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The Muslim Brotherhood Is Not a Terrorist Organization
How Designating It Would Undermine the United States
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In late April, U.S. President Donald Trump announced that he would seek to have the State Department designate [the Muslim Brotherhood](#) ^[1] a Foreign Terrorist Organization (FTO). The directive came on the heels of a visit to the White House by [Egyptian President Abdel Fattah el-Sisi](#) ^[2], one of Trump's favorite autocrats and an enemy of the Brotherhood. Trump first directed the State Department to look into designating the Brotherhood in 2017, but it decided that the group did not meet the legal requirements of an FTO, since it is not a unitary organization and does not have an established pattern of violence.

The Brotherhood has not changed since then. Numerous loosely affiliated groups are lumped together under its heading, but they share no central command and few principles other than a broad devotion to Islam. The Brotherhood's national chapters include organizations as diverse as the political party Ennahda, a pillar of the pro-democracy establishment in Tunisia, and the militant group Hamas, the terrorist organization in Gaza, which the United States has already designated. What has changed is the White House. Members of Trump's administration who once objected to this move, including former Secretary of State Rex Tillerson, have mostly departed and been replaced by "yes men," allowing Trump to ignore the legal and historical standards of FTO designations.

Because the move would ultimately be a favor to Sisi, Trump may end up targeting the Egyptian Muslim Brotherhood, the group's original and most famous chapter. Founded in 1928 by Hassan al-Banna, the Egyptian Brotherhood has played a critical role as the de facto opposition to a series of Egyptian rulers. Although it was formally banned for decades, its influence in Egyptian society remained widespread. In the 1970s, the Egyptian Brotherhood forswore violence, and it has maintained that commitment ever since—no serious student of the group suggests otherwise. For that reason alone, an FTO designation would be extremely unlikely to hold up if challenged in court.

Much of the discussion of Trump's proposal has focused on the potential consequences for Brotherhood-affiliated organizations and their members. Even if Washington designated only the Egyptian Brotherhood, the move would label hundreds of thousands of people as terrorists. The United States would be providing cover for Sisi's government to expand an already brutal crackdown. The Brotherhood's leadership is imprisoned in Egypt or in exile, and many of its members live in fear of arrest by Sisi's Mukhabarat, or intelligence service. Designating the Brotherhood would further its members' exclusion from conventional politics, which would likely spur radicalization and the proliferation of violent splinter groups. In the United States, the political right has long vilified the Brotherhood and could use an FTO designation to target a range of U.S.-based groups with ties to the Egyptian Brotherhood, such as the Council on American-Islamic Relations. The label would undoubtedly be seen as confirmation of various conspiracy theories about the Brotherhood, such as those that portray it as the beating heart of Islamist extremism, and thus fuel Islamophobia in the United States.

The designation could also do serious damage to U.S. counterterrorism policy. Ever since it was enacted in 1996, the law under which the federal government designates FTOs has been an essential tool in the fight against terrorist groups. It gives the U.S. government sanction authority to freeze terrorist assets in the United States and the leverage to insist that other countries follow suit. It also provides the basis for prosecuting people for supporting terrorist groups.

An FTO designation can be a powerful instrument. Terrorism doesn't cost a lot of money, so freezing, say, \$7 million of al Qaeda funds in U.S. banks, as the United States has done since 1999, deals the group a significant setback. The United States has prosecuted scores of people on material support charges—including would-be foreign fighters of the Islamic State (also known as ISIS) who were prevented from traveling to Iraq and Syria because of the legislation. One notable case involved the Libyan terrorist Ahmed Abu Khattala, leader of Ansar al-Sharia Benghazi, which the State Department designated an FTO after its involvement in the 2012 killing of Ambassador Christopher Stevens and three other Americans in Benghazi. U.S. Special Forces apprehended Abu Khattala in 2014, and he was charged with a range of crimes, including murder. Ultimately, the prosecution could not make most of the charges stick because it lacked evidence that Abu Khattala was present during the attack. But he was convicted on a material support charge and is now serving a 22-year sentence.

Above all, the designations regime's power comes from the United States' ability to line up support from other governments and international organizations. When Washington puts together a comprehensive case for designating a group affiliated with al Qaeda, for example, the United Nations almost always follows suit and lists the group on its Al-Qaida Sanctions Committee regime. That regime is binding on all UN member states, meaning that they are required to freeze the assets of designated groups or individuals, prevent them from traveling, and ensure that they cannot acquire arms. The U.S. system has laid the groundwork for other, smaller states to manage terrorist threats within their borders. In 2008, the State Department designated the Philippines-based Rajah Solaiman Movement, an insurgent group with links to the separatist Moro Islamic Liberation Front, which has been waging a decades-long campaign against the Manila government. It also successfully lobbied the UN to list the group. If the United States had not taken these steps, the government of the Philippines would not have had the basis to pursue the law enforcement and counterterrorism finance initiatives that weakened the group and ultimately defeated it 2009.

The European Union makes many of its terrorist designations on the basis of U.S. determinations. In 2013, after a concerted lobbying effort by the United States, the EU designated Hezbollah's military wing a terrorist organization. The move was only a partial success—the United States had designated the entire organization and hoped the EU would do the same—but still a significant achievement that cut into Hezbollah's ability to raise funds and buy materiel in Europe. The robustness of the U.S. system also lends legitimacy to the EU's designations. For example, in 2018, Hamas lost a court case challenging its EU designation in part because the European Court of Justice found that the U.S. system (which also lists Hamas) was credible and provided ample due process.

Should the Trump administration pursue a designation of the Muslim Brotherhood, it will erode the persuasive power of U.S. designations. Other countries would see the move as capricious, and it could well undermine existing EU designations that relied on U.S. efforts. U.S. global leadership in counterterrorism has already been damaged by the Trump administration's decision to designate Iran's Islamic Revolutionary Guard Corps last month—the first time a legal tool designed for dealing with nonstate actors was applied to a part of a hostile state. The move weakened the United States' credibility by showing that the administration is willing to bend the rules in order to threaten its enemies. A Muslim Brotherhood designation would only accelerate the loss of U.S. influence.

The linchpin of the designations regime is its sanctions. Sanctions work best when they are based on solid arguments—typically buttressed by U.S. intelligence—that other states can use to justify following the United States' lead. Sanctions lose their value when they look more like expressions of presidential pique or favors to other rulers. The Trump administration's kitchen sink approach to Iran is already hurting the legitimacy of U.S. sanctions and creating resentment among traditional U.S. partners. Weakening the designations regime—and thereby increasing the likelihood that U.S. sanctions go unsupported by other countries—would be a mistake.

Jihadist terrorism has largely been eclipsed in the news lately by white supremacist attacks, but it remains a serious threat. U.S. counterterrorism policy has, however, been remarkably successful—a fact obscured by fear-mongering politicians and commentators—and the system of designating and sanctioning FTOs is an important reason why. Vitiating that regime is a bad idea.

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