

EXHIBIT 91

~~FILED UNDER SEAL~~

~~ATTORNEYS' EYES ONLY~~

Cook, Alexander Nicholas

February 11, 2020

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDIQAFAR WAGAFE, et al., on	:	
behalf of themselves and others	:	Case No.:
Similarly situated,	:	17-CV-00094 RAJ
Plaintiffs,	:	
VS.	:	
DONALD TRUMP, President of the	:	ATTORNEYS' EYES ONLY
United States, et al.,	:	
Defendants.	:	

Washington, DC

Tuesday, February 11, 2020

Videotaped Deposition of ALEXANDER
NICHOLAS COOK held at Perkins Coie, 700 13th Street,
NW, Suite 600, Washington, DC 20005, commencing at
9:06 a.m., before Sherry L. Brooks, Certified
LiveNote Reporter and Notary Public, in and for the
District of Columbia.

Henderson Legal Services, Inc.

202-220-4158

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1 APPEARANCES:

2 Attorney for Plaintiffs:

3 JENNIE PASQUARELLA, ESQ.

4 ACLU OF SOUTHERN CALIFORNIA

5 1313 West Eighth Street

6 Suite 200

7 Los Angeles, CA 90017

8 (213) 977-5236

9 (213) 977-5297 (Fax)

10 E-mail: JPasquarella@ACLUSoCal.org

11

12 Attorney for Defendants:

13 BRENDAN T. MOORE, ESQ.

14 MICHELLE SLACK, ESQ.

15 U.S. DEPARTMENT OF JUSTICE

16 175 N Street, NE

17 Room 11.220

18 Washington, DC 20002

19 (202) 616-4231

20 E-mail: Brendan.T.Moore@usdoj.gov

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1 APPEARANCES CONTINUED:

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3 ALSO PRESENT:

4 Edward Park, Videographer

5 Caitlin Miller, Esq.

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C O N T E N T S

THE WITNESS:

ALEXANDER NICHOLAS COOK

By Ms. Pasquarella	6
By Mr. Moore	231

E X H I B I T S

COOK EXHIBIT NO.		PAGE NO.
Exhibit 100	Memorandum Dated 3/18/16 to O. Ighoyivwi, et al.	73
Exhibit 101	CARRP - U.S. Citizenship and Dec. 2015 Immigration Services - Updated	188
Exhibit 102	Current Open NS Concerns Cases	223
Exhibit 103	Individuals put in CARRP by County of Birth 226 and Fiscal Year of Opened CME	

(EXHIBITS ATTACHED TO THE TRANSCRIPT.)

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1 P R O C E E D I N G S

2 * * * * *

3 THE VIDEOGRAPHER: Here begins Volume 1,
4 disk 1 in the video deposition of Alex Cook taken in
5 the matter of Abdiqafar Wagafe, et al. versus Donald
6 Trump, President of the United States, et al. in the
7 United States District Court, Western District of
8 Washington at Seattle, Case No. 17-CV-00094 RAJ.

9 Today's date is February 11th, 2020. The
10 time on the video monitor is 9:06. This deposition
11 is being held at 700 13th Street, Northwest,
12 Washington, DC, 20005.

13 The court reporter is Sherry Brooks on
14 behalf of Henderson Legal Services. The video camera
15 operator is Edward Park on behalf of Henderson Legal
16 Services.

17 Will counsel please introduce themselves
18 and state whom they represent, beginning with the
19 party noticing the deposition?

20 MS. PASQUARELLA: Jennie Pasquarella for
21 the plaintiffs.

22 MR. MOORE: Brendan Moore for the

Henderson Legal Services, Inc.

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1 defendants.

2 MS. SLACK: Michelle Slack, DOJ, for the
3 defendants.

4 THE VIDEOGRAPHER: Will the court reporter
5 please swear in the witness?

6 * * * * *

7 Whereupon,

8 ALEXANDER NICHOLAS COOK

9 called for examination by counsel
10 for Plaintiffs and having been duly
11 sworn by the Notary Public, was examined
12 and testified as follows:

13 - - -

14 EXAMINATION BY COUNSEL FOR PLAINTIFFS

15 BY MS. PASQUARELLA:

16 Q. Good morning, Mr. Cook.

17 A. **Good morning.**

18 Q. Thank you for being here. My name is
19 Jennie Pasquarella. I'm one of the attorneys for the
20 plaintiffs.

21 A. **Nice to meet you.**

22 Q. Have you ever had your deposition taken

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1 **A.** The only thing I can think of is if they
2 were labeled as a KST, and we would be able to see
3 that information in TECS.

4 **Q.** And again, if someone is not a KST but a
5 determination is made that they're a non-KST -- and
6 I'm not talking about what other law enforcement
7 agencies put into TECS -- can USCIS put a record of
8 that finding into TECS?

9 **A.** I am unaware that USCIS has done that. I
10 have never done that as part of my normal duties.

11 **Q.** And you've never seen that when you look
12 at TECS?

13 **A.** I've never seen one that USCIS has put in,
14 to the best of my recollection.

15 **Q.** Okay. Are you familiar with the terms
16 "non-KST confirmed" and "not confirmed"?

17 **A.** Yes.

18 **Q.** Okay. And what is -- what's the
19 difference between a non-KST that's confirmed and a
20 non-KST that's not confirmed?

21 **A.** My understanding is a non-KST that is
22 confirmed means that we have established an

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1 articulable link to one of the terrorist-related
2 inadmissibility grounds as it relates to that person.

3 A non-KST unconfirmed means that there's
4 information that may point us -- that may indicate
5 they may be subject to one of those grounds but that
6 it's -- needs to be further vetted to be sure.

7 Q. And that's a distinction that's made
8 between, as I understand it -- and you tell me if
9 this is right or wrong -- between having an
10 articulable link and just having indicators.

11 Is that your understanding?

12 A. Yeah. I guess in its most basic sense, I
13 would say yes.

14 Q. And have you ever done the work to
15 determine whether a non-KST is confirmed or not
16 confirmed?

17 A. That's part of what FDNS does.

18 Q. Okay. So it's not your job?

19 A. I have not.

20 Q. So how do you know when you review a case
21 whether a person is confirmed or not confirmed?

22 A. It's documented in FDNS/DS.

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ACKNOWLEDGMENT OF DEPONENT

I, Alexander Cook, do hereby
acknowledge that I have read and examined the
foregoing testimony, and the same is a true, correct
and complete transcription of the testimony given by
me, and any corrections appear on the attached Errata
Sheet signed by me.

3/25/2020 
(DATE) (SIGNATURE)

NOTARIZATION (If Required)

State of _____
County of _____

Subscribed and sworn to (or affirmed) before me on
this _____ day of _____, 20____, by
_____, proved to me on the
basis of satisfactory evidence to be the person who
appeared before me.

Signature: _____
(Seal)

1 UNITED STATES OF AMERICA)

2 ss:

3 DISTRICT OF COLUMBIA)

4 I, SHERRY L. BROOKS, a Notary Public
5 within and for the District of Columbia, do hereby
6 certify that the witness whose deposition is
7 hereinbefore set forth was duly sworn and that the
8 within transcript is a true record of the testimony
9 given by such witness.

10 I further certify that I am not related to
11 any of the parties to this action by blood or
12 marriage and that I am in no way interested in the
13 outcome of this matter.

14 IN WITNESS WHEREOF, I have hereunto set my
15 hand this 21st day of February, 2020.

16

17

18

Sherry L. Brooks

19

Notary Public in and for

20

the District of Columbia

21

My Commission Expires:

22

November 14, 2020

