

Case 51: Chicago Bar

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In 2011, Adel Daoud, aged 17 at the time, started sending out messages and posts to the world from his middle class suburban Chicago home defending Osama bin Laden for “wanting to destroy America” and expressing outrage that the American “superpower” had “killed millions of people.” He said he would like to go to Yemen to fight the United States there, but would also “love to do something to hurt it from the inside.” Attracting the attention of the FBI, he waxed ever more volubly to undercover employees who began communicating with him in the middle of 2012 claiming to be from al-Qaeda. To them he expressed his “personal opinion” that “since you cannot kill ALL Americans” you should “only target good targets that will hurt america as a whole.” He also said he wanted “something that’s...massive” and that’s “gonna make it in the news like tonight.” “Look how scared they’ll be,” he mused, “they’ll think, oh terrorism...it’ll be like frantic” all the while sending a message to Americans that they “should stop abusing people overseas.”¹

Daoud actually met with only one of his FBI handlers in person. After some discussion, the bogus al-Qaeda operative helpfully said he could come up with a car bomb that Daoud could detonate. Now the only task was to pick the target. Saying “I want to get the most evil place,” Daoud conducted a wide search, and eventually came up with 29 “good targets.” By August he had settled on a bar that played music in downtown Chicago. It was, he exulted, the “perfect place.” Making use of “the street view of Google,” he noticed that there was a “liquor store right next to it.” Therefore, “It’s a bar, it’s a liquor store, it’s a concert. All in one bundle.” The place would be filled with “the vilest people.”²

At first, Daoud thought about craftily diverting the police to look southward: “If we put a whole bunch of stuff in there that suggested the terrorists from Alabama...You know, yeah, be smart. Put a whole bunch of stuff . . . You know but you could put somethin’ like in the glove compartment.” But in the end, he decided it best to go fully public, asking his FBI handler to have an al-Qaeda leader announce that “we are responsible for this attack,” and that if the United States “does not stop killing [Muslims]...more attacks will come.”³

On September 15, 2012, Daoud and his bogus accomplice parked the supposed car bomb at the designated target. When Daoud eagerly tripped the detonator from a nearby ally he was arrested.⁴

On hand for the occasion were around 15 undercover agents wearing earpieces—a bartender thought they were doing a “regular sting on underage drinkers.” Told that the bar had been selected by Daoud because it would be filled with “the vilest of people,” the bar’s owner laughed and said, “The vilest of the

¹ Criminal Complaint, United States of America v. Adel Daoud, US District Court, Northern District of Illinois, Eastern Division, September 15, 2012, 7, 13, 15, 19-21.

² Criminal Complaint, 19, 21, 28.

³ Criminal Complaint, 22, 33.

⁴ Criminal Complaint, 34.

evil? He's maybe the most ignorant of the ignorant." At least one worshipper at Daoud's mosque strongly agreed, noting that Daoud "seemed a lot younger than 18," characterizing him as sweet, easily-led, and retarded, and expressing a willingness to bet his life that the teen-ager could never have built a bomb without the FBI's help.⁵

Less "easily-led," or gullible, was a man, called "Individual C" in court documents, who apparently joined Daoud for a while in the plot. However, he became suspicious that the guy they were talking to was a spy. Then, when he and Daoud were yelled at for their jihadist ramblings by mosque leaders, C dropped out of the plot, saying he didn't want to kill "random" Americans, but only those in the military.⁶

By contrast, Daoud seems to have been taken in by the informant to the end. At one point, however, Daoud did say he would "kill" a person who is a spy and that he didn't "take this...lightly." The operative, ever accommodating, replied that "anybody who spies must be killed."⁷ Daoud's arrest, like the lectures from his father and from mosque leaders, did not change his mind about his terrorist efforts. And, as Rachel Cohen documents, he apparently continued to believe in killing spies: while in jail he apparently tried to find someone on the outside to murder the operative who had put him there.

⁵ Kim Janssen, "Chicago terror bomber targeted my bar, co-owner of Cal's says," *suntimes.com*, September 16, 2012.

⁶ Criminal Complaint, 28.

⁷ Criminal Complaint, 27.

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1. Overview

On September 15, 2012, an 18-year-old man named Adel Daoud was arrested for a foiled attempt to detonate a car bomb outside a Chicago bar.¹ He was originally supplied with what he believed to be a bomb by an undercover FBI agent.² After it failed to detonate, he was taken into custody. On August 29, 2013, Daoud was charged with attempting to have an undercover FBI agent killed while Daoud himself was imprisoned.³ Additional delays have emerged as a result of surveillance concerns brought on his behalf. The prosecution and defense are locked in a battle over whether the government needs to disclose the methods of surveillance it used in order to initially flag Daoud as a security risk. After Senator Diane Feinstein's December 2012 reference to the case on the Senate floor, as well as the media attention given to the NSA's expanded surveillance techniques in light of Edward Snowden's May 2013 leaks, the defense argued that they had a right to know if these programs had been used to track Daoud.⁴ The prosecution countered and argued that since no evidence used in their case against him was directly derived from expanded surveillance, they were not obligated to disclose how he was observed.⁵ On August 28, 2013, Judge Sharon Johnson Coleman denied the defense's motion.⁶ However, on September 3, 2013, Judge Coleman vacated her own ruling, leaving the case in limbo as of October 1, 2013.⁷

2. Nature of the adversary

Adel Daoud is an interesting man to study because he has been portrayed strikingly differently by different people. He was raised in a middle-class suburb of Chicago, with his family intact.⁸ In initial news articles, next door neighbors were quoted as calling him "a good kid."⁹ His brother, Amr, has called him "peaceful," referencing a time that Adel Daoud was hit in school and did not retaliate.¹⁰ Amr also referenced his brother's devout nature as evidence of

¹ Michael Schwartz and Marc Santora, "Man Is Accused of Jihadist Plot to Bomb a Bar in Chicago," *nytimes.com*, September 15, 2012.

² Michael Tarm and Jason Keyser, "Teen Charged with Trying to Blow Up Chicago Bar," *ap.org*, September 15, 2012.

³ Staff, "Adel Daoud, Ill. Teen terror suspect, also charged with plotting to kill undercover FBI agent, prosecutors say," *cbsnews.com*, August 30, 2013.

⁴ Associated Press, "Judge reverses key ruling on surveillance evidence in Adel Daoud Wrigleyville case," *abclocal.go.com*, September 3, 2013.

⁵ Associated Press, "Judge reverses key ruling on surveillance evidence."

⁶ Chuck Goudie, "Government wins major spy ruling in Chicago terror case," *abclocal.go.com*, August 28, 2013.

⁷ Associated Press, "Judge reverses key ruling on surveillance evidence."

⁸ Michael Tarm, "Teen Charged With Chicago Bomb Plot Appears in Court," *nbcchicago.com*, September 17, 2012.

⁹ Tarm and Keyser, "Teen Charged with Trying to Blow Up Chicago Bar."

¹⁰ Schwartz and Santora, "Man Is Accused of Jihadist Plot to Bomb a Bar in Chicago."

peacefulness, saying that he would wake up at 4 a.m. to pray with their father at the mosque.¹¹ Daoud's attorney, Thomas Durkin, has called his client "immature," and in public statements focuses on his client's youth and the fact that he is "socially awkward."¹² The idea that Daoud, in his youthfulness and naiveté, may have been unreasonably influenced by the FBI agents who provided him with the faux car bomb is one that has been at the core of Durkin's public defense.¹³

The idea of peacefulness, though perhaps not the idea of naiveté, runs contrary not only to Daoud's actions on September 15, 2012, but also to many of his online interactions that were made public after his arrest. Daoud sent out e-mails over the summer of 2012 containing PowerPoints defending the actions of Osama bin Laden and advocating violent jihad, which initially attracted the attention of the FBI.¹⁴ Additionally, he clashed several times with imams at his mosque over the idea of violent jihad as a legitimate course of action.¹⁵ Daoud advocated for the use of violence, again running contrary to the peaceful nature the defense has portrayed, and was told not to do so in the mosque.¹⁶

Another theme running throughout many of the statements given to the media by people who knew Daoud was that of a lower mental capacity, going hand in hand with the idea that he was easily to manipulate. Neighbors have referred to him as "a little kid," and stressed the idea that he was "brainwashed" or led astray by others.¹⁷ A less complimentary member of his mosque called him "intellectually challenged" and stated that he would never have had the capacity to build a bomb without the assistance of the FBI.¹⁸

3. Motivation

To question Daoud's capacity to perform an act of terrorism without FBI assistance necessitates also questioning his motivation. It is evident from many of Daoud's behaviors that what attracted the FBI to him in the first place was that he was interested in attempting violent jihad; he was initially targeted for increased observation due to his email solicitation of assistance in killing Americans through jihad in the summer of 2012.¹⁹ Daoud held general anti-American sentiments, and an FBI affidavit stated that he felt that America was at war with Islam and Muslims.²⁰

¹¹ Schwirtz and Santora, "Man Is Accused of Jihadist Plot to Bomb a Bar in Chicago."

¹² Staff, "Adel Daoud, Ill. Teen terror suspect."

¹³ Tarm, "Teen Charged With Chicago Bomb Plot Appears in Court."

¹⁴ Schwirtz and Santora, "Man Is Accused of Jihadist Plot to Bomb a Bar in Chicago."

¹⁵ Kim Janssen, "Chicago terror bomber targeted my bar, co-owner of Cal's says," *suntimes.com*, September 16, 2012.

¹⁶ Janssen, "Chicago terror bomber targeted my bar, co-owner of Cal's says."

¹⁷ Alex Perez and Matthew Jaffe, "Neighbor Says Accused Chicago Bomb Plotter 'A Very Nice Guy,'" *abcnews.go.com*, September 17, 2012.

¹⁸ Janssen, "Chicago terror bomber targeted my bar, co-owner of Cal's says."

¹⁹ Staff, "Teenage 'jihadist' held without bond after being charged with terror plot to detonate car bomb outside Chicago bar," *dailymail.co.uk*, September 21, 2012.

²⁰ Ryan Haggerty, Dawn Rhodes, and Annie Sweeney, "Teen held in 'jihad' terrorist plot to bomb Chicago bar," *chicagotribune.com*, September 16, 2012.

However, his motivation for committing terrorism is much hazier. The FBI told Daoud that foreign imams wanted him to engage in terrorism, something that his domestic imams had warned him against several times.²¹ And the question then becomes—would Daoud have been motivated to move from verbally advocating for violent jihad to attempting to perform it without the FBI's intervention?

The defense in the case says no, understandably. Durkin's main argument hinges on the idea that Daoud was impressionable and talked into performing a terrorist act because of his belief that doing so was the desire of foreign imams.²² From this point of view, Daoud's motivation came at least in part from external sources.

While it seems possible that Daoud was influenced somewhat by the FBI and their invented imams, it is also important to remember that Daoud himself took the first step—and many more steps—by attempting to use the internet to facilitate violent jihad. He took the initiative to provide a list of potential targets that would have the largest and most newsworthy impact. The exact contents of Daoud's list have not been publicly disclosed, but an official statement reads that it featured “military recruiting centers, bars, malls, and other tourist attractions in the Chicago area.”²³ And he repeatedly expressed interest in violent jihad to members and leaders of his mosque. According to the FBI, Daoud spoke of “brainwashing” others to convince them to also join in violent jihad.²⁴ Though it is impossible to know whether Daoud would have attempted violence without the avenue provided by the FBI, it is unrealistic to pretend that his inclinations toward violence stemmed from the FBI's intervention. Daoud was religiously motivated to commit acts of terrorism before the FBI ever contacted him, but the act itself may have been at least partially motivated by outside influences.

4. Goals

Daoud's goals fall in line with his motivations. He wanted to kill Americans because he believed in violent jihad, and he wanted to kill as many of them as possible. He provided an FBI informant with a list of 29 targets in Chicago that he believed would have the greatest impact and lead to the largest possible loss of life.²⁵ He also considered the types of people that would be at these locations. Daoud eventually settled on the Cactus Bar & Grill as a target.²⁶ He targeted the bar in part because, according to him, it was going to be filled with “kuffars,” or non-believers, and combined a bar, liquor store, and concert venue into one setting.²⁷

Daoud expressed to the FBI informant his desire that the casualties of the bombing be as high as possible. He allegedly stated that he “wanted something . .

²¹ Staff, “Teenage ‘jihadist’ held without bond.”

²² Tarm, “Teen Charged With Chicago Bomb Plot Appears in Court.”

²³ Schwirtz and Santora, “Man Is Accused of Jihadist Plot to Bomb a Bar in Chicago.”

²⁴ Haggerty, Rhodes, and Sweeney, “Teen held in ‘jihad’ terrorist plot to bomb Chicago bar.”

²⁵ Tarm and Keyser, “Teen Charged with Trying to Blow Up Chicago Bar.”

²⁶ Annie Sweeney, “Hillside teen arraigned in bar-bombing plot,” *chicagotribune.com*, October 11, 2012.

²⁷ Tarm and Keyser, “Teen Charged with Trying to Blow Up Chicago Bar.”

. that's gonna make it in the news like tonight.”²⁸ He also expressed a desire that it be clear to the public that the bombing was an act of terrorism.²⁹ Again, this falls in line with his goals of striking back for the perceived American war on Islam, because one of his desires was that Americans understand why the attack was happening.

5. Plans for violence

Daoud initially planned to target an unnamed Chicago nightclub alongside an unidentified partner, but abandoned these plans after his imam and his father learned of them and convinced the partner to back down.³⁰ Daoud was not swayed, and over the course of May and June 2012, he used the internet to seek advice about whether to commit an attack and assistance in doing so.³¹ Two undercover FBI agents contacted Daoud online, and provided him with contact information for a third FBI agent, who supplied Daoud with a Jeep full of what Daoud believed to be explosives.³² Daoud drove the Jeep to the bar, parked, and hit what he believed to be a trigger mechanism as he walked away.³³

6. Role of informants

FBI informants played an extremely large role in this case. After Daoud drew the attention of the FBI through his pro-jihad and pro-Osama bin Laden e-mails, agents reached out to him online in the early summer of 2012.³⁴ Two of them exchanged virtual messages with Daoud in which, according to an FBI affidavit, Daoud advocated for violent jihad.³⁵ After communicating with the agents online, Daoud was introduced to another FBI agent who posed as a terrorist who was living in New York and was the only informant Daoud met with in person.³⁶ Daoud and the third agent met in person six times in Villa Park, a Chicago suburb, during the summer of 2012, and the agent eventually provided Daoud with what Daoud believed to be a car bomb, a Jeep filled with a fake explosive.³⁷ When Daoud attempted to detonate the bomb, the FBI took him into custody.

Daoud's defense attorney would—and does—argue that the role of informants was large enough that the line between informing and entrapping may have been blurred. Without the FBI providing Daoud with access to what he believed to be explosives, Daoud's actions might have been radically different. Although Daoud held strong anti-American beliefs and verbally supported the idea of violent jihad, he was an 18-year-old suburban Chicago resident, and

²⁸ Haggerty, Rhodes, and Sweeney, “Teen held in ‘jihad’ terrorist plot to bomb Chicago bar.”

²⁹ Haggerty, Rhodes, and Sweeney, “Teen held in ‘jihad’ terrorist plot to bomb Chicago bar.”

³⁰ Haggerty, Rhodes, and Sweeney, “Teen held in ‘jihad’ terrorist plot to bomb Chicago bar.”

³¹ Staff, “Teen terror suspect who tried to ‘detonate bomb’ outside Chicago bar appears in court as lawyer claims he is just an ‘immature kid,’” *dailymail.co.uk*, September 17, 2012.

³² Staff, “Teen terror suspect who tried to ‘detonate bomb’ outside Chicago bar.”

³³ Tarm, “Teen Charged With Chicago Bomb Plot Appears in Court.”

³⁴ Staff, “Teenage ‘jihadist’ held without bond.”

³⁵ Tarm and Keyser, “Teen Charged with Trying to Blow Up Chicago Bar.”

³⁶ Schwirtz and Santora, “Man Is Accused of Jihadist Plot to Bomb a Bar in Chicago.”

³⁷ Tarm and Keyser, “Teen Charged with Trying to Blow Up Chicago Bar.”

individuals who knew him have voiced doubts to the media that he would have had the ability to act upon any of his radical beliefs without the assistance of the FBI.³⁸ Durkin has also stated that the attack itself was not Daoud's idea, suggesting that the FBI drew Daoud into the plot by playing off his immaturity and religiosity.³⁹

The FBI argues that their informant gave Daoud multiple chances to change his mind about the use of violence and made it clear that he did not have to follow through with the plan to detonate the bomb.⁴⁰ Daoud instead allegedly told the informant that he was "totally fine" with the attack, and led him in prayer that it would be successful.⁴¹ Additionally, Daoud began his online support of anti-American sentiment before the FBI ever contacted him, and he also provided the original list of targets. It is essentially impossible to divine what might have happened had the FBI never contacted Daoud, but when given the opportunity to commit an act of terrorism, Daoud signed on.

The pivotal role of informants in this case led to one of its unique features. On August 29, 2013, Adel Daoud was charged with solicitation of murder of a federal agent, murder-for-hire, and obstruction of justice because he allegedly solicited the murder of the FBI informant who supplied him with the fake car bomb.⁴² The prosecution's statement alleged that Daoud solicited someone "to murder the undercover agent" while he was imprisoned, and the charge of obstruction of justice stems from the prosecution's argument that Daoud did so in order to prevent the informant from testifying.⁴³

The charges stem from the testimony of another inmate in Kankakee County Jail, where Daoud is being held as of October 1, 2013.⁴⁴ The prosecution alleges that an inmate gang leader approached Daoud in his cell, and Daoud expressed a desire to have the FBI informant killed.⁴⁵ Durkin called the allegations "absurd," and implied that the testimony was unreliable.⁴⁶

Regardless of whether Daoud is found guilty or acquitted of these charges, they highlight how important the informants were to this case. Daoud communicated with them extensively, exchanging e-mails throughout the summer of 2012, and met with one of them a sufficient number of times to know identifying features and allegedly to know enough about his role in the investigation to attempt to have him killed.

³⁸ Janssen, "Chicago terror bomber targeted my bar, co-owner of Cal's says."

³⁹ Sweeney, "Hillside teen arraigned in bar-bombing plot."

⁴⁰ Haggerty, Rhodes, and Sweeney, "Teen held in 'jihad' terrorist plot to bomb Chicago bar."

⁴¹ Haggerty, Rhodes, and Sweeney, "Teen held in 'jihad' terrorist plot to bomb Chicago bar."

⁴² Jason Meisner, "Feds: Teen arrested in bar bombing plot solicited murder of FBI agent," *chicagotribune.com*, August 30, 2013.

⁴³ Staff, "Adel Daoud, Ill. Teen terror suspect."

⁴⁴ Ron Magers, "Adel Daoud, teen terror suspect, in court on FBI murder attempt," *abclocal.go.com*, September 6, 2013.

⁴⁵ Magers, "Adel Daoud, teen terror suspect, in court on FBI murder attempt."

⁴⁶ Magers, "Adel Daoud, teen terror suspect, in court on FBI murder attempt."

7. Connections

Daoud had no formal connections to terrorist groups, but his admiration for Osama bin Laden and his terrorist acts played a role in his advocacy for violent jihad, as evidenced by his distribution of pro-bin Laden materials via e-mail.⁴⁷ Additionally, the defense alleges that the FBI told Daoud that his plans for terrorism were supported by foreign imams.⁴⁸ Thus, although Daoud had no ties to terrorist groups either foreign or domestic, it is worth noting that his motivation to commit violence was influenced at least in part by the existence of terrorist groups and by his desire to follow in the footsteps of jihadists around the world.

8. Relation to the Muslim community

Daoud was very connected to the local Muslim community, but did not receive support for his actions from local Muslims. He attended the Islamic Foundation School in Villa Park, a Chicago suburb.⁴⁹ Daoud's older brother described him as extremely devout, saying that he would go to mosque for prayers every day at 4am. and expressed interest in going to Canada to go to school to be a sheik.⁵⁰

As discussed above, Daoud's imam opposed the idea of violent jihad, and attempted to talk Daoud down, as did his father. Other attendees of Daoud's mosque expressed to the media their surprise about and opposition to Daoud's actions. Even Daoud's unnamed partner backed down from his plans for violent jihad due to the opposition of the local Muslim community to the idea of terrorism. Although Daoud's views may have been shaped by his extreme religious beliefs, they were not supported by the community as a whole, and were actively rejected by those in leadership roles.

9. Depiction by the authorities

Because Daoud's attempted bombing occurred entirely under the supervision of the FBI, the government had the ability to shape the story very effectively. The U.S. Attorney's office has been careful to stress that the public was never in any danger, because the bomb the FBI supplied Daoud was a fake.⁵¹ The government has arguably also attempted to portray Daoud himself in a particular way; the defense repeatedly has claimed that the government has tried to ignore Daoud's youth and immaturity to portray him as an "international terrorist."⁵² This seems to be an exaggerated charge, but one with definite basis in truth. Daoud was not a particularly smart young man, and his youthfulness and social problems are not referenced in official depictions of him. However, Daoud plotted to commit violence before the FBI ever reached out to him, and so a portrayal of him as a terrorist does seem valid.

⁴⁷ Schwirtz and Santora, "Man Is Accused of Jihadist Plot to Bomb a Bar in Chicago."

⁴⁸ Staff, "Teenage 'jihadist' held without bond."

⁴⁹ Perez and Jaffe, "Neighbor Says Accused Chicago Bomb Plotter 'A Very Nice Guy,'"

⁵⁰ Haggerty, Rhodes, and Sweeney, "Teen held in 'jihad' terrorist plot to bomb Chicago bar."

⁵¹ Staff, "Teenage 'jihadist' held without bond."

⁵² Staff, "Adel Daoud, Ill. Teen terror suspect."

10. Coverage by the media

The media's coverage of the attempted bombing itself has focused extensively—though by no means exclusively—on sympathetic characterizations of Adel Daoud. Daoud's defense has done an excellent job of focusing on his youth, immaturity, or intellectual inferiority which serves to make him seem less culpable. The media has picked up many of those statements and used them in their portrayals of Daoud, offering up articles citing his neighbors' positive impressions of him, his counselor's views of him as socially inept, or mosque attendees' beliefs that he was not particularly intelligent.

Additionally, because the public was never in immediate danger, the media has not been particularly alarmist in their discussion of the attempted bombing. The plan was under FBI control and thwarted before journalists ever knew it existed, making it easier to report facts in a clear and level-headed way. Many news sources provided longer articles that were both thorough and relatively objective, due to the completeness of the narrative when it was revealed to the public following Daoud's arrest.⁵³

The media's coverage of the continuing developments of the Daoud case, such as his murder-for-hire charges and the revelation that expanded surveillance techniques may have been used in his case, has been understandably somewhat less thorough, bearing the hallmarks of breaking news. The articles have been shorter and more sensationalized; many of them appear only on Chicago-area news sources, while initial coverage was national.⁵⁴

11. Policing costs

Because the surveillance used in the case is still classified, it is difficult to estimate policing costs. The three informants were all FBI agents, meaning that they were on FBI payroll, but it is unlikely that they worked entirely on the Daoud case for the majority of the summer of 2012. These agents were probably paid normally to work on a variety of projects, and Daoud was one of them.

12. Relevance of the internet

The internet played a vital role in the Daoud case. Without the internet and internet surveillance, it is highly unlikely that the FBI would have ever found out about Daoud's anti-American sentiment, as he communicated via emails that were allegedly tracked using expanded surveillance techniques. If the FBI had not been tracking Daoud's online activity and found his pro-violence and pro-Osama bin Laden email exchanges, they would not have ever made contact with him. Many of the correspondences upon which the Daoud case hinges took place via the internet, and even the in-person meetings between Daoud and the informant posing as a New York based terrorist were facilitated over the internet.

⁵³ I found several articles to be extremely useful in this regard while I was compiling this case study, due to their completeness. The two articles that I looked to most frequently for facts of the case were Michael Schwartz and Marc Santora's article in the *New York Times*, "'Man Is Accused of Jihadist Plot to Bomb a Bar in Chicago,'" and Michael Tarm and Jason Keyser's article for the Associated Press, "Teen Charged with Trying to Blow Up Chicago Bar."

⁵⁴ For continued coverage, Chuck Goudie's work for the Chicago-area ABC affiliate was extremely helpful. His coverage of the expanded surveillance controversy was particularly useful.

It is also questionable whether Daoud would have had the mechanisms to find out about and fixate upon the idea of violent jihad without internet access. The influential people physically present in Daoud's life, such as his father and his imam, did not support his views about violent jihad, and even his one-time partner backed down due to pressure from the community. Without having the support of the internet to turn to, it is possible that Daoud might have backed down also: he needed to contact the FBI in order to obtain the resources and support to construct a bomb. Since the internet is a fact of life in the modern era, it is not relevant to Daoud's defense or character what he might have done without this resource, but the idea is worth considering for the reminder it provides—today, anyone can access devastating information online.

13. Are we safer?

At first glance, it might seem obvious that the public interest was served by monitoring, setting up, and arresting Adel Daoud after he attempted to detonate a bomb in one of America's largest cities. Indeed, on a superficial level, the public is safer with Daoud behind bars. Regardless of whether the defense's arguments of entrapment are valid, Daoud was willing to trigger a car bomb in downtown Chicago. Whether doing so was entirely his idea or at least in part a product of the FBI's coercion, it seems worthwhile to put someone who is either extremely inclined toward violence and/or easy to convince to participate in violence behind bars.

On a deeper level, the Adel Daoud case raises many other more complicated questions about safety in a post-September 11, 2001 America. The Daoud case highlights the great lengths to which the U.S. government is willing to go in order to prevent acts of terrorism, but it also highlights potentially questionable decisions made in order to do so. Until the case is decided, there is no way to definitively declare whether or not Daoud was a victim of entrapment, but the willingness of the FBI to blur the line between investigation and entrapment is worrisome, and not necessarily in the public interest. It also leaves open the potential for profiling and the violation of individual rights. The government would argue that the benefits to the public outweigh the perhaps unwarranted concerns about individual rights, and they might be correct, but the possible conflict is there and worth being cognizant of.

14. Conclusions

Although Daoud acted independently of any foreign organization, his case holds significant implications for United States surveillance policy and national security. It is primarily for this reason that, despite the fact that he was arrested in September 2012, he has yet to stand trial as of October 1, 2013.

On December 27, 2012, Senator Diane Feinstein spoke on the Senate floor to advocate for the reauthorization of the Foreign Intelligence Surveillance Act Amendments Act.⁵⁵ During her speech, she referenced a case involving “a

⁵⁵ The Foreign Intelligence Surveillance Act (FISA), originally passed in 1978, has been amended several times since the events of September 11, 2001, notably by the PATRIOT Act under George W. Bush, and the FISA Amendments Act of 2008 (FAA), which Sen. Feinstein successfully

plot to bomb a downtown Chicago bar” as one in which NSA surveillance had prevented terrorist acts.⁵⁶ Up to this point, Daoud’s defense was unaware that NSA surveillance programs might have been used in order to flag him as a potential threat, and it had no access to any documentation resulting from this type of surveillance.⁵⁷ The government has never shared documentation with the subjects of NSA surveillance, but on June 21, 2013, Durkin filed a motion requesting the defense be granted access to all NSA surveillance-related documents relevant to the Daoud case.⁵⁸ The prosecution has fought Durkin’s motion on the grounds that the information is classified and that no evidence derived directly from expanded surveillance carries out by the NSA will be used in their case against Daoud.⁵⁹

On August 28, 2013, Judge Sharon Johnson Coleman sided with the prosecution and denied Durkin’s motion.⁶⁰ Only six days later, on September 3, 2013, Judge Coleman vacated her own ruling after Durkin argued that it was premature.⁶¹ As of October 1, 2013, Judge Coleman had not released a final decision.

Regardless of which way Judge Coleman decides, the implications for the NSA’s expanded surveillance programs will be significant. Cases like Daoud’s are essentially without precedent, because typically the targets of expanded surveillance methods are never aware that such methods were used. Even in Daoud’s case, the revelation that expanded surveillance was used was a fluke of sorts; only Sen. Feinstein’s speech gave any indication that Daoud was under surveillance that was more stringent than usual.⁶² However, if a precedent of greater transparency is set in this case by Judge Coleman granting the defense’s motion, future cases regarding the targets of expanded surveillance could be affected. As stated, the government has never revealed in the past whether defendants were under expanded surveillance, but the heightened attention placed on the NSA’s surveillance techniques following Edward Snowden’s May 2013 leaks, coupled with a precedent from the Daoud case, could make subpoenaing such documents the norm in terrorism cases.⁶³

sought to renew. The FAA allows for the surveillance of American citizens without a traditional warrant. The full text of the act can be found at

<http://www.intelligence.senate.gov/laws/pl110261.pdf>.

⁵⁶ Chuck Goudie, “Teen terror suspect says feds must admit spying on him, Americans,” *abclocal.go.com*, June 21, 2013.

⁵⁷ Staff, “Adel Daoud, Ill. Teen terror suspect.”

⁵⁸ Associated Press, “Terror case lawyer asks Senate committee for info,” *chicagopublicradio.org*, August 27, 2013.

⁵⁹ Goudie, “Government wins major spy ruling in Chicago terror case.”

⁶⁰ Goudie, “Government wins major spy ruling in Chicago terror case.”

⁶¹ Associated Press, “Judge reverses key ruling on surveillance evidence.”

⁶² Ryan Gallagher, “Government Internet Surveillance in Chicago Bomb-Plot Case Can Remain Secret, Judge Rules,” *slate.com*, August 29, 2013.

⁶³ Edward Snowden was a computer programmer employed by Booz Allen Hamilton, an NSA contractor, who leaked evidence of expanded surveillance techniques used by the NSA to gather telephone data in the U.S. and Europe and track online activities. On June 14, 2013, he was charged with espionage and theft of government property. He was granted political asylum by the Russian government in July 2013. An excellent collection of articles on Snowden can be found at <http://www.theguardian.com/world/edward-snowden>.

Although it seems highly probable that Daoud will be convicted of some or all of the criminal charges against him, it is difficult to predict how some of the most interesting features of the case will work out including Judge Coleman's decision about the defense's motion for access to expanded surveillance documentation. Judge Coleman herself seems less than sure of her course of action on the motion, demonstrated most strikingly by her decision to vacate her own initial ruling.

However, it is fair to say Adel Daoud did in fact push the triggering device of what he believed to be a bomb. Studying Daoud as an individual provides a case study of what a domestic terrorist may look like and from where his or her motivations may stem. Daoud's motivations supposedly resulted from his perceived grievances with American interactions with Islam as a religion. The degree to which his youthfulness and his interactions with the FBI shaped his decisions will be contested by the opposing forces in the case. In court, lawyers will argue how these factors affect his culpability, but for the purposes of this case study, this is much less important than simply understanding that these factors can and did play a role in the decision-making processes of Adel Daoud.

The last conclusion to reiterate is the negative reaction of the Chicago Muslim community to Daoud's actions. At this point in American history, Islamophobia is an unfortunate feature of everyday life.⁶⁴ Fearing an entire religious group because of the actions done by extremists is divisive and reactionary, and overlooks the fact that Islam and extremist Islam are two very different things. All the Muslim leaders in Daoud's community and life opposed his plan for jihad, and attempted to prevent him from advocating for or committing acts of violence. Although these leaders apparently did not report Daoud to authorities, they consistently advocated against his actions and believed they had talked him down. Of all of the takeaways from this case study, particularly prior to Judge Coleman ruling on implications for expanded surveillance, this is perhaps the most important.

⁶⁴ Support for this statement could be found many places, but Reuters published an excellent article on September 21, 2010 with various polls, written by Mark Egan, and titled "Fears rise over growing anti-Muslim feeling in U.S." The one that I found most striking was a 2010 Pew poll reporting that only 30 percent of Americans had a favorable view of Muslims. In 2005, 41 percent of Americans had a favorable view of Muslims. The fact that this number dropped so drastically so long after the events of September 11, 2001, which are often credited with increasing the strong anti-Muslim sentiment in the U.S., speaks to the gravity of the problem.