean, clearly he was he wa like, we talked to the president's allies; he was still wrestling with this decision then why would he declare it off the table? Why would he say, "I'm not going to do this," if, clearly, there was an intention to do this, unless you can point me to a new detail in the case for which he changed his mind?

MS. JEAN PIERRE: He made this decision this weekend. That's what I can tell you. He wrestled with it, and he made this decision this weekend.

It is a decision that he came to terms with and made it and shared it with all of you, obviously, by by offering the his son a pardon.

Q I guess what we're struggling with is that his statement basically is a contradiction. It says, "I believe in this system. Enough is enough." I I don't see how you can have it both ways.

MS. JEAN PIERRE: I mean, I don't think it's a contradiction. I don't. Two things could be true. You can believe in the Department of Justice system, and you could also believe that the process was infected politically. And that's what the president says.

Remember, there was a deal on the table that the Department of Justice agreed on, and it fell apart. And his political opponents praised that deal falling apart.

And so, in that regard, [redacted] But there was a there was a political singl singling out of his son. And other people have said this. I just read through a bunch of folks who are

who are who've been part of the justice system if not currently, in the past who have said you know, I keep going back to what Eric Holder said, because he said if his last name was Joe Smith, he wouldn't be going through this. His last name is Biden.

Q So, how do you fix that?

MS. JEAN PIERRE: And so, he went through this.

Q How do you fix that? How do you fix that problem?

MS. JEAN PIERRE: I mean, look, this is one case, because this is the son of the president. Right?

Q How do we make sure this never happens again?

MS. JEAN PIERRE: Look, I I'm not going to go into into the future and and how and un and go

Q The president doesn't have any systemic solutions?

MS. JEAN PIERRE: (Inaudible.) (Laughs.) Let me finish let me finish my my answer.

I just don't have anything more beyond that. What I can speak to is this particular action that he's took. What I can speak to is this the decision that he made. And that's where I'm going that's that's where I'm going to stay.

And and I think you know, I think that it will be very clear to the American people why he made this decision as a father, as a president. And we all saw we all saw what was going on for the past couple of years when it came to Hunter Biden, when it came to the cases.

And so, the president took an action because of the pol how politically infected these cases were and what the political opponents what his political opponents were trying to do. And if you look at the cases, there wouldn't have it wouldn't have gone as far as it did. It wouldn't have.

Go ahead.

Q You're telling us that you you've been telling us that he has complete faith in the justice system, except for in the cases where his son was concerned, and in those cases, politics corrupted the system. But you can't tell us any other instance in which the president believes that politics corrupted the justice system. Is this literally the only time that this has happened, or or the the limit of this problem, to get to Trevor's question?

MS. JEAN PIERRE: Again, "If his name had been Joe Smith, the resolution would have been, fundamentally and more fairly, a dec a dec a declination. Pardon warranted." That's Eric Holder. It is because, from from what I've just read to you, and from what other people, other experts, people who are smarter than I have said, because he wa he is Hunter Biden his last name is Biden, that there were

Q So, this (inaudible)

MS. JEAN PIERRE: actions there were actions that were taken that were far and and beyond. And so, they said pardon warranted, right? And I read a bunch of y I think I read almost all of them that I had for you to share about how people felt about this.

Again, "As a prosecutor, I doubt that these charges would ever have been brought against a guy named Hunter Smith. It was because he is the son of the president." That's state attorney for Palm Beach County, Florida, Dave Aronberg. That's what he said.

Q So, the system works for people the system doesn't get corrupted by politics for people whose name is not Biden?

MS. JEAN PIERRE: You're twisting and misrepresenting what I'm saying. I'm talking about a particular issue right now. I'm talking about the president's action on his son, pardoning his son, Hunter Biden. And that's what I'm going to stick to, and that's what I'm talking about right now.

Q The statement is almost asking American families to understand why President Biden did what he did with the pardon. But for families who have a child who or don't have the same resources as President Biden, is that fair to ask them to understand, if they're not sitting in this position?

MS. JEAN PIERRE: (Inaudible.) I mean, let's take a step back. For the past five minutes, I've been talking about why there was a polit political infection on this particular case. It's because it was Hunter Biden. That's why we're we are where we are and why the president provided a pardon. And he believes that his son was singled out, and because Hunter Biden was singled out because his dad is the president.

That's what we're talking about here, and that's what we have been seeing for the past several years. And that's what the president was speaking to, and that's why the president took the action that he did.

Q How soon could the next round of, you know, pardons of could come? For those who are waiting and have been waiting for some time and aren't Hunter Biden, how soon could we expect to see those?

MS. JEAN PIERRE: So, I don't have a timeline for you. As you know, this usually happens towards the end. And so, the president is going through that process, thinking through that process. I'm not going to get ahead of him. But you can expect more announcements to come.

All right. I think we're supposed

Q What was the

Q Is the president con

Q What was the White House counsel and clemency officer's advice on how to handle this particular case?

MS. JEAN PIERRE: I I don't have anything beyond the president making this decision. As this when the president

Q What advice did he get from the White House?

MS. JEAN PIERRE: I I'm I'm not going to get into private conversation that the president has. The president made the decision to pardon his son. The White House informed they have to be pardons, as you know, have to be filed with the DOJ. The White House informed the DOJ. They filed it with the DOJ, and that's how the process went.

I'm not getting into a private conversation. This is a decision that the president made himself. Again, he wrestled with it. He made the decision this weekend, and we've laid out pretty clearly of what he was thinking. His statement lays out pretty

clearly.

Guys, all right. Thanks, everybody.

From: "Morris, Catherine (PAO)" <(b) (6)>

To: "Oyer, Elizabeth G. (PARDON)" <(b) (6)>, "Bruck, Andrew (ODAG)" <(b) (6)>, "Stueve, Joshua (PAO)" <(b) (6)>, "Carr, Peter (PAO)" <(b) (6)>, (b)(7)(E) per FBI <(b)(7)(E) per FBI>, "Milhoan, Catherine L. (OPA) (FBI)" <(b)(7)(E) per FBI>, "Fontecchio, Ari B. (OAG)" <(b) (6)>, "Benson, Adrienne (ODAG)" <(b) (6)>, "Bond, Slade (OLA)" <(b) (6)>, (b) (6) (OLA)" <(b) (6)>, "Morris, Catherine (PAO)" <(b) (6)>, "Chandler, Adam (ODAG)" <(b) (6)>, "Cocklin, Katherine P. (OLA)" <(b) (6)>, "Iverson, Dena (PAO)" <(b) (6)>, "Dulaney, Emma (PAO)" <(b) (6)>, "Fischer, Sydney (PAO)" <(b) (6)>, (b) (6) (OLA)" <(b) (6)>, "Hanson, Matthew B. (OLA)" <(b) (6)>, "Hartnett, Julia (PAO)" <(b) (6)>, "Pietranton, Kelsey (PAO)" <(b) (6)>, "Kohlman, Abby K. (OLA)" <(b) (6)>, "Levin, Jakob E. (OLA)" <(b) (6)>, "Linehan, Corey (OLA)" <(b) (6)>, (b) (6) (OLA)" <(b) (6)>, "Klapper, Matthew B. (OAG)" <(b) (6)>, "Miller, Marshall (ODAG)" <(b) (6)>, "Mogil, Joshua (ODAG)" <(b) (6)>, "Rubio, Christian R.. (ODAG)" <(b) (6)>, "Schroeder, Ted (OLA)" <(b) (6)>, "Shevlin, Shannon (OPA)" <(b) (6)>, "Ulin, Sophie (PAO)" <(b) (6)>, "Uriarte, Carlos F. (OLA)" <(b) (6)>, "Wagner, Rose (JMD)" <(b) (6)>, "Walker, Burden (CIV)" <(b) (6)>, "Hornbuckle, Wyn (PAO)" <(b) (6)>, "Hinojosa, Xochitl (PAO)" <(b) (6)>, "Zdeb, Sara (OLA)" <(b) (6)>

Subject: FW: [EXTERNAL] Press Briefing by Press Secretary Karine Jean-Pierre and National Security Communications Adviser John Kirby, December 12, 2024

Date: Thu, 12 Dec 2024 18:31:47 -0500

Importance: Normal

On pardons announced today (including death penalty cases), drones in New Jersey, Austin Tice + hostage negotiations, Hunter Biden pardon, potential preemptive pardons, and FBI Director Wray's resignation announcement:

MS. JEAN PIERRE: Happy Thursday. (Ms. Jean Pierre adjusts the lectern.) Just mess be messing with this lectern.

Okay. So, today, President Biden announced that he is granting clemency to approximately 1,500 Americans the largest act in a single day who have demonstrated remorse and rehabilitation as well as a strong commitment to making their communities safer.

The president is commuting the sentences of 1,500 individuals who were placed on home confinement during the COVID 19 pandemic and who have successfully reintegrated into their families and communities.

He is also pardoning 39 individuals who were convicted of nonviolent crimes.

The Americans receiving relief today include a decorated military veteran, a nurse who has led response for a number of natural disasters, and an addiction counselor who

volunteers his time to help young people. That's just to name a few.

Today's actions build on the president's record of criminal justice reform to help reunite families, strengthen communities, and reintegrate individuals back into society.

The president has issued more sentence commutations at this point in his presidency than any of his recent predecessors at the same point in their first terms. He is also the first president ever to issue categorical categorical pardons to individuals convicted of simple use and possession of marijuana and to former LGBTQI+ service members convicted because of their sexual orientation.

As the president has said before, America was founded on the premise of second chances. For far too long, our criminal justice system has closed doors of opportunity for too many people who should have the chance to once again participate in daily life and contribute to their communities.

And as the president said in his statement, he will take more steps in the weeks ahead. He and his team will continue reviewing clemency petitions to advance equal justice under the law, promote public safety, support rehab and reentry, and provide meaningful second chances.

And with that, I have my colleague here from the National Security Council, Admiral Kirby, to talk about foreign policy news of day.

MR. KIRBY: Now, finally, I just want to add a few comments on the reports of drone activity here on the East Coast, particularly in and around New Jersey.

We have no evidence at this time that the reported drone sightings pose a national security or a public safety threat or have a foreign nexus.

The Department of Homeland Security and the [redacted] are investigating these sightings, and they're working closely with state and local law enforcement to provide resources, using numerous detection methods to better understand their origin.

Using very sophisticated electronic detection technologies provided by federal authorities, we have not been able to and neither have state or local law enforcement authorities corroborate any of the reported visual sightings.

To the contrary, upon review of available imagery, it appears that many of the reported sightings are actually manned aircraft that are being operated lawfully.

The United States Coast Guard is providing support to the State of New Jersey and has confirmed that there is no evidence of any foreign based involvement from coastal vessels.

And, importantly, there are no reported or confirmed drone sightings in any restricted airspace.

Now, that said, we certainly take seriously the threat that can be posed by unmanned aircraft systems, which is why law enforcement and other agencies continue to support New Jersey and investigate the reports, even though they have uncovered no malicious activity or intent at this particular stage.

While there is no known malicious activity occurring, the reported sightings there do, however, highlight a gap in authorities. And so, we urge Congress to pass important legislation that will extend and expand existing counter drone authorities so that we are better prepared to identify and mitigate any potential threats to airports or

other critical infrastructure and so that state and local authorities are provided all the tools that they need to respond to such threats as well.

Q Thank you, Karine. I want to go back to Austin Tice. Can you give us some information about the U.S. presence on the ground? Who is there to secure his release? Because it seems to me like it's battle between journalists who are trying to reach to any American prisoners there and this what happened this morning.

MR. KIRBY: Now let's not get ahead of where we are right now. Two things. One, U.S. military presence in Syria is predominantly in the east and it's designed solely to help us with the counter ISIS missions. And we're working with the Syrian Democratic Forces to that end. That's why they're there, and that's the only reason that they're there.

We don't have enough information right now about Mr. Tice and his whereabouts and his condition to develop any kind of policy options in terms of getting him home. So, we let's just not get ahead of where we are right now.

Right now, we're really trying and we hope that developments in Syria will give us the opportunity to glean more information.

Q So, you sorry, I just to follow on this. So, you're saying that there's no agents, there is nobody from the hostage departments that the U.S. was dealing who on the ground now in Syria? Because I'm aware of the Hostage Aid that's an organization that trying to find all hostages all over, American hostages. They are on the ground. And there are journalists, including my station, who's who actually the first station to reach Mr. Timmerman this morning.

MR. KIRBY: The work that we're doing, the presence that we have in Syria is is largely around counterterrorism missions.

Again, I don't have policy options to speak to right now about finding and retrieving Mr. Tice. We just don't have enough information at this point.

Q Can you make that make more sense? Because I think people in New York and New Jersey see drones the size of an SUV over their house every night and think that that doesn't make any sense.

MR. KIRBY: Certainly I understand why people would be looking at this and being concerned about it. I we're concerned about it too, which is why we have the Department of Homeland Security and the , my goodness, looking at this, and we're taking it seriously.

And we we understand that people are concerned. We understand that they got questions. We got questions too, and we're working hard to get the answers to that.

What I can tell you, as we sit here today, you know, at 2:16 in the afternoon on the 12th is we haven't seen any indication thus far that there's a public safety risk, and we haven't seen

Q But does anyone in the government know what they are?

MR. KIRBY: We are still investigating this. I can't tell

Q So, no.

MR. KIRBY: you definitively I cannot characterize for you definitively what

these sightings are. I can just go back to what I said at the opening: We've looked at the imagery. We can't corroborate some of the reported sightings through our own expert analysis using sophisticated detection techniques. But that doesn't mean that, you know, we're putting our pen down here this afternoon and calling it a day. We're going to keep at this.

Q What are you doing though?

MR. KIRBY: We we are continuing to investigate it, as I said in my opening statement. Two federal agencies, as well as United States Coast Guard, and state and local law enforcement officials, which we are staying in close touch with.

MS. JEAN PIERRE: Go ahead.

Q Picking up on drones. Has it reached a level or is there a level determined by which the president or the administration, more directly, would prohibit any use of the airspace since it is regulated for drones for a period of time to try to figure out who they are and to remove this anxiety that people in the northeast are feeling?

MR. KIRBY: I don't know that we're at a stage right now where we where we're considering that sort of a policy option, but I can tell you that we're going to keep an open mind here. And I think we're going to whatever policy options we determine are appropriate will be informed by the investigation.

And thus far in this early stage of the investigation, there's just no national security threat that we see and no public safety risk.

So, again, you you want to be careful that you don't
that you you don't jump to conclusions and you don't jump to policy options that may not be appropriate at this particular stage. But we'll we'll obviously see where it goes and we'll be informed by investigators.

Q Thank you. So, let's see. On the pardons.

MS. JEAN PIERRE: Yes.

Q I wondered if you know, there's been a couple categorical pardons or categorical, I guess, grants of clemency by the president. So, I wondered if we could expect more of those sort of categorical pardons, in particular related to the death penalty, which, you know, the president had said during the campaign trail in 2020 he wanted to get rid of. And, you know, I know it's paused, but it isn't gone. And there's, I think, 40 people on federal death row. The president elect, you know, has made no secret of his his desire to continue the death penalty.

So, you know, wondering about that and any other possible categorical ones.

Sorry to interrupt you.

MS. JEAN PIERRE: Yeah. So, I will say that during the president's remaining weeks and he said this in his statement overnight, and I said it at the top as well that we're going to continue to he's going to continue to talk to his team to review any steps that he's going to be taking.

He wants to take additional steps, obvi obviously, to to provide meaningful second chances. This is what this is all about when you look at the what the actions that the president not just took today but over, certainly, the last four years.

And so, they're going to continue to review clemency petitions, he and his team, in normal course. And certainly, further they want to further the criminal justice reforms in a manner that advances equity and justice; promotes public safety; supports rehab and re entry, which is all the things that I said at the top; and provides, again, meaningful second chances.

So, when we have more to share, we certainly will update all of you. But I think if you look at what the president has done over the past four years, as I just just laid out, granting in addition to what he talked what we announced today granting 21 pardons, 122 commutations, he has certainly done more in than his last four predecessors at this point in their first term.

And so, the president takes this very, very seriously and is going to review all options and, especially, as you stated, clemency petitions as we, you know, close out these final final few weeks.

Q On pardons still.

MS. JEAN PIERRE: Sure.

Q We had a poll yesterday that just about 2 in 10 Americans approved of President Biden's decision to pardon his son. In particular, they were troubled by the fact that he'd gone back on his word. So, I wondered what the president's message is to those Americans.

MS. JEAN PIERRE: I mean, I'd just go back to his statement that he put out 12 days ago, I think, now that Sunday. And I think that last paragraph where he talks really, truly directly to the American people about this decision that he's made, obviously, as president, as a father.

But I would say more broadly, you know, legal experts you've heard me say this you've heard from legal experts, specifically an analyst, former U.S. a U.S. attorneys from across the country, who have said and they have all agreed no one would be criminally prosecuted with felony offenses with these facts the underlying facts that we have certainly, have gone back and forth on.

And I have quoted many times, and I'll do this again, the former attorney general, Eric Holder, who said, "No U.S. attorney would have charged this case given the underlying facts. Had his name been Joe Smith, the resolution would have been fundamentally and, more fairly, a declination. Pardon warranted."

And so, I think the actions that the president took today, the actions that he's taken over the last four years when it comes to clemency, I think, shows the president's commitment when it comes to reforming trying to reform the criminal justice system and his obviously, his commitment to that but, also, giving people a second chance.

And so, you know, I think that as it relates to the American people, I think that I understand that you had this poll, and I get that, but I hope that they will understand the decision that he made and and, you know and what he's going to continue to do in these closing weeks as president.

Q Do you think he should apologize based on what the polling found?

MS. JEAN PIERRE: What I think is I think the president hopes that the American people hear him out. Again, going to that last part of his statement and I feel that I should continue to reiterate that the American f American people out there should take a look at the president's own words, his statement, how much he wrestled with that decision, and how circumstances did indeed change for him and his view.

And I quoted many times what Congressman Clyburn said when he spoke to the president

two weeks prior how the president was indeed reticent in making this decision.

And when he saw that Republicans weren't going to let up, when he s you know, we talked about the recently announced Trump appointees for law enforcement who have said themselves that they were going to seek retribution, and there was no reason to not take them by their word. The sentencing was coming up.

All of these pieces certainly led to circumstancing circumstances changing, and so he made a very difficult decision. And I just hope that in time in due time, the American people will will see why he made this decision to move forward.

In the meantime, I think this announcement the statement from the president, this announcement today that we're making: 15 nearly 1,500 people getting this their commutation I think it's important. I think it's important about second chances, giving people second chances.

And and so, that's what the president certainly is going to continue to focus on.

Go ahead.

Q Thanks. Different than commuting a sentence, though, or pardoning someone who has been convicted of a crime, there was conversation at one point about the idea of preemptive pardons for somebody who hasn't been convicted yet but who might be a target of the incoming Trump administration. Is that still on the table?

MS. JEAN PIERRE: I'm not going to get ahead of the president. As I said, we'll have more the president will have more to announce over the upcoming upcoming weeks as we are close out our time here.

I'm not going to get into the president's thinking. He's going to have conversations with his team. He's going to review clemency petitions. He's going to review options on the table.

And so, I'm that's where I'm going to leave it.

And I think, you know, 1,500 individuals, as you all know, who are who were placed on home confinement during the COVID 19 pandemic and who have successfully reintegrated into their families and communities and also pardoning 39 individuals is is a big deal.

I think it's important to those individuals and their families and their communities. As I've said, they've rein integrated into into those really important pieces of their lives, and I think that's really important and just building on what the president has done over the past four years.

And I think that's I think those today, I think it's a good day for many of those folks who deserve that second chance and who have proven proven to to be able to take that on.

Q Absolutely.

MS. JEAN PIERRE: Yeah.

Q Some of the names that have been floated around preemptive pardons, though since it would just be such an unusual, extraordinary step we've talked about in the news, we've seen Liz Cheney, Dr. Fauci, Mark Milley

MS. JEAN PIERRE: You're talking about the preemptive pardoning?

Q Right. I understand you don't want to get ahead of the president's thinking, but are any of those names wrong? Still can you tell

MS. JEAN PIERRE: I'm just

Q I mean, do you want to tell us anything about

MS. JEAN PIERRE: I it would be a bad move on my on my on my behalf if I preempted the president or previewed anything that the president was thinking about, considering. And so, this is a this is something that he's going to talk with his team about. And and I just don't have anything beyond that for you.

Again, I think today is a very important day, as we talk about the criminal justice system, as we talk about giving people who have shown that they can reintegrate into their community, back into their families, a second chance. I think that's a big deal, and I think that shows the president's commitment to this.

And, you know, the president talks a lot about what this country has to offer and possibilities, and you see that in every every action that the president certainly has taken when it comes to this issue and so many other policies that he's put forward.

Q Thanks, Karine. What was President Biden's reaction to [redacted] decision to step down?

MS. JEAN PIERRE: What I will say is that the president ap certainly appreciates the service of [redacted], and and all that he has done to in his role. I don't have anything more to say beyond that. Certainly, he wishes the [redacted] well.

Q Was the president disappointed that Wray is not going to be serving his full

MS. JEAN PIERRE: I don't have any

Q 10 year term?

MS. JEAN PIERRE: I don't have anything else to share besides the service that the [redacted] has been able to provide, and he respects his service. And I don't don't have anything beyond that.

Q Has President Biden spoken to [redacted] since the director made that announcement, or was the White House given a heads up about the decision?

MS. JEAN PIERRE: I would say that I don't have anything to share of a conversation between the [redacted] and the president since this decision was was made, but the president is grateful is grateful for the director's service to our country. And I just don't have anything else beyond that to share.

Go ahead, Kelly O.

Q Can you given the breadth of the pardons, can you describe a little bit about the president's process? Did he read into the individual cases? Did he accept a list from those who were working on this on his behalf? How much did he personally dive into particular stories? And did he decline on any of the ones brought to him for this time? Or was it sort of a big package presented to the president?

MS. JEAN PIERRE: So, I'm not going to go into step by step of this process.

What I can say is this is a president who certainly takes this very seriously, understands the importance of when an individual is able to show that they can reconnect with their community, reconnect with their family, be be part of a

community in a way that I just laid out when you think about military veteran, when you think about a nurse that's been very helpful in disaster response he takes that all into account. He wants to make sure that that there are specific criterias that are made, if you will.

In this case, y the Bureau of Prisons, obviously, was very involved in the in wh in looking at when I say "very involved," when they made the decision on on the home confinement of these folks. And so, obviously, that is a big part of it too.

And, look, they've all des demonstrated good behavior, have shown that incarceration and at home confinement has been successful in their rehabilitation. And those are all important criterias to look at.

But this is something, obviously, his team reviews. It's presented to the president. He makes this decision on how to move forward.

I'm not going to get into the nitty gritty, but these are important facts that I just laid out to, certainly, look at when you think about getting again, getting back into the community and showing showing that, you know, it is it is meaningful to get that second chance because what these individuals have been able to do.

Go ahead, Annie.

Q Thanks, Karine. On the pardons today, can you say whether the president has signed all the paperwork and it's completely finalized with his signature on it?

MS. JEAN PIERRE: Yeah. Well, my assumption is that we this is ready to go, since we made the announcement and that we've announced it, obviously, overnight. And so, this is ready to go, and we're moving forward. We wouldn't have made this announcement if we weren't. And so, that's what I could speak to.

This is something that the president has decided on, and we're taking, certainly, the steps to make this happen.

Q (Inaudible) be able to say sort of precisely when he signed it? Or maybe (inaudible.)

MS. JEAN PIERRE: I I don't have specifics on signature when when it was signed, how the process even works.

I know that we just made announcement, obviously, overnight on on this, really you know, this granted clemency of nearly 1,500 people. I think that's a big deal. Thirty nine individuals are were, certainly, pardoned, were who were convicted of nonviolent crimes. And I think this is important to to just not forget.

But I don't have the specifics of the process or how it works. But, obviously, it's out there, and we're moving forward with it.

Q And then one other thing. You had been asked several times about whether Hunter Biden would receive a pardon and responded to that question.

MS. JEAN PIERRE: Yeah.

Q In that vein, can you tell me whether the president is considering a pardon for his son [brother] James Biden?

MS. JEAN PIERRE: Look, what I can speak to is the p the president made that decision right? about Hunter Biden. He put it in in his own words. I don't have anything to share beyond that. What I can say is: Not that I'm aware of, but I just don't have anything else beyond that.

And the president, certainly, is going to as it more broadly speaking, as we move forward to the next couple of weeks, he obviously is going to review with his team about other clemency decisions, and they're taking additional steps. And so, that's what I can speak to at this time.

Go ahead, Zolan.

Q Thank you. During the past clemency actions you were talking about, it seemed like most of the time the recipients were nonviolent, you know, drug offenders low level drug crimes. There were a couple recipients here, though I mean, a judge who participated in a scheme that sent juveniles to for profit jails; Medicare fraud; you know, real estate fraud.

I guess what I'm wondering is, was the crime that was committed also part of the criteria here? Or was it the mere fact where, if you were somebody on home confinement despite the crime you committed, but just the fact that you were on home confinement you received a commutation?

MS. JEAN PIERRE: So, they're two different things, right? There is the 1,500 folks who who were placed on home confinement during COVID

Q The examples I listed are part of the 1,500.

MS. JEAN PIERRE: Oh, th okay.

Q Yeah.

MS. JEAN PIERRE: I didn't know, because I because those are commutation, right? So, I didn't know. So

Q S those are commutations, right.

MS. JEAN PIERRE: Okay. So, you were saying "pardoned," so I just wanted to make sure of that.

Q Yeah. To clarify

MS. JEAN PIERRE: Okay. Yes.

Q those examples I listed are

MS. JEAN PIERRE: Are the fif

Q part of the 1,500 that received commutations.

MS. JEAN PIERRE: Okay. Okay. Because, as you know, there were 39 people who were who were pardoned. So, two different things, so I just want to make sure we were on the same page.

So, this is definitely related to the home confinement from COVID. Let's not forget, there was the CARE[S] Act of 2020, right? This is all connected, certainly, to that. And that's those are the individuals who were again, who had home confinement and they successfully reintegrated into their families, into their communities. And that's the group of people that category, if you will that we were looking at.

Q But but

MS. JEAN PIERRE: Yeah.

Q Like, if they just the fact that they were on home confinement, they received

a commutation here?

MS. JEAN PIERRE: No, no, no. Because

Q Was there did you factor

MS. JEAN PIERRE: There was

Q in any like, in the process, do you also factor in the individual cases and the individual crimes that were committed?

MS. JEAN PIERRE: Well, I think what's important is that they were successfully able to reintegrate into their communities and back into their families, right? They showed that having a second chance is something that they should be given, right? And so, that is what's important.

That let's not forget that the successfully reintegrating. And I think that's a huge factor. That matters as well. The home confinement, obviously, those that's the category that they that they were in during that CARE[S] Act of 2020. They were they as you know, there was a decision because of COVID 19 pandemic to move forward, back in 2020, before the president was, obviously, in office.

And these folks, this 1,500 that we're talking about the nearly 1,500, were able to successfully reintegrate. And I think that's a criteria that we can't forget. And that's a criteria that's incredibly important here as the president made his decision.

Q And to follow up on

MS. JEAN PIERRE: Yeah.

Q I think, Kelly's question. Just, I know you don't want to go step by step in the process

MS. JEAN PIERRE: Yeah.

Q but c can we say accurately that the president reviewed, looked at any of these applications?

MS. JEAN PIERRE: What I can say is this president made this decision. This is the president that made the decision to move forward on this.

Q What was his involvement, though? Did they present him the applications and he said yes, or

MS. JEAN PIERRE: I mean, obviously the president was presented from his team the th granting the clemency right? of these approximately 1,500 Americans and also the 39 that he pardoned. He was presented that by his team, and he made the decision.

This is a this would not have happened we cannot forget: This would not have happened if the president didn't sign off on it, if the president didn't decide to move forward.

And we can't forget what the president has done. We're talking about the let's not forget the past. Yes, we're talking about today, but we can't forget the president has also done 122 commutations, 21 pardons before this. We can't forget that the president issued issued categorical pardons for LGBTQ+ service members convicted because of their sexual orientation or identity gender identity and individuals charged with simply possession of marijuana. This is and he just did that back in April.

So, the president has certainly taken action to show the importance of giving Americans second chances, and this is a continuation. This is not just a one day thing. This is a continuation of the person of the president taking clemency and giving people second chances very, very seriously and understanding how much that means to families and, certainly, communities.

Go ahead.

Q Yeah. Has the president called any of the people he granted pardons to? Do you have anything to read out on that front?

MS. JEAN PIERRE: No. It's a good question. I don't have anything to read out on the president calling any any of the 15 nearly 1,500 people or 39 folks that he was able to to pardon today. I just don't have anything to share.

Q And is he planning a farewell address at some point? Is there something in the works? Do you know where it might be, when it might be?

MS. JEAN PIERRE: So, I don't we'll certainly have more to share what the next the last couple of weeks, last couple of days of the president's administration will look like, if he's going to be giving any big speeches or giving any important remarks as he as he ends his presidency.

I don't have anything right now in this moment, but I would say stay tuned. We'll have a lot more to share as to what January post holiday will look like.

Go ahead. I know go ahead. I know I was supposed to call on you and I didn't.

Q Thank you. Back to Austin Tice

MS. JEAN PIERRE: Okay.

Q with apologies.

MS. JEAN PIERRE: No. No apologies. (Laughter.) That's an important no, no. It's important. No apologies.

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From: White House Press Office <info@mail.whitehouse.gov>
Sent: Thursday, December 12, 2024 5:37 PM
To: Morris, Catherine (PAO) <(b) (6) >
Subject: [EXTERNAL] Press Briefing by Press Secretary Karine Jean-Pierre and National Security Communications Adviser John Kirby, December 12, 2024



FOR IMMEDIATE RELEASE
December 12, 2024

PRESS BRIEFING BY
PRESS SECRETARY KARINE JEAN-PIERRE
AND NATIONAL SECURITY COMMUNICATIONS ADVISER JOHN KIRBY

James S. Brady Press Briefing Room

1:44 P.M. EST

MS. JEAN PIERRE: Hello. Hi, everybody.

Q Hi.

MS. JEAN PIERRE: Happy Thursday. (Ms. Jean Pierre adjusts the lectern.) Just mess be messing with this lectern.

Okay. So, today, President Biden announced that he is granting clemency to approximately 1,500 Americans the largest act in a single day who have demonstrated remorse and rehabilitation as well as a strong commitment to making their communities safer.

The president is commuting the sentences of 1,500 individuals who were placed on home confinement during the COVID 19 pandemic and who have successfully reintegrated into their families and communities.

He is also pardoning 39 individuals who were convicted of nonviolent crimes.

The Americans receiving relief today include a decorated military veteran, a nurse who has led response for a number of natural disasters, and an addiction counselor who volunteers his time to help young people. That's just to name a few.

Today's actions build on the president's record of criminal justice reform to help reunite families, strengthen communities, and reintegrate individuals back into society.

The president has issued more sentence commutations at this point in his presidency than any of his recent predecessors at the same point in their first terms. He is also the first president ever to issue categorical categorical pardons to individuals convicted

of simple use and possession of marijuana and to former LGBTQI+ service members convicted because of their sexual orientation.

As the president has said before, America was founded on the premise of second chances. For far too long, our criminal justice system has closed doors of opportunity for too many people who should have the chance to once again participate in daily life and contribute to their communities.

And as the president said in his statement, he will take more steps in the weeks ahead. He and his team will continue reviewing clemency petitions to advance equal justice under the law, promote public safety, support rehab and reentry, and provide meaningful second chances.

And with that, I have my colleague here from the National Security Council, Admiral Kirby, to talk about foreign policy news of day.

MR. KIRBY: Thank you so much, Karine.

Afternoon, everybody.

Q Hello, sir.

Q Hello.

MR. KIRBY: Sorry?

Q We're just saying hi.

Q Hello, sir.

Q We're just saying hi.

MR. KIRBY: All right. (Laughs.) Look, as you all know, National Security Advisor Jake Sullivan is in Israel today. He just wrapped up a full day of meetings, including one with Prime Minister Netanyahu.

Jake's meeting with the prime minister focused on the progress we've made in the region. That means ensuring the Lebanon ceasefire continues to hold, that we continue to engage with all Syrian groups to establish a transition toward an independent and sovereign Syria, and, most importantly, that we continue to make progress toward closing a hostage release and ceasefire deal in Gaza so that the hostages including Americans can be reunited with their families, so that civilians in Gaza can receive the humanitarian assistance that they desperately still need, and so that this war can come to an end.

Jake will now travel to Doha and to Cairo to continue these efforts.

His travel, of course, coincides with that of Secretary Blinken, who is traveling to Jordan and Turkey, making clear our commitment to a Syrian-led transition process so that the Syrian people and

their aspirations can be realized.

The president is being regularly briefed on all these meetings and remains in close touch with his national security team as the situation in Syria continues to develop and it does continue to develop.

Tomorrow, he's going to speak virtually with his fellow G7 leaders. They will discuss a range of issues: our shared support to Ukraine, which comes, of course, after the United States disbursed $20 billion to a new World Bank fund that will provide economic support for Ukraine as part of the $50 billion G7 Extraordinary Revenue Acceleration loan effort.

And that, of course -- I think, as you all know -- leverages income earned from frozen Russian sovereign assets and increasingly puts the cost of war on Russia with no burden to the taxpayer here in the United States. We're going to continue to explore ways to make maximum use of those assets, by the way.

And I'd note that also today the president approved a new security assistance package for Ukraine that will provide them with additional air defense, artillery, drones, and armored vehicles. It's the 72nd such drawdown package announced by the United States. And as the president made clear, we're going to continue to provide additional packages right up until the end of this administration.

I think G7 leaders can also be expected to discuss ongoing developments in the Middle East, of course how we're helping Israel defend itself against active threats and how we're all working towards that Syrian-led process we talked about.

Now, I'd also be remiss if I didn't just take a moment to highlight an important milestone in our efforts to keep faith with Afghan allies.

As of today, the State Department has issued 76,000 Special Immigrant Visas for Afghan partners and their families, surpassing the number of SIVs issued by all previous administrations combined since the program began back in 2009. They did this by surging staff, by leveraging new technology, by consolidating some cumbersome processing steps, and working hard to verify, in better ways, applicants' employment status.

And, of course, we've requested from Congress more visa numbers so that we can continue to do that.

Now, finally, I just want to add a few comments on the reports of drone activity here on the East Coast, particularly in and around New Jersey.

We have no evidence at this time that the reported drone sightings pose a national security or a public safety threat or have a foreign nexus.

The Department of Homeland Security and the FBI are investigating these sightings, and they're working closely with state and local law enforcement to provide resources, using numerous detection methods to better understand their origin.

Using very sophisticated electronic detection technologies provided by federal authorities, we have not been able to -- and neither have state or local law enforcement authorities -- corroborate any of the reported visual sightings.

To the contrary, upon review of available imagery, it appears that many of the reported sightings are actually manned aircraft that are being operated lawfully.

The United States Coast Guard is providing support to the State of New Jersey and has confirmed that there is no evidence of any foreign based involvement from coastal vessels.

And, importantly, there are no reported or confirmed drone sightings in any restricted airspace.

Now, that said, we certainly take seriously the threat that can be posed by unmanned aircraft systems, which is why law enforcement and other agencies continue to support New Jersey and investigate the reports, even though they have uncovered no malicious activity or intent at this particular stage.

While there is no known malicious activity occurring, the reported sightings there do, however, highlight a gap in authorities. And so, we urge Congress to pass important legislation that will extend and expand existing counter-drone authorities so that we are better prepared to identify and mitigate any potential threats to airports or other critical infrastructure and so that state and local authorities are provided all the tools that they need to respond to such threats as well.

Now, tomorrow, there's a little thing called the Army Navy game. We wish both sides a good game. (Laughter.) We thank them for their service now, of course, at these service academies and for their service in the future. We don't officially take sides here at the National Security Council, but "Go Navy, Beat Army." (Laughter.)

MS. JEAN-PIERRE: Go ahead.

Q Thank you, Admiral. Good luck.

What is the White House reaction to President Xi being invited to President elect Trump's inauguration next month?

MR. KIRBY: Well, that's going to be up to President-elect Trump to decide who's going to sit with him there at the inauguration and who's going to be there.

We've worked really hard on this most consequential of bilateral relationships. The president met with Xi Jinping a number of

times, including recently and, as you know, at the at APEC.

And we -- we believe that as we get ready to turn over things to the Trump team that we're turning ov- -- turning over a U.S.-China relationship that is in better shape than the one we found it in. That doesn't mean that we don't have disagreements. We do and we will, and I'm sure they will too. But we're working hard on this relationship, and we'll do that right to the end.

Q Did President Biden invite any foreign leaders to his inauguration in 2021?

MR. KIRBY: Oh, geez, I don't I don't know. I'd have to take that question. I don't know.

Q I think one -- one other question about Travis Timmerman. Was the U.S. aware that he was missing and being detained in Syria before this week?

MR. KIRBY: I am not aware of any indication that we had that this gentleman was in Syria. I would I want to remind that we are just getting word of this, and we're trying to confirm his identity at this point, so the State Department is working hard on that right now. I -- I am not aware that we had any prior indication that that he was was in Syria.

It's also a good reminder for everybody, if you're traveling overseas, to enroll in the State Department's STEP program so that, you know, they have an idea of who you are and where you are. It's voluntary, of course, but we recommend that to everybody.

MS. JEAN-PIERRE: Go ahead.

Q Thank you. So, regarding Travis Timmerman, have there been any other -- I don't know, have there been any other Americans -- or people who have been saying that they're American uncovered in detention following what the events in Syria? And then, regarding Americans, do you have any updates on Austin Tice?

MR. KIRBY: On your first question: Not that I'm aware of.

On your second question: We don't have any additional context or information about Austin since the events of the weekend in Syria, but we are working very, very hard. And as we've said in the past, we we hope that developments in Syria could lead to some opportunities and some and some more information, but right now we don't have anything.

Q Are you concerned that there isn't more information around Tice there isn't more of an update, considering the fact that we're seeing these prisons -- sort of, people released? We're sort of -- would you have expected to have more news about Austin Tice at this point?

MR. KIRBY: We're concerned about Mr. Tice. We're concerned about finding out more about him -- where he is, his condition. We

certainly, as the president said on Sunday, want to do everything we can to get him back with his family where he belongs.

Would we like to have had more information in the last 40, 48, 72 hours? You betcha.

And we're working hard. We're in touch with interlocutors and counterparts in and outside Syria to try to get as much information as we can, but I just don't I don't have anything additional to report to you today.

Q And just following up on the news that President-elect Trump's press secretary confirmed that she was invited you yourself have talked about wanting a competitive relationship that doesn't have conflict -- like you said, "a better relationship now than four years ago with China." So, what's your take? Was it a wise move?

MR. KIRBY: I'm not going to it's it's not my place from the podium here to -- to pass judgment on the invitations to the inauguration. That's really for the Trump transition team to -- to speak to.

Look, I would just again say this. It is, without doubt, the single most consequential bilateral relation that the United States has in the world, and it is a relationship that is both fraught with peril and with opportunity.

And when we get ready to turn over to the Trump team, we will -- we will make sure they are fully informed about everything President Biden has done and he has done a lot to get this relationship on a more stable footing.

And it'll be up to them to determine how and to what degree they want to carry that forward. And if if that means having a conversation with President Xi around the inauguration that President Trump wants to do, well, again, that's his prerogative.

MS. JEAN PIERRE: Go ahead.

Q President-elect Trump --

MS. JEAN PIERRE: Oh, sorry.

Q Karine?

Q Thanks. Sorry. President elect Trump this morning also kind of dismissed a question about protecting Taiwan. Could you talk at all about conversations that the current Biden administration might be having with Taiwan in this moment, if there's more security concern with those friends and partners than with an incoming Trump administration?

MR. KIRBY: I think Taiwanese leaders know very well where President Biden stands on our continued support to Taiwan's self defense. I think that they also clearly understand that we don't want to see any cross-strait tensions resolved through violence or

force and that that we're committed to our obligations under the Taiwan Relations Act.

So, I'm not aware of any additional specific conversations that have happened in recent days, but I think it's pretty apparent to everybody, including the PRC and President Xi, where we stand on the issue of Taiwan's self-defense.

MS. JEAN PIERRE: Go ahead, Danny.

Q Thanks, Karine. Thanks, Admiral. What's your response to President-elect Trump saying in his TIME Magazine interview that it was a "foolish decision" by the Biden administration to let Ukraine fire long range missiles into Ukraine?

MR. KIRBY: Hey, look, I'm not going to get into a back-and-forth with the president elect and what he's saying in the media space.

All I can do is -- is reiterate what President Biden's policy and guidance has been, and that is to do everything we can, including today with this package that we're announcing, to make sure Ukraine can continue to defend itself so that if and when this comes to some sort of negotiation, that President Zelenskyy is in the best possible position that has the most leverage possible, that he has the most success on the battlefield that he can that he can take into that negotiation.

That has included additional policy guidance that President Biden issued not long ago to allow for some long range missile systems to be used to help Ukraine defend itself across that border, and that policy still stands.

Q Very briefly, will you be extending any congratulations to President elect Trump on his second Time of the Time Person of the Year award? (Laughter.)

MR. KIRBY: I actually didn't know that that that had happened. I I don't have any I don't have anything more to say on that.

MS. JEAN PIERRE: Go ahead, Nadia.

Q Thank you, Karine. I want to go back to Austin Tice. Can you give us some information about the U.S. presence on the ground? Who is there to secure his release? Because it seems to me like it's battle between journalists who are trying to reach to any American prisoners there and this -- what happened this morning.

MR. KIRBY: Now let's not get ahead of where we are right now. Two things. One, U.S. military presence in Syria is predominantly in the east and it's designed solely to help us with the counter-ISIS missions. And we're working with the Syrian Democratic Forces to that end. That's why they're there, and that's the only reason that they're there.

We don't have enough information right now about Mr. Tice and his

whereabouts and his condition to develop any kind of policy options in terms of getting him home. So, we let's just not get ahead of where we are right now.

Right now, we're really trying and we hope that developments in Syria will give us the opportunity to glean more information.

Q So, you -- sorry, I just to follow on this. So, you're saying that there's no FBI agents, there is nobody from the hostage departments that the U.S. was dealing who on the ground now in Syria? Because I'm aware of the Hostage Aid -- that's an organization that trying to find all hostages all over, American hostages. They are on the ground. And there are journalists, including my station, who's who actually the first station to reach Mr. Timmerman this morning.

MR. KIRBY: The work that we're doing, the presence that we have in Syria is is largely around counterterrorism missions.

Again, I don't have policy options to speak to right now about finding and retrieving Mr. Tice. We just don't have enough information at this point.

Q Okay. One more on Gaza, please. You have called on the Israelis many times from this podium to make sure they avoid civilian casualties and aid workers who have been working in Gaza. In the last week, every single day there's at least 50 civilians are being killed, including entire families and 34 aid workers. So, has your message gone on deaf ears, or are you following up with what's happening there? How civilians are being killed every single day, and we don't hear much about them?

MR. KIRBY: We talk to the Israelis almost every day about about their operations and about how we want to see them be more careful and minimize civilian casualties.

And, my goodness, Jake Sullivan, our national security advisor, is in Israel today, and this very much was a part of the discussions he had with -- not -- with the Israeli national security team as well as the prime minister. He brought it up today. Secretary Blinken is in the region. I have no doubt that he'll be bringing it up as well.

MS. JEAN-PIERRE: Go ahead, Patsy.

Q Thanks you, Karine. John, two questions. One on Afghanistan -- if you have any thoughts on the death of the Taliban minister Khalil Rahman Haqqani in a suicide bombing claimed by a regional Islamic State affiliate.

MR. KIRBY: I think that -- look, we're just getting information about this. I think it's a little too soon for me to -- to make a comment. The only thing I would say is that we recognize and we said so at the time that there was still an ISIS threat inside Afghanistan. And clearly, they have set their sights on the Taliban. But I don't really have anything more say on that.

Q Is there anything in terms of U.S. over horizon capability? Can you comment on that, in terms of, you know, how -- how this kind of suicide bomb- -- bombing --

MR. KIRBY: We maintain and have improved, since our withdrawal from Afghanistan, the ability to conduct over-the-horizon counterterrorism operations anywhere in the world -- anywhere in the world and we've proven our ability to do that, including in places like Afghanistan since we left.

Q And one quick one on Venezuela, if you don't mind, John. So, Argentina is accusing Venezuela of continually harassing members of the opposition that's sheltering in their diplomatic compound in Caracas. Do you have any comments on that?

MR. KIRBY: Let me get back to you on that one.

MS. JEAN-PIERRE: Go ahead.

Q Yeah. John, thanks so much. On Syria again. What is the United States doing to ensure that there are no clashes between that Turkey-backed SNA and the U.S.-allied Kurdish militia there?

MR. KIRBY: Yeah.

Q And then I've got one more.

MR. KIRBY: One of the things we want to make sure is that the Syrian Democratic Forces stay partnered with us on counter ISIS missions. And we have seen in the past where -- where certain parts of the SDF, if they pursue -- perceived other -- other threats and challenges, they've in the past, they've kind of moved off that mission, and we don't want to see that happen.

So, we're in very close touch with our SDF partners to -- to try to maintain that focus on counter ISIS missions, and we are just as importantly in touch with our Turkish counterparts, including Secretary Blinken, to -- to make sure that we understand what they're trying to do and that we both take steps that -- that help preserve the effectiveness of the counter ISIS mission and that it's not diminished in any way.

Q Okay. I mean, the relationship with the Turks hasn't been the best. So, how do you hope to ensure that this, you know, message gets through and is respected?

MR. KIRBY: By being there and talking to them, which is what we're doing today.

Q Okay. And then just one more on -- on Syria -- or, rather, on Austin Tice. There have been reports -- scattered reports that he could be in Iran. Can you say anything to that?

MR. KIRBY: I can't. As I said -- and it's an honest answer -- we just don't have enough context right now to make a judgment about

his whereabouts or his condition, and that's why we're working so hard. And we are, as we speak you and me today we are asking those questions. And we hope that what happened in Syria over the weekend may give us an opportunity to learn more.

Q Are you directly in touch with the Iranians about this at all?

MR. KIRBY: We have been in touch -- I'll just say this. As you would expect or at least I hope you would expect us to be we have been in touch with interlocutors and groups and leaders all over the region. And we have various ways of being in touch, some is indirect -- some is indirect.

But I I think it's safe for you to assume that, given the events over the weekend, we're -- we're -- it's a full-court press to see what we can do to find out more about Austin Tice, and that includes having a whole heck of a lot of conversations with a lot of different folks.

Q Okay. And then just one more, quickly, on Gaza. So, Jake said he thinks the ceasefire deal may be near. We've obviously heard that before.

MR. KIRBY: And Jake said we've heard that before -- (laughter) -- and we and we haven't al always been able to get it across the finish line. We're being pragmatic about this.

Q I know. But, I mean, what -- what -- you know, how are the circumstances different now? What dynamics could be different that would actually make a deal happen?

MR. KIRBY: That's a great question. I think if -- if you're Hamas right now, which is still fairly a a rudderless organization, and you look at the world today, you know, the options aren't good. Your -- your military capabilities have been all but decimated. Your main leader is gone. The leader of your -- your buddy, Hezbollah, he's gone Nasrallah is gone. He Hezbollah is now in a ceasefire arrangement, which is still holding, with Israel. And Iran is not coming to the rescue. There is no cavalry for the Hamas right now -- for Hamas right now.

So, this is the time, and I think that's what Jake was alluding to. The -- there has been an awful lot of pressure put on anybody who is supporting Hamas. And now, given where they are and how weakened they are, this is the moment to make this deal.

And that's why, I think, Jake believes that we're -- that we're getting close. I mean, this is a great opportunity right now to do it.

MS. JEAN-PIERRE: Go ahead.

Q Thank you, Karine. Just to follow on Gaza. In those comments in Jerusalem earlier today, Jake Sullivan said that the posture of both Prime Minister Netanyahu to do a deal and the posture of Hamas at the negotiating table in the wake of the ceasefire between

Israel and Lebanon had changed favorably toward a deal. I'm just wondering if you could elaborate a little bit more on that dynamic and what he's referencing there.

MR. KIRBY: Well, it's kind of my my answer to Andrea. I mean, i the the situation for Hamas has radically changed, particularly because of what's happened.

And I would add one thing I didn't add was events in Syria, because now Assad is gone. And who was Assad's main backer? Iran.

Iran was not only unwilling but unable to come to Assad's rescue. It's just more proof or should be more proof to Hamas leaders that there is, as I said, no cavalry coming to the rescue.

So, th they're they're at a moment of weakness and desperation. This is the time to make this deal and move forward on it.

Now, whether they'll do it or not, as Jake said, you know, we can't be certain, but we believe there's an opportunity here -- a moment -- and that's why Jake's in the region.

Q On Syria, the U.S. has stated that one of its primary goals is to make sure that ISIS does not reconstitute there. In the days since the Assad regime has fallen, have you seen any information or any intelligence about cells or larger groups that are trying to exploit this opening?

MR. KIRBY: Yeah, I'm not going to get into too much on the intel side.

I'll just tell you that we're watching this real closely, and that is a risk. That is a worry -- that ISIS -- I mean, this is a group that that loves ungoverned space. And you can expect we have to expect that they're going to look at what's happening here with the fall of Assad and now Russia -- or Iran not coming to the rescue; Russia now also not coming to rescue. Russia is worried about their own presence in Syria and how that's going to look. You can expect you would expect that a group like ISIS would try to exploit that.

So, we're watching it closely.

I don't have any, again, additional intelligence indicators to speak to -- to today, but it is something we're laser-focused on.

Q And then just broadly, on foreign policy. There's only one president at a time, but we've seen the president-elect wade into his preference for what the U.S. does or doesn't do in Syria, the U.S. approach to Ukraine, to the Middle East. And now the transition is also, as you guys have said, working hand in glove as you push for a ceasefire in the region there. He's also inviting world leaders to inauguration.

Is this having an impact on your foreign policy?

MR. KIRBY: No. No.

But I want to go back to your first question, though. The oth the other thing I want to stress on this ISIS thing is that that is why -- and the president said this Sunday -- the -- the concerns about ISIS is exactly why that mission in Syria, the mil the U.S. military mission and the partnership with the SDF is so important and why we want to see it continue.

MS. JEAN PIERRE: Lalit.

Q Thank you. Two questions. One on Bangladesh, then on India.

On Bangladesh. Over the past few weeks, several Hindu American groups across the country have been holding protest march one outside the White House over the weekend. They're protesting against the continued killings of Hindus and the temples in Bangladesh after the fall of Sheikh Hasina's government. Is the president aware about it? Did he raise this issue when he met his friend and the interim government chief Muhammad Yunus on the sidelines of the U.N.?

MR. KIRBY: We're watching this very, very, very closely, and the president is following events closely as well.

The security situation in Bangladesh has been difficult following the ouster of the former prime minister, and we've been working closely with the interim government to enhance the capability of their law enforcement and security services to deal with the challenge.

We've been very clear in our engagement with all Bangladeshi leaders that protection of religious and ethnic minorities is absolutely critical, and the leaders of the interim government have repeatedly committed to providing security to all Bangladeshis, regardless of religion or ethnicity.

We hol we want to hold them to that.

Q And on India. As the president concludes his four-year term, what do you think of the key achievements of India-U.S.'s (inaudible)?

MR. KIRBY: The president is very proud of the way in which our bilateral relationship with India has transformed during his administration. I mean, we've elevated the Quad now the Indo Pacific Quad. I don't know how many meetings he's had now inside the Quad and bilaterally with the -- the prime minister.

There's an awful lot in our relationship that has improved: military to military communication and and defense security partnerships there in India and in the Indo-Pacific writ large, people-to-people ties, economic ties. I mean, there's been an

awful lot.

Q Quick follow-up on -- on India. You mentioned about Quad. What are the president's expectations on the coming administration on Quad and other American

MR. KIRBY: That's going to be up to the incoming administration.

Q U2I2

MR. KIRBY: That's -- it's going to be up to them to determine how they leverage the Indo-Pacific Quad. We can only speak to the ways President Biden has.

Q Do you expect there to be the bilateral -- sorry, bipartisan support to India's relationship?

MR. KIRBY: Do I expect

Q India's relationship has -- has been a bipartisan support -- right? for the both the sides have supported it.

MR. KIRBY: I don't see anything in the future which would indicate a change in that. There has been strong bipartisan support for growing this bilateral relationship, and I'm I'm I would expect that that will continue.

MS. JEAN-PIERRE: Go ahead.

Q Hey, John.

MR. KIRBY: Oh, sorry.

Q Yeah. President elect Trump last night named a new director for the Voice of America: Kari Lake. Do you think that the president has the authority to name a new director of that news group?

MR. KIRBY: I understand that there's -- I -- I actually don't -- you know what, I -- I'm going to -- look, I'm -- I think I should take the question, because I don't understand enough about the process there to really weigh in on that. So, why don't we take that question?

Q Could you just react generally to the fact that, you know, this is a nonpartisan agency, and Kari Lake is someone who just ran a Senate campaign? Just any reaction to the fact that she --

MR. KIRBY: I I'm just not going to get into casting judgments on the names that the president elect is putting forward for various jobs. That is for him and his team to speak to.

The but what I can tell you: President Biden and this entire administration and that includes me, personally have great respect for Voice of America and the work that they do here and around the world. We value and we respect that they have an

editorial independence, which I think is absolutely vital for them to be able to do their job credibly.

If you're going to have the name "Voice of America" on your bumper sticker, then, you know, you can expect that certain people around the world may look askance at that. But the fact that they are editorially independent and do good, solid reporting on their own, I think, says -- speaks volumes about how valuable they are to making sure that the proper news and context and information gets to audiences around the world.

MS. JEAN-PIERRE: Go ahead.

MR. KIRBY: I'm very proud of them.

Q Hi. Thanks, Karine. Thanks, John. At the top of your remarks, you talked about the administration's commitment to an independent and sovereign Syria. And, of course, Israel has sent its forces into the buffer zone adjacent to the Golan Heights and apparently beyond it. The presence of foreign troops would seem inconsistent with an independent and sovereign Syria. So, will the administration pressure its ally to withdraw those troops?

MR. KIRBY: We are in discussions with the Israelis, as you might expect us to be, about their operations there inside that buffer zone and staying in close touch, as Jake did today, with better understanding what their goals and objectives are.

I would tell you or I would point you to what they have said, which is this is a temporary measure to deal with exigent circumstances and what -- what we -- and we recognize what they recognize, that there are some legitimate threats that they're trying to

Q Have they given any indication what they mean by "temporary," given that they've been, you know, in occupation of the Golan Heights

MR. KIRBY: I think I'd point you to --

Q since 1967?

MR. KIRBY: -- the Israelis to speak to their military operations.

MS. JEAN PIERRE: Go ahead, Jacqui.

Q Thanks, Karine. John, on the drones, does the U.S. government have any of its own imagery or video of these systems?

MR. KIRBY: I'm not aware that we have U.S. government produced imagery ourselves. But as I said in my opening statement, we have certainly done federal analysis of the existing imagery.

Q Like from people's cell phones that we're seeing? Basically, with what you're looking at, how can you credibly tell people that there is no public safety threat, there's no national security

threat, that there's no reason to believe that a foreign government is involved?

MR. KIRBY: Because the analysis thus far, in an investigation that is ongoing, has not revealed any national security or malicious intent or criminal activity.

But, Jacqui, I would remind you, we're at the beginning here, not the end. There's a lot more work to be done, and we're working closely with the state and local authorities to gain more information.

Q It's taking them a while.

MR. KIRBY: I -- I would argue that it's -- we're -- we're moving pretty well here with a sense of energy to try to figure out what we can do to learn more about this. We're at we're still in the middle of an ongoing investigation, and I'm up here explaining to you and to let you know what we know so far, what we believe so far.

If information comes to light that changes that characterization, then, my goodness, you know, we'll be the first ones to let you know. But right now, there's just no indication that this is some sort of foreign malign activity or, in fact, even criminal.

Q Well, what I don't understand is -- you know, this has been happening since late November. I don't know that the law enforcement officials or residents in New York and New Jersey, or even the Democratic senators who wrote to Director Wray, Mayorkas, and the FAA administrator today would think that this has been handled with a sense of urgency.

But, you know, that being said, has

MR. KIRBY: I --

Q has the president or the secretary of Defense issued any guidance to NORTHCOM or military installations to act on these systems if they are deemed to be a threat in any way? And what's the benchmark for that determination?

MR. KIRBY: So, two thoughts. First of all, you -- you're right, late November. It is now -- what? -- the 12th of December. So, I think it shows that we're moving on with this and we're going to stay on it. So, this don't I want to disabuse you of any notion that we're not taking this seriously, because we are.

I can also tell you that if the president, as commander in chief, believed based on the information that he'd been given that there was a national security threat at play here or even a public safety threat at play here, he would issue the appropriate directives to to not only law enforcement but perhaps even the military if that was needed.

I want to go back to something I said at the top: There has been no

evidence of any of this activity in or near restricted spaces.

Q That's not what the senators said in the letter. They said, in fact, that they've been observed maneuvering near critical infrastructure, sensitive locations, including reservoirs and military installations, and cited a concern from law enforcement about public safety threats because a medevac helicopter was prevented from transporting a seriously injured patient for care because of the presence of these drones.

MR. KIRBY: I stand by my opening statement.

Q Can you make that make more sense? Because I think people in New York and New Jersey see drones the size of an SUV over their house every night and think that that doesn't make any sense.

MR. KIRBY: Certainly I understand why people would be looking at this and being concerned about it. I we're concerned about it too, which is why we have the Department of Homeland Security and the FBI, my goodness, looking at this, and we're taking it seriously.

And we -- we understand that people are concerned. We understand that they got questions. We got questions too, and we're working hard to get the answers to that.

What I can tell you, as we sit here today, you know, at 2:16 in the afternoon on the 12th is we haven't seen any indication thus far that there's a public safety risk, and we haven't seen

Q But does anyone in the government know what they are?

MR. KIRBY: We are still investigating this. I can't tell

Q So, no.

MR. KIRBY: you definitively I cannot characterize for you definitively what these sightings are. I can just go back to what I said at the opening: We've looked at the imagery. We can't corroborate some of the reported sightings through our own expert analysis using sophisticated detection techniques. But that doesn't mean that, you know, we're putting our pen down here this afternoon and calling it a day. We're going to keep at this.

Q What are you doing though?

MR. KIRBY: We -- we are continuing to investigate it, as I said in my opening statement. Two federal agencies, as well as United States Coast Guard, and state and local law enforcement officials, which we are staying in close touch with.

MS. JEAN-PIERRE: Go ahead.

Q Picking up on drones. Has it reached a level or is there a level determined by which the president or the administration, more directly, would prohibit any use of the airspace -- since it is

regulated for drones for a period of time to try to figure out who they are and to remove this anxiety that people in the northeast are feeling?

MR. KIRBY: I don't know that we're at a stage right now where we where we're considering that sort of a policy option, but I can tell you that we're going to keep an open mind here. And I think we're going to -- whatever policy options we determine are appropriate will be informed by the investigation.

And thus far in this early stage of the investigation, there's just no national security threat that we see and no public safety risk.

So, again, you -- you want to be careful that you don't -- that you -- you don't jump to conclusions and you don't jump to policy options that may not be appropriate at this particular stage. But we'll we'll obviously see where it goes and we'll be informed by investigators.

Q One other topic. With Jake in Israel and issues related to Ukraine and Russia, the Middle East, and so forth, with 40 days to go, do you feel that the Biden foreign policy team is in a -- cooperate with a very vocal president-elect who is talking about these issues to to achieve the aims that you have? Or do you view it as this is really your negotiation to have, whether it's in Israel, whether it's with Ukraine? Is it coordination, competition? How would you describe --

MR. KIRBY: I would say consultation. We are keeping the incoming Trump team fully aware and read in of not only what we're doing but what we're thinking about doing so that -- that they -- there's nothing they should see in the public domain nothing I'm saying here, nothing Jake said in Israel that would surprise them, that we're keeping them fully informed.

Q And has the president or members of this administration asked the president elect to pull back from public statements or phone calls or anything that might impinge on what you're trying to do?

MR. KIRBY: Not that I'm aware of.

MS. JEAN-PIERRE: Go ahead. Final question. Go ahead.

Q What do you make of reports that were out today that Austin Tice was seen alive at a prison in Damascus in 2022?

MR. KIRBY: I think I've answered this before. I just don't have - I I've seen that press reporting. I I don't have any information to verify that reporting, and I certainly don't have anything today that gives us a sense of his whereabouts right now.

Q I'm asking, though, because the Israelis bombed that facility over the weekend. And so, I'm wondering if there are any conversations with the Israelis about, you know, maybe avoiding targets where Austin Tice or other prisoners might be held?

MR. KIRBY: We're we're as I said earlier, it's a full court press to get more information about Austin, and we are actively in touch with interlocutors and counterparts throughout the region, and that includes Israel.

MS. JEAN-PIERRE: All right. Thank you so much.

MR. KIRBY: Thank you, Karine.

Q Thank you, John.

Q Thanks, John.

MS. JEAN-PIERRE: Before we continue, I was asked by one of my colleagues to -- to flag Rodney's sweater. (Laughter.) The amazing Christmas gear you got going on, sir, and the tie and all of it. It looks good.

Q Thank you. Thank you so much.

MS. JEAN PIERRE: And I hear that you this is a normal thing during the season.

Q Yeah.

MS. JEAN-PIERRE: Okay. All right. (Laughter.)

That's why he's this is why he's behind the camera. (Laughs.) He's like he's like

Q Aw --

MS. JEAN PIERRE: No, I meant that nicely!

Q No, no. She's right. (Laughter.)

MS. JEAN PIERRE: I meant that really nicely. He's like, "Please don't talk to me." (Laughs.) That's what I meant. I meant "Don't talk to me."

Q (Inaudible.) (Laughter.)

MS. JEAN-PIERRE: I appreciate you, Rodney. Thank you for what you do.

Q Thank you.

MS. JEAN PIERRE: Okay. With that jeez. Tough crowd.

Colleen.

Q Thank you. So, let's see. On the pardons.

MS. JEAN-PIERRE: Yes.

Q I wondered if you know, there's been a couple categorical pardons or categorical, I guess, grants of clemency by the president. So, I wondered if we could expect more of those sort of categorical pardons, in particular related to the death penalty, which, you know, the president had said during the campaign trail in 2020 he wanted to get rid of. And, you know, I know it's paused, but it isn't gone. And there's, I think, 40 people on federal death row. The president-elect, you know, has made no secret of his his desire to continue the death penalty.

So, you know, wondering about that and any other possible categorical ones.

Sorry to interrupt you.

MS. JEAN-PIERRE: Yeah. So, I will say that during the president's remaining weeks and he said this in his statement overnight, and I said it at the top as well that we're going to continue to he's going to continue to talk to his team to review any steps that he's going to be taking.

He wants to take additional steps, obvi obviously, to to provide meaningful second chances. This is what this is all about when you look at the -- what -- the actions that the president not just took today but over, certainly, the last four years.

And so, they're going to continue to review clemency petitions, he and his team, in normal course. And certainly, further -- they want to further the criminal justice reforms in a manner that advances equity and justice; promotes public safety; supports rehab and re-entry, which is all the things that I said at the top; and provides, again, meaningful second chances.

So, when we have more to share, we certainly will update all of you. But I think if you look at what the president has done over the past four years, as I just -- just laid out, granting -- in addition to what he talked what we announced today granting 21 pardons, 122 commutations, he has certainly done more in than his last four predecessors at this point in their first term.

And so, the president takes this very, very seriously and is going to review all options and, especially, as you stated, clemency petitions as we, you know, close out these final -- final few weeks.

Q On pardons still.

MS. JEAN-PIERRE: Sure.

Q We had a poll yesterday that just about 2 in 10 Americans approved of President Biden's decision to pardon his son. In particular, they were troubled by the fact that he'd gone back on his word. So, I wondered what the president's message is to those Americans.

MS. JEAN-PIERRE: I mean, I'd just go back to his statement that he

put out 12 days ago, I think, now that Sunday. And I think that last paragraph where he talks really, truly directly to the American people about this decision that he's made, obviously, as president, as a father.

But I would say more broadly, you know, legal experts you've heard me say this -- you've heard from legal experts, specifically an analyst, former U.S. a- -- U.S. attorneys from across the country, who have said and they have all agreed no one would be criminally prosecuted with felony offenses with these facts the underlying facts that we have -- certainly, have gone back and forth on.

And I have quoted many times, and I'll do this again, the former attorney general, Eric Holder, who said, "No U.S. attorney would have charged this case given the underlying facts. Had his name been Joe Smith, the resolution would have been fundamentally and, more fairly, a declination. Pardon warranted."

And so, I think the actions that the president took today, the actions that he's taken over the last four years when it comes to clemency, I think, shows the president's commitment when it comes to reforming -- trying to reform the criminal justice system and his -- obviously, his commitment to that but, also, giving people a second chance.

And so, you know, I think that -- as it relates to the American people, I think that -- I understand that you had this poll, and I get that, but I hope that they will understand the decision that he made and and, you know and what he's going to continue to do in these closing weeks as president.

Q Do you think he should apologize based on what the polling found?

MS. JEAN-PIERRE: What I think is -- I think the president hopes that the American people hear him out. Again, going to that last part of his statement and I feel that I should continue to reiterate that the American f- -- American people out there should take a look at the president's own words, his statement, how much he wrestled with that decision, and how circumstances did indeed change for him and his view.

And I quoted many times what Congressman Clyburn said when he spoke to the president two weeks prior how the president was indeed reticent in making this decision.

And when he saw that Republicans weren't going to let up, when he s you know, we talked about the recently announced Trump appointees for law enforcement who have said themselves that they were going to seek retribution, and there was no reason to not take them by their word. The sentencing was coming up.

All of these pieces certainly led to circumstancing circumstances changing, and so he made a very difficult decision. And I just hope that in time -- in due time, the American people

will will see why he made this decision to move forward.

In the meantime, I think this announcement -- the statement from the president, this announcement today that we're making: 15- -- nearly 1,500 people getting this their commutation I think it's important. I think it's important about second chances, giving people second chances.

And and so, that's what the president certainly is going to continue to focus on.

Go ahead.

Q Thanks. Different than commuting a sentence, though, or pardoning someone who has been convicted of a crime, there was conversation at one point about the idea of preemptive pardons for somebody who hasn't been convicted yet but who might be a target of the incoming Trump administration. Is that still on the table?

MS. JEAN-PIERRE: I'm not going to get ahead of the president. As I said, we'll have more the president will have more to announce over the upcoming upcoming weeks as we are close out our time here.

I'm not going to get into the president's thinking. He's going to have conversations with his team. He's going to review clemency petitions. He's going to review options on the table.

And so, I'm that's where I'm going to leave it.

And I think, you know, 1,500 individuals, as you all know, who are -- who were placed on home confinement during the COVID-19 pandemic and who have successfully reintegrated into their families and communities and also pardoning 39 individuals is is a big deal.

I think it's important to those individuals and their families and their communities. As I've said, they've rein integrated into -- into those really important pieces of their lives, and I think that's really important -- and just building on what the president has done over the past four years.

And I think that's -- I think those -- today, I think it's a good day for many of those folks who deserve that second chance and who have proven proven to to be able to take that on.

Q Absolutely.

MS. JEAN PIERRE: Yeah.

Q Some of the names that have been floated around preemptive pardons, though -- since it would just be such an unusual, extraordinary step we've talked about in the news, we've seen Liz Cheney, Dr. Fauci, Mark Milley

MS. JEAN-PIERRE: You're talking about the preemptive pardoning?

Q Right. I understand you don't want to get ahead of the president's thinking, but are any of those names wrong? Still -- can you tell --

MS. JEAN PIERRE: I'm just

Q I mean, do you want to tell us anything about --

MS. JEAN PIERRE: I it would be a bad move on my on my on my behalf if I preempted the president or previewed anything that the president was thinking about, considering. And so, this is a - this is something that he's going to talk with his team about. And and I just don't have anything beyond that for you.

Again, I think today is a very important day, as we talk about the criminal justice system, as we talk about giving people who have shown that they can reintegrate into their community, back into their families, a second chance. I think that's a big deal, and I think that shows the president's commitment to this.

And, you know, the president talks a lot about what this country has to offer and possibilities, and you see that in every -- every action that the president certainly has taken when it comes to this issue and so many other policies that he's put forward.

Go ahead.

Q So, Karine

MS. JEAN-PIERRE: Yeah.

Q I keep asking you this question. I'm going to ask it one more time.

MS. JEAN-PIERRE: Yeah.

Q You have been working on an Islamophobia or an a strategy to counter Islamophobia that would partner with the strategy that you've already released to countering antisemitism. We've been waiting for it for a long time.

Do you have any further updates on when that could be released? Do you anticipate it coming before the end of the year?

MS. JEAN PIERRE: I would say: Stay tuned. This is obviously something that we're very committed to when it comes to protecting communities across this country.

You saw that in our antisemitism strategy, and obviously we've been talking about this Islamophobia strategy as well -- or talking about coming up with a way forward in protecting communities. Certainly, that's the President's commitment.

I don't have anything to share right now at this moment, at the -- at this podium, behind this lectern. But I would say: Stay tuned.

Q Given given the former president's ban on entry from for people from Muslim-majority countries -- also known as the Muslim ban -- at the beginning of his term --

MS. JEAN PIERRE: Which which we you know, which we repealed and dealt with that very early on.

Q No, I understand.

MS. JEAN-PIERRE: Yeah.

Q But there were you know, there were many, many people on no fly lists. And there still are some people on no fly lists.

You know, do you -- is there any preemptive action that the administration can take to guard against that kind of, you know, mass move again this time?

MS. JEAN-PIERRE: Well, you know where the president stands on this in this administration.

I don't have any policy announcement to share with you at this time. And so, I'll just leave it there.

Q All right. And then, just on the pardons and clemency acts. You know, numerous groups have sort of asked the administration to go even further, to be even more bold in terms of saying that there's something like 9,000 addition additional petitioners, some of whom are chronically ill, some who are aging, some have very young children.

Can you I know that you are still reviewing these things, but can you say something about the scale? I mean, is this the sort of the -- you know, is this the big move that we're going to see and then we'll see sort of individual pardons coming forward? Or will there you know, do you anticipate that there could be another larger scale move?

MS. JEAN-PIERRE: I'm not going to get into the strategy. I'm not going to get into numbers. I'm not going to get into what the president is currently thinking through. Not something that I'm going to do from here.

But I don't want people to forget and I said this at the top, and I just want to reiterate we're talking about Americans who - receiving relief who are decorated military veterans, a nurse who has led response for a number of natural disasters, and an addiction counselor who volunteers his time to help young people. And that's just naming a few.

And so, that is important to note, because these are the folks that we're talking about, who are, again, reintegrating back into their communities in a way that's effective, in a way that's incredibly important, giving them second chances.

And let's not forget all of the other ways that the president has been able to give second chances to Americans over the past almost four years when he has made these types of important decisions. So, I'm not going to preview. I'm not going to get ahead of this president. It would not be wise for me to do so, because he has to make those final that final decisions, and he has to review what's in front of him with his team.

Q And I just want to one more real quick.

MS. JEAN-PIERRE: Sure. Sure.

Q There's anniversary coming up on Saturday for the Sandy Hook shooting, and I know that this is something that's very near and dear to the president.

MS. JEAN PIERRE: Yeah, obviously. Yeah.

Q Is he planning any kind of action or -- or statement?

MS. JEAN PIERRE: So, don't have anything for you. As you know, we think during his presidency and, I think, over the past couple of years, even before his presidency, he's spoken to this day -- this tragic, tragic day.

And you're right, this is when it comes to Sandy Hook and any devastating, horrific events like we saw on that day and -- you know, the president has always speak -- spoken out to it. This is a president that understands loss, understands what that means to a family, understands what that means to a community. And Sandy Hook was one of those moments that tore us apart.

If I think if you think about that moment and, I think, if you are just a human and you remember that day, it is a heartbreaking, heartbreaking moment. And obviously our hearts go out to the families and certainly their loved ones who are still dealing with every year, dealing dealing with a difficult moment, a difficult anniversary. And so, I know the president thinks about them almost every day.

And I don't have anything to to read out to you on how we're going to be acknowledging that day, but I'm sure you'll be continuing to hear from this president.

Go ahead.

Q Thank you. You talk about the clemency actions as historic -- the "big deal," as you called them earlier -- and a real relief that is being brought to human individuals by the actions the president has taken. So, in terms of sequencing, how did he come to the decision to pardon his son before these individuals?

MS. JEAN PIERRE: So, I think we've gone back and forth on on how he made that decision. The president obviously as I as I said, the president put a statement out 12 days ago, made that decision over that weekend.

It was a decision that he wrestled with. I think we've talked about the -- the politics around this, the decision that he made. He put out a pretty comprehensive statement. I've mentioned Congressman Clyburn's his own words, saying that the president, even two weeks before he had made that decision, was reticent in doing so. And he wrestled this, and I -- as I have said many times: For him, there were consequences that changed his decision. I just laid that out moments ago.

Q But this action pending --

MS. JEAN PIERRE: Yeah. Yeah.

Q -- for thousands of individuals --

MS. JEAN PIERRE: Yeah.

Q -- why not bring the relief to them before --

MS. JEAN PIERRE: Well, I mean

Q -- announcing the pardon on his son?

MS. JEAN PIERRE: and I was about to get to your question. This is what you see today, that was far from this being his first right? -- I think we can't forget that -- his first pardon or act of clemency.

He has issued more more we cannot forget this more sentence commutations at this point in his presidency than any other recent predecessors at this -- at the same point of their first term. And so and I talked about what he was able to do in April when he issued historic categorical pardons as well to address marijuana possession convictions and military convictions in the LGBTQ+ community. These are actions that this president has taken.

And, again, today is historic, but he has been taking these types of actions for some time now. This is far from the first pardon that the president has taken.

We've gone back and forth. I've laid out what the president is thinking. He has talked about it directly in a statement in his own voice to all of you about 12 days ago.

And so, I don't have anything beyond that, but we can't look at today as being only the first action that he's taken. He's taken many actions to try and deal with giving an opportunity to people who have shown that they deserve a second chance, giving them an opportunity to have that second chance.

Q Anita Dunn, who was for a very long time the senior most communications aide here at the White House, has been very critical of the president's decision to pardon his son. She called it extraordinarily bad timing. She said it was clear that the White

House was "not part of this process." And she called the president's rationale "an attack on the judicial system."

She goes, "The argument is one that I think many observers are concerned about. A president who ran to restore the rule of law, who has upheld the rule of law, who has really defended the rule of law kind of saying, 'Well, maybe not right now.'"

How would you respond to that?

MS. JEAN-PIERRE: I will respond in this way. She also agreed that Hunter Biden, and I quote, "absolutely" deserved a pardon. Those "deserved a pardon" is her own words. So, she supported that action and

Look, I don't want to take away the record that the president has made on providing the most individual commutations in a single in a single day, and I think that matters. And he'll certainly have more news to share in this -- in this area -- in the clemency space, obviously, in the near future. And we'll have more to share and certainly more to speak to.

Q Was she right that the White House was boxed out of the process --

MS. JEAN PIERRE: I I

Q -- in reaching that decision?

MS. JEAN PIERRE: What I can say is that I would obviously continue to refer you to the president's statement 12 days ago. He laid out his thought process, I think, in a very comprehensive way. We've go we've gone back and forth here about how the circums circumstances had changed, but I let's not forget that she also said that Hunter Biden "absolutely" deserved a pardon, and I think that matters as well.

Q Thank you.

MS. JEAN-PIERRE: Go ahead.

Q Thanks, Karine. What was President Biden's reaction to FBI director Christopher Wray's decision to step down?

MS. JEAN PIERRE: What I will say is that the president ap certainly appreciates the service of Christopher Wray, the FBI director, and -- and all that he has done to -- in his role. I don't have anything more to say beyond that. Certainly, he wishes the FBI director well.

Q Was the president disappointed that Wray is not going to be serving his full --

MS. JEAN PIERRE: I don't have any

Q -- 10-year term?

MS. JEAN PIERRE: I don't have anything else to share besides the service that the FBI director has been able to provide, and he respects his service. And I don't -- don't have anything beyond that.

Q Has President Biden spoken to FBI Director Wray since the director made that announcement, or was the White House given a heads up about the decision?

MS. JEAN-PIERRE: I would say that I don't have anything to share of a conversation between the FBI director and the president since this decision was was made, but the president is grateful is grateful for the director's service to our country. And I just don't have anything else beyond that to share.

Go ahead, Kelly O.

Q Can you -- given the breadth of the pardons, can you describe a little bit about the president's process? Did he read into the individual cases? Did he accept a list from those who were working on this on his behalf? How much did he personally dive into particular stories? And did he decline on any of the ones brought to him for this time? Or was it sort of a big package presented to the president?

MS. JEAN-PIERRE: So, I'm not going to go into step by step of this process.

What I can say is this is a president who certainly takes this very seriously, understands the importance of when an individual is able to show that they can reconnect with their community, reconnect with their family, be be part of a community in a way that I just laid out when you think about military veteran, when you think about a nurse that's been very helpful in disaster response -- he takes that all into account. He wants to make sure that -- that there are specific criterias that are made, if you will.

In this case, y- -- the Bureau of Prisons, obviously, was very involved in the -- in wh- -- in looking at -- when I say "very involved," when they made the decision on on the home confinement of these folks. And so, obviously, that is a big part of it too.

And, look, they've all des demonstrated good behavior, have shown that incarceration and at home confinement has been successful in their rehabilitation. And those are all important criterias to look at.

But this is something, obviously, his team reviews. It's presented to the president. He makes this decision on how to move forward.

I'm not going to get into the nitty gritty, but these are important facts that I just laid out to, certainly, look at when you think about getting -- again, getting back into the community and showing -- showing that, you know, it is -- it is meaningful to get that

second chance because what these individuals have been able to do.

Go ahead, Annie.

Q Thanks, Karine. On the pardons today, can you say whether the president has signed all the paperwork and it's completely finalized with his signature on it?

MS. JEAN PIERRE: Yeah. Well, my assumption is that we this is ready to go, since we made the announcement and that we've announced it, obviously, overnight. And so, this is ready to go, and we're moving forward. We wouldn't have made this announcement if we weren't. And so, that's what I could speak to.

This is something that the president has decided on, and we're taking, certainly, the steps to make this happen.

Q (Inaudible) be able to say sort of precisely when he signed it? Or maybe (inaudible.)

MS. JEAN PIERRE: I I don't have specifics on signature when when it was signed, how the process even works.

I know that we just made announcement, obviously, overnight on -- on this, really you know, this granted clemency of nearly 1,500 people. I think that's a big deal. Thirty nine individuals are were, certainly, pardoned, were -- who were convicted of nonviolent crimes. And I think this is important to -- to just not forget.

But I don't have the specifics of the process or how it works. But, obviously, it's out there, and we're moving forward with it.

Q And then one other thing. You had been asked several times about whether Hunter Biden would receive a pardon and responded to that question.

MS. JEAN PIERRE: Yeah.

Q In that vein, can you tell me whether the president is considering a pardon for his son [brother] James Biden?

MS. JEAN PIERRE: Look, what I can speak to is the p the president made that decision -- right? -- about Hunter Biden. He put it in -- in his own words. I don't have anything to share beyond that. What I can say is: Not that I'm aware of, but I just don't have anything else beyond that.

And the president, certainly, is going to -- as it -- more broadly speaking, as we move forward to the next couple of weeks, he obviously is going to review with his team about other clemency decisions, and they're taking additional steps. And so, that's what I can speak to at this time.

Go ahead, Zolan.

Q Thank you. During the past clemency actions you were talking

about, it seemed like most of the time the recipients were nonviolent, you know, drug offenders -- low level drug crimes. There were a couple recipients here, though -- I mean, a judge who participated in a scheme that sent juveniles to for-profit jails; Medicare fraud; you know, real estate fraud.

I guess what I'm wondering is, was the crime that was committed also part of the criteria here? Or was it the mere fact where, if you were somebody on home confinement -- despite the crime you committed, but just the fact that you were on home confinement you received a commutation?

MS. JEAN PIERRE: So, they're two different things, right? There is the 1,500 folks who -- who were placed on home confinement during COVID --

Q The examples I listed are part of the 1,500.

MS. JEAN-PIERRE: Oh, th- -- okay.

Q Yeah.

MS. JEAN-PIERRE: I didn't know, because I -- because those are commutation, right? So, I didn't know. So --

Q S those are commutations, right.

MS. JEAN-PIERRE: Okay. So, you were saying "pardoned," so I just wanted to make sure of that.

Q Yeah. To clarify --

MS. JEAN PIERRE: Okay. Yes.

Q -- those examples I listed are --

MS. JEAN PIERRE: Are the fif

Q -- part of the 1,500 that received commutations.

MS. JEAN PIERRE: Okay. Okay. Because, as you know, there were 39 people who were -- who were pardoned. So, two different things, so I just want to make sure we were on the same page.

So, this is definitely related to the home confinement from COVID. Let's not forget, there was the CARE[S] Act of 2020, right? This is all connected, certainly, to that. And that's -- those are the individuals who were -- again, who had home confinement and they successfully reintegrated into their families, into their communities. And that's the group of people -- that category, if you will -- that we were looking at.

Q But -- but

MS. JEAN-PIERRE: Yeah.

Q Like, if they just the fact that they were on home confinement, they received a commutation here?

MS. JEAN-PIERRE: No, no, no. Because --

Q Was there did you factor

MS. JEAN-PIERRE: There was --

Q in any like, in the process, do you also factor in the individual cases and the individual crimes that were committed?

MS. JEAN PIERRE: Well, I think what's important is that they were successfully able to reintegrate into their communities and back into their families, right? They showed that having a second chance is something that they should be given, right? And so, that is what's important.

That -- let's not forget that -- the successfully reintegrating. And I think that's a huge factor. That matters as well. The home confinement, obviously, those that's the category that they that they were in during that CARE[S] Act of 2020. They were they -- as you know, there was a decision because of COVID-19 pandemic to move forward, back in 2020, before the president was, obviously, in office.

And these folks, this 1,500 that we're talking about -- the nearly 1,500, were able to successfully reintegrate. And I think that's a criteria that we can't forget. And that's a criteria that's incredibly important here as the president made his decision.

Q And to follow up on --

MS. JEAN PIERRE: Yeah.

Q -- I think, Kelly's question. Just, I know you don't want to go step by step in the process

MS. JEAN-PIERRE: Yeah.

Q but c can we say accurately that the president reviewed, looked at any of these applications?

MS. JEAN-PIERRE: What I can say is this president made this decision. This is the president that made the decision to move forward on this.

Q What was his involvement, though? Did they present him the applications and he said yes, or

MS. JEAN-PIERRE: I mean, obviously the president was presented from his team the -- th- -- granting the clemency -- right? -- of these approximately 1,500 Americans and also the 39 that he pardoned. He was presented that by his team, and he made the decision.

This is a this would not have happened we cannot forget: This would not have happened if the president didn't sign off on it, if the president didn't decide to move forward.

And we can't forget what the president has done. We're talking about the let's not forget the past. Yes, we're talking about today, but we can't forget the president has also done 122 commutations, 21 pardons before this. We can't forget that the president issued issued categorical pardons for LGBTQ+ service members convicted because of their sexual orientation or identity - gender identity and individuals charged with simply possession of marijuana. This is -- and he just did that back in April.

So, the president has certainly taken action to show the importance of giving Americans second chances, and this is a continuation. This is not just a one-day thing. This is a continuation of the person of the president taking clemency and giving people second chances very, very seriously and understanding how much that means to families and, certainly, communities.

Go ahead.

Q Yeah. Has the president called any of the people he granted pardons to? Do you have anything to read out on that front?

MS. JEAN PIERRE: No. It's a good question. I don't have anything to read out on the president calling any -- any of the 15-nearly 1,500 people or 39 folks that he was able to -- to pardon today. I just don't have anything to share.

Q And is he planning a farewell address at some point? Is there something in the works? Do you know where it might be, when it might be?

MS. JEAN-PIERRE: So, I don't -- we'll certainly have more to share what the next -- the last couple of weeks, last couple of days of the president's administration will look like, if he's going to be giving any big speeches or giving any important remarks as he as he ends his presidency.

I don't have anything right now in this moment, but I would say stay tuned. We'll have a lot more to share as to what January post-holiday will look like.

Go ahead. I know go ahead. I know I was supposed to call on you and I didn't.

Q Thank you. Back to Austin Tice --

MS. JEAN PIERRE: Okay.

Q -- with apologies.

MS. JEAN PIERRE: No. No apologies. (Laughter.) That's an important -- no, no. It's important. No apologies.

Q So, I believe it was last Friday when the family of Austin Tice said that they had spoken to officials here at the White House.

MS. JEAN PIERRE: Yeah. They met with National Security Advisor Jake Sullivan at the end of last week, yes.

Q And then they had a statement at the National Press Club, where they said that they had been told from a reliable source we assume Sullivan that that Austin was alive and that he was being treated well.

MS. JEAN PIERRE: Yeah.

Q So, now we don't know any of that. So, what -- how did that -- where did they get that information?

MS. JEAN PIERRE: So, look, I'm going to let the family speak for themselves. I can't e- -- can't even imagine what they're going through. I don't want to imagine what they're going through. I know this has been a difficult time for them.

But what I can say is, when it comes to Austin Tice, this is a top priority for this president. He said that himself. And there is no indication that he is not alive, but there's also no indication about his location or condition.

And so, what our goal is is to bring him home. And so, we hope, certainly, that he is alive.

And -- and as we have stated many times before, we are talking through the -- through -- through this with the Turks, and we want to do everything that we can to bring him home. It is a top priority for this president and this administration, and that's how we're going to continue to move forward on this.

All right, everybody.

Q Will there be further --

MS. JEAN PIERRE: Oh, go ahead.

Q Will there be further meetings between now and the end of this administration?

MS. JEAN PIERRE: Well, as you know, this administration, including the national security advisor, Jake Sullivan, has met with many family members of -- of Americans who are wrongfully detained, held hostage. That is something and also the president has done this as well. The national security advisor, as I just mentioned, just met with Austin Tice's family just this past week -- this past week.

And so, we're c we're going to continue to certainly stay engaged and in touch.

I don't have any meetings to preview for you at this time, but we've been pretty con pretty consistent in staying in touch with these families.

Again, I our hearts go out to them. Our hearts go out to them as they are dealing with an incredibly, incredibly difficult time.

All right. Thanks, everybody.

Q Thank you.

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From: "Benson, Adrienne (ODAG)" <(b) (6) >
To: "Weinsheimer, Bradley (ODAG)" <(b) (6) >
Subject: Fwd: Hunter Biden Stmt on Pardon
Date: Sun, 01 Dec 2024 20:44:19 -0500
Importance: Normal
Inline-Images: image001.png

Begin forwarded message:

From: "Dulaney, Emma (PAO)" <(b) (6) >
Date: December 1, 2024 at 8:31:51 PM EST
To: "Fontecchio, Ari B. (OAG)" <(b) (6) >, "Benson, Adrienne (ODAG)" <(b) (6) >, "Bond, Slade (OLA)" <(b) (6) >, "Morris, Catherine (PAO)" <(b) (6) >, "Cocklin, Katherine P. (OLA)" <(b) (6) >, "Iverson, Dena (PAO)" <(b) (6) >, "Evers, Austin (ODAG)" <(b) (6) >, "Fischer, Sydney (PAO)" <(b) (6) >(b) (6) (OLA)" <(b) (6) >, "Hanson, Matthew B. (OLA)" <(b) (6) >, "Hartnett, Julia (PAO)" <(b) (6) >, "Hinojosa, Xochitl (PAO)" <(b) (6) >, "Pietranton, Kelsey (PAO)" <(b) (6) >, "Kohlman, Abby K. (OLA)" <(b) (6) >, "Levin, Jakob E. (OLA)" <(b) (6) >, "Linehan, Corey (OLA)" <(b) (6) >,(b) (6) (OLA)" <(b) (6) >, "Klapper, Matthew B. (OAG)" <(b) (6) >, "Miller, Marshall (ODAG)" <(b) (6) >, "Mogil, Joshua (ODAG)" <(b) (6) >, "Rubio, Christian R. (ODAG)" <(b) (6) >, "Schroeder, Ted (OLA)" <(b) (6) >, "Shevlin, Shannon (OPA)" <(b) (6) >, "Uriarte, Carlos F. (OLA)" <(b) (6) >, "Wagner, Rose (JMD)" <(b) (6) >, "Hornbuckle, Wyn (PAO)" <(b) (6) >, "Zdeb, Sara (OLA)" <(b) (6) >, "Ulin, Sophie (PAO)" <(b) (6) >
Subject: Hunter Biden Stmt on Pardon

https://x.com/mviser/status/1863383976922038385

STATEMENT OF ROBERT HUNTER BIDEN
December 1, 2024

"I have admitted and taken responsibility for my mistakes during the darkest days of my addiction – mistakes that have been exploited to publicly humiliate and shame me and my family for political sport. Despite all of this, I have maintained my sobriety for more than five years because of my deep faith and the unwavering love and support of my family and friends. In the throes of addiction, I squandered many opportunities and advantages. In recovery we can be given the opportunity to make amends where possible and rebuild our lives if we never take for granted the mercy that we have been afforded. I will never take the clemency I have been given today for granted and will devote the life I have rebuilt to helping those who are still sick and suffering."

From: "Morris, Catherine (PAO)" <(b) (6)>
To: "Oyer, Elizabeth G. (PARDON)" <(b) (6)>, "Fontecchio, Ari B. (OAG)" <(b) (6)>, "Benson, Adrienne (ODAG)" <(b) (6)>, "Bond, Slade (OLA)" <(b) (6)>, (b) (6) (OLA)" <(b) (6)>, "Morris, Catherine (PAO)" <(b) (6)>, "Cocklin, Katherine P. (OLA)" <(b) (6)>, "Iverson, Dena (PAO)" <(b) (6)>, "Dulaney, Emma (PAO)" <(b) (6)>, "Fischer, Sydney (PAO)" <(b) (6)>, (b) (6) (OLA)" <(b) (6)>, "Hanson, Matthew B. (OLA)" <(b) (6)>, "Hartnett, Julia (PAO)" <(b) (6)>, "Pietranton, Kelsey (PAO)" <(b) (6)>, "Kohlman, Abby K. (OLA)" <(b) (6)>, "Levin, Jakob E. (OLA)" <(b) (6)>, "Linehan, Corey (OLA)" <(b) (6)>, (b) (6) (OLA)" <(b) (6)>, "Klapper, Matthew B. (OAG)" <(b) (6)>, "Miller, Marshall (ODAG)" <(b) (6)>, "Mogil, Joshua (ODAG)" <(b) (6)>, "Rubio, Christian R.. (ODAG)" <(b) (6)>, "Schroeder, Ted (OLA)" <(b) (6)>, "Shevlin, Shannon (OPA)" <(b) (6)>, "Ulin, Sophie (PAO)" <(b) (6)>, "Uriarte, Carlos F. (OLA)" <(b) (6)>, "Wagner, Rose (JMD)" <(b) (6)>, "Walker, Burden (CIV)" <(b) (6)>, "Hornbuckle, Wyn (PAO)" <(b) (6)>, "Hinojosa, Xochitl (PAO)" <(b) (6)>, "Zdeb, Sara (OLA)" <(b) (6)>
Subject: Ken Dilanian on Morning Joe re Pardon
Date: Mon, 02 Dec 2024 09:18:19 -0500
Importance: Normal

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http://mms.tveyes.com/PlaybackPortal.aspx?SavedEditID=69ae74cb-e5b2-4808-960a-64b554bd876e

SCARBOROUGH: First let's go to Ken Dilanian at the Justice Department. Ken, curious, what is the reaction in and around the Justice Department on this decision by Joe Biden to pardon Hunter?

DILANIAN: Sadness, Joe, and some disquiet, not so much about the pardon but the rationale that President Biden gave. If he had stopped at saying Hunter Biden is my son and any father would do this that would be one thing, but he asserted that the prosecution of Hunter Biden had been political, had been selective, and DOJ officials, current and former, really balk at that because there's no evidence that's true. And we should remember that David Weiss, the Special Counsel in this case, was the U.S. Attorney in Delaware under Donald Trump and Joe Biden and the Biden White House made the decision to keep him on to continue the Hunter Biden investigation before Merrick Garland was named to be the Attorney General and confirmed as Attorney General. So, that was a Biden White House decision. David Weiss was the prosecutor. They investigated the case and the reason that Hunter Biden is facing prison time, by some accounts he was looking at three years in prison based on the tax and gun convictions, is because he and his lawyers walked away from a no jail time plea deal, and they didn't like it because it didn't give them immunity from different kinds of conduct, and they were concerned he could still be prosecuted under a Trump Administration. And so he went to trial and lost, and then he pled guilty, and he was in a serious predicament, which is probably one of the reasons that Joe Biden felt compelled to pardon him, to spare him from prison. But people are concerned that what this does is it normalizes Donald Trump's world view that the DOJ is not on the level, that it's politicized, that it's not nonpartisan, and that's the big concern that I'm hearing from my sources.

Catherine Morris
Special Assistant to the Director and Press Advance Coordinator
Office of Public Affairs
U.S. Department of Justice
(m) (b) (6)

(b) (6)

From: "Hornbuckle, Wyn (PAO)" <(b) (6)>
To: "Weinsheimer, Bradley (ODAG)" <(b) (6)>, "Bruck, Andrew (ODAG)" <(b) (6)>, "Hinojosa, Xochitl (PAO)" <(b) (6)>
Cc: "Klapper, Matthew B. (OAG)" <(b) (6)>
Subject: RE: Activity in Case 2:23-cr-00599-MCS USA v. Biden Notice (Other)
Date: Mon, 02 Dec 2024 15:55:17 -0500
Importance: Normal
Attachments: 274-1.pdf; 274.pdf

Brad,
I'm finding the language in the memo from the Pardon Attorney referenced here confusing. It suggests the pardon has been granted "after completion of sentence." The SCO filing makes note of this, but clarifies def has not be sentenced, and then moves on to other arguments. The pardon itself makes no mention of "after completion of sentence." My assumption is this language in the pardon attorney's memo was inartful rather than deliberate. Let me know if I am missing something here.

From: Weinsheimer, Bradley (ODAG) <(b) (6)>
Sent: Monday, December 2, 2024 2:25 PM
To: Bruck, Andrew (ODAG) <(b) (6)>; Hinojosa, Xochitl (PAO) <(b) (6)>; Hornbuckle, Wyn (PAO) <(b) (6)>
Cc: Klapper, Matthew B. (OAG) <(b) (6)>
Subject: FW: Activity in Case 2:23-cr-00599-MCS USA v. Biden Notice (Other)

This was filed before Pardon processed the official pardon paperwork, which SCO now has and will reference (or attach) in their DE filing. They have created a possible issue of their own making by saying that they have not seen the pardon (although they don't doubt its existence).

The bulk of their response is rebutting vindictive/selective prosecution. See in particular p 7-10, where they address those claims. From p. 9: "In total, eleven (11) different Article III judges appointed by six (6) different presidents, including his father, considered and rejected the defendant's claims, including his claims for selective and vindictive prosecution."

EXHIBIT A

From: US Pardon Attorney(imailagent) <uspardon.attorney@usdoj.gov>
Sent: Monday, December 2, 2024 1:50:24 PM
To: Weiss, David (USADE) <(b) (6) [redacted]>

Subject: Robert Hunter Biden - Grant Notification for Presidential Pardon (Intranet Quorum IMA00921233)

December 2, 2024

MEMORANDUM

TO:	David C. Weiss United States Attorney
FROM:	Pardon Attorney Office of the Pardon Attorney
SUBJECT:	Robert Hunter Biden Docket Nos. 1:23-cr-00061-MN (Delaware) & 2:23-CR-00599-MCS-1 (Central California) Recipient of Presidential Pardon

On December 1, 2024, the President granted Robert Hunter Biden a full and unconditional pardon after completion of sentence. Please make an appropriate notation in your records and with the court. Please also note that this action was not processed via application through our Office.

Offense: For those offenses against the United States which he has committed or may have committed or taken part in during the period from January 1, 2014 through December 1, 2024, including but not limited to all offenses charged or prosecuted (including any that have resulted in convictions) by Special Counsel David C. Weiss in Docket No. 1:23-cr-00061-MN in the United States District Court for the District of Delaware and Docket No. 2:23-CR-00599-MCS-1 in the United States District Court for the Central District of California.

Date: N/A

Sentence: N/A

District: Delaware & Central California

Executive Grant of Clemency

JOSEPH R. BIDEN, JR.

President of the United States of America

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

BE IT KNOWN, THAT THIS DAY, I, JOSEPH R. BIDEN, JR., PRESIDENT OF THE UNITED STATES, PURSUANT TO MY POWERS UNDER ARTICLE II, SECTION 2, CLAUSE 1, OF THE CONSTITUTION, HAVE GRANTED UNTO

ROBERT HUNTER BIDEN

A FULL AND UNCONDITIONAL PARDON

FOR THOSE OFFENSES against the United States which he has committed or may have committed or taken part in during the period from January 1, 2014 through December 1, 2024, including but not limited to all offenses charged or prosecuted (including any that have resulted in convictions) by Special Counsel David C. Weiss in Docket No. 1:23-cr-00061-MN in the United States District Court for the District of Delaware and Docket No. 2:23-CR-00599-MCS-1 in the United States District Court for the Central District of California.

IN TESTIMONY WHEREOF I have hereunto signed my name and caused the Pardon to be recorded with the Department of Justice.

Done at the City of Washington this 1st day of December in the year of our Lord Two Thousand and Twenty-four and of the Independence of the United States the Two Hundred and Forty-ninth.

DEPARTMENT OF JUSTICE

Joseph R. Biden Jr.

JOSEPH R. BIDEN, JR.
President

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal Action No. 1:23-cr-61-MN
	)	
ROBERT HUNTER BIDEN,	)	
	)	
Defendant.	)	

RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION TO DISMISS THE INDICTMENT

The United States, by and through undersigned counsel, respectfully submits this Response in opposition to defendant's motion to dismiss the indictment (D.I. 272), which he titled "Mr. Biden's Notice of Pardon," and in response to the Court's Oral Order (D.I. 273) ordering the government to "inform the Court whether it objects to termination by dismissal of the indictment as the Defendant proposes." The defendant's motion should be denied because there is no binding authority which requires dismissal of an indictment after a defendant receives a pardon. The indictment was returned by a lawfully constituted grand jury that is an independent agency of the court. This Court, as well as ten (10) other Article III judges appointed by six (6) presidents, rejected the defendant's arguments, including that this was a selective prosecution. Because there was no defect in the grand jury's indictment, there is no reason to dismiss it here.

ARGUMENT

On December 1, 2024, media outlets reported that the President had issued a pardon for the defendant. Shortly thereafter, defense counsel filed "Mr. Biden's Notice of Pardon." (D.I. 277). The defendant did not attach the pardon to its filing. Just prior to this filing, at approximately 1:50 PM, the Special Counsel received the attached correspondence from the Office of the Pardon Attorney, which states, in relevant part:

TO: David C. Weiss
United States Attorney

FROM: Pardon Attorney
Office of the Pardon Attorney

SUBJECT: Robert Hunter Biden
Docket Nos. 1:23-cr-00061-MN (Delaware) & 2:23-CR-00599-MCS-1 (Central California)
Recipient of Presidential Pardon

On December 1, 2024, the President granted Robert Hunter Biden a full and unconditional pardon after completion of sentence. Please make an appropriate notation in your records and with the court. Please also note that this action was not processed via application through our Office.

Offense: For those offenses against the United States which he has committed or may have committed or taken part in during the period from January 1, 2014 through December 1, 2024, including but not limited to all offenses charged or prosecuted (including any that have resulted in convictions) by Special Counsel David C. Weiss in Docket No. 1:23-cr-00061-MN in the United States District Court for the District of Delaware and Docket No. 2:23-CR-00599-MCS-1 in the United States District Court for the Central District of California.

Date: N/A

Sentence: N/A

District: Delaware & Central California

The correspondence describes that the President granted Robert Hunter Biden a full and unconditional pardon after completion of sentence. The defendant has not yet been sentenced in this matter, let alone served his sentence. This correspondence, as well as the accompanying Pardon, are attached as Exhibit A.

In his filing, defense counsel asserted, without any legal support, that "a Full and Unconditional Pardon [] requires dismissal of the Indictment against him," and further that the pardon "requires an automatic dismissal of the Indictment with prejudice." Notice at 2. Defense counsel misrepresents the law. Nothing requires the dismissal of the indictment in this case. In

United States v. Steven Bannon, the defendant moved to dismiss the indictment pending against him after receiving a presidential pardon. The Government took the following position, which this opposition is consistent with:

> The Government does not dispute that the pardon, which has been docketed by the Court, *see* Dkt. No. 79, ends the prosecution as to Bannon under Indictment 20 Cr. 412. However, the Government respectfully submits that there is neither a need for an order dismissing the Indictment nor any authority mandating such an outcome on these facts. Instead, the Government submits that the Court can and should direct the Clerk of Court to terminate Bannon as a defendant in this case and have the docket sheet reflect the pardon as the disposition of his charges. If the Court is inclined to dismiss the Indictment as to Bannon, the Government respectfully submits that any order of dismissal should conform to the language and scope of the pardon.
>
> While—as Bannon's motion itself notes—courts have not acted uniformly in ending a case against a pardoned defendant, there is no question that the Court may simply terminate Bannon from the case based on the docketed pardon. *See, e.g.*, *United States v. Urlacher*, No. 20 Cr. 111 (N.D. Ill. Feb. 8, 2021) (Dkt. No. 142) (terminating all motions and pending charges as to a defendant pardoned prior to being convicted); *United States v. Golestaneh*, No. 13 Cr. 160 (D. Vt. Jan. 19, 2016) (Dkt. No. 42) (docketing a presidential pardon for a defendant who had not been sentenced and notating on the docket sheet that the case against the defendant had been "terminated" and charges were disposed of by "a full pardon granted"). Moreover, where courts have entered orders dismissing the indictment, including in many of the cases cited by Bannon, those orders have generally been entered with the consent of the Government and in cases involving single defendants. Those facts are obviously not present here, and to the contrary, the charges and forfeiture

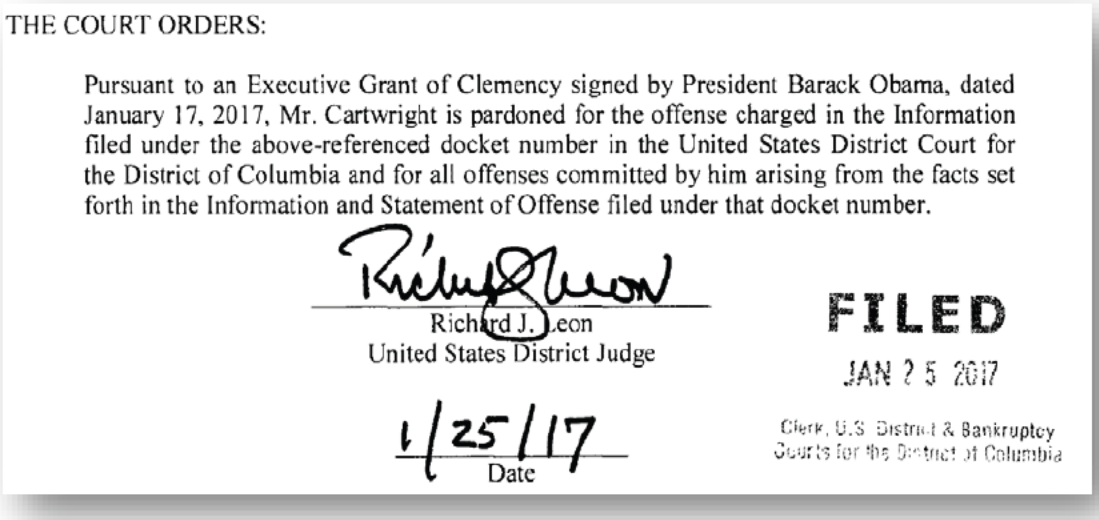
> allegations remain pending as to the three co-defendants. Notwithstanding Bannon's stated preference for an order of dismissal, his motion neither cites to any controlling authority requiring such a dismissal nor does he indicate why simply terminating him from the case would be insufficient.

United States v. Bannon, No 20 Cr. 412 (AT), D.I. 106. Here, the government does not consent to dismissal.

The court in *Bannon* found that, "[n]either the Government nor Bannon has cited authority binding on this Court as to whether the correct course is to 'administratively terminate' Bannon, or to dismiss the Indictment against him." *Id*. at D.I. 117. The court further noted that "the majority of courts, when faced with such a decision, have *chosen* to dismiss an indictment …" and, in that case, the court chose to do so. In addition to citing decisions where a court chose to do so, the *Bannon* court also cited *United States v. Urlacher*, No. 20 Cr. 11-8 (N.D. Ill. Feb. 8, 2021) where the indictment was not dismissed. In that case, the court issued an order that said the following:

> ORDER as to Casey Urlacher: In light of the Grant of Clemency filed on February 5, 2021 (docket [139]) the Clerk is directed to: 1) terminate all motions as to Casey Urlacher; and 2) administratively terminate all pending charges against Casey Urlacher as January 19, 2021 pursuant to the Grant of Clemency.

United States v. Urlacher, No. 20 Cr. 11-8 (N.D. Ill. Feb. 8, 2021), D.I. 142. In *United States v. Cartwright*, a case like the present one where the defendant was pardoned after pleading guilty but before sentencing, the court issued a similar order that said:



THE COURT ORDERS:

Pursuant to an Executive Grant of Clemency signed by President Barack Obama, dated January 17, 2017, Mr. Cartwright is pardoned for the offense charged in the Information filed under the above-referenced docket number in the United States District Court for the District of Columbia and for all offenses committed by him arising from the facts set forth in the Information and Statement of Offense filed under that docket number.

Richard J. Leon
United States District Judge

1/25/17
Date

FILED
JAN 25 2017
Clerk, U.S. District & Bankruptcy Courts for the District of Columbia

United States v. Cartwright, No. 16-188, (D.D.C. Jan. 25, 2017), D.I. 22. In neither case was the indictment subsequently dismissed.

The logic for why courts do not dismiss indictments following a grant of clemency is sound. The D.C. Circuit's decision in *United States v. Flynn*, explains:

> As Chief Justice Marshall wrote, "[a] pardon is an act of grace, proceeding from the power entrusted with the execution of the laws, which exempts the individual on whom it is bestowed, from the punishment the law inflicts *for a crime he has committed*." *United States v. Wilson*, 32 U.S. 150, 150, 7 Pet. 150, 8 L.Ed. 640 (1833) (emphasis added). In other words, "a pardon does not blot out guilt or expunge a judgment of conviction." *In re North*, 62 F.3d at 1437. Furthermore, a pardon cannot "erase a judgment of conviction, or its underlying legal and factual findings." *Arpaio*, 2017 WL 4839072, at *1 (citing *United States v. Crowell*, 374 F.3d 790, 794 (9th Cir. 2004)); *but see Schaffer*, 240 F.3d at 38 (vacating "all opinions, judgments, and verdicts of this court and the District Court" where

> "[f]inality was never reached on the *legal question* of [the defendant's] guilt" (emphasis added)).

507 F. Supp. 3d 116, 136 (D.D.C. 2020). Specifically, as to whether a pardon must, as the defendant wrongly claims, result in the dismissal of an indictment, the D.C. Circuit's decision in *In re North*, explains why it does not:

> An indictment establishes probable cause that the accused has committed a crime. Guilt can be established only by a much higher standard, proof beyond a reasonable doubt.
>
> Because a pardon does not blot out guilt or expunge a judgment of conviction, one can conclude that a pardon does not blot out probable cause of guilt or expunge an indictment.

62 F.3d 1434, 1437 (D.C. Cir. 1994). *In re North* is particularly instructive. In that case a defendant, Clair E. George, former CIA Deputy Director for Operations, requested reimbursement for attorney fees she had incurred as a result of the Iran/Contra investigation conducted by Independent Counsel Lawrence E. Walsh. *Id*. at 1434. The Ethics in Government Act, which created the Independent Counsel, authorized the award of attorney's fees but only if an individual were *not* indicted. After being indicted, George received a pardon from President George H.W. Bush and applied for a reimbursement of attorneys fees on that basis. In rejecting her claim, the D.C. Circuit held that "The pardon does not blot out guilt or expunge the indictment. Though pardoned, George's disability—the fact of his indictment—remains, preventing the court from awarding him attorneys' fees." *Id*. at 1438. If a pardon did not "expunge the indictment" in that case, it should not do so here. The cases cited by the defendant in his filing do not explain why an indictment should be dismissed following an act of clemency when the act of clemency terminates the criminal case.

More broadly, there is no defect in the indictment or in the process that led to its return that justifies dismissing it. First, it was returned by a lawfully constituted grand jury that is an independent agency of the court. *United States v. Williams*, 504 U.S. 36, 48 (1992) ("The grand

jury's functional independence from the Judicial Branch is evident both in the scope of its power to investigate criminal wrongdoing and in the manner in which that power is exercised."). Second, the defendant filed four (4) motions to dismiss the indictment, making every conceivable argument for why it should be dismissed, all of which were determined to be meritless. Of note, the defendant argued that the indictment was a product of vindictive and selective prosecution. D.I. 63. This Court rejected those claims and exposed the nonsensical nature of the defendant's selective prosecution claims:

> To the extent that Defendant's claim that he is being selectively prosecuted rests solely on him being the son of the sitting President, that claim is belied by the facts. The Executive Branch that charged Defendant is headed by that sitting President – Defendant's father. The Attorney General heading the DOJ was appointed by and reports to Defendant's father. And that Attorney General appointed the Special Counsel who made the challenged charging decision in this case – while Defendant's father was still the sitting President. Defendant's claim is effectively that his own father targeted him for being his son, a claim that is nonsensical under the facts here. Regardless of whether Congressional Republicans attempted to influence the Executive Branch, there is no evidence that they were successful in doing so and, in any event, the Executive Branch prosecuting Defendant was at all relevant times (and still is) headed by Defendant's father.

D.I. 99 at 8. The Court similarly found his vindictive prosecution claims unmoored from any evidence or even a coherent theory as to vindictiveness:

> Yet, as was the case with selective prosecution, the relevant point in time is when the prosecutor decided to no longer pursue pretrial diversion and instead indict Defendant. Whether former administration officials harbored actual animus towards Defendant at some point in the past is therefore irrelevant. This is especially true where, as here, the Court has been given no evidence or indication that any of these individuals (whether filled with animus or not) have successfully

> influenced Special Counsel Weiss or his team in the decision to indict Defendant in this case. At best, Defendant has generically alleged that individuals from the prior administration were or are targeting him (or his father) and therefore his prosecution here must be vindictive. The problem with this argument is that the charging decision at issue was made during this administration – by Special Counsel Weiss – at a time when the head of the Executive Branch prosecuting Defendant is Defendant's father. Defendant has offered nothing credible to support a finding that anyone who played a role in the decision to abandon pretrial diversion and move forward with indictment here harbored any animus towards Defendant. Any claim of vindictive prosecution based on actual vindictiveness must fail.

Id. at 17.

In the Central District of California, the defendant made the same baseless accusations and that court also rejected the defendant's claims, finding that "[a]s the Court stated at the hearing, Defendant filed his motion without any evidence." *United States v. Hunter Biden*, Cr. No. 23-599-MCS (C.D.Cal. April 1, 2024). And there has never been any evidence of vindictive or selective prosecution in this case.

The defendant appealed the denial of his motions in this case to the Third Circuit and his denial of his motions in the Central District of California case to the Ninth Circuit. *See United States v. Robert Hunter Biden*, 24-1703, Doc. No. 17-1 (3rd Cir., May 9, 2024) (order dismissing appeal by Judge Patty Shwartz, Judge Cindy Chung, and Judge D. Brooks Smith); *United States v. Robert Hunter Biden*, 24-1938, Doc. No. 16-2 (3rd Cir., May 28, 2024) (order dismissing appeal by Judge Thomas M. Hardiman, Judge Cheryl Krause, and Judge Arianna Freeman); *United States v. Robert Hunter Biden*, 24-2333, Doc. No 16.1 (9th Cir., May 14, 2024) (order dismissing appeal by Judge William Canby, Judge Atsushi Tashima, and Judge Lucy Koh). In total, eleven (11) different Article III judges appointed by six (6) different presidents, including his father, considered and rejected the defendant's claims, including his claims for selective and vindictive prosecution.

The defendant was found guilty on all counts by a jury of 12 Delawareans following a six-day trial in June 2024. According to the declaration filed on his behalf, the defendant has acknowledged his guilt in accepting the act of clemency. D.I. 272-2; *see Burdick v. United* States, 236 U.S. 79, 94 (1915) ("[A pardon] carries an imputation of guilt; acceptance a confession of it.").

The Government does not challenge that the defendant has been the recipient of an act of mercy. That does not mean the grand jury's decision to charge him, based on a finding of probable cause, should be wiped away as if it never occurred. It also does not mean that his charges should be wiped away because the defendant falsely claimed that the charges were the result of some improper motive or selective prosecution. No court has agreed with the defendant on these baseless claims, and his request to dismiss the indictment finds no support in the law.

CONCLUSION

For the foregoing reasons, the defendant's motion to dismiss the indictment should be denied.

Respectfully submitted,

DAVID C. WEISS
Special Counsel
United States Department of Justice

By: 

Derek E. Hines
Senior Assistant Special Counsel
Leo J. Wise
Principal Senior Assistant Special Counsel
United States Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530
(b) (6)

Dated: December 2, 2024

Executive Grant of Clemency

JOSEPH R. BIDEN, JR.

President of the United States of America

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

BE IT KNOWN, THAT THIS DAY, I, JOSEPH R. BIDEN, JR., PRESIDENT OF THE UNITED STATES, PURSUANT TO MY POWERS UNDER ARTICLE II, SECTION 2, CLAUSE 1, OF THE CONSTITUTION, HAVE GRANTED UNTO

ROBERT HUNTER BIDEN

A FULL AND UNCONDITIONAL PARDON

FOR THOSE OFFENSES against the United States which he has committed or may have committed or taken part in during the period from January 1, 2014 through December 1, 2024, including but not limited to all offenses charged or prosecuted (including any that have resulted in convictions) by Special Counsel David C. Weiss in Docket No. 1:23-cr-00061-MN in the United States District Court for the District of Delaware and Docket No. 2:23-CR-00599-MCS-1 in the United States District Court for the Central District of California.

IN TESTIMONY WHEREOF I have hereunto signed my name and caused the Pardon to be recorded with the Department of Justice.

Done at the City of Washington this 1st day of December in the year of our Lord Two Thousand and Twenty-four and of the Independence of the United States the Two Hundred and Forty-ninth.



Joseph R. Biden Jr.

JOSEPH R. BIDEN, JR.
President

From: "Weinsheimer, Bradley (ODAG)" <(b) (6)>
To: "Hornbuckle, Wyn (PAO)" <(b) (6)>, "Bruck, Andrew (ODAG)" <(b) (6)>, "Hinojosa, Xochitl (PAO)" <(b) (6)>
Cc: "Klapper, Matthew B. (OAG)" <(b) (6)>
Subject: RE: Activity in Case 2:23-cr-00599-MCS USA v. Biden Notice (Other)
Date: Mon, 02 Dec 2024 16:09:14 -0500
Importance: Normal
Embedded: FW:_Correction:_Robert_Hunter_Biden_pardon_grant

The Pardon memo obviously was in error. See attached.

From: Hornbuckle, Wyn (PAO) <(b) (6)>
Sent: Monday, December 2, 2024 3:55 PM
To: Weinsheimer, Bradley (ODAG) <(b) (6)>; Bruck, Andrew (ODAG) <(b) (6)>; Hinojosa, Xochitl (PAO) <(b) (6)>
Cc: Klapper, Matthew B. (OAG) <(b) (6)>
Subject: RE: Activity in Case 2:23-cr-00599-MCS USA v. Biden Notice (Other)



From: "Sargent-Burns, Rosalind A. (PARDON)" <(b) (6) >
To: "Weinsheimer, Bradley (ODAG)" <(b) (6) >, "Wan, Elysa Q. (ODAG)" <(b) (6) >
Subject: FW: Correction: Robert Hunter Biden pardon grant
Date: Mon, 02 Dec 2024 16:05:19 -0500
Importance: Normal
Attachments: Biden_Warrant.pdf

FYSA

Rosalind

From: Sargent-Burns, Rosalind A. (PARDON)
Sent: Monday, December 2, 2024 3:49 PM
To: Weiss, David (USADE) <(b) (6) >; Hanson, Shannon (USADE) <(b) (6) >
Subject: Correction: Robert Hunter Biden pardon grant

Good afternoon Mr. Weiss,

Earlier today, we sent out an email noting that Robert Hunter Biden was granted a full and unconditional pardon after completion of sentence. Please be advised that the notation of "after completion of sentence" was included in error. The proper notification can be found below, and the warrant noting no condition of sentence completion is again attached. Our apologies for any confusion. Please do not hesitate to contact me directly with any additional questions or concerns.

Best regards,

Rosalind Sargent Burns
Senior Deputy Pardon Attorney
U.S. Department of Justice
145 N Street, NE, Room 5E.204
Washington, DC 20530
Office: (b) (6)
Mobile: (b) (6)

December 2, 2024

MEMORANDUM

TO: David C. Weiss
United States Attorney

FROM: Pardon Attorney
Office of the Pardon Attorney

SUBJECT: Robert Hunter Biden
Docket Nos. 1:23-cr-00061-MN (Delaware) & 2:23-CR-00599-MCS-1 (Central California)
Recipient of Presidential Pardon

On December 1, 2024, the President granted Robert Hunter Biden a full and unconditional pardon. Please make an appropriate notation in your records and with the court. Please also note that this action was not processed via application through our Office.

Offense: For those offenses against the United States which he has committed or may have committed or taken part in during the period from January 1, 2014 through December 1, 2024, including but not limited to all offenses charged or prosecuted (including any that have resulted in convictions) by Special Counsel David C. Weiss in Docket No. 1:23-cr-00061-MN in the United States District Court for the District of Delaware and Docket No. 2:23-CR-00599-MCS-1 in the United States District Court for the Central District of California.

Date: N/A

Sentence: N/A

District: Delaware & Central California

From: "Weinsheimer, Bradley (ODAG)" <(b) (6)>
To: "Hinojosa, Xochitl (PAO)" <(b) (6)>
Cc: "Iverson, Dena (PAO)" <(b) (6)>, "Oyer, Elizabeth G. (PARDON)" <(b) (6)>, "Iverson, Dena (PAO)" <(b) (6)>, "Oyer, Elizabeth G. (PARDON)" <(b) (6)>
Subject: Re: Questions on HB pardon
Date: Sun, 01 Dec 2024 20:09:10 -0500
Importance: Normal

It did not go through the typical process and we learned of it tonight just like everyone else.

On Dec 1, 2024, at 8:04 PM, Hinojosa, Xochitl (PAO) (b) (6) wrote:

Dena, will call you.

Get Outlook for iOS

From: Iverson, Dena (PAO) <(b) (6)>
Sent: Sunday, December 1, 2024 8:01:11 PM
To: Oyer, Elizabeth G. (PARDON) <(b) (6)>; Weinsheimer, Bradley (ODAG) <(b) (6)>
Cc: Hinojosa, Xochitl (PAO) <(b) (6)>
Subject: Questions on HB pardon

Hi Liz and Brad,

Flagging that we are getting questions from reporters on whether the department knew the pardon for Hunter Biden was coming and if this pardon went through the regular process. Anything we can share on the process?

Thanks,
Dena

Sent from my iPhone

From: "Weinsheimer, Bradley (ODAG)" <(b) (6) >
To: "Oyer, Elizabeth G. (PARDON)" <(b) (6) >
Subject: RE: WaPo article
Date: Sun, 22 Dec 2024 09:03:44 -0500
Importance: Normal
Inline-Images: image001.jpg

Thanks. Obviously, further delay is not their friend here!

From: Oyer, Elizabeth G. (PARDON) <(b) (6) >
Sent: Sunday, December 22, 2024 8:37 AM
To: Weinsheimer, Bradley (ODAG) <(b) (6) >
Subject: WaPo article

https://www.washingtonpost.com/politics/2024/12/22/biden-clemency-petitions-hunter-pardon/



Biden pardoned son while leaving hundreds seeking clemency in limbo
washingtonpost.com