

# Playing Politics with Terrorism List

Congressional Republicans continue to push Islamo-phobic bills, now seeking to put the mostly political Muslim Brotherhood on the foreign terrorist list, notes ex-CIA analyst Paul R. Pillar.

By Paul R. Pillar

Legislation introduced by Sen. Ted Cruz, R-Texas, and Rep. Mario Diaz-Balart, R-Florida, to designate the Muslim Brotherhood as a foreign terrorist organization (FTO) is regrettable on multiple counts. It represents a perversion of the FTO list and reflects an attitude that is likely to increase rather than decrease Islamist terrorism.

There was no official U.S. list of foreign terrorist organizations until 20 years ago, and no need for one despite international terrorism having been a major official concern well before then. Notwithstanding the common practice in public discourse and the press of referring to how this or that government brands or designates a particular group as “terrorist,” any listing or branding by itself accomplishes nothing in combating such groups or reducing terrorism.

The Antiterrorism and Effective Death Penalty Act of 1996 created the U.S. FTO list for a very specific practical reason. Other provisions in that law criminalized for the first time the provision of material support to foreign terrorist organizations. To make prosecution under this statute possible, there needed to be a precise way of defining what constitutes a foreign terrorist organization. Hence the creation of the list.

The 1996 legislation established a procedure in which the various departments and agencies involved participate in a lengthy review process to examine which groups should be listed as FTOs. The law spells out the criteria to govern the review, which basically are that the group must be an identifiable organization that is foreign and has engaged in terrorism that somehow affects U.S. interests. The review process has been thorough and laborious, including the preparation of detailed “administrative records” assembling the available information about each group under examination. The Secretary of State makes the final determinations regarding listing or delisting.

There has been some political manipulation of the list, though it has been to keep or move a group off the list rather than putting it on. The most salient case of this involved the Iranian cult and terrorist group known as the Mojahedin-e Khalq, which Secretary of State Hillary Clinton delisted in 2012. The group, which has killed American citizens in terrorist attacks and

clearly met the criteria for being on the FTO list, had not changed its stripes. Instead, the delisting was a response to the group's long-running and well-financed lobbying campaign to win favor in Washington and especially among members of Congress.

A Congressionally imposed listing of the Muslim Brotherhood would be the first time such politicization would involve putting an organization on the FTO list rather than taking it off. It also would be the first time a group was listed not because of terrorist activities but instead because of dislike for its ideology.

Such a Congressional imposition would be a political end-run around the well-established process for applying the best possible expertise and information to the question of whether a group meets the criteria under the law that governs the FTO list. Such a move would reduce further the credibility in foreign eyes of what the U.S. Government say about terrorism, and lend substance to charges that much of what the United States calls opposition to terrorism is really just opposition to politics and ideologies it does not favor.

### **Mostly Political, Not Violent**

The Muslim Brotherhood is a predominantly Egyptian organization with origins that go back to the 1920s. Its establishment was partly a response to the fall of the Ottoman Empire and to the militant secularism of Ataturk and his abolition of the Istanbul-based caliphate. For most of its modern history in Egypt, the Brotherhood has been the principal peaceful manifestation of political Islam.

During the rule of Hosni Mubarak, the Brotherhood was officially proscribed but in practice tolerated, being allowed to run candidates for office as independents or under the label of some other party. The extent of the Brotherhood's popular support was demonstrated after Mubarak's fall, when in a free election a Brotherhood leader, Mohamed Morsi, was elected president. The Egyptian military coup of 2013 began a harsh crackdown that was aimed at political liberties in general but specifically at the Muslim Brotherhood.

The forms and practices of Brotherhood offshoots outside Egypt have depended on the extent of political liberty in each location. In Jordan, for example, the organization has had a status slightly freer than the Egyptian Brotherhood had under Mubarak. The group in Jordan runs candidates and wins parliamentary seats under the Brotherhood's own party label, the Islamic Action Front. Where political liberty is lacking, something different evolves. In the Palestinian territories, for example, that evolution involved the creation of Hamas (which has its own place on the U.S. FTO list).

The habit of seeing previous Muslim Brotherhood ties in the violent and extreme activities of other groups disregards how participation in these groups, and especially the use of terrorism, is a *rejection* of the Brotherhood's peaceful, gradualist path. Such groups are foes, not offshoots or extensions, of the Brotherhood. The groups that terrorized Egypt in the 1990s explicitly opposed the Brotherhood and thought that its peaceful ways were feckless. The leader of one of those groups, Ayman al-Zawahiri, is now the leader of Al Qaeda.

### **The Folly of Suppression**

The fundamental mistake in suppressing groups such as the Brotherhood, or in effect condoning such suppression with a step such as the Cruz-Diaz legislation, is that closing peaceful channels for the expression of political Islam moves more people into the violent channels. We have seen this process playing out in Egypt since the coup, with the harsh practices of military strongman Abdul Fatah al-Sisi being followed directly by an upsurge in terrorist violence in Egypt.

The unfortunate lesson being absorbed by many young men with Islamist inclinations is that all those years of forbearance by the Brotherhood were for naught. The lesson is that only a violent path has any chance of success.

The newly introduced legislation is bad not only as a politicization of counterterrorism but also as a counterproductive approach to Islamist terrorism in particular. Also unfortunate are indications of this approach becoming part of the new administration's direction. A disturbing part of the testimony this week by the nominee for Secretary of State, Rex Tillerson, was his seamless lumping of the Muslim Brotherhood with "other agents of radical Islam, like al-Qaeda."

Likely to be even more damaging is the entrenchment of indiscriminate Islamophobia at the center of national security decision-making in the White House.

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