

**Chronicle of Philanthropy OpEd Article**  
**by 2004-2005 Waldemar A. Nielson Chair Teresa Odendahl**

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In the wake of the U.S. government's overzealous efforts to deter nonprofit groups from aiding terrorism, contributions from the Muslim-American community to organized international charities have plummeted. The reason? Muslims worry that they, or the organizations they support, could land on the suspected terrorist lists that Washington now keeps -- no matter how innocent their efforts or benign the charity. Is giving by Muslims to tsunami relief efforts, especially through Islamic charities, going to be slowed as well? The anti-terrorism rules may deter much needed funding from getting to tsunami-stricken countries with large Muslim populations.

Since September 11, 2001, the Bush Administration has cast a wide net to ensure that charities in the US are not transmitting funds to any groups it deems terrorist. This security regime has compromised the civil rights and liberties of Muslims, Islamic organizations, and potentially nonprofit advocacy groups critical of the current Administration. All this furor is based on questionable evidence that US based charities are a *significant* source of funding for terrorist activities.

In the last three years, an environment of suspicion has had a deleterious impact on many of the nation's Islamic public charities. Two of the largest, Global Relief and the Benevolence International Foundation, had millions of dollars in assets frozen and were permanently closed down. According to *The 9/11 Commission Report*, no one involved has been convicted and the government has proven neither charity guilty of any terrorism-related crime. The Islamic American Relief Agency is the most recent victim of the crack down.

Washington now blocks people and organizations not only suspected of terrorism, but of materially aiding or associating with terrorists. In other words, it has created a new kind of fellow traveler -- not unlike the thousands of people in the 1950's whose constitutional rights were violated for no apparent cause. This arbitrary administrative power was granted by Executive Order 13224 and the USA PATRIOT Act, signed by President Bush in the heat of September 11<sup>th</sup>.

The task of rounding up and shutting down Muslim charities has fallen to the Department of Treasury's Office of Foreign Assets Control (OFAC), which has little experience in monitoring nonprofits generally, and Muslim activities in particular. Two years ago the agency issued anti-terrorist financing guidelines for US-based charities, without any public dialogue or comment. Ironically these guidelines were a response to Arab-American and Muslim-American organizations seeking direction on how to avoid legal penalties.

The excessive guidelines suggest checking the names of an organization's employees, service providers, subcontractors and recipients against the main list kept by OFAC as well as the Department of Justice's Terrorist Exclusion List, the United Nations list designated by the UN Security Council, a European Union list, and *any other official list available to the charity*. The lists are uncoordinated and inaccurate. There is no process for removing a name once it has been incorrectly added. Just ask Antonio Romero, the head of the ACLU, and Senator Edward Kennedy.

When we think of lists and list checking, we almost immediately think of the communist blacklists of McCarthyism. There are other clear parallels such as the use of ‘the politics of fear:’ the constantly changing color-coded threat levels, the courting of informants, and the idea of weeding out a threat from within. For example, the government’s Operation Green Quest is a multi-agency anti-terrorist financing task force. Its brochure lists first among targets “Charity or Relief Organizations.”

This kind of overreaching is not new; it was the same approach the government took with immigrants during World War I, the interred Japanese-Americans in World War II and suspected communists in the Cold War. It goes against the core of the American views of justice, the idea that we are innocent until proven guilty, and our belief in charities as a significant element in expanding our civil society.

The U.S. charitable sector, now a \$240 billion industry, relies on the generous spirit of Americans to foster its goals. In an insidious manner, US government agencies with little real knowledge of the charitable sector have found the latter to be a vulnerable scapegoat. By targeting Muslim Americans, Islamic nonprofits, relief organizations and advocacy groups, the government paints a discriminatory broad-brush in defiance of our Constitutional principles as well as common sense. Current Bush Administration policy is both ineffective and misguided. Has the Bush administration learned nothing from history?

No one is arguing that terrorism is not a real and dangerous threat. But, by enforcing elaborate, draconian rules, Washington is doing mightily what it claims to be against: harming charities and the people they serve while doing little to stem terrorism. In light of the international crisis such as that caused by the tsunami, where the need is enormous and speed of aid organizations essential, might not Islamic charities have more experience to assist victims and might list checking actually be a detriment to relief efforts of any kind? Perhaps the tsunami disaster can lead to more debate about the anti-terrorism guidelines for international giving by nonprofits and raise public concern and public pressure to change these measures.

Teresa Odendahl  
Waldemar A Nielsen Chair of Philanthropy  
Center for Public and Nonprofit Leadership  
Georgetown Public Policy Institute