

EXHIBIT

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

ABDIQAFAR WAGAFE, et al.

Case No. 2:17-cv-00094-RAJ

Plaintiffs,

Honorable Richard A. Jones

v.

TRUMP, et al.,

Defendants

**DECLARATION OF TATUM KING IN SUPPORT OF DEFENDANTS' MOTION
FOR PROTECTIVE ORDER**

I, Tatum King, state as follows:

1. I am the Assistant Director, Domestic Operations, Homeland Security Investigations (HSI), U.S. Immigration and Customs Enforcement (ICE), an agency in the Department of Homeland Security (DHS). Following the enactment of the Homeland Security Act of 2002, ICE was created from elements of several legacy agencies, including the criminal investigations staffs of the former U.S. Customs Service (USCS) and the former Immigration and Naturalization Service (INS). As a result, all Special Agents who formerly worked for the USCS and the INS became a part of ICE. ICE is the second largest investigative agency in the Federal Government. Within ICE, HSI has approximately 8,260 employees, including over 6,100 Special Agents assigned to twenty-six (26) Special Agent-in-Charge (SAC) offices in cities throughout the United States and in countries around the world. Special Agents have a wide array of responsibilities relating to the investigation of criminal activity, which in addition to investigating violations of the country's immigration laws, includes the investigation of contraband and merchandise smuggling, fraud in both import and export transactions, criminal

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UNITED STATES DEPARTMENT OF JUSTICE
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finance and money laundering, alien smuggling and human trafficking, cybercrimes, and infringements upon intellectual property rights. ICE's mission is to uphold public safety and protect the United States. ICE has important roles in securing the nation's borders, ensuring economic, transportation, and infrastructure security, and preventing terrorist attacks by investigating and interdicting the people, money, and materials that support terrorist and criminal activity.

2. As the Assistant Director of HSI's Domestic Operations, I provide oversight and support to all HSI domestic field personnel, including 26 SACs with responsibility for more than 200 offices. In this capacity, I am responsible for strategic planning, national policy implementation and the development and execution of operational initiatives. The offices under my direction are responsible for leading HSI's effort to identify, disrupt, and dismantle transnational criminal and terrorist organizations that threaten the security of the United States.

3. As ICE is the investigative arm of DHS, HSI may share sensitive law enforcement information with other agencies in furtherance of homeland security. The information can include investigations into active criminal enterprises and national security threats, including counterterrorism, counter-proliferation, and visa violations with national security or public safety concerns. United States Citizenship and Immigration Services (USCIS) is one of the DHS Agencies to which HSI provides derogatory and investigative information. The individuals that are the subject of the information may have applications for relief or benefits pending before USCIS.

4. Based upon my understanding of the type of information ordered to be released in this case, I believe that release of the information would effectively reveal sensitive law enforcement information, in addition to revealing the general nature of HSI law enforcement

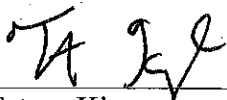
techniques and procedures, and would impact national security. Revealing such sensitive information could undermine the efforts of HSI to carry out its mission of identifying and eliminating vulnerabilities that pose a threat to our nation's borders, as well as ensuring economic, transportation and infrastructure security, and national security.

5. Given the nature of USCIS's Controlled Application Review and Resolution Program (CARRP), as described in the declaration from James W. McCament, the then-Acting Director, and now Deputy Director, USCIS, disclosure of the names of individuals in USCIS's CARRP program may reveal to those individuals that they are the subject of government inquiry and investigations. The disclosure to individuals (i) that they are the subjects of ongoing investigations and (ii) the general nature of the investigations could compromise existing investigations and endanger the lives or safety of participating law enforcement personnel by revealing the existence of such investigations. It is a critical investigative technique not to reveal to persons that they are the subjects of law enforcement investigations. Subjects who are told of on-going investigations may alter their habits and/or appearances, may alert their compatriots and co-conspirators, may go into hiding, may destroy evidence, or may anticipate the activities of federal agents and thereby put the agents, their investigations or members of the public at risk. Even if the individuals who were the subjects of the investigations were law-abiding themselves, disclosing that they were of investigative interest could alert their business associates who are involved in illegal activities that federal agencies, may have investigated individuals with whom they (the business associates) have had contact. ICE therefore can neither confirm nor deny whether any of the individuals' names provided under the Order are now or ever have been a subject of investigative interest.

6. Release of this information beyond the attorneys for the plaintiffs, could place in jeopardy the national security, as a result of disruptions to the agency's law enforcement efforts. Moreover, even the inadvertent disclosure of information to either the plaintiffs or the general public creates the risk of compromising investigative techniques, methods, and thus national security. Without directing any aspersions toward the integrity of plaintiffs or the general public, this agency simply cannot afford even a slight risk that the individuals most closely involved with this case could lose possession or control of the documents or otherwise compromise their security, leading to improper and unauthorized use of the information. This risk of disruption and serious injury to ongoing and future investigations and serious injury to the results of prior investigations that would be caused by even inadvertent release of ICE's use of these investigative techniques and methods is unacceptable to ICE for the reasons stated above.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 1st day of March, 2018.



Tatum King
Assistant Director, Domestic Operations
Homeland Security Investigations
U.S. Immigration and Customs Enforcement
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