

Exhibit 9

~~-- Filed Under Seal --~~

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

Abdiqafar Wagafe, et al.,
On behalf of himself and
others similarly situated,

Plaintiffs

vs.

CASE NUMBER:

DONALD TRUMP, President of the
United States, et al.,

2:17-CV-00094-RAJ

Defendants

_____ /

The virtual deposition, via Webex, of
JEFFREY ALEXANDER DANIK was held on Tuesday, August
26th, 2020, commencing at 10:02 a.m. before R. Dwayne
Harrison, a Notary Public.

CONFIDENTIAL DUE TO PROTECTIVE ORDER

REPORTED BY: R. Dwayne Harrison

1 A Generally -- again, I'm just going by what
2 I read in the training materials, that if somebody has
3 these criteria -- has these types of skill set and they
4 have some type of activity to combine with that and you
5 can articulate within that, I was -- my training
6 experience will say, well, you have to articulate the
7 two are connected.

8 In other words, whatever you're suspicious
9 of, it has to have some connection to one of these
10 indicators. There has to be -- there has to be
11 behavioral based indicators. Skill based indicators
12 are only then helpful based on the activity that you're
13 observing, so...

14 Q Okay. Is it your understanding that the
15 CARRP policy instructs CARRP officials to consider the
16 totality of the circumstances in the manner that you're
17 describing?

18 A Yes.

19 MS. KONKOLY: Okay. Noah, can we pull up
20 document number 4? I think that would only be exhibit
21 E for this exhibit. I want to go to Bates number 786.
22 I think that's going to be page 36 of the PDF.

23 Q Actually, before we do that, while we're on
24 that cover page, Mr. Danik, do you recognize this
25 document?

1 So if -- in a hypothetical situation in
2 which CIS is adjudicating an application for an
3 immigration benefit from an individual and, in the
4 course of adjudicating that application, CIS were to
5 become aware that there's an open FBI investigation on
6 this person.

7 Do you have an opinion about the propriety
8 of CIS informing the individual of that investigation?

9 A Well, it shouldn't be done without the
10 third party agency rule coming in which is that's FBI
11 information that's been given to immigration and
12 immigration can't disseminate anything that's not their
13 information without clearance by the owner.

14 So in some instances, you know, it may
15 actually help that the guy now thinks he's got an
16 immigration problem. He's not told that, but this is
17 what people think because his immigration officer is
18 bringing up the bank robbery investigation he's a
19 subject of.

20 So that could have a positive effect. It's
21 a lever -- and we're talking theoretically. It's a
22 lever that, hey, maybe I should rush in and get -- give
23 my information and maybe it will help my immigration,
24 that kind of thing.

25 People are always brokering. It's not the

1 status.

2 So the defense needs to be as a tool even
3 in that situation because if I can jump your
4 immigration status and hold it until you help us,
5 then -- possibly then I can give an opinion that
6 immigration really helped us out, move on team America
7 there. So -- and I'm not talking about terrorism
8 cases, I'm talking about any kind of case. So, yeah,
9 it's an important tool available.

10 Q Okay. Are you -- we talked about this a
11 little bit earlier, the TSDB, the Terrorist Screening
12 Database.

13 Can you describe to me what your
14 understanding of the TSDB is?

15 A Well, what's my understanding of it?

16 Q Of its purpose.

17 A Of its purpose? The purpose is to provide
18 an unclassified environment, right, because the good
19 information, theoretically, about people who are
20 terrorists, a majority of it or a large portion of it
21 is classified information.

22 So we need to provide something that's
23 disseminable in an unclassified environment. So it's a
24 place for one-stop shopping where that is the place
25 where the government, the whole of government agrees

1 that these are the problem people that we need to keep
2 out of certain down line systems, whether that be --
3 the other screening agencies that are out there.

4 That's the general -- that's the general
5 use, purpose of the terrorist screening database as far
6 as I used it.

7 Q Okay. Can you speak briefly to your
8 personal experience in using the TSDB when you were
9 with the FBI?

10 A Okay. Yeah, well, when I was at LX1, the
11 two offices are very close to each other. So there was
12 a lot of interaction between the two agencies, the two
13 operating arms, because we were just down the street,
14 really.

15 Then my unit, the national threat center
16 section, had the terrorism review and examination unit
17 which that was -- that was referred to as TREX,
18 T-R-E-X, TREX, terrorism review examination unit. TREX
19 handled nomination packages for the screening database
20 and that was one aspect of it and we were a small
21 section. So a section in the FBI has units. My unit
22 was the TMU. This was TREX, but we're all the same
23 section. It's small. We co-officed. We were in
24 separate vaults, but I could pass into these other
25 vaults. I was credentialed to pass into these vaults.

1 So I was in their office a lot and then we
2 had personnel that were transferred. It was very good
3 because we had people that would go from unit to unit.
4 So we had cross train on what they did. So I had a lot
5 of experience listening to how these packages were put
6 together and shuffled through the bureaucratic system
7 of approval.

8 And then we also had, in my section, a very
9 interesting unit, the terrorist screening operation
10 unit which dealt directly with the Terrorist Screening
11 Center and the Terrorist Screening Database as a
12 realtime referral from the Terrorist Screening Center
13 so -- for anything that had to do with the FBI.

14 So that was a 24/7 operation and,
15 basically, if a police officer stopped you and you came
16 up listed in the NCIC computer in the VGTOF file --
17 I'll give you VGTOF in a minute here -- the VGTOF file,
18 the police officer got a readout and now the readout
19 usually said, hey, this person is the subject of a
20 terrorist database hit. For further information call
21 this number and that was usually the Terrorist
22 Screening Center. The Terrorist Screening Center would
23 get the call, realize it's an FBI information, let's
24 say -- this is hypothetical. This is my experience
25 with them. That's why I'm answering the question this