

MORE ON THE FBI'S OWN FALAFEL

There's a bit of a squabble over how important Nada Nadim Prouty, the FBI/CIA agent who got unauthorized access to Hezbollah information at the CIA, was to the agency. Via Laura, NBC reports that she was very important.

Current and former intelligence officials tell NBC News that Nada Nadim Prouty had a much bigger role than officials at the FBI and CIA first acknowledged. In fact, Prouty was assigned to the CIA's most sensitive post, Baghdad, and participated in the debriefings of high-ranking al-Qaida detainees.

A former colleague called Prouty "among the best and the brightest" of CIA officers in Baghdad. She was so exceptional, agree officials of both agencies, the CIA recruited her from the FBI to work for the agency's clandestine service at Langley, Va., in June 2003. She then went to Iraq for the agency to work with the U.S. military on the debriefings.

"Early on, she was an active agent in the debriefings," said one former intelligence official. "It was more than translation."

But the same story has a senior official reporting that she wasn't that important.

A senior U.S. official familiar with the case says there is no evidence she was a spy and noted that the CIA and FBI have a good record in prosecuting spies, particularly in their own agencies.

He says her role was limited. "This is not John Dillinger or Reilly Ace of

Spies,â€” said the official.

All of which got me looking at some details of her plea agreement. First, she pled guilty to three crimes, with a combined maximum sentence 16 years and \$600,000 in fines. But her recommended sentence (it requires her cooperation with the CIA) is just 6 months to 1 year.

It's the last crime she plead to, though, which is most interesting. She plead guilty to Naturalization Fraud. The statute of limitations had run out on that crime for her, so she had to agree to waive the statute of limitations so they could charge her with it. Which is how they got the following language into her plea:

The defendant admits that she is a native of Lebanon, that her U.S. citizenship will be automatically revoked as a result of her guilty plea to count 3, and that she is removable from the United States ... as a result of her guilty pleas in this case. The defendant further waives any right that she may have to receive notice of intent to request judicial removal and a charge containing factual allegations regarding the removal. The defendant understands and knowingly waives her right to a hearing before an immigration judge or any other authority under the Immigration and Nationality Act, on the question of her removability from the United States. The defendant further understands the rights she would possess in a contested administrative proceeding and waives these rights, including her right to examine the evidence against her, to present evidence on her behalf, and to cross-examine witnesses presented by the government.

The defendant further waives any rights that she may have to apply for relief from removal and requests that an order

be issued by this court for her removal to Lebanon. The defendant agrees to accept a written order of removal as a final disposition of these proceedings and waives any rights she may have to appeal the order issued.

The order of removal shall also include a grant of withholding of removal to the country of Lebanon ... **Defendant hereby agrees to make both the judicial order of removal and the grant of withholding of removal to Lebanon a public document, waiving her privacy rights.... At the request of the U.S. Attorney's Office, Immigration and Customs Enforcement (ICE) will provide its concurrence to the government's request for a judicial order of removal coupled with a grant of withholding of removal to Lebanon as set forth above at sentencing. [my emphasis]**

She has waived the statute of limitations so they could charge her with Naturalization Fraud, which they promptly used to take away any all legal immigration status she has. So obviously, she has agreed to be very-very-cooperative. Presumably not just with the CIA, in explaining how much information she disseminated to whom. But also more generally, to get those sentences (and whatever larger sentence got her to agree to waive the statute of limitations on the Naturalization crime instead).

Not only that, she's completely at the mercy of whomever she's cooperating with. She's got no US citizenship; plus she's got an order of removal hanging over her head, with that order being withheld courtesy of the US government. On their say so, she gets kicked out of the country.

And not only is she in this legal limbo—but the US government required her to allow them to make it public. Now who—or what group—do you suppose the government would want to know that Prouty was going to be sticking around in the US at the sole discretion of the US government?

One detail I find really tantalizing about this, though, is the possibility that her cooperation may be nothing more than silence (aside from clarifying what info she stole from the CIA). After all, she apparently witnessed—if not participated in—interrogations of high level Al Qaeda detainees, as early as 2003. There's a whole range of people the government would like to keep information she knows secret from—most of all the American people. So it's possible she's going to be very cooperative with the CIA in telling what she knows; it's equally possible she's going to be very cooperative in other ways, perhaps most of all, her silence.

Or perhaps they're going to turn her into a super-interrogator, with no legal rights in this country, and lots of incentives to continue doing as they say.