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What Could Globalization Mean for Domestic Islamic-Socio-Political Activism?

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WHAT COULD GLOBALIZATION MEAN FOR DOMESTIC ISLAMIC-SOCIO-POLITICAL ACTIVISM?

*Nina J. Crimm**

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INTRODUCTION

In this post-modern era, religion has been experiencing a worldwide transformation. Some see a resurgence of traditional religion, including Islam, evidenced by an increase in renewed religious rituals and practices in countries of varying levels of economic development, political structures, and religious traditions including those of North America, the Middle East, Asia, and Africa.¹ Others do not agree entirely.² An emphasis on

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1. See, e.g., John L. Esposito, *Religion and Global Affairs: Political Challenges*, 18 SAIS REV. 19 (1998); Scott M. Thomas, *A Globalized God Subtitle: Religion’s Growing Influence on International Politics*, 89 FOREIGN AFF. 93 (2010); see generally VOICES OF RESURGENT ISLAM (John L. Esposito ed., 1983).

conservative religious beliefs and practices has declined in many industrialized, rich countries,³ with the United States as one prominent exception.⁴ Yet, most analysts appear to agree that developing countries in the Southern regions of the world are increasingly populated by individuals holding conservative religious beliefs.⁵ Moreover, “there are more people alive today with traditional religious beliefs than ever before in history, and they’re a larger percentage of the world’s population than they were 20 years ago.”⁶ Many think that morality-based values, if not religious precepts (Islamic, Catholic, Protestant), in all parts of the world have become more relevant to, if not a significant influence on, ideological, social, economic, and political issues.⁷

These alterations are tied directly to globalization by which the world is experiencing a “‘historically unique *increase of scale* to a global interdependency among people and nations’ . . .

2. See, e.g., OLIVER ROY, HOLY IGNORANCE: WHEN RELIGION AND CULTURE PART WAYS 3 (2010) (arguing that there are new forms of religious visibility rather than an “outbreak of religiousness”); *World Values Survey, Is There A Global Resurgence of Religion?*, PEW FORUM ON RELIGION & PUBLIC LIFE (May 8, 2006), <http://www.pewforum.org/Politics-and-Elections/Is-There-a-Global-Resurgence-of-Religion.aspx> [hereinafter *Global Resurgence of Religion*].

3. *Global Resurgence of Religion*, *supra* note 2 (statement of Ronald Inglehart, Chairman, at the National Press Club, Washington, D.C.). There also has been an emphasis on secularism in many of these countries, particularly in such European countries as France. PEW FORUM ON RELIGION & PUB. LIFE, AN UNCERTAIN ROAD: MUSLIMS AND THE FUTURE OF EUROPE I (2005), *available at* <http://www.pewforum.org/Muslim/An-Uncertain-Road-Muslims-and-the-Future-of-Europe.aspx>.

4. The revival of traditional religious beliefs was on prominent display during the 2010 congressional elections. Similarly, Christian evangelicals among other religious adherents actively and visibly participated during the 2012 presidential electoral season.

5. Thomas, *supra* note 1, at 93 (identifying contributing factors to the trend, such as current population shifts and high fertility rates of youthful populations in developing countries); see also U.N. Dep’t of Econ. & Soc. Affairs, Population Div., *The World at Six Billion*, at Part 2, Tables 2–4, U.N. Doc. ESA/P/WP.154 (1999). In 1900, just under one-third of the world population resided in Europe, North America, and Latin America, but by 1999, only about twenty-five percent resided in the more developed regions of the world. *Linking Population, Poverty and Development: Rapid Growth in Less Developed Regions*, U.N. POPULATION FUND, <http://www.unfpa.org/pds/trends.htm> (last visited Dec. 2, 2012).

6. *Global Resurgence of Religion*, *supra* note 2.

7. See, e.g., *id.* (“In this broader sense, spiritual concerns are growing, not shrinking, and a different kind of religion may be playing a bigger role . . . the politics, even of advanced industrial societies, is shifting to one in which [religious] issues are more relevant and value questions are much more central.”).

characteri[z]ed by (1) rapid integration of the world economy, (2) innovations and growth in international electronic communications and (3) increasing ‘political and cultural awareness of the global interdependency of humanity.’”⁸ Those interconnected attributes have presented opportunities for individuals and nations to reconsider their identities and renegotiate their relationships. All people are forced to realize that the continuing process of globalization is depicted by polarities. It intensely accentuates both individuality and pluralism, powerfully implicates political, economic, and social dependency as well as autonomy, and strongly challenges models of democratic, secular governance and society adopted by many western, industrialized nations but eschewed by autocratic theocracies, such as Saudi Arabia and Yemen. The centrifugal force of globalization, with its “temporal and spatial dimensions of planetwide human interaction,”⁹ inexorably causes tensions. Simultaneously it emphasizes commonalities and distinctions, stabilizes and destabilizes, and unifies, as well as divides, groups, societies, and countries.¹⁰

For the large number of Islamic believers, post-modern globalization engages them rather than denies their relevance.¹¹

8. Jeffrey Haynes, *Democratisation in the Middle East and North Africa: What is the Effect of Globalisation?*, 11 *TOTALITARIAN MOVEMENTS & POL. RELIGIONS* 133, 134 (2010). As Thomas L. Friedman similarly writes, globalization is characterized by integration, the Web, and a homogenization, and “is the inexorable integration of markets, nation-states and technologies to a degree never witnessed before—in a way that is enabling individuals, corporation and nation-states to reach around the world farther, faster, deeper and cheaper than ever before.” THOMAS L. FRIEDMAN, *THE LEXUS AND THE OLIVE TREE* 8–9 (2000).

9. Richard L. Harris, *The Global Context of Contemporary Latin American Affairs*, in *CAPITAL, POWER, AND INEQUALITY IN LATIN AMERICA* 279–80 (S. Halebsky & R. L. Harris eds., 1995).

10. For example, globalization offers opportunities to circulate information on such matters as westernized ideals of human rights. Such perspectives, however, can unite people, groups, and countries sharing or aspiring to those ideals, while creating rifts among others.

11. See Mahmood Ahmad, *Religious Resurgence in an Era of Globalization: Islam's Quest for Global Participation* (2005), <http://globalization.icaap.org/content/v5.2/ahmad.html> (“Globalization actually engages Islam rather than denying its relevance... [w]ithin the new public spaces created by globalization, religious identities interact with modern ideas and technologies.”); Interview by Frontline with Amina Wadud, Professor of Islamic Studies, Va. Commonwealth Univ., in Richmond, Va. (Mar. 2002), available at <http://www.pbs.org/wgbh/pages/frontline/shows/muslims/interviews/wadud.html> [hereinafter Amina Wadud Interview] (“[T]he more

It presents a time when they are challenged by technology, capitalistic economic structures, democratic and other political regimes, and human rights systems. In response, they endeavor to “psycho-spiritually” reconfigure themselves.¹² The reformation is a form of an Islamic resurgence through a process of “re-establish[ing] Islamic values, Islamic practices, Islamic institutions, Islamic laws, indeed Islam in its entirety . . . re-creat[ing] an Islamic ethos, an Islamic social order, at the vortex of which is the Islamic human being, guided by the Qur’an and the Sunnah [original Islamic sources].”¹³ A spectrum of Islamic believers, ranging from moderate reformers to radical extremists, is involved in this religious-socio-political awakening. Thus, the “renaissance of Islam and its ethos in all sectors of Muslim societies, from culture and political life to private beliefs and civic networks of faith,”¹⁴ is bound to have tremendous consequences for the global world.

As part of the revival, Islamic believers harness contemporary technologies—computers, cell phones, audio and video tapes, radio, television, the Internet including Twitter and social networking sites, modern transportation, and the like—to disseminate broadly religious-socio-political messages, organize and mobilize mass support, electronically transfer funds, and move physically within a country and trans-nationally. Indeed, during the first decade of the twenty-first century Islamic extremists, such as Osama bin Laden, al Qaeda militants, and other fundamentalists, actively used such technologies to plan, fund, orchestrate, and carry out numerous Islamic-socio-political campaigns against the West. Without exception, such technologies were integral to the planning and execution of the September 11, 2001 attacks that sought to destroy symbols of US financial, military, and political power. They also were used in the bombings on July 7, 2005 in London and on March 11, 2004 in Madrid.

recent manifestations of Islamic resurgence is very intimately tied to the reconfigurations of identity, not only among Muslims, but across others.”).

12. Amina Wadud Interview, *supra* note 11.

13. RIFKI ROSYAD, A QUEST FOR TRUE ISLAM: A STUDY OF THE ISLAMIC RESURGENCE MOVEMENT AMONG THE YOUTH OF BANDUNG, INDONESIA, 9–10 (1995).

14. Amhad, *supra* note 11.

With the unfolding of the twenty-first century's second decade, internationally there already is a new wave of Islamic sociopolitical activism. These outpourings were partly spurred by the confluence of technology, Islam's resurgence, and politics as facets of globalization. Most prominent are the Arab Spring uprisings that emerged as major "bottom-up" attempts to democratize various Muslim countries suffering under authoritarian rule, such as Libya, Tunisia, Egypt, and Syria. These revolts were enabled by various technologies, such as Twitter, and then viewed worldwide on television and the Internet. Protestors received support from foreign individuals and countries, including the United States, if not financially at least ideologically. In Egypt, the uprisings have already led to a democratically elected government. In January 2012, the Muslim Brotherhood, described as "combin[ing] revivalist Islam and Arab sympathies with modern technology, organization, and communications,"¹⁵ won approximately half of the seats in Egypt's Parliament.¹⁶ Then, despite opposition from Egypt's military and young Arab Spring revolutionaries, in June 2012, voters elected Mohammed Morsi, a member of the Muslim Brotherhood, as Egypt's president. And in Tunisia, Saïd Ferjani, of the Islamist party Ennahda, now governs.¹⁷

Islamic sociopolitical activism impelled by technologies in the second decade of the twenty-first century is not reserved for foreign realms. On the domestic front, US policymakers are considering a dramatic shift in US foreign policy in response to the Muslim Brotherhood's new political power. As suggested in Parts I, II and III of this Article, such a change, along with other conditions—some seemingly stagnant and others rapidly evolving—might newly spur Muslim Americans, their leaders, and the charitable sector to mobilize for modifications to post-9/11 domestic policies, laws, and government actions. These modifications would address the policies that problematically have alienated many Muslim Americans, chilled Muslim Americans' philanthropy, hurt US-based Islamic charities, and

15. Neil Munro, *American Muslims: Reformers v. Revivalists*, NAT'L J., July 31, 2010.

16. David D. Kirkpatrick, *Islamists Win 70% of Seats in the Egyptian Parliament*, N.Y. TIMES, Jan. 22, 2012, at A8 [hereinafter Kirkpatrick, *Islamists Win*].

17. Anthony Shadid, *Exile Over, Tunisian Sets Task: Building a Democracy*, N.Y. TIMES, Feb. 18, 2012, at A1.

blocked aid to needy Muslims abroad, tarnishing the reputation of the United States as a result. Assisted by contemporary communicative technologies, new Islamic sociopolitical activism in the United States could bring not only domestic and worldwide attention to these injuries, but also improvements and perhaps even remedies.

I. REPERCUSSIONS REALIZED IN THE FIRST DECADE OF THE TWENTY-FIRST CENTURY

Before September 11, 2001, Muslim Americans rather easily tithed the Qur'anic mandated *zakat*¹⁸ (in accord with the Hadiths, considered indispensable to Islamic believers' spiritual self-purification and essential for Allah to accept prayers),¹⁹ or gave the Qur'anic recommended voluntary beneficence of *sadaqa*,²⁰ to needy Muslims,²¹ even those situated overseas. These

18. Generally *zakat* is a duty to tithe 2.5% of wealth, which is historically paid as a tax. See AMY SINGER, CHARITY IN ISLAMIC SOCIETY 35–44 (2008); see also Nina J. Crimm, *Muslim-Americans' Charitable Giving Dilemma: What About a Centralized Terror-Free Donor Advised Fund?*, 13 ROGER WILLIAMS U. L. REV. 375, 377 (2008) [hereinafter Crimm, *Charitable Giving Dilemma*]. Yet, Shia Muslims are obligated to tithe twenty percent of their income beyond living expenses. See KHALIL JASSEMM, ISLAMIC PERSPECTIVE ON CHARITY 19 (2006).

19. See Crimm, *Charitable Giving Dilemma*, *supra* note 18, at 377.

20. See SINGER, *supra* note 18, at 18; see also Crimm, *Charitable Giving Dilemma*, *supra* note 18, at 378 (explaining that the Qur'an suggests *sadaqa* should be given anonymously or discreetly). *Sadaqa* is given to aid the poor, to assist the incapacitated, to support social services, and to help other worthy recipients and causes. See Azim Nanji, *Charitable Giving in Islam*, 5 ALLIANCE 1 (2000), available at <http://www.islam.co.za/awqafsa/sorcc/library/Article%209.htm>; Imam Ghazaali, *Sadaqa—Giving in Charity*, UNITED WELFARE TRUST, www.uwl.org/site/article.asp?id=170 (last visited Mar. 2, 2010).

21. In addition to the collector of *zakat*, the Qur'an enumerates seven categories of people religiously sanctified and thus entitled to receive *zakat*: the poor, the deprived, the destitute, the homeless, the sick, the wayfarer, and others who are in need of help. See SINGER, *supra* note 18, at 44; see also KHALIL JASSEMM, ISLAMIC PERSPECTIVE ON CHARITY 77 (2006); Neil MacFarquhar, *Fears of Inquiry Dampen Giving by U.S. Muslims*, N.Y. TIMES, Oct. 30, 2006, at A1; *Day to Day Show: Muslims Concerned About Donations*, NAT'L PUB. RADIO (July 26, 2007), <http://www.npr.org/templates/transcript/transcript.php?storyId=12255939>. Today there is widespread belief among Muslims that, according to the prophet Muhammad, the world's neediest Muslims should be the recipients of obligatory *zakat* contributions. See Damien Henderson, *Shaking the Pillars of Islam*, HERALD (Glasgow), Dec. 7, 2004, at A12. Nonetheless, the categories of *zakat* recipients "turn[] out to be broad and flexible, perhaps intentionally so." SINGER, *supra* note 18, at 44.

During the Ottoman Empire, a determination of who constituted needy Muslims was not based entirely on economic need but rather on individuals' social classification,

forms of charity could be transmitted abroad relatively effortlessly by Muslim Americans by utilizing various approaches. Unregulated private conduits and informal means, such as couriers and *hawalas*,²² were commonly used, as were more formal channels, including local mosques and US-based Muslim charities. Yet, in response to the 9/11 terrorist attacks, US and foreign political policymakers reacted powerfully. They quickly and dramatically shifted US foreign policy, enhanced laws, and expanded regulatory authority of government agencies. These reactions had enormous consequences on well-intentioned Muslim Americans and their ability to fulfill their *zakat* duty or give *sadaqa* to even the most destitute Muslims.

Within days of the 9/11 attacks, President George W. Bush announced that the US government would mount a governmental financial war against terrorism,²³ which some criticized as having “the appearance of a war on Islam.”²⁴ Widely commented upon elsewhere by myself and others, Congress enacted a series of new legislation, one piece of which is popularly known as the USA PATRIOT Act, that significantly expanded presidential powers and delegations existing under the International Emergency and Economic Powers Act

such as scholars, mosque employees, and students. *See id.* at 185. With modernization and the rise of the welfare state, new and shifting attitudes influenced the Muslim sense of responsibility, with relief, support, and care of the poor deemed especially important. *Id.* at 196–200. The welfare state reinforced the idea that the poor had a just claim on *zakat* and buttressed *zakat* as fundamental to Islamic moral thought and economic outlook. *Id.* at 203.

22. The *hawala* system is an informal, paperless, and networked money transfer system (“hawala” means “trust”) used by Muslims throughout the world, including the United States. Alan Lambert, *Underground Banking and Financing of Terrorism, in Organized Crime, Terrorism, and Money Laundering in the Americas*, 15 FLA. J. INT’L L. 9, 12–15 (2002). A party pays cash to another person who advances the equivalent funds to, or on behalf of, another designated party for a specified use abroad. *Id.* at 14–15. Thus, no official bank records are maintained, and the funds cannot be tracked by governmental authorities absent additional regulations. *See* Nina J. Crimm, *The Moral Hazards of Anti-Terrorism Financing Measures: A Potential to Compromise Civil Societies and National Interests*, 43 WAKE FOREST L. REV. 577, 583 n.22 (2008) [hereinafter Crimm, *Moral Hazards of Financing Measures*].

23. *See* President’s Address Before a Joint Session of the Congress on the United States Response to the Terrorist Attacks of September 11, 2 PUB. PAPERS 1140, 1142 (Sept. 20, 2001). *See also* Crimm, *Charitable Giving Dilemma*, *supra* note 18, at 204.

24. ACLU, BLOCKING FAITH, FREEZING CHARITY: CHILLING MUSLIM CHARITABLE GIVING IN THE “WAR ON TERRORISM FINANCING” 16 (2009) [hereinafter ACLU REPORT].

(“IEEPA”).²⁵ This legislation strengthened money laundering, tax, racketeering, and other antiterrorism laws, including those aimed at individuals and domestic publicly-supported charities and private foundations that assist, support, or sponsor terrorism or terrorist organizations, financially, or otherwise.²⁶

The Government vigorously enforced these counterterrorism measures. By 2009, the federal government had investigated and prosecuted individuals for allegedly “knowingly”²⁷ providing material support to foreign terrorist

25. See, e.g., Nina J. Crimm, *Post-September 11 Fortified Anti-Terrorism Measures Compel Heightened Due Diligence*, 25 PACE L. REV. 203, 205–13 (2005) [hereinafter Crimm, *Heightened Due Diligence*]; see generally Nina J. Crimm, *High Alert: The Government's War on the Financing of Terrorism and Its Implications for Donors, Domestic Charitable Organizations, and Global Philanthropy*, 45 WM. & MARY L. REV. 1341 (2004) [hereinafter Crimm, *High Alert*].

26. Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) Act of 2001, Pub. L. No. 107-56, 115 Stat. 272 (codified as amended in scattered sections of the U.S. Code), appreciably enlarging presidential powers contained in the International Emergency and Economic Powers Act (IEEPA), Pub. L. No. 95-223, 91 Stat. 1626 (1977) (codified at 50 U.S.C. §§1701–1707 (2006)), and strengthening federal criminal and civil statutes including 18 U.S.C. §§ 2339A, 2339B (2006); see Suppression of the Financing of Terrorism Convention Implementation Act of 2002, Pub. L. No. 107-197, § 202(a), 116 Stat. 724 (codified as amended at 18 U.S.C. § 2339C (Supp. V 2005)) (implementing a United Nations convention signed by the United States in 2000 and adding a new counter-terrorism statute, 18 U.S.C. § 2339C, to reach fundraising, the collection of funds, and other financial transactions that further terrorist activities); Military Family Tax Relief Act of 2003, Pub. L. No. 108-121, § 108, 117 Stat. 1335, 1339 (2003) (codified as amended in scattered section of U.S. Code Section 26) (adding I.R.C. § 501(p) that denies tax-exempt status eligibility to a specially designated global terrorist entity, a designated foreign terrorist organization, or an identified supporting organization of terrorism and enabling the Internal Revenue Service to suspend the tax-exempt status of any such existing organization without an opportunity for prior challenge). For further discussion of these fortified measures, see generally Crimm, *Heightened Due Diligence*, *supra* note 25; see also Crimm, *High Alert*, *supra* note 25, at 1354–58, 1394–97, 1404–26.

27. The level of intent required to be subject to 18 U.S.C. § 2339B, which criminalizes “material support” of terrorists, was not clear when the statute was enacted originally. As Congress considered the enactment of the USA PATRIOT Act, in questions to Attorney General Ashcroft, it addressed the level of intent that should be required under § 2339B. Mr. Ashcroft responded, “we think the standards should be actual knowledge or should have known. That’s a pretty high standard, but we don’t want people to be responsible if they actually thought they were giving—appropriately thought they were giving to a charity.” *Administration’s Draft Anti-Terrorism Act of 2001: Hearing Before the H. Comm. on the Judiciary*, 107th Cong. 25 (2001) (statement of John Ashcroft, Att’y Gen. of the United States), available at http://commdocs.house.gov/committees/judiciary/hju75288.000/hju75288_of.htm.

organizations.²⁸ It also aggressively pursued US-based Islamic charities, visibly placed some “under investigation,” designated several as specially designated global terrorists, froze their tangible and intangible assets,²⁹ and suspended their tax-exempt status.³⁰ These actions crippled numerous Muslim-American organizations, and left few mainstream US-based Islamic charities, including those chiefly dedicated to humanitarian relief aid for Muslims in foreign countries affected by such natural catastrophes as tsunamis, earthquakes, and floods.³¹

In the Intelligence Reform and Terrorism Prevention Act of 2004, Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. No. 108-458, § 6603, 118 Stat. 3761, 3762–64 (codified as amended in scattered sections of 18 U.S.C.), Congress clarified the mental state necessary to violate 18 U.S.C. § 2339B, requiring knowledge of a foreign group’s designation as a terrorist organization or the group’s commission of terrorist acts.

28. 18 U.S.C. §§ 2339A, 2339B (2012). Congress intended only donors who “knowingly” supply foreign terrorist groups financial support, even money meant for purely humanitarian purposes, be subject to the criminal sanctions of § 2339B. *See, e.g.*, *Holder v. Humanitarian Law Project*, 130 S. Ct. 2705, 2725–26 (2010) (“Money is fungible, and ‘[w]hen foreign terrorist organizations that have a dual structure raise funds, they highlight the civilian and humanitarian ends to which such moneys could be put.’ But ‘there is reason to believe that foreign terrorist organizations do not maintain legitimate *financial* firewalls between those funds raised for civil, nonviolent activities, and those ultimately used to support violent, terrorist operations.” (internal citations omitted)); *Humanitarian Law Project v. Gonzales*, 380 F. Supp. 2d 1134, 1146 (C.D. Cal. 2005) (explaining a congressional concern that “under the cloak of a humanitarian or charitable exercise” terrorist organizations would receive funding) (quoting H.R. Rep. 104-383, at *43 (1995)), *aff’d*, 509 F.3d 1122 (9th Cir. 2007), *opinion amended*, 552 F.3d 916 (2009), *aff’d in part, rev’d in part*, 130 S. Ct. 2705 (2010).

29. 50 U.S.C. § 1702(a) (2008); 3 U.S.C. § 301 (2006); 8 U.S.C. § 1189 (2006). Between September 2001 and April 2010, the total amount of US-based charities’ funds blocked by the US government was a paltry US\$3.2 million. *Anti-Money Laundering: Blocking Terrorist Financing and Its Impact on Lawful Charities: Hearing Before Subcomm. on Oversight & Investigations of the H. Comm. on Finan. Servs.*, 111th Cong. 5–7 (2010) [hereinafter *Anti-Money Laundering Hearing*] (statement of Daniel L. Glaser, Deputy Assistant Sec’y, Dep’t of Treasury), available at <http://financialservices.house.gov/Media/file/hearings/111/Printed%20Hearings/111-141.pdf>. Among the US charities that had their assets frozen, with the recent notable exception of KindHearts, few have been de-listed as specially designated global terrorist organizations and permitted to distribute their assets for humanitarian purposes. *See* Press Release, Am. Civil Liberties Union, Government Settles Charity’s Lawsuit Over Unconstitutional Terrorism Probe (May 1, 2012).

30. I.R.C. § 501(p) (2006). For a discussion of the government’s various actions, see ACLU REPORT, *supra* note 24, at 7–13; Crimm, *Charitable Giving Dilemma*, *supra* note 18, at 388–89; Crimm, *Heightened Due Diligence*, *supra* note 25, at 214–15.

31. Indeed, Muslim-Americans’ philanthropy for humanitarian and development aid for the benefit of needy Muslims abroad declined significantly without a commensurate expansion of their giving to US-based secular charities. *See* ACLU

As an American Civil Liberties Union report in 2009 summarized, the government's legislation, policies, and conduct alienated Muslim-Americans; injured America's reputation and diplomatic efforts in Muslim countries; induced Muslim Americans' fear of charitable giving through mosques and other domestic Muslim institutions; and chilled overseas humanitarian aid efforts.³² US decision-makers' political and regulatory responses impinged on individuals' civil liberties, circumscribed freedoms of nongovernmental actors and civil society structures, and thus negatively impacted the welfare of many people and institutions.

Daniel L. Glaser, Deputy Assistant Secretary for Terrorist Financing and Financial Crimes at the US Department of Treasury testified at a hearing before the House Committee on Financial Services Subcommittee on Oversight and Investigations in May 2010, that the government "understands the importance of charitable giving, both at home and abroad, and seeks to encourage charitable giving while also protecting charities from terrorist abuse or exploitation."³³ In support, he briefly outlined various outreach attempts by the Treasury to the US charitable sector and Muslim Americans. These included meetings and collaborative projects with specific Arab and Muslim American communities, efforts to update, amend, and add to Treasury's *Anti-Terrorist Financing Guidelines: Voluntary Best Practices for US-Based Charities*, and the development of a "strategic partnership" with "Arab and Muslim American

REPORT, *supra* note 24, at 105–08 (commenting that religious scholars and followers of Islam reason that pursuant to the Qur'an "a Muslim could not discharge her Zakat obligation by donating to a secular charity or a non-Muslim faith-based charity," and the US government's freezing funds of Muslim-American charities is viewed as preventing *zakat* from reaching donors' intended recipients, frustrating and violating Qur'anic rights of the contributors and the rightful donees); see also Laila Al-Marayati, *American Muslim Charities: Easy Targets in the War on Terror*, 25 PACE L. REV. 321, 332 (2005) (commenting that the refusal of the government to release frozen assets of Holy Land Foundation to another relief group obstructed legitimate Muslim giving).

32. ACLU REPORT, *supra* note 24, at 16. One former Department of Treasury official criticized the government's approach: "By making people paranoid about giving, we are not making the problem [of terrorism] any better. This is essentially the rub. [Going after terrorism financing] is an important thing to do, but at the same time we know that there has been a drop-off in giving, and that's exactly the wrong way to do this. We want more money going to the right places." *Id.* at 127.

33. *Anti-Money Laundering Hearing*, *supra* note 29, at 51 (testimony of Daniel L. Glaser, Deputy Assistant Sec'y, Dep't of Treasury).

communities.”³⁴ Although he suggested that there are limits on what government can do to assist the charitable sector, he implied that the charitable sector must self-regulate, helping vigilantly to protect against institutional risks associated with unintentionally funding terrorism.³⁵

During the same congressional hearing, some nonprofit representatives painted the charitable sector and Muslim Americans as frustrated and victimized by the government. They launched criticisms at the Treasury, its regulatory measures, and its implementation of its various domestic and international policies and programs. They railed at the lack of due process available to charities whose funds are frozen by Treasury’s Office of Foreign Assets Control.³⁶ These critics called upon President Obama and Congress to take steps to reassess antiterrorism laws and governmental counter-terrorism tactics that undermine treasured American values and human rights and chill legitimate religious, humanitarian, and advocacy activities.

Matthew Levitt, Director for the Stein Program on Counterterrorism and Intelligence at the Washington Institute for Near East Policy, took a more conciliatory approach at the hearing. As if partly to address Mr. Glaser’s testimony, he first commented that intelligence reports from the US Department of Justice, the Financial Action Task Force (the thirty-four-member multilateral body setting global standards for anti-money laundering and counterterrorism financing), and British authorities reveal that donor lists outlive US-based Islamic charities that have been terminated. Such long-lived lists then can be shuttled surreptitiously to newly created charities that terrorists use to provide them both logistical and financial support.³⁷ He also indicated that some international Islamic charities responded to governmental crackdowns by

34. *Id.* at 59–63.

35. There are limitations inherent in self-regulation, including restrictions on what due diligence and monitoring of donors and grantees can uncover or protect against, especially dangers presented by surreptitious terrorist figures.

36. See, e.g., *Anti-Money Laundering Hearing*, *supra* note 29, at 65 (testimony of Kay Guinane, Program Dir., Charity & Sec. Network); see also *id.* at 39 (written statement of Michael German, Policy Counsel, ACLU).

37. *Id.*, at 93 (testimony of Matthew Levitt, Dir. for the Stein Program on Counterterrorism & Intelligence at the Wash. Inst. for Near E. Pol’y, referencing also Glenn R. Simpson, *Islamic Charities Draw More Scrutiny*, WALL ST. J., Feb. 23, 2008, at A4).

decentralizing and localizing their financing operations of terrorists and by shifting their funding from investments in specific programs to large infrastructure projects that can conceal the transfers of significant funds intra-nationally and trans-nationally.³⁸ Furthermore, Dr. Levitt repeated that dual militant-social welfare organizations, operating under a veil of legitimacy, continue to produce significant grassroots popular and financial support by, “establishing an unarmed infrastructure[s] that provide[] essential [humanitarian] services” to vulnerable widows, orphans, families of martyrs, and others while laundering and transferring funds for terrorist activities.³⁹ And, as I previously have warned,⁴⁰ he went to great length to decry the unintended, damaging impact that the US laws and the methods of their enforcement had on charitable giving.⁴¹ In other words, Dr. Levitt indicated both government and the nonprofit sector have a responsibility to act cautiously, proceed in good faith with outreach efforts, and cooperate with one another.

In sum, during the first decade of the twenty-first century, counterterrorism laws and policies and their enforcement produced a powerful backlash. There were real, recognized domestic consequences—suggested by some as disproportionate to their benefits⁴²—for Muslim Americans and US-based Islamic charities. There were also global impacts. Many needy Muslims abroad went without support and humanitarian aid from their American brethren. The effects were transformative for Muslim Americans and Islamic believers around the world.

38. *Id.* at 95.

39. *Id.* at 95–96 (quoting Erik A. Claessen, *S.W.E.T. and BLOOD: Essential Services in the Battle Between Insurgents and Counterinsurgents*, MIL. REV. (2007)).

40. See Crimm, *High Alert*, *supra* note 25, at 1402–03; Crimm, *Moral Hazards of Financing Measures*, *supra* note 22, at 578.

41. *Anti-Money Laundering* Hearing, *supra* note 29, at 24–26 (statement of Matthew Levitt, Dir. for the Stein Program on Counterterrorism & Intelligence at the Wash. Inst. for Near E. Policy).

42. See *id.* at 22–23 (statement of Kay Guinane, Program Dir., Charity & Sec. Network); Nathan Vardi, *Al Qaeda's New Business Model*, FORBES, Mar. 1, 2010, at 64; see generally, Daniel J. Mitchell, *Fighting Terror and Defending Freedom: The Role of Cost-Benefit Analysis*, 25 PACE L. REV. 219 (2005).

II. UNDERSTANDING THE SETTING—IN THE INFANCY OF THE SECOND DECADE OF THE TWENTY-FIRST CENTURY

In the infancy of the second decade of the twenty-first century, various factors are already contributing to potential stimuli for new domestic Islamic-socio-political activism to address the damages wrought during the first decade of this century.

A. Demographics

“Globalization has its own demographic pattern—a rapid acceleration of the movement [and growth] of people from rural areas . . . to [and in] urban areas”⁴³ As the second decade of the twenty-first century begins, The Pew Forum on Religion and Public Life (“The Pew Forum”) projects that this demographic pattern will hold true with respect to the continually growing number of Islamic believers.⁴⁴ Studies by The Pew Forum estimated that the Islamic population worldwide numbered 1.57 billion in 2009,⁴⁵ 1.6 billion in 2010,⁴⁶ and is forecast to reach 2.2 billion Muslims worldwide by 2030.⁴⁷ Indeed, the expectation is that most Muslims, who in 2009 represented 23% percent of the world population⁴⁸ and may make up 26.4% of the world’s 2030 total population, will live largely in cities in the Asia-Pacific region (60%) and the Middle East and North Africa (20%).⁴⁹ And, as discussed below in Part

43. FRIEDMAN, *supra* note 8, at 13.

44. PEW FORUM ON RELIGION & PUB. LIFE, THE FUTURE OF THE GLOBAL MUSLIM POPULATION: PROJECTIONS FOR 2010–2030 (2011) [hereinafter PEW FORUM, PROJECTIONS], available at <http://www.pewforum.org/The-Future-of-the-Global-Muslim-Population.aspx>; see also *Linking Population, Poverty and Development*, UN POPULATION FUND (UNFPA), <http://www.unfpa.org/pds/trends.htm> (last visited Mar. 4, 2012).

45. PEW FORUM, PROJECTIONS, *supra* note 44, at 7.

46. *Id.*, at 13. Several factors contribute to these expectations: Muslims’ high fertility rates, improved health and economic conditions, declining infant and child mortality rates, and longer life expectancies. *Id.*

47. *Id.*

48. See PEW FORUM ON RELIGION & PUB. LIFE, MAPPING THE GLOBAL MUSLIM POPULATION 1 (2009) [hereinafter PEW FORUM, MAPPING], available at <http://www.pewforum.org/newassets/images/reports/muslimpopulation/muslimpopulation>.

49. *Id.*; see also Thomas, *supra* note 1, at 93–95. In absolute numbers, the Muslim population in the United States is expected to outnumber Muslims in most European

III, the numerous poor living in these urban communities will likely need social welfare assistance.

With respect to the United States, a definitive population count of Muslim Americans has proved elusive—estimated by varying sources at 2.35 million to 7 million.⁵⁰ Therefore, it is difficult to project their anticipated number in 2030. Nonetheless, based on census figures and other data, The Pew Research Center for the People and the Press (“Pew Research Center”) in 2011 estimated there now are 2.75 million Muslim Americans in the United States.⁵¹ And The Pew Forum predicts that the Muslim American population will more than double before 2030, largely as a result of “higher than average” fertility and immigration,⁵² possibly reaching 6.2 million.⁵³ For this growing population of both native-born and foreign-born Muslim Americans who, in future years, choose to adhere to Islamic beliefs and practices, the obligation and desire to give

countries. *Id.* at 20–21. Only Russia and France are expected to have larger Muslim populations. *Id.* at 20.

50. See CHICAGO COUNCIL ON GLOBAL AFFAIRS, STRENGTHENING AMERICA: THE CIVIC AND POLITICAL INTEGRATION OF MUSLIM AMERICANS 23 (2007) [hereinafter STRENGTHENING AMERICA]; PEW RESEARCH CTR., MUSLIM AMERICANS: MIDDLE CLASS AND MOSTLY MAINSTREAM 10, 13 (2007) [hereinafter PEW RESEARCH CTR., MUSLIM AMERICANS MIDDLE CLASS]. One reason for the difficulty in accurately estimating the number of Muslim-Americans is that neither the Census Bureau nor the US Citizenship and Immigration Services collects information on religious affiliation. See STRENGTHENING AMERICA, *supra*, at 24. Another reason is that studies have relied on telephone calls to households that have landline service. See PEW RESEARCH CTR., MUSLIM AMERICANS MIDDLE CLASS, *supra* at 19. There has been no means to include in the studies those households that have no telephone service or only cell phone service, which includes an estimated 13.5% of the public. *Id.* Finally, language skills of Muslims have proved challenging for researchers. See *id.* at 12–13. The 2.35 million estimate is that of the Pew Research Center. *Id.* at 10. The seven million estimate is the result of a 2001 survey by the Hartford Institute for Religious Research. See *id.* at 13.

51. PEW RESEARCH CTR., MUSLIM AMERICANS: NO SIGNS OF GROWTH IN ALIENATION OR SUPPORT FOR EXTREMISM 20 (2011) [hereinafter PEW RESEARCH CTR., MUSLIM AMERICANS], available at <http://www.people-press.org/2011/08/30/muslim-americans-no-signs-of-growth-in-alienation-or-support-for-extremism>.

52. PEW FORUM, PROJECTIONS, *supra* note 44, at 52.

53. Many Muslim Americans currently live in cities, such as Detroit and Dearborn, Michigan; Toledo, Ohio; Minneapolis, Minnesota; and there is no reason to believe that in future years this demographic composition will diverge from globalization’s “own demographic pattern” of urban residence. See FRIEDMAN, *supra* note 8 and accompanying text.

zakat and *sadaqa*⁵⁴ to the neediest Muslims, considered generally those abroad,⁵⁵ will not recede.

While Muslim Americans are not a singular, monolithic community, immigrants feature prominently. Approximately sixty-three percent of Muslim Americans were born abroad, while thirty-seven percent of Muslim Americans are native-born.⁵⁶ Of those born overseas, a vast majority is first generation immigrant or second generation American.⁵⁷ Forty percent of Muslim Americans immigrated to the United States from seventy-seven countries during the past decade.⁵⁸ The largest proportion of Muslim American immigrants (forty-one percent) arrived from Arab countries of the Middle East and North Africa,⁵⁹ and slightly more than one-quarter (twenty-six percent)

54. KHALIL JASSEMM, *ISLAMIC PERSPECTIVE ON CHARITY* 25 (2006) (suggesting that “if each of America’s estimated six million Muslims were to donate at the rate of the average American, their total giving would exceed US\$5.3 billion annually”). Nonetheless, it is impossible to determine whether Muslim Americans donate at the average rate of all Americans, or to rely upon a population estimate of 6 million Muslim Americans for such calculation. *See supra* note 50 and accompanying text (commenting on varying estimates as to the number of Muslim Americans living in the United States between 2001 and 2011).

55. *See Crimm, Moral Hazards of Financing Measures, supra* note 22, at 582 n.16, 593–94 (indicating that Muslims widely believe that the world’s neediest Muslims should be the recipients of *zakat* and anecdotal evidence indicates they live in foreign countries).

56. PEW RESEARCH CTR., *MUSLIM AMERICANS, supra* note 51, at 13.

57. *Id.* This compares with sixty-five percent who were first generation immigrants and twenty-one percent who were second generation immigrants as reported in 2007. *Cf. PEW RESEARCH CTR., MUSLIM AMERICANS MIDDLE CLASS, supra* note 50, at 15.

58. PEW RESEARCH CTR., *MUSLIM AMERICANS, supra* note 51, at 14; *see also, ISLAM AND DEMOCRACY IN THE MIDDLE EAST* (Daniel Brumberg et al. eds., 2003). According to an earlier report from the Pew Research Center, Muslim American immigrants were from at least sixty-eight different countries. PEW RESEARCH CTR., *MUSLIM AMERICANS MIDDLE CLASS, supra* note 50, at 15.

59. PEW RESEARCH CTR., *MUSLIM AMERICANS, supra* note 51, at 14. In 2007, more than thirty-seven percent arrived from the “Arab region” and a large proportion from South Asia. PEW RESEARCH CTR., *MUSLIM AMERICANS MIDDLE CLASS, supra* note 50, at 15. The “Arab region” is based on a UNDP classification, which defines the region as encompassing twenty-two Middle Eastern and North African countries. *Id.* The US Department of State also published demographic information on Muslim-Americans, with estimates fairly similar to those of the Pew Research Center survey. *Muslim Life in America: Demographic Facts*, U.S. OFFICE OF INT’L INFO. PROGRAMS, U.S. DEP’T OF STATE, <http://usinfo.state.gov/products/pubs/muslimlife/demograp.htm> (last visited Sept. 5, 2007). By comparison, the Council on American-Islamic Relations (“CAIR”) estimated that in 2005, twenty-six percent of Muslim American immigrants were from Arab states. *Western Muslim Minorities: Integration and Disenfranchisement*, CAIR,

emigrated from the South Asian region.⁶⁰ Reflective of this 2011 profile, the largest percentage of foreign-born Muslim Americans who emigrated from one country came from Pakistan (nine percent) while eighteen percent of them—three percent from each country—arrived from Iran, the Palestinian territories, Bangladesh, Yemen, Jordan, and Iraq.⁶¹ And it is these immigration patterns, along with education and income levels, which suggest numerous Muslim Americans direct or attempt to transmit substantial amounts of *zakat* and *sadaqa* to their countries of origin.⁶²

Because the financial security and education of Muslim Americans impact their ability to give charity, it is important that many perceive themselves as middle-class. And, according to the Pew Research Center, there is a connection between education and the perception of financial well-being.⁶³ Those who are college graduates are more satisfied with their financial condition.⁶⁴ Forty-six percent view their personal financial situations to be good or excellent.⁶⁵ Indeed, fourteen percent of

http://www.cair.com/Portals/0/pdf/policy_bulletin_Integration_in_the_West.pdf
(last visited Feb. 10, 2013).

The American Muslim Council reports that forty-two percent of all Muslims are African-Americans, twenty-four percent are of South Asian origin, and twelve percent are of Arab origin. See Abdul Malik Mujahid, *Muslims in America: Profile*, ALLIED MEDIA CORP., <http://www.allied-media.com/AM/AM-profile.htm> (2010) (suggesting that the large number of African-American Muslims is partly attributable to prisoners who convert to Islam while incarcerated).

60. PEW RESEARCH CTR., MUSLIM AMERICANS, *supra* note 51, at 14.

61. *Id.* This compares with data from 2007 indicating that Muslim Americans had emigrated largely from Iran (twelve percent) and Pakistan (twelve percent), and nearly one-quarter are from India (seven percent), Iraq (four percent), Lebanon (six percent), and Yemen (six percent) combined. PEW RESEARCH CTR., MUSLIM AMERICANS MIDDLE CLASS, *supra* note 50, at 15.

62. See Grimm, *Charitable Giving Dilemma*, *supra* note 18, at 384.

63. PEW RESEARCH CTR., MUSLIM AMERICANS, *supra* note 51, at 39. As a whole, the education levels of Muslim Americans are proportionately similar to those of the general American population. *Id.* at 17.

64. *Id.* at 39 (reporting that college graduates perceive their financial comfort as mostly excellent or good).

65. *Id.* This source expands on a prior survey, which merely reported that Muslim Americans mostly think of themselves as doing well financially. See PEW RESEARCH CTR., MUSLIM AMERICANS MIDDLE CLASS, *supra* note 50, at 19 (reporting that forty-two percent of Muslim Americans report “good” or “excellent” satisfaction with their financial situation as). An Illinois study reports Muslims living in that state to have an average annual household income of US\$53,500. The average Arab Muslim family income is the highest at US\$69,000, while African-American Muslim families earn the

Muslim Americans report household income of at least US\$100,000, and forty percent report household income between US\$30,000 and US\$100,000.⁶⁶ The US financial crisis that began in 2008 has taken its toll, however, on Muslim Americans, particularly youths. Forty-five percent of all Muslim Americans report total annual household income as less than US\$30,000.⁶⁷ Twenty-nine percent of Muslim Americans are underemployed, with underemployment particularly prevalent among younger Muslim adults.⁶⁸ So, younger Muslim Americans appear generally to be an economically vulnerable group. Nonetheless, it appears that “a very high percentage (twenty-six percent) . . . [of Muslim Americans, presumably largely youths] are currently enrolled in college or university classes.”⁶⁹ Their education achievements ultimately will affect their employment prospects, their income levels, and their ability to give significant amounts of *zakat* and *sadaqa*.

Religious beliefs and practices, as well as religiosity, also affect charitable giving and, as discussed in Parts II.C. and III below, may influence the likelihood that particular Muslim Americans or groups may be subjected to government surveillance. Like Americans of Christian faiths, religion is “very important” to nearly seventy percent of Muslim Americans.⁷⁰ Most Muslim Americans hold traditional Islamic beliefs. Ninety-six percent say they believe in God, ninety-six percent in the Prophet Mohammad, ninety-two percent in a future Day of Judgment, and ninety percent in angels.⁷¹ While many Muslim Americans believe in these religious tenets—fifty percent believe that the Qur’an should be read literally—only one-third believe that “there is only one true way to interpret the [broader]

least at US\$32,000 per year. See Abdul Malik Mujahid, *Muslims in America: Profile*, ALLIED MEDIA CORP. (2010), <http://www.allied-media.com/AM/AM-profile.htm>.

66. PEW RESEARCH CTR., *MUSLIM AMERICANS*, *supra* note 51, at 17 (comparing the fourteen percent of Muslim households with income of US\$100,000 to sixteen percent of the general population).

67. *Id.* at 15. Only twelve percent of Muslim Americans are fifty-five years or older.

68. *Id.* at 18. Thirty-seven percent of Muslim Americans under thirty years old are underemployed, compared with twenty-eight of those thirty to thirty-nine years old, twenty-three percent of those forty to fifty-four years old, and fourteen percent of Muslim Americans fifty-five and older. *Id.*

69. *Id.* at 17.

70. *Id.* at 25.

71. *Id.* at 28.

teachings of Islam” and nearly two-thirds believe that there is “more than one way” to do so.⁷² Sixty-one percent of Muslim American immigrants and approximately fifty-one percent of native-born Muslim Americans believe there is “more than one true way” to interpret the teachings of Islam.⁷³ Two-thirds of Muslim Americans pray daily, while one-third pray occasionally or do not pray.⁷⁴ Fifty percent of Muslim Americans under thirty years of age are religiously observant, are more accepting of Islamic fundamentalism, and attend mosque services at least weekly.⁷⁵ Also, the cohort of native-born Muslim Americans is more likely than immigrants to attend mosque services weekly.⁷⁶ Moreover, most Muslim Americans—sixty-three percent—see no conflict in being a devout Muslim and living in US modern society.⁷⁷

Demographics and their relationship with globalization are just part of the variety of factors that may stimulate new domestic Islamic-socio-political activism as the second decade of the twenty-first century proceeds. Also important will be the confluence of technology, religion, and politics.

B. *Blending Technology, Religion, and Politics as Facets of Globalization*

As the technology age speeds ahead, it provides decentralized opportunities to create, transfer, and access information. It enables the rapid electronic movement of currency globally and participation in new payment methods. And it facilitates the mobility of humans and their property, including money, via jets, bullet trains, and other efficient

72. PEW RESEARCH CTR., MUSLIM AMERICANS: MIDDLE CLASS, *supra* note 50, at 23.

73. PEW RESEARCH CTR., MUSLIM AMERICANS, *supra* note 51, at 28.

74. *Id.* at 23.

75. PEW RESEARCH CTR., MUSLIM AMERICANS MIDDLE CLASS, *supra* note 50, at 6 (comparing the religious beliefs and practices of Muslims under the age of thirty to those of believers thirty years and older, thirty-five percent of whom are religiously observant and attend mosque services weekly).

76. *Id.* at 24.

77. PEW RESEARCH CTR., MUSLIM AMERICANS, *supra* note 51, at 36. Fifty-six percent of Muslim Americans attach importance to assimilating into American society after immigrating to the United States. *Id.* at 33. Nonetheless, twenty percent indicate Muslim Americans should not adopt American customs and way of life after immigrating to the United States, and thirty-one perceive a conflict in being a devout Islamic believer and living in US modern society. *Id.* at 33, 36.

modes of transportation. Numerous informational technology resources, including cell phones, Twitter, MySpace, Facebook, and other social networking media, allow interactive dialogues that are used increasingly around the world to connect people. For example, Al Qaeda's Yemen branch "has proved especially adept at disseminating teachings and commentary through several different social media networks."⁷⁸ And before Osama bin Laden was killed in Pakistan, he was a "pioneer in employing the Internet to organize operations, raise funds and indoctrinate followers."⁷⁹

Just as it was for Osama bin Laden, technology as a financing tool has been a friend to other terrorists, terrorist groups, and dual militant-social welfare organizations.⁸⁰ Such terrorist and dual militant-social welfare groups have exploited certain technologies to their advantages. But in combating terrorist financing, a priority of the US government since 9/11, cooperating federal agencies now are employing new technologically-based strategies in attempts to eliminate funding from reaching terrorist organizations.⁸¹ With statistics indicating a drop in prosecutions of Muslim Americans for support of terrorism and a significant reduction in the amounts of money allegedly involved in terrorist financing cases,⁸² successes are now being trumpeted. For instance, national news media reported the dissolution of KindHearts for Charitable

78. Jeffrey Gettleman, *Somalia's Insurgents Embrace Twitter as a Weapon*, N.Y. TIMES, Dec. 15, 2011, at A10.

79. Max Boot, Editorial, *After Bin Laden*, BALTIMORE SUN, May 4, 2011, at A21.

80. For a long time, Hamas derived much of its financial support from a network of charitable organizations. Now it is considerably more reliant on Iran. See *Countering Terrorist Financing: Progress and Priorities*, Hearing Before the Subcomm. on Crime & Terrorism of the S. Comm. on the Judiciary, 112th Cong. 8-9 (2011) [hereinafter *Counter Terrorist Financing Hearing*] (testimony of Daniel L. Glaser, Deputy Assistant Sec'y, Dep't of Treasury).

81. Within the United States, the Department of Treasury, Department of Justice, Department of State, Department of Homeland Security, Central Intelligence Agency, and Federal Bureau of Investigation have worked together to counter terrorist financing. See *id.* at 1-4 (testimony of Ralph S. Boelter, Acting Assistant Dir. Counterterrorism Div., Fed. Bureau of Investigation); see also *id.* at 1 (testimony of Lisa O. Monaco, Assistant Att'y Gen., Dep't of Justice); *id.* at 1-3 (testimony of Daniel L. Glaser, Deputy Assistant Sec'y, Dep't of Treasury).

82. See CHARLES KURZMAN, *MUSLIM-AMERICAN TERRORISM IN THE DECADE SINCE 9/11*, at 6 (2012) (documenting the lower amounts of money involved in terrorist financing cases since 9/11).

Humanitarian Development in Toledo, Ohio on January 9, 2012. Its termination resulted from the government financially starving the charity by freezing its assets after its purported support of Hamas.⁸³ According to Daniel L. Glaser, in stark contrast to several years ago,⁸⁴ “the U.S. . . . [is] no longer fertile ground for terrorist fundraising.”⁸⁵ Nonetheless, the US Department of Treasury appears skeptical. It is concerned that the emergence of new payment methods and technologies, such as prepaid cards, mobile payments, and Internet fund transfers, although sufficiently transparent to be susceptible to monitoring by the US government and other global antiterrorist authorities cooperating with the United States,⁸⁶ realistically “can . . . create vulnerabilities if these payment tools are not adequately covered by anti-money laundering and counter-terrorist financing regulations.”⁸⁷

The same technology that enables transfers of huge sums of money also can be used effectively and inexpensively to disseminate ideas. Small groups of poorly funded US Islamic liberal reformers, such as the nonprofit entity American Islamic Forum for Democracy, employ the Internet to target Muslim Americans in efforts to convince them to be more religiously moderate, tolerant, and open-minded.⁸⁸ Some progressive US Islamic groups also use the Internet to promote attention globally to moderate Islamic values, project intolerance for

83. See, e.g., *Charity Linked to Hamas Disbands*, WASH. POST, Jan. 10, 2012, at A2.

84. See *supra* notes 37–39 and accompanying text.

85. See *Countering Terrorist Financing* Hearing, *supra* note 80, at 2 (testimony of Daniel L. Glaser, Deputy Assistant Sec’y, Dep’t of Treasury) (stating that the Government “remain[s] vigilant against a [possible] resurgence of this activity”).

86. The Financial Action Task Force (“FATF”), FATF-style regional bodies, the group of G-20 ministries, and other international groups have worked to combat global terrorist financing. See *id.* at 4–5; see generally Crimm, *Moral Hazards of Financing Measures*, *supra* note 22, at 603–12. Providers of prepaid access are required by law to register with the Department of Treasury, Financial Crimes Enforcement Network bureau, and certain foreign authorities as money service businesses, which through disclosures permit authorities to track transfers. See also *Countering Terrorist Financing* Hearing, *supra* note 80, at 7 (testimony of Daniel L. Glaser, Deputy Assistant Sec’y, Dep’t of Treasury).

87. *Countering Terrorist Financing* Hearing, *supra* note 80, at 7 (testimony of Daniel L. Glaser, Deputy Assistant Sec’y, Dep’t of Treasury).

88. See Munro, *supra* note 15, at 2–3.

violence, and criticize certain components of US pre- and post-9/11 domestic and foreign policies.⁸⁹

While the burgeoning use of the Internet by such moderate Islamic believers enables them to reach a broad domestic and international audience, it is countered by television and Internet imams who preach adherence to, and the revival of, a more fundamentalist form of Islam.⁹⁰ And as compared to the reform movement, the network of US Islamic fundamentalists is stronger, more coalesced, better funded, larger, and more dominant.⁹¹ This US Islamic revivalist network is reported to be “centered in the Islamic Society of North America [“ISNA”] and its associated groups, mosques, ethnic subgroups, university student associations, overseas supporters, and lobbying groups that have organized to expand the domestic political clout of immigrant Muslim groups, chiefly Arabs.”⁹² Through the North American Islamic Trust, the majority of the approximately 1,200 US mosques are owned by, or affiliated and closely aligned with, ISNA and other Islamic groups that share a common parent organization.⁹³

Thus, in the context of globalization as aided by the Internet, religion has become not only an important national actor, but also a transnational force with which to be reckoned. Some Muslims emphasize that such a position for Islam offers important opportunities for national changes and:

[F]or international cooperation in relation to various issues, including social development and human rights, as well as conflict resolution and peace building [Therefore globalization can] enhance chances of international cooperation to resolve a range of economic, developmental, social, political, environmental, gender and human rights concerns and injustices . . . [and to] offer unprecedented opportunities for collective efforts involving both states and

89. *See id.* at 2.

90. *See id.* at 3.

91. *See id.*

92. *See id.* at 1.

93. *See id.* at 3 (reporting the common parent to be the Muslim Students Association formed nearly forty years ago by supporters of “the most influential Islamist revivalist political movement, the Muslim Brotherhood”).

non-state actors, including religious ones [that] participate in and are affected by globalisation.⁹⁴

It is clear that dual religious-political actors, including foreign Islamist movements and Islamist parties, have seized these opportunities and have claimed a place in a global world.

Two situations are perfect illustrations. The first involves the Arab Spring uprisings, such as those in Libya, Tunisia, Egypt, and Syria. In these countries, Islamic non-state protestors harnessed a variety of communicative technologies in attempts to mobilize the masses and exert pressures to bring about democratic changes within repressive Muslim regimes and create newly defined identities for the people. The second example is the reassertion of a sophisticated and rhetorically skilled Islamic political actor, the Muslim Brotherhood, into the world's political arena. In the January 2012 Egyptian Parliament elections, the Muslim Brotherhood received almost a majority (forty-seven percent) of the seats and now leads Parliament,⁹⁵ and in June 2012, the Muslim Brotherhood candidate, Mohammed Morsi, became Egypt's president.⁹⁶ Both the Arab Spring revolts and the Muslim Brotherhood's assumption of political force and power in Egypt involved the domestic affairs of Middle East countries. Nonetheless, indicative of simultaneous polarities that depict globalization, these events became international affairs. The Arab Spring activism led some Western liberal democracies in 2011 to send troops and advisors, materials, and financial support to assist the protestors—at least with respect to Libya. And following in the Arab Spring's activist and political wake, several US citizens made and released the incendiary, anti-Muslim YouTube video, "Innocence of Muslims," in September 2012, provoking immediate violent Islamic anti-American activism in Egypt (as well as other countries), and testing the relations between Egypt and the United States. The development and evolution of the Muslim Brotherhood's political power caused world leaders, such as US

94. Haynes, *supra* note 8, at 136–37.

95. David D. Kirkpatrick, *In Egyptian Hard-Liner's Surge, New Worries for the Muslim Brotherhood*, N.Y. TIMES, Apr. 1, 2012, at A4 [hereinafter Kirkpatrick, *In Egyptian Hard-Liner's Surge*]; Kirkpatrick, *Islamists Win*, *supra* note 16.

96. See David D. Kirkpatrick, *Egypt's New Leader Takes Oath, Promising to Work for Release of Jailed Terrorist*, N.Y. TIMES, June 30, 2012, at A8.

President Barack Obama, to reassess their countries' foreign policies and foreign aid. These leaders voiced a host of concerns, including worries that Egypt may become more religiously conservative and that fundamentalist religiosity might become deeply integrated into Egypt's political power structure.⁹⁷

Such widely reported events and their polarizing features induced by globalism have caused some wariness of globalism among Muslims and concerns of potential backlash. Some point to President Obama and other leaders' reactions, considering their objectives to be inherently undesirable attempts to further the spread of western, particularly US, capitalism and culture with the goal of making the West rich at the expense of impoverished non-western countries.⁹⁸ Other Muslims feel threatened directly and personally. Certain Islamic leaders fear that their own grip on internal governance may be compromised by, and potentially lost to, protestors with access to globally connective technology. Indeed, as a mechanism to protect authority structures, some governments in Muslim-majority (and other) countries, such as Egypt and Syria, have attempted to censor parts of the Internet or block Twitter messages deemed illegal.⁹⁹ Still others, citing such concerns as the ability of Muslim youth to "construct new, radical identities

97. See, e.g., Lara Jakes, *Washington Casts Wary Eye at Muslim Brotherhood*, PEW FORUM ON RELIGION & PUB. LIFE (Jan. 28, 2013), <http://www.pewforum.org/Religion-News/Washington-casts-wary-eye-at-Muslim-Brotherhood.aspx>; Steven Lee Myers, *Emergency Aid to Egypt Encounters an Objection*, N.Y. TIMES, Sept. 29, 2012, at A11; David K. Kirkpatrick & Steven Erlanger, *Egyptian Leader Spells Out Terms for U.S.-Arab Ties*, N.Y. TIMES, Sept. 23, 2012, at A1; Helene Cooper & Mark Landler, *Spotlight is on Libya, but Bigger Challenge for White House May Lie in Egypt*, N.Y. TIMES, Sept. 13, 2012, at A14; Scott Shane, *As Islamists Gain Influence, Washington Reassesses Who Its Friends Are*, N.Y. TIMES, July 10, 2012, at A7; Aya Batrawy, *Egypt Elections 2012: Islamists Secure 75 Percent of Parliament*, HUFFINGTON POST (Jan. 21, 2012, 11:06 AM), http://www.huffingtonpost.com/2012/01/21/egypt-elections-2012-islamists_n_1220801.html (last visited Dec. 4, 2012); Kirkpatrick, *Islamists Win*, *supra* note 16; David D. Kirkpatrick & Steven Lee Myers, *Overtures to Egypt's Islamists Reverse Longtime U.S. Policy*, N.Y. TIMES, Jan. 4, 2012, at A1.

98. Haynes, *supra* note 8, at 136. This concern is not without historical basis, as powerful colonialists, imperialists, and post-Cold War forces freely exercised their political muscle in previous decades.

99. See, e.g., Doyle McManus, *Foreign Aid that Matters: Call It Internet Freedom 2.0 The U.S. Needs To Keep Funding It*, L.A. TIMES, Sept. 18, 2011, at A30; Somini Sengupta, *When Twitter Blocks Tweets, It's Outrage*, N.Y. TIMES, Jan. 28, 2012, at A1.

by joining a virtual *ummah*, or global Islamic community,”¹⁰⁰ or the capability of terrorist groups and dual militant-social welfare organizations like Hamas to manipulate vulnerable people,¹⁰¹ fear conceivably harmful impacts of the integration of technologies, religion, and politics in the post-modern globalized world.

Current technologies, whether employed as a communication or a financing tool, can benefit, as well as create challenges for, governmental and non-governmental actors. And the connectivity brought by these technologies makes it virtually impossible for actors to maintain an iron sheath between Islam and politics. As a result, globalization may simultaneously stimulate trust and distrust among people and nations and lead to intensified pressures for Muslims, including Muslim Americans, to engage further in Islamic-socio-political activism.

C. Domestic Monitoring of Muslim Americans

In the United States, the balance of trust and distrust between Muslim Americans and other Americans often appears to be more highly weighted toward distrust. In attempts to detect radical Islamists and “homegrown threats,” federal and local authorities have used technology: computerization, miniaturization, digitization, satellite communications, fiber optics, and the Internet. They have targeted and continue to watch and listen to Muslim American citizens and leaders. Their surveillance tactics have included the infiltration of mosques, including those mosques whose imams are Islamic moderates. Their policy and actions have disturbed a significant proportion of Muslim Americans,¹⁰² the vast majority of whom oppose violence against civilians and hold unfavorable views of Al

100. Thomas, *supra* note 1, at 99.

101. Gettleman, *supra* note 78, at A10 (detailing Somali insurgents’ manipulation of Twitter to engage vulnerable citizens and taunt enemies).

102. PEW RESEARCH CTR., MUSLIM AMERICANS, *supra* note 51, at 48 (noting the majority of Muslim Americans believe that US antiterrorism policies target Muslim Americans for increased surveillance and monitoring and thirty-eight percent find such singling out bothersome). Moreover, more than forty percent of Muslim Americans, and particularly those who are highly religious, report being singled out by law enforcement officials or physically threatened or attacked in the twelve months preceding the survey. *Id.* at 47–48.

Qaeda.¹⁰³ The government's conduct also has proved controversial among the general public.¹⁰⁴

A 2007 report from the New York Police Department ("NYPD"), *Radicalization in the West: The Homegrown Threat*, claimed that there is a determinable route from "prereadicalization" to 'jihadization,' driven by a fundamentalist ideology 'proliferating in Western democracies at a logarithmic rate.'¹⁰⁵ This concern spurred the NYPD to take contentious and aggressive measures. One was the showing of an inflammatory video during police training in 2011–12 that depicted most Islamic leaders as deceitful and suspect.¹⁰⁶ A second event discussed in the media was a "create and capture" measure: the NYPD hired a spy to pretend to be a devout Muslim, start an inflammatory conversation about *jihad* or terrorism, and capture respondents' replies for the police.¹⁰⁷ Other routine measures included police trawling of Muslim student organizations' websites or undercover attendance at student organization lectures even if group members were not suspected of wrongdoing.¹⁰⁸

Citizens' safety and national security do need protection. Yet, the Brennan Center for Justice reported last year that multiple empirical studies show no link between "religiosity" and "a propensity for terrorism."¹⁰⁹ Indeed, a recent British study comments that a "well-established [Islamic] religious identity actually protects against violent radicalization,"¹¹⁰ and a

103. *Id.* at 4–5.

104. *See, e.g., id.* at 48 (commenting on the general public's division on the matter).

105. Michael Powell, *With Muslims, Using a Brush Far Too Broad*, N.Y. TIMES, Jan. 31, 2012, at A18.

106. *See* Michael Powell, *In Police Training, A Dark Film on U.S. Muslims*, N.Y. TIMES, Jan. 24, 2012, at A1. The New York Police Department's tactics sparked considerable controversy, well documented by the media. *See, e.g.,* Letter to the Editor, *Ray Kelly's War*, WALL ST. J., Mar. 6, 2012, at A18; Joseph Goldstein, *Kelly Defends Surveillance of Muslims*, N.Y. TIMES, Feb. 28, 2012, at A19; Michael Howard Saul & Sean Gardiner, *Candidates Weigh NYPD's Tactics*, WALL ST. J., Feb. 25, 2012, at A15.

107. *See* Editorial Opinion, *Spying on Law-Abiding Muslims*, N.Y. TIMES, Feb. 10, 2013, at 10.

108. *See id.*; Al Baker & Kate Taylor, *Mayor Defends Monitoring Of Muslim Students on Web*, N.Y. TIMES, Feb. 22, 2012, at A18.

109. FAIZA PATEL, RETHINKING RADICALIZATION 3 (2011).

110. *Id.* at 10 (quoting TUFYAL CHOUDHURY, THE ROLE OF MUSLIM IDENTITY POLITICS IN RADICALISATION (A STUDY IN PROGRESS) 6 (2007)). Choudhury's British

2010 study by several US scholars similarly suggests that heightened expressions of Islamic piety by Muslim Americans does not signal a proclivity toward extremism.¹¹¹ The Brennan Center for Justice further claims that radicalization is complex and “[i]t is simply not possible to identify ‘markers’ of radicalization . . . that allow early identification of would-be terrorists.”¹¹² Despite this, such models that focus on Muslim Americans’ religious beliefs, expressive conduct, practices continue to be used by enforcement authorities, and rigorously supported by New York City’s Mayor Michael Bloomberg and other government officials,¹¹³ as important reasons to monitor Muslim Americans.¹¹⁴

Agreeing with the Brennan Center for Justice, a new empirical study by the Triangle Center on Terrorism and Homeland Security, released February 8, 2012, indicated that there is no particular demographic profile of Muslim American terrorism suspects.¹¹⁵ Moreover, the study noted that despite warnings by the Department of Homeland Security and others inculcating fear among the general public, there is significant data to support a “relatively low level of radicalization among Muslim-Americans.”¹¹⁶ Homegrown terrorism plots by, and indictments of, radicalized Muslim Americans for financially supporting terrorism or associating with terrorist organizations, simply have not materialized in substantial numbers in recent years.¹¹⁷ In fact, they have declined since 2009, a point at which an “unusually” high number were recorded.¹¹⁸ In sum, the 2012 study has been said to find that homegrown terrorism by radical

study found that “a lack of religious literacy and education appears to be a common feature among those that are drawn to [terrorist] groups.” *Id.* (quoting CHOUDHURY, at 6).

111. DAVID SCHANZER ET AL., ANTI-TERROR LESSONS OF MUSLIM AMERICANS 37 (2010), available at <http://fds.duke.edu/db/attachment/1255>.

112. PATEL, *supra* note 109, at 3. There is no single profile of the type of person who becomes a terrorist. *Id.* at 8.

113. *See supra* note 106.

114. PATEL, *supra* note 109, at 3.

115. KURZMAN, *supra* note 82, at 5.

116. *Id.* at 6.

117. *Id.* at 1–6.

118. *Id.* at 2 (stating that there was a spike in Muslim American terrorist plots in 2009).

Muslim Americans is “a minuscule threat to public safety.”¹¹⁹ Furthermore, although Islamist extremist organizations “overseas continue to call for Muslim-Americans to engage in violence[,] . . . the number of Muslim-Americans who have responded to these calls continues to be tiny.”¹²⁰ And, while Muslims protested abroad in response to the YouTube video, “Innocence of Muslims,” Muslim Americans responded with silence but without note from the same federal and local authorities who have labeled them a threat. These are illustrative of why “Muslim Americans [continue to be] understandably alienated . . .” by local and federal authorities’ misinformed profiling models and intrusive monitoring approaches.¹²¹

III. *POTENTIAL FUTURE IMPLICATIONS FOR MUSLIM AMERICANS’ PHILANTHROPY AND US-BASED CHARITIES*

“Nothing matters so much as what will come next, and what will come next can only arrive if what is here now gets overturned.”¹²² So the first question is whether “what is here now”—the disaffection of Muslim Americans, the chilling effect on their philanthropy, the damage to US foreign relations, and the blemished image of the United States—can be reversed. While technology cannot provide the crystal ball, there are factors that signal better outcomes will not necessarily come soon.

Within the United States, it appears that the government’s pervasive “clash of civilizations” mentality on which it arguably framed its post-Cold War foreign policy was incorporated in 2001 into its domestic policy toward Muslim Americans, where it remains entrenched.¹²³ The US government seems to be acting

119. Scott Shane, *U.S. Muslims Rarely Seen in Terror Acts, Study Finds*, N.Y. TIMES, Feb. 8, 2012, at A10 (summarizing conclusions of report, KURZMAN, *supra* note 82).

120. KURZMAN, *supra* note 82, at 2.

121. PATEL, *supra* note 108, at 3.

122. FRIEDMAN, *supra* note 8, at 11.

123. This is a reference to the concept presented in SAMUEL HUNTINGTON, *THE CLASH OF CIVILIZATIONS AND THE REMAKING OF WORLD ORDER* (1996), which has been attributed to a series of articles and a book by Bernard Lewis. See Michael Hirsh, *Bernard Lewis Revisited*, WASH. MONTHLY (Nov. 2004), available at <http://www.washingtonmonthly.com/features/2004/0411.hirsh.html>; see generally M. SHAHID ALAM, *Bernard Lewis: Scholarship or Sophistry?*, in *CHALLENGING THE NEW ORIENTALISM: DISSENTING ESSAYS ON THE “WAR AGAINST TERRORISM”* 3–39 (2d ed. 2006).

as the quintessential “Orientalist crouching tiger,”¹²⁴ struggling to dominate Muslim Americans, at least ideologically and culturally, much as it was accused of in regard to its post-Cold War foreign policy that purportedly sought to take over underdeveloped and poor countries such as those in the Middle East. This perception is reflected in many criticisms of the Department of Treasury as the domineering bully that instigates ill will, intentionally undermines Islamic values, and ignores human rights. For instance, many in the Muslim American community and charitable sector have rebuffed government outreach and collaboration attempts as disappointing, patronizing, unproductive, and inhumane efforts,¹²⁵ as well as intolerable “soft power” counter-radicalization tactics.¹²⁶ Many also have perceived the means by which federal and local law enforcement officials continue to aggressively monitor Muslim Americans, even passive or moderate individuals, as a psychological and ideological domination technique that saddles the entire Muslim American population with suspicion.¹²⁷ The documented low levels of radicalism and largely non-existent markers of extremism (associations with Muslim American organizations, Islamic beliefs, and such religious practices as mosque attendance) fuel such criticisms.

The government’s perception of a need to closely scrutinize Muslim Americans’ associations and activities unfortunately is reinforced by a plausible concern about the strength of the Islamic revivalist network, including its purported foothold in a majority of US mosques.¹²⁸ With fifty percent of Muslim Americans under thirty years old attending services weekly at mosques, these Muslim Americans may be a cohort the government most frequently watches, with or without reason. According to the Pew Research Center, this same group of Muslim Americans suffers disproportionately from

124. ALAM, *supra* note 123, at 3–4 (referencing the idea that the US post-Cold War foreign policy formulated its alleged conniving stance toward poor countries from the purportedly liberal, objective scholarship of Bernard Lewis, a political scientist).

125. See, e.g., *Anti-Money Laundering Hearing*, *supra* note 29, at 16–17 (testimony of Kay Guinane, Program Dir., Charity & Sec. Network).

126. See Samuel J. Rascoff, *Establishing Official Islam? The Law and Strategy of Counter-Radicalism*, 64 STAN. L. REV. 125, 126–28 (2012).

127. See *supra* notes 108–13 and accompanying text.

128. See *supra* notes 89–93 and accompanying text.

underemployment¹²⁹ and is more accepting of fundamentalism than those who are older.¹³⁰ Generally, youth are technologically adept and they may be susceptible to being influenced by the Internet where they can easily access both revivalist Web sites and create radical identities to participate in virtual *ummah*.¹³¹ Moreover, as the Muslim American population continues to grow rapidly through 2030, these concerns may be further accentuated by a larger youth population.¹³²

Even Muslim American leaders of moderate Islamic organizations at the forefront of the liberal, reformist Islamic movement have expressed consternation. Some have suggested the need to redouble outreach efforts because of growing challenges from the vocal minority of Americans who see Muslim Americans as suspect. The impact of Islamic traditionalists is reflected in most Muslim Americans' own views that support for Islamic extremism in the United States is on the rise.¹³³ And if Muslim Americans are finding it challenging to dispel the voices and possible influence of the fundamentalist, revivalist movement within their own communities, there is little wonder as to why a considerable contingency of the US public, stoked by government alerts and media reports, harbors concerns. Surveys show that they perceive not only at least a "fair amount" of support for extremism among Muslim Americans but also such support is increasing rather than declining.¹³⁴

But this disconcerting picture certainly is not the entire one. Other factors hint that "what is here now" can be tackled and remedied. Most Muslim Americans do not support terrorism. Many are formerly from repressive countries from which they sought relief, so likely they oppose fundamentalism.¹³⁵ Furthermore, signaling a more moderate

129. See *supra* notes 67–68 and accompanying text.

130. See *supra* note 75 and accompanying text.

131. See *supra* note 90 and accompanying text.

132. See *supra* notes 47–49 and accompanying text (describing the overall increase in the world Muslim population).

133. PEW RESEARCH CTR., MUSLIM AMERICANS, *supra* note 51, at 5 (reporting that sixty percent of Muslim Americans think there is rising Islamic radicalism in the United States).

134. *Id.* at 1 (finding forty percent of the general public perceive at least a fair amount of support for extremism by Muslim Americans). Some Muslim Americans blame their leaders for not speaking out sufficiently against extremism. *Id.*

135. See *supra* notes 59–61 and accompanying text.

Islamic viewpoint and faith, nearly two-thirds of Muslim Americans believe that Islamic teachings can be interpreted in “more than one way,”¹³⁶ and most Muslim Americans see no conflict between being devout Islamists and generally assimilating into American life.¹³⁷ At least one quarter of Muslim Americans are college educated and another quarter is attending college;¹³⁸ these individuals perhaps are learning to make more measured and considered life choices and are opening their minds to more worldly, informed future evaluations. Many of these students will enter the ranks of the significant number of Muslim Americans now employed in such professions as engineering, medicine, and computer programming.¹³⁹ Moreover, as the US economic environment improves, hopefully graduating students will join the many Muslim Americans who now consider themselves middle class and financially comfortable.¹⁴⁰ And as a whole, the disaffection, if any, of such progressive, educated, employed, financially secure individuals may be less acute than for other Muslim Americans. Of course, that is not to say some of them are not disenchanting with their treatment by federal and state authorities or disgruntled with the government’s domestic and foreign policies. Yet, they may be in positions to offer constructive and productive ways to overturn “what is here now.”

The plight of Muslims in other nations appears to remain somewhat bleak, despite certain indications of recent changes resulting from such events as the Arab Spring uprisings. There are no clear signs that the US government intends to ease legal restrictions that affect the flow of Muslim Americans’ *zakat* and *sadaqa* to needy Muslims abroad. While US-based Islamic charities, now few in number, no longer appear to be exploited by terrorists for fundraising purposes, the US government remains on alert.¹⁴¹ But the number of Islamic believers abroad

136. See *supra* note 72 and accompanying text.

137. See *supra* note 77 and accompanying text.

138. PEW RESEARCH CENTER, MUSLIM AMERICANS, *supra* note 51, at 17.

139. See *The Growing Muslim American Market*, ALLIED MEDIA CORP., <http://www.allied-media.com/AM> (last visited Mar. 2, 2012) (basing its findings on a Cornell University study).

140. See *supra* notes 63–66 and accompanying text.

141. See *supra* notes 87 and accompanying text.

is rising, and is expected to continue spiraling.¹⁴² And globalism is bringing a rapid movement of Muslims from rural areas to cities, many of which are mired in poverty.¹⁴³ Current and future populations of poor Muslims in these expansive and crowded cities will need social welfare support. Where foreign governments do not provide adequate services or attend to their destitute, this responsibility can fall on legitimate civil society organizations, but only if the foreign governments permit their existence. Such humanitarian groups, however, may be unable to provide sufficient aid to the needy population, and certainly may be hampered by the absence of financial support from Muslim Americans. So such “impoverished metropolises,” unfortunately, can become fertile environments not only for hiding terrorists but also for providing opportunities for dual militant-social welfare groups to infiltrate communities to win the hearts and minds of the poor. For example, in Cairo, Egypt:

Islamist extremism is contingent on locally specific economic, social and political transformations that are exploited by a minority of militant activists [They] were able to capitalize on developments in very specific ways that had little to do with the role of Islamic charitable giving financing these groups. Specifically, the militant Islamic Group found it possible to diffuse a particular form of family-based Islamic norms through the establishment of a dense network of unregulated private mosques that provided a wide range of social services [M]any of the social services in the poorest sections of Cairo are underwritten by Islamist activists¹⁴⁴

142. See *supra* notes 47–49 and accompanying text.

143. PEW FORUM, PROJECTIONS, *supra* note 44, at 61; Thomas, *supra* note 1, at 93–94.

144. Khalid Mustafa Medani, *Informal Networks, Economic Livelihoods and the Politics of Social Welfare: Understanding the Political and Humanitarian Consequences of the War on Terrorist Finance*, 10 U.C.L.A. J. ISLAMIC & NEAR E. L. 99, 134–35 (2011) (explaining that “Islamist extremism is contingent on locally specific economic, social and political transformations that are exploited by a minority of militant activists far more significant has been the role of the density of small private [unregulated] mosques in the [Cairo] neighborhoods. It is here that militant preachers deliver persuasive sermons to the community and where young children and youth have are recruited via both material as well as social incentives and the promise of both upward mobility and an elevated social and political status.”).

So for years to come, globalism's natural demographic pattern of urbanization and the economic and social situations produced by it may well attract shrewd dual militant-social welfare groups and terrorists. If so, the US government will be challenged in its efforts to curtail the problematic influences of these groups.

Moreover, in Egypt the Muslim Brotherhood, described as a "secretive, hierarchical once-militant group that became the fountainhead of Islamist ideologies"¹⁴⁵ and as "virtually invent[ing] political Islam,"¹⁴⁶ has new political power. In response to this new reality,¹⁴⁷ the United States may be shifting its foreign policy course.¹⁴⁸ In so doing, it potentially may appear hypocritical to some Muslim Americans—that is, Muslim Americans may view as two-faced a change of attitude by the US government that permits it to guardedly show some cautious support for the Muslim Brotherhood while continuing its decade-old imposition of restrictions on Muslim Americans' ability to give *zakat* and *sadaqa* to US-based Islamic charities for fear their contributions might become available to similar groups to support terrorist activities. In defense of the foreign policy alteration, a senior administration official commented that the United States is in a bind: "It would be 'totally impractical' not to engage with the Brotherhood 'because of U.S. security and regional interests in Egypt . . .'"¹⁴⁹ Some Muslim Americans, however, may consider this response a lame excuse. And their possible perception of hypocrisy may mushroom, especially because the "emerging U.S. relationship with the Brotherhood [signals only] a first step toward a pattern that could take shape with the Islamist parties' coming to power around the region in the aftermath of the uprisings of the Arab

145. David D. Kirkpatrick, *Chaotic Start to Egypt's First Freely Democratically Elected Parliament*, N.Y. TIMES, Jan. 24, 2012, at A4.

146. Kirkpatrick, *Islamists Win*, *supra* note 16, at A8.

147. See *supra* notes 15–16 and accompanying text.

148. Shane, *supra* note 97; Kirkpatrick, *In Egyptian Hard-Liner's Surge*, *supra* note 95, at A4; Myers, *supra* note 97, A11; Kirkpatrick & Englander, *supra* note 97, A1.

149. David D. Kirkpatrick & Steven Lee Myers, *U.S. Reversal on Egyptian Islamists is Historic Shift*, INT'L HERALD TRIB., Jan. 5, 2012, at 1.

Spring. Islamists have taken important roles in Morocco, Libya, Tunisia and Egypt in less than a year.”¹⁵⁰

Muslim Americans, their leaders, and the charitable sector, however, may be able to harness such a shift in US foreign policy to push US policymakers to rethink domestic policies and laws that have alienated a significant number of Muslim Americans, chilled their philanthropy, hurt US-based Islamic charities, and reduced opportunities to win the hearts and minds of Muslims abroad. To mobilize support, they might employ technologies, including social networking, Change.org (the “go to” Internet site for Web uprisings), and the like. In this regard, now may be a crucial time to engage constructively and productively in domestic Islamic-socio-political activism, calling upon, and working with, the President and Congress. Together they could reassess US counterterrorism policies, antiterrorism regulatory measures, and the enforcement approaches that undermine cherished American values and human rights, and chill legitimate religious, humanitarian, and advocacy activities. Such engagement by Muslim Americans may even lead to a greater opportunity domestically and internationally. It might lead to the “re-establish[ment of] Islamic values” and facilitate enhanced stability and unity of groups, societies, and countries confronted by the polarities and tensions of globalization’s forces.

CONCLUSION

The confluence of globalization’s technology, Islam’s resurgence, and politics in this second decade of the twenty-first century has various potential implications for Muslim Americans’ philanthropy, US-based Islamic charities, and terrorist financing. While over time globalization can blur territorial boundaries of countries and homogenize populations and cultures, it also “turn[s] all ‘friends’ and ‘enemies’ into competitors.”¹⁵¹ A common belief is that competition can drive better behaviors and performance by the competing actors. The

150. *Id.*; David D. Kirkpatrick, *Keeper of Islamic Flame Rises as Egypt’s New Decisive Voice*, N.Y. TIMES, Mar. 12, 2012, at A1; *Libya: Islamists Form Political Party*, N.Y. TIMES, Mar. 3, 2012, available at <http://www.nytimes.com/2012/03/03/world/africa/libya-islamists-form-political-party.html>.

151. FRIEDMAN, *supra* note 8, at 12 (internal quotations added).

verdict remains open with respect to the various governmental and non-governmental actors involved in the conundrums presented in this Article. Both the US government and Muslim Americans need to seize this decade's opportunities to decidedly improve the quality of their collective efforts, renegotiate their tattered relationship, and unequivocally enhance the civil, human, and political rights of Islamic believers.