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Beating The Trap: Immigration And Extradition Policies Effecting The NBA's Enes Kanter And His Status As A Turkish Political Target

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BEATING THE TRAP: IMMIGRATION AND EXTRADITION
POLICIES EFFECTING THE NBA'S ENES KANTER
AND HIS STATUS AS A TURKISH
POLITICAL TARGET

I. BASKETBALL AND POLITICS: AN INTRODUCTION TO AMERICA'S
MOST WANTED INTERNATIONAL ATHLETE

International athletes are increasingly changing the landscape of American professional sports.¹ Specifically, in the National Basketball Association (“NBA”), international players have accounted for nearly a quarter of the athletes that compete in the league.² However, no international NBA player faces as much controversy outside of the sport as does Enes Kanter.³ A player of Turkish descent and a current member of the Boston Celtics, Kanter has played in the NBA since 2011 and is considered to be a “journeyman” of the league.⁴ Yet, while Kanter is a prominent basketball star in America, he is no longer welcome in his home country of Turkey and is considered to be a political target of the Turkish government.⁵ In recent years, Kanter has openly criticized the Turkish

1. See *America's Best Foreign Imports in Sports*, FOX SPORTS (Oct. 20, 2016, 4:56 PM), <https://www.foxsports.com/mlb/gallery/foreign-imports-athletes-united-states-success-112012> [<https://perma.cc/MJW5-U5CT>] (discussing foreign-born superstar athletes in American professional sports).

2. See *NBA Rosters Feature 108 International Players From 42 Countries and Territories*, NBA.COM (Oct. 16, 2016, 11:02 AM), <https://www.nba.com/article/2018/10/16/nba-rosters-108-international-players-start-season-official-release> [<https://perma.cc/3E3W-MEX3>] (explaining that 2018–19 season was fifth consecutive year that NBA rosters featured over 100 international players and that all thirty teams had at least one international player).

3. For further discussion of Kanter and the political controversy surrounding him, see *infra* notes 44–50, 69–79, and accompanying text.

4. See *Enes Kanter*, BASKETBALL REFERENCE, <https://www.basketball-reference.com/players/k/kanteen01.html> [<https://perma.cc/XU4N-7PAF>] (last visited Apr. 28, 2020) (showing Kanter's career statistics); see also Mike Aikins, *The NBA Journeyman: The Saga of Players That Never Found a Home*, BLEACHER REPORT (Feb. 4, 2011) <https://bleacherreport.com/articles/595059-the-nba-journeyman-the-saga-of-players-that-never-really-found-a-home#slide1> [<https://perma.cc/5U2A-UVC8>] (explaining NBA journeymen are players who struggle to find long-term homes to play).

5. See Michael McCann, *Examining Enes Kanter's Future Following Turkey's Arrest Warrant*, SPORTS ILLUSTRATED (May 26, 2017), <https://www.si.com/nba/2017/05/26/enes-kanter-erdogan-turkey-arrest-warrant-turkish-government-us-citizenship-okc-thunder> [<https://perma.cc/9JF6-V6H7>] (reporting Turkey put out international arrest warrants for Kanter).

President Recep Tayyip Erdogan.⁶ Most notably, Kanter referred to Erdogan as a “lunatic,” a “dictator” and went as far as saying that the country’s leader is the “Hitler of our century.”⁷ The star basketball player further alleges the Turkish administration is kidnapping, torturing, and raping its own citizens every day.⁸ Additionally, Kanter is a devout follower of Turkish cleric Fethullah Gülen, who the government of Turkey blamed for the disastrous coup attempt against President Erdogan in 2016.⁹ Erdogan’s administration classified Gülen and his movement as a terrorist organization and continued to push the narrative that Kanter’s involvement with the movement also establishes Kanter as a terrorist.¹⁰

Kanter’s outspoken personality and his firm allegiance to Erdogan’s political rival Fetullah Gülen has caused negative backlash against the NBA player and could potentially place him in more hot water.¹¹ Kanter’s family, who still resides in Turkey, face the consequences of Kanter’s protests against President Erdogan and have taken proper measures to ensure their safety.¹² Due to the repercussions of Kanter’s rebellion against Erdogan, Mehmet Kanter,

6. See Matt Ellentuck, *Why Turkey Is Seeking An International Arrest Warrant For Knicks’ Enes Kanter*, SB NATION (Jan. 17, 2019), <https://www.sbnation.com/nba/2019/1/7/18172721/enes-kanter-arrest-warrant-travel-london-knicks-wizards-turkey-president> [https://perma.cc/HNT6-EPMB] (referring mostly to Kanter’s dismay with Erdogan on Twitter).

7. See *id.* (reporting on Kanter’s criticism); Bryan Armen Graham, *Enes Kanter Calls Turkey’s Erdogan ‘Hitler of Our Century’ After Airport Detainment*, THE GUARDIAN (May 22, 2017), <https://www.theguardian.com/sport/2017/may/22/enes-kanter-airport-detainment-romania-turkey-passport-nba> [https://perma.cc/3NC2-ABBF] (quoting Kanter’s negative remarks regarding President Erdogan).

8. See Graham, *supra* note 7 (detailing heinous wrongs that Kanter alleges were committed by Turkish government).

9. See Ellentuck, *supra* note 6 (explaining Kanter’s relationship with Gülenist movement).

10. See Cankut Tasdan, *FETO Terror Group Threat To World Peace*, Anadolu Agency (Jan. 22, 2019), <https://www.aa.com.tr/en/turkey/feto-terror-group-threat-to-world-peace-report/1371665> [https://perma.cc/T9RV-EDFM] (describing Fethullah Terrorist Organization or “FETO” as orchestrator of Turkey’s failed coup, disrupter of peace throughout world); see also Dylan Matthews, *Turkey’s Coup: The Gülen Movement, Explained*, VOX (Sep. 13, 2016), <https://www.vox.com/2016/7/16/12204456/Gülen-movement-explained> [https://perma.cc/767P-WT29] (explaining Gülenist ideologies regarding its movement).

11. For further discussion of Turkey’s negative backlash against Kanter, see *infra* notes 85–93 and accompanying text.

12. See Graham, *supra* note 7 (reporting Kanter’s family cannot be in contact with him or they will be placed in jail and describing that Kanter’s father cannot even go to grocery store without being spit on by Erdogan supporters); see also Seyma Eraz & Yunus Paksoy, *Gülenist NBA Player Kanter Disowned By Family For Ties With FETO*, DAILY SABAH (Sep. 8, 2016), <https://www.dailysabah.com/basketball/2016/08/08/Gülenist-nba-player-kanter-disowned-by-family-for-ties-with-feto> [https://perma.cc/GU2U-GQY2] (acknowledging that Kanter’s family in Turkey has disowned him).

Kanter's father, publicly disowned his son by saying that he "apologize[s] to the Turkish people and the president for having such a son."¹³ Furthermore, both Mehemet and Kanter continue to receive death threats from supporters of Erdogan's political following.¹⁴

In the wake of Kanter's involvement with the Fethullah Terrorist Organization ("FETO"), the Turkish government revoked his passport in 2017, which led to his detainment in a Romanian airport.¹⁵ In the same year, a judge from Turkey issued an international arrest warrant against the veteran basketball player following an investigation that associated Kanter with Gülen's organization.¹⁶ With no passport and a constant fear of arrest or assassination, Turkey's actions have limited Kanter's ability to fulfill his NBA obligations by traveling to play in international games.¹⁷ As a member of the Portland Trailblazers in 2019, Kanter refused to travel and play with the team in a March game against the Toronto Raptors in Canada.¹⁸ Earlier in the 2018–2019 season, as a member of the New York Knicks, Kanter cited concerns of assassination as the reason he would not travel with the team to London to play a game against the Washington Wizards.¹⁹

This Comment suggests Kanter's refusal to travel internationally is warranted, given his political standing, but is precautionary at

13. Eraz & Paksoy, *supra* note 12 (quoting Mehmet Kanter's announcement to Turkish government and citizens).

14. See Graham, *supra* note 7 (stating that both Kanter and Mehmet receive death threats daily, mostly through social media).

15. See Olivia Roberts, *NBA Player Claims Passport Revoked For Criticizing Turkish President*, THE HILL (May 20, 2017), <https://thehill.com/homenews/administration/334386-nba-player-enes-kanter-claims-hes-being-detained-for-criticizing> [<https://perma.cc/MA2W-UWUF>] (reporting that Kanter was detained because embassy of Turkey cancelled his passport). FETO stands for the "Fethullah Terrorist Organization." See *id.* (explaining Turkey's relationship with FETO).

16. See McCann, *supra* note 5 (reporting international arrest warrant details against Kanter).

17. See Jenna West, *Enes Kanter Won't Travel With Trail Blazers To Toronto, Fears Arrest if He Leaves U.S.*, SPORTS ILLUSTRATED (Feb. 28, 2019), <https://www.si.com/nba/2019/02/28/enes-kanter-not-traveling-toronto-fears-arrest> [<https://perma.cc/H8ZX-F6QM>] (indicating Kanter normally fears traveling internationally, although he did play in Toronto on Christmas Day 2019).

18. See *id.* (discussing that President Erdogan is reason Kanter felt unsafe to travel to Canada).

19. See Michael McCann, *Taking Stock Of Enes Kanter's Citizenship With Impending London Game Absence*, SPORTS ILLUSTRATED (Jan. 5, 2019), <https://www.si.com/nba/2019/01/05/enes-kanter-knicks-london-game-citizenship-green-card-turkey-president-erdogan> [<https://perma.cc/GQ8C-GGXA>] (describing Kanter's allegations that he could be killed if he were to travel overseas to London).

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best.²⁰ Turkey's international arrest warrant for Kanter and its use of Interpol will not allow Turkey to capture Kanter.²¹ While the Turkish government can petition for the extradition of Kanter, the extradition treaties existing between Turkey and the United States or Canada would bar a court from sending Kanter back to his home country.²² Further, Kanter's Green Card provides him an accessible way to travel to Canada and a United States passport could be awaiting him in the near future.²³

Kanter most likely will not have to live out his worst fears by returning to Turkey.²⁴ In addition to the relevant treaties favoring Kanter, he has received widespread support from several United States Senators, the Canadian Prime Minister, and the NBA Commissioner.²⁵ Further, his worries may subside when he is able to apply for citizenship in a few short years, which leads to passport eligibility.²⁶ Although the imminent threat of NBA expansion in

20. See McCann, *supra* note 5 (explaining Turkey cannot arrest Kanter while he is outside of warranting country).

21. See *id.* (explaining lack of merit in Turkey's warrant for Kanter); see also *Red Notices*, INTERPOL, <https://www.interpol.int/How-we-work/Notices/Red-Notices> [<https://perma.cc/9WYE-52CQ>] (last visited Apr. 27, 2020) (stating that Red Notices cannot be used as capture methods for extraditions of fugitives or criminals). For further discussion of Interpol in relation to Kanter, see *supra* notes 192–204 and accompanying text.

22. See *Extradition Requests To Canada*, CANADA DEP'T OF JUST., <https://www.justice.gc.ca/eng/cj-jp/empla-eej/tocan-aucan.html> [<https://perma.cc/9GFB-PVNX>] (last visited Apr. 27, 2020) (detailing Canada's procedures and laws regarding extraditing foreign fugitives); see also *International Extradition and Related Matters*, U.S. DEP'T OF JUST., <https://www.justice.gov/jm/jm-9-15000-international-extradition-and-related-matters#9-15.635%239-15.635> [<https://perma.cc/54XY-AJMN>] (last visited Apr. 27, 2020) (summarizing United States' general principles related to obtaining fugitives from abroad); see also *Turkey Extradition Treaty With the United States*, INT'L EXTRADITION LAWYERS, <https://internationalextradition-blog.com/2011/06/20/turkey-extradition-treaty-with-the-united-states/> [<https://perma.cc/Z2A5-ZRYS>] (last visited Apr. 27, 2020) (showing current existing United States extradition treaty with Turkey).

23. See *The Path To Legal Permanent Residence: An Overview*, HG LEGAL RESOURCES, <https://www.hg.org/legal-articles/the-path-to-legal-permanent-residence-an-overview-51381> [<https://perma.cc/5L2W-H429?type=image>] (last visited Apr. 27, 2020) (discussing international traveling abilities of Green Card holders); see also McCann, *supra* note 19 (applying Green Card restrictions to Kanter's Green Card).

24. For further analysis on Kanter's likely stay in America, see *infra* notes 109–241 and accompanying text.

25. For further discussion on the support Kanter has received from officials in North America, see *infra* notes 92–95 and accompanying text.

26. See *Passport Requirements: What it Takes To Get an American Passport*, U.S. PASSPORT SERVICE GUIDE, <https://www.us-passport-service-guide.com/passport-requirements.html> [<https://perma.cc/QEK2-VMKD>] (last visited Mar. 18, 2020) (stating passport eligibility applies to citizens and non-citizen nationals only).

the next few years could pose travel problems for Kanter, it is likely that his worries will become very minimal by then.²⁷

II. BACKGROUND: WHY TURKEY'S POLITICAL REGIME IS FOCUSED ON ONE TURKISH-AMERICAN ATHLETE

The flow of international players into the United States for professional sports has created the opportunity for athletes all over the world to travel to America to compete at the highest level.²⁸ Such an opportunity came to fruition for Kanter when he was selected in the first round of the NBA's 2011 draft.²⁹ However, his career has been highlighted not just by his performance, but also by continuous rifts with the government of his home country, Turkey.³⁰ These rifts have led to several problems for Kanter, including Interpol Red Notices, threats of extradition, and the revocation of Kanter's passport.³¹

A. Kanter, Basketball, and a Dream of America

At the turn of the century, the NBA saw a drastic increase in international players as the 2000–2001 season featured twenty-nine foreign born players across the NBA rosters.³² Ten years later—as Kanter prepared to enter the league—the number of international players continued to sky rocket to over fifteen percent of all NBA players.³³ In recent years, the NBA has continued to break its own records in accepting international superstars.³⁴ During the

27. For further discussion on NBA's potential expansion, see *infra* notes 221–244 and accompanying text.

28. For further discussion of the NBA's rise in foreign-born players since the beginning of the Twentieth century, see *supra* note 2 and accompanying text.

29. See Brian Christopher, *Enes Kanter Feels "Jazzy" To Be Drafted By Utah*, SPORTS RADIO INTERVIEWS (Oct. 24, 2019), <https://www.sportsradiointerviews.com/enes-kanter-feels-jazzy-to-be-drafted-by-utah> [<https://perma.cc/Y66C-3CMV>] (noting Kanter was third overall selection in NBA 2011 draft).

30. See Simran Jeet Singh, *NBA Star Enes Kanter on Faith, Basketball, and Political Activism*, RELIGIOUS NEWS SERVICES (Mar. 28, 2019), <https://religionnews.com/2019/03/28/nba-star-enes-kanter-on-faith-basketball-and-political-activism/> [<https://perma.cc/U9F8-QAAB?type=image>] (discussing several political issues between Turkey and Kanter).

31. For further discussion of Turkey's impact on Kanter's freedom, see *infra* notes 74–101 and accompanying text.

32. See Meredith Cash & Shayanne Gal, *NBA's Trend of Increasing Number of International Players Appears To Be Slowing Down*, BUSINESS INSIDER (Oct. 16, 2018, 4:46 PM), <https://www.businessinsider.com/growing-number-of-foreign-born-players-in-nba-slows-2018-10> [<https://perma.cc/8Y4C-8D4N>] (showing growth of foreign-born players playing in NBA).

33. See *id.* (showing growth in NBA foreign-born players since 2000).

34. See *NBA Rosters Feature Record 113 International Players From 41 Countries And Territories*, NBA COMMUNICATIONS (Oct. 25, 2016), <https://pr.nba.com/nba-rosters->

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2018–2019 season, the NBA rosters featured 108 international players from a record-tying forty-two different countries across the world.³⁵ This renowned inclusion created opportunities for players like Kanter to not only play in the league, but thrive in American basketball developmental programs.³⁶

Born in 1992 in Switzerland, Kanter, the son of a Turkish doctor, spent the first seventeen years of his life in Turkey.³⁷ After rejecting multiple professional basketball contracts in Europe, a young Kanter moved to the United States to participate in American amateur sports and eventually enroll in college through the National Collegiate Athletic Association (“NCAA”).³⁸ Kanter attended multiple preparatory schools when he arrived in America and ultimately experienced great success as one of the most highly-touted players in the world for his age.³⁹ He committed to the University of Kentucky, where he unfortunately suffered NCAA eligibility issues and never played a game under famous coach John Calipari.⁴⁰

After being ruled ineligible to compete in collegiate athletics, Kanter decided to enter the NBA draft in 2011, where he was taken third overall by the Utah Jazz.⁴¹ As of April 2020, Kanter has played in the NBA for eight successful seasons for five different teams.⁴² Kanter was traded at the end of the Portland Trailblazers playoff

international-players-2016-17/ [https://perma.cc/H4NR-B3X4] (explaining 113 international players were on NBA rosters at beginning of 2016–2017 season).

35. See *NBA Rosters Feature 108 International Players From 42 Countries and Territories*, *supra* note 2 (discussing international landscape of NBA).

36. For further discussion on Kanter’s experience in American athletic programs before the NBA, see *infra* notes 38–40 and accompanying text.

37. See Zachary R. Roth, *International Student Athletes and NCAA Amateurism: Setting an Equitable Standard for Eligibility After Proposal 2009–22*, 46 VAND. J. TRANSNAT. 659, 663–64 (chronicling Kanter’s early life); see also McCann, *supra* note 19 (discussing Kanter’s move to United States).

38. See McCann, *supra* note 19 (recounting Kanter’s decision to leave Turkey to pursue success in American basketball); see also *NBA Rosters Feature Record 113 International Players From 41 Countries And Territories*, *supra* note 34 (mentioning Kanter as one of many international NBA players).

39. See Roth, *supra* note 37 (noting Kanter was number three overall player in his incoming college basketball recruiting class).

40. See Paul Ferguson, *Kentucky Wildcats Basketball: Enes Kanter Declared Permanently Ineligible*, BLEACHER REPORT (Nov. 12, 2010), <https://bleacherreport.com/articles/516056-enes-kanter-kentucky-wildcat-star-declared-permanently-ineligible> [https://perma.cc/D8EG-ENP3] (summarizing that NCAA ruled Kanter ineligible because he received \$33,000 worth of extra compensation while playing basketball in Turkey).

41. See Christopher, *supra* note 29 (reporting on Kanter’s unorthodox path to NBA superstardom).

42. See BASKETBALL REFERENCE, *supra* note 4 (showing Kanter’s statistics coupled with his NBA career path).

push in 2019 and is currently in his first season as a member of the Boston Celtics for the 2019–20 season.⁴³

B. Caught in the Middle: Kanter's Relationship With Turkish President Erdogan and Turkish Scholar Fethullah Gülen

Unfortunately, Kanter is not exposed to the same success off the court that he is accustomed to as an NBA superstar.⁴⁴ President Erdogan of Turkey, who in 2018 won a five year term of the country's presidency with new powers, ensured that Kanter is treated with hostility from the Turkish people.⁴⁵ Kanter continuously refers to Erdogan as the dictator, rather than the President, of Turkey, which is a proposition supported by many critics of the leader.⁴⁶

Erdogan has drastically protected his political power and status since a failed coup attempt in 2016.⁴⁷ The coup, which was one of the most violent in political history, sought to overthrow President Erdogan from power but ultimately failed.⁴⁸ Erdogan blamed many for the coup, but ensured his political enemy Gülen and Gülen's alleged "terrorist group" were at the center of the fault.⁴⁹ Most im-

43. See Nick Goss, *Here's How Kemba Walker Helped Recruit Enes Kanter To Celtics In NBA Free Agency*, NBC SPORTS (July 17, 2019), <https://www.nbcsports.com/boston/celtics/heres-how-kemba-walker-helped-recruit-enes-kanter-celtics-nba-free-agency> [<https://perma.cc/K7Q3-PBC9>] (examining two year, ten million dollar contract that Kanter signed with Boston during NBA's 2019 offseason).

44. For further discussion of Kanter's woes with Turkey, see *infra* notes 88–94 and accompanying text.

45. See *Recep Teyyip Erdogan: Turkey's Pugnacious President*, BBC NEWS (June 24, 2019), <https://www.bbc.com/news/world-europe-13746679> [<https://perma.cc/7H2W-LM6X>] (explaining Erdogan's win comes with new powers including directly appointing top public officials, power to intervene with Turkey's legal system, and power to impose state of emergency).

46. See Enes Kanter, *NBA Player Enes Kanter: I've Spoken Out Against Turkey's President Erdogan and Now I Can't Go Home*, TIME (Sept. 11, 2018) <https://time.com/5389792/enes-kanter-erdogan-gulen/> [<https://perma.cc/2WJ7-Y85M>] (showing Kanter's relentless comments towards President Erdogan).

47. See Mark Mackinnon, *Erdogan's Purge*, GLOBE & MAIL (Nov. 12, 2017), <https://www.theglobeandmail.com/news/world/erdogans-purge-50000-ousted-arrested-or-suspended-inturkey/article30987001/> [<https://perma.cc/4YCH-FURS>] (explaining President Erdogan arrested or expelled nearly 50,000 security or civil personnel members in Turkey's government).

48. See *id.* (reporting that 264 people died during Turkey's failed coup attempt); see also *Turkey's Failed Coup Attempt: All You Need To Know*, AL JAZEERA (July 15, 2017), <https://www.aljazeera.com/news/2016/12/turkey-failed-coup-attempt-161217032345594.html> [<https://perma.cc/5QDL-TTVX>] (detailing Turkey's 2016 coup as its bloodiest in political history, which ultimately sought to unseat President Erdogan).

49. See AL JAZEERA, *supra* note 48 (discussing blame pinned on Gülen); see also Jessica Chia, *Was Turkey's Military Uprising Orchestrated From Pennsylvania? Erdogan*

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portantly, Erdogan used the military coup as a way to link Kanter to one of the darkest days in Turkey's history.⁵⁰

The coup was launched by a section of the Turkish military in a few major cities across the nation.⁵¹ While soldiers were storming the streets of Istanbul and Ankara, fighter jets began dropping bombs on their own parliament.⁵² Before the rebels could declare victory, thousands of citizens took it upon themselves to oppose the coup.⁵³ The citizens eventually forced the rebels to surrender and the government declared victory.⁵⁴ However, the failed attempt still resulted in over 250 deaths and over 2,000 injuries.⁵⁵ Despite the military usage and distance, President Erdogan ensured his people that the rebels were receiving orders from Gülen's compound in Pennsylvania.⁵⁶

Gülen is an Islamic scholar who currently lives in self-imposed exile from Turkey in Saylorsburg, PA.⁵⁷ Gülen and Erdogan were

Blames Fethullah Gülen, a 75-year Old Recluse Living In Poconos Community of 1,100, DAILY MAIL (Aug. 3, 2017), <https://www.dailymail.co.uk/news/article-3693067/Was-Turkey-s-military-uprising-orchestrated-Pennsylvania-Erdogan-blames-Fethullah-Gülen-75-year-old-recluse-living-Poconos-community-1-100-swung-close-ally-fierce-political-rival.html> [<https://perma.cc/UVS3-JQNK>] (reporting Erdogan believes Gülen and his following in Pennsylvania orchestrated Turkey's 2016).

50. See Jacob Bogage, *Lies, Lies, Lies: Turkish Consul Upset By NBA Player's Claim 'Goons' Cancelled His Youth Camp*, WASH. POST (July 25, 2019), <https://www.washingtonpost.com/sports/2019/07/25/lies-lies-lies-turkish-consul-upset-by-nba-players-claim-goons-canceled-his-youth-camp/> [<https://perma.cc/RQ5S-8MFV>] (stating Kanter is wanted in his home country for his allegiance to Gülen, who was blamed for 2016 failed coup).

51. See Mackinnon, *supra* note 47 (reporting on coup). A coup, or coup d'état, is defined as sudden overthrow of government by unusually small group of persons in or previously in positions of authority. See *Coup d'état—Political Intervention*, ENCYCLOPEDIA BRITANNICA, <https://www.britannica.com/topic/coup-detat> [<https://perma.cc/P4PB-4NQ2>] (last visited Jan. 31, 2020).

52. See Mackinnon, *supra* note 47 (detailing events of Turkey's coup).

53. See *id.* (referencing many Turkish citizens were opposed to its coup because they are supporters of President Erdogan's administration).

54. See *id.* (discussing scores of troops forced to surrender near Bosphorus Bridge in Istanbul).

55. See *Turkey's Post-Coup Crackdown in Figures*, THE GUARDIAN, <https://www.theguardian.com/world/datablog/2016/aug/19/turkeys-post-coup-crackdown-in-figures> [<https://perma.cc/E5J3-KJBB>] (last visited Aug. 29, 2019) (showing statistics for casualties or injuries resulting from Turkey's 2016 coup).

56. See Chia, *supra* note 49 (stating Erdogan repeatedly accused Gülen of plotting to overthrow his regime from his compound in Pennsylvania's Poconos Mountains).

57. See Michael Wertz & Max Hoffman, *The Process Behind Turkey's Proposed Extradition of Fethullah Gülen*, CENTER FOR AM. PROGRESS (Sept. 7, 2016, 2:00 AM), <https://www.americanprogress.org/issues/security/reports/2016/09/07/143587/the-process-behind-turkeys-proposed-extradition-of-fethullah-gülen/> [<https://perma.cc/JNM8-6GPM>] (discussing Gülen's background with Erdogan).

once strong political allies.⁵⁸ Gülen ensured Erdogan in 2002 that his millions of followers would swing the vote for Erdogan's Justice and Development Party of Turkey ("AKP").⁵⁹ After a decade of peace between the Gülenists and the AKP, the two sides fell out after Gülenist prosecutors opened major corruption cases against senior party leaders and their families.⁶⁰ The corruption cases, which cost the country over \$100 billion, prompted Erdogan and the AKP to declare an open political war against the Gülenists.⁶¹

Four days after the coup, Turkey formally requested the United States to extradite the seventy-five-year-old Gülen under the 1979 extradition treaty between the countries.⁶² Although lawyers in the United States Department of Justice reviewed the crimes alleged by the Turkish government, the lawyers are still hesitant to proceed in court due to a lack of direct evidence of Gülen's personal involvement in the coup.⁶³ Turkey has accused the United States of "stalling" in its procedures to extradite Gülen.⁶⁴ However, the country is most likely pushing the United States because they

58. *See id.* (examining Gülen's relationship with Erdogan); *see also* Chia, *supra* note 49 (noting Gülen's relationship with Erdogan).

59. *See* Chia, *supra* note 49 (stating Gülen recruited his following to back Erdogan's AKP party during beginning of twenty-first century before impending fallout).

60. *See* Wertz & Hoffman, *supra* note 57 (explaining Gülenists allegedly leaked tapes which link Erdogan and his family to widespread corruption).

61. *See id.* (discussing how Erdogan's AKP party began to seize Gülenist businesses, close media outlets, and impede schools associated with Gülenist movement).

62. *See* David A. Sadoff, *Turkey Formally Seeks U.S. Extradition of Muslim Cleric Fethullah Gülen*, 32 INT'L ENFORCEMENT L. REP. 311 (2016) (discussing Turkey's extradition request against Gülen).

63. *See* Sevil Erkus, *U.S. Justice Department Spends More Time On Gülen Extradition Request Than Others: U.S. Official*, HURRIYET DAILY NEWS (July 23, 2018), <http://www.hurriyetaidailynews.com/us-justice-department-spends-more-time-on-gulen-extradition-request-than-others-us-official-134870> [<https://perma.cc/R2VK-KWEE>] (explaining Department of Justice lawyers reviewed files on Gülen's participation in Turkey's coup, but have not found evidence that their request will pass high evidentiary standards for extradition in courts). For further discussion on the evidentiary standards of extradition in United States courts, *see infra* notes 136–142 and accompanying text.

64. *See Two Years On, U.S. Stalls Turkey On Fethullah Gülen's Extradition*, DAILY SABAH (July 19, 2018), <https://www.dailysabah.com/diplomacy/2018/07/19/two-years-on-us-stalls-turkey-on-fetullah-gulens-extradition> [<https://perma.cc/QX44-FTLN>] (referring to Turkey officials' statements claiming United States attorneys have been "stalling" in determining whether they will extradite Gülen back to Turkey); *see also* Wertz & Hoffman, *supra* note 57 (citing comments from Turkish Prime Minister Binali Yıldırım stating that America will have "serious problems" with Turkey if Gülen is not surrendered to them).

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understand extradition is their only option to physically obtain Gülen.⁶⁵

While Gülen is the main target that Turkey is pursuing for the coup, he is not the only one.⁶⁶ President Erdogan listed nearly 60,000 conspirators from the armed forces, judiciary, and other government organizations related to the coup and has sought the extradition of Turkish conspirators throughout the world.⁶⁷ Due to his Gülenist allegiance, Kanter remains one of those conspirators.⁶⁸

Although dangerous for anyone of Turkish nationality, Kanter has been a devout follower of Gülen since he could form his own opinions.⁶⁹ He often tweets support for Gülenist ideals, and like other followers of the movement, criticizes President Erdogan.⁷⁰ In June 2019, Kanter visited Gülen's twenty-six-acre compound in Saylorsburg, Pennsylvania.⁷¹ Kanter is not afraid to pledge his allegiance to the Gülenist movement publicly either.⁷² The Boston

65. See Wertz & Hoffman, *supra* note 57 (adding that United States government could not rescind Gülen's residency considering he won legal challenge to earn his immigration status); see also Gülen v. Chertoff, No. CIV.A.07-2148, 2008 WL 2779001 (E.D. Pa. 2008) (holding that United States Customs and Immigration Services shall approve Gülen's petition for status as alien of extraordinary ability).

66. See Matt Bradley, *Analysis: Erdogan's Purge To Coup-Proof Turkey's Military May Backfire*, NBC NEWS (Aug. 16, 2016), <https://www.nbcnews.com/storyline/turkey-military-coup/analysis-erdogan-s-purge-coup-proof-turkey-s-military-may-n630791> [<https://perma.cc/AKB6-6BNW?type=image>] (discussing Erdogan's sweeping purge of Turkish military officials, soldiers).

67. See Owen Bowcott, *U.K. High Court Refuses Turkey Extradition Due To Overcrowded Prisons*, THE GUARDIAN (Feb. 15, 2018), <https://www.theguardian.com/law/2018/feb/15/uk-high-court-refuses-turkey-extradition-due-to-overcrowded-prisons> [<https://perma.cc/GGX3-VURA>] (explaining United Kingdom judges refused to return British prisoners to Turkey on grounds that Turkey's jails are overcrowded and unsafe).

68. See McCann, *supra* note 5 (discussing that Kanter is topic of extradition because he is devout follower of Gülen).

69. See James Streble, *Kentucky Wildcats Basketball: The Heartbreaking Journey Of Enes Kanter*, SB NATION (Aug. 9, 2016), <https://www.aseaofblue.com/2016/8/9/12412744/kentucky-wildcats-basketball-journey-enes-kanter> [<https://perma.cc/HJ7Y-DT3R>] (explaining Kanter's political stance in regards to rifts between Turkish groups).

70. See Vinny Vella, *NBA Star Enes Kanter Quietly Visited Exiled Cleric's Pocono Retreat Center*, PHILA. INQUIRER (June 14, 2019), <https://www.inquirer.com/news/pennsylvania/enes-kanter-fethullah-glen-pocono-mountains-20190614.html> [<https://perma.cc/6YVS-DV8Y>] (showing evidence that Kanter has been to Gülen's compound while remaining outspoken against Erdogan).

71. See *id.* (speculating Kanter visited Gülen's compound, implying he met with Gülen).

72. See *NBA Player Enes Kanter Says Ready To Sacrifice His Life For Gülenist Terror-Cult*, DAILY SABAH (Sep. 8, 2016), <https://www.dailysabah.com/basketball/2016/08/08/nba-player-enes-kanter-says-ready-to-sacrifice-his-life-for-gülenist-terror-cult> [<https://perma.cc/BG4G-GY99>] (referring to Kanter's comments about importance of Gülen's movement to him).

Celtics center, through a letter on twitter for the world to see, has gone as far as saying that he is willing to die for the Gülenist movement.⁷³

C. The Resulting International Nightmare

Turkey's push to extradite Gülen, Kanter, and other Turkish nationals are met with controversy because of their sporadic attempts to get their nationals back to face trial.⁷⁴ In addition, Turkey received a world-wide reputation as the most prolific abuser of the organization Interpol.⁷⁵ Interpol formed in 1956 and is more commonly known as the International Criminal Police Organization.⁷⁶ With 194 member countries, including Turkey and the United States, one of Interpol's main purposes is to communicate and share information about criminals and fugitives through Red Notices.⁷⁷ A Red Notice is not the equivalent of an arrest warrant, but rather is a formal request by a member nation for the location, identification, and provisional arrest of an identified individual accused of a crime.⁷⁸ People who have been placed on Red Notice are not wanted by Interpol, rather they are wanted by their home country.⁷⁹

73. *See id.* ("O' universe, hear my voice. I have lost my mother, father, brothers and sisters, my whole family and relatives today, whom I have respected for 24 years. My own father wanted me to change my surname. The mother who gave birth to me disowned me. My brothers whom I grew up with disregard me. My relatives do not want to see me anymore . . . I would sacrifice myself a thousand times for this cause . . . God take every second I have left of my life and give it to my dear hodja.").

74. *See* Bowcott, *supra* note 67 (discussing 500-plus extradition requests Turkey made to other countries in 2016 after Turkey's failed military coup).

75. *See* Claire Sadar, *Turkey May Be World's Most Prolific Abuser of Interpol Red Notices*, AHVAL NEWS (Apr. 27, 2019), <https://ahvalnews.com/interpol/turkey-may-be-worlds-most-prolific-abuser-interpol-red-notice> [<https://perma.cc/XW8W-HF32>] (acknowledging overarching demands Turkey requested of Interpol to extradite its fugitive nationals).

76. *See* *What Is Interpol?*, INTERPOL, <https://www.interpol.int/Who-we-are/What-is-INTERPOL> [<https://perma.cc/D8CS-CNAZ>] (last visited Apr. 29, 2020) (summarizing Interpol's purpose).

77. *See* Sadar, *supra* note 75 (resolving misunderstanding that Interpol does not act proactively but rather maintains databases where countries can edit and share information about international criminals).

78. *See id.* (explaining Interpol acts on principles of national sovereignty, which means discretion of member countries create Red Notices); *see also* INTERPOL, *supra* note 76 (noting Red Notices are international wanted person notices, but are not arrest warrants).

79. *See* INTERPOL, *supra* note 76 (differentiating normal arrest warrants from Interpol Red Notices).

Since the July 2016 failed military coup attempt, Turkey has made significant efforts to abuse the Interpol Red Notice system.⁸⁰ The country attempted to upload information on over 60,000 individuals believed to be involved in the coup attempt or connected to the Gülen movement.⁸¹ In one example, Turkey submitted 848 requests through Interpol to pressure Germany to find and detain individuals in a 797-day span.⁸² Reports from Interpol's Commissioner of Control state that Turkey has consistently been in the top ten countries for which Interpol receives outside requests.⁸³ Similar to how the United States allegedly "stalled" in its procedures to return Gülen or Kanter to Turkey, several European Union countries have ignored Turkey's requests as well.⁸⁴

As a disciple of the Gülen movement, it comes as no surprise that Turkey officially filed a Red Notice against Kanter in January 2019.⁸⁵ Although they could not provide evidence that Kanter was linked to the coup, the Istanbul prosecutors who filed the application reasoned that the Red Notice was due to Kanter "being a member of an armed terrorist organization."⁸⁶ The Turkish government announced it filed a Red Notice in 2016 against Kanter while he traveled through Romania, but the more recent 2019 request suggests Turkey's first application filing was denied.⁸⁷

80. See Sadar, *supra* note 75 (referencing Theodore Bromund of Margaret Thatcher Centre for Freedom's comment).

81. See Cagil Kasapoglu, *Interpol: Turkey Not Removed From Database*, BBC NEWS (July 5, 2017), <https://www.bbc.com/turkce/haberler-dunya-40506353> [<https://perma.cc/JGD6-LU7Q>] (discussing efforts Turkey made through Interpol since its 2016 coup).

82. See Sadar, *supra* note 75 (explaining Turkey used Interpol to pressure specific countries to detain individuals); see also *Turkey Applies To Germany Via Interpol For 848 Times In 797 Days*, ENGLISH BIANET (Sep. 19, 2018), <https://bianet.org/english/world/200972-turkey-applies-to-germany-via-interpol-for-848-times-in-797-days> [<https://perma.cc/7BX3-RB7Z>] (recounting all 848 Interpol requests Turkey made to pressure Germany to locate individuals).

83. See Sadar, *supra* note 75 (noting sky-rocketed instances of individuals petitioning Interpol about Turkey-originating cases since Turkey's failed coup).

84. See *id.* (noting that European Union has not taken Turkey's Interpol requests seriously because of their prolific abuse).

85. See McCann, *supra* note 16 (acknowledging that Turkish prosecutors officially requested Interpol for Red Notice against Kanter).

86. Frances Martel, *Turkey Applies For Interpol 'Red Notice' Against NBA Star Enes Kanter*, BREITBART (Jan. 15, 2019), <https://www.breitbart.com/middle-east/2019/01/15/turkey-applies-for-interpol-red-notice-against-nba-star-enes-kanter/> [<https://perma.cc/4HYN-RES9>] (reporting on Turkey's claims of Kanter's terrorist involvement).

87. See *id.* (speculating that new announcement of Kanter's Red Notice requests suggests former request was denied by Interpol, which led to Kanter's escape from detainment at Romanian airport).

Turkey's government continues to do everything in its power to have Kanter returned.⁸⁸ As such, Kanter remains a man without a country.⁸⁹ The superstar basketball player had his passport revoked by the Turkish government in 2016 when Romanian border police were forced to detain Kanter for several hours during his travels.⁹⁰ Although Kanter is hopeful to attain American citizenship, he is not eligible to begin the process for at least two more years.⁹¹ Rather, he is merely considered a national of Turkey.⁹² Luckily, Kanter has a United States Green Card, establishing him as a permanent resident and easing his ability to travel.⁹³ Unlike a Visa, the Green Card allows Kanter to remain in the United States indefinitely.⁹⁴ Although the Green Card does allow for travel outside the United States, the inability to obtain a passport still creates travel restrictions for Kanter.⁹⁵

There is no question Kanter's citizenship and travel issues have hampered his ability to play in international games.⁹⁶ Yet, Kanter has received wide support from Americans during his time of strug-

88. See McCann, *supra* note 5 (referring to Kanter's Turkish passport being cancelled).

89. See *id.* (explaining that Kanter is not welcome in Turkey, does not have American citizenship, and lacks ability to go elsewhere).

90. See *Romanian Border Police Say Turkey Canceled Enes Kanter's Passport*, USA TODAY (May 22, 2017), <https://www.usatoday.com/story/sports/nba/2017/05/22/romanian-border-police-say-turkey-canceled-kanters-passport/102002442/> [<https://perma.cc/T7ZV-BB9B>] (reporting Romanian officials discovered Turkey canceled Kanter's passport at Bucharest's Henri Coanda Airport).

91. See Victoria Nguyen, *Country-less Kanter Seeking U.S. Citizenship: America 'Is My Home Now'*, THE SCORE, <https://www.thescore.com/nba/news/1305825> [<https://perma.cc/8SAA-53EU>] (last visited Aug. 29, 2019) (quoting Kanter implying that he is going to try to obtain citizenship from United States); see also Chris Chavez, *Enes Kanter Wants To Become U.S. Citizen After Detainment In Romania*, SPORTS ILLUSTRATED (May 22, 2017), <https://www.si.com/nba/2017/05/22/enes-kanter-press-conference-american-citizen-hopes> [<https://perma.cc/Y2KA-64FX>] (reporting Kanter's "next move" is to gain American citizenship).

92. See McCann, *supra* note 5 (explaining Kanter has Turkish citizenship, but his passport has been cancelled).

93. See *id.* (discussing Kanter's United States Green Card).

94. See *Difference Between Visa and Green Card*, DIFFERENCE BETWEEN, <http://www.differencebetween.net/business/finance-business-2/difference-between-visa-and-green-card/> [<https://perma.cc/J7QF-2DU8>] (last visited Apr. 29, 2020) (explaining that Visas permit temporary status not applicable for safe travel outside United States, but Green Cards allow for international travel, which also incorporate permanent identification cards).

95. See McCann, *supra* note 5 (discussing immigration problems for Kanter).

96. See Melissa Mahtani, *'My Heart Hurts' - NBA's Enes Kanter On Missing Knicks' London Game*, CNN (Jan. 17, 2019, 4:32 PM), <https://www.cnn.com/2019/01/17/us/enes-kanter-turkey-london-cnntv/index.html> [<https://perma.cc/C6PD-U7EN>] (detailing that Kanter, while on New York Knicks, was forced to miss NBA's London Game against Washington Wizards).

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gle.⁹⁷ Ron Wyden, a United States Senator from Oregon, urged Canadian Prime Minister Justin Trudeau to guarantee Kanter's safe travels to and from Toronto should the Portland Trailblazers have made the NBA Finals in 2019.⁹⁸ Although Kanter's team fell short of the Finals that year, Trudeau did help Kanter play in Canada just six months later on Christmas Day.⁹⁹ Further, NBA commissioner Adam Silver has repeatedly stressed that safety and security are his top priorities in regards to the Kanter situation.¹⁰⁰ However, other Turkish players in the NBA have been more reluctant to stand behind Kanter.¹⁰¹

Considering the growth in number of foreign players in the league, it is unsurprising that Kanter's situation is not the only international issue the NBA faces.¹⁰² During the summer of 2019, the Houston Rockets received backlash from the league when their General Manager, Daryl Morey, tweeted support for protests that

97. See Darren Hartwell, *Enes Kanter Has Support From Mass. Senator as Critic of Turkish President*, NBC SPORTS (July 16, 2019), <https://www.nbcsports.com/boston/celtics/enes-kanter-has-support-mass-senator-critic-turkish-president> [<https://perma.cc/BR6A-63JG>] (showing Massachusetts Senator Ed Markey's endorsement of Kanter's criticism of President Erdogan via twitter); see also Peter Sampson, *Wyden Urges Canada To Ensure Enes Kanter Can Travel Safely To And From Toronto*, SB NATION (May 14, 2019), <https://www.blazersedge.com/2019/5/14/18623659/wyden-urges-canada-to-ensure-enes-kanter-can-travel-safely-to-and-from-toronto> [<https://perma.cc/Y2R4-UNGD>] (acknowledging United States Senator Ron Wyden was active in discussions with Prime Minister Trudeau about ensuring Kanter's safety if Portland Trailblazers had played Kanter's Toronto team in NBA Finals).

98. See Sampson, *supra* note 97 (showing Senator Wyden's concerns with Kanter traveling to Canada for what would have been extremely important set of games).

99. See Ryan Gaydos, *Celtics' Enes Kanter Reveals He Can Play In Canada On Christmas*, FOX NEWS (Dec. 23, 2019), <https://www.foxnews.com/sports/celtics-enes-kanter-play-in-canada-christmas> [<https://perma.cc/8DLV-UB4D>] (detailing that Kanter was finally able to play internationally on Christmas Day 2019 with help from Canada's Prime Minister Trudeau).

100. See Mark Woods, *Adam Silver: 'Nothing More Important' Than Safety of NBA's Players*, ESPN (Jan. 18, 2019), https://africa.espn.com/nba/story/_/id/25787333/nba-commissioner-adam-silver-says-enes-kanter-situation-turkey-very-unfortunate [<https://perma.cc/G4L7-SMUR>] (reporting that Commissioner Silver sympathizes with Kanter's travel issues and wants to be able to ensure his safety).

101. See Ian Begley and Ohm Youngmisuk, *Hedo Turkoglu: Knicks' Enes Kanter Continuing 'Smear Campaign' vs. Turkey*, ESPN (Jan. 7, 2019), https://www.espn.com/nba/story/_/id/25705352/hedo-turkoglu-says-enes-kanter-new-york-knicks-irrational-smear-campaign-turkey [<https://perma.cc/A8JQ-34FM>] (showing that Hedo Turkoglu, former NBA player who is now chief adviser to President Erdogan, is strongly unsupportive of Kanter's "smear campaign").

102. See Chris Isodore, *The NBA Faces a No-Win Situation in China. Here's What It Stands to Lose*, CNN BUSINESS (Oct. 8, 2019, 4:36 PM), <https://www.cnn.com/2019/10/08/business/daryl-morey-tweet-nba-china/index.html> [<https://perma.cc/W66H-8JAJ>] (referring to Morey-China situation).

occurred in Hong Kong.¹⁰³ The tweet occurred at an awkward time while Chinese professional teams were playing preseason games in the United States and a few NBA teams were set to play games in Shanghai.¹⁰⁴

While a tweet seems harmless on its face, the league has a lot to lose in China.¹⁰⁵ The Rockets are the most popular NBA team in China due to the career of Chinese superstar, Yao Ming.¹⁰⁶ It is also no secret that the Chinese market makes up at least ten percent of the NBA's revenue—which is predicted to even boost to twenty percent by 2030.¹⁰⁷ The situation worsened when LeBron James decided to interject by calling Morey “misinformed” and “uneducated.”¹⁰⁸

Many people interpreted LeBron's comments to be in support of the communist regime that Morey was speaking out against¹⁰⁹ Yet, it is more probable that LeBron spoke while ill-prepared and flustered.¹¹⁰ LeBron is no stranger to involving himself with tough racial and ethnic issues surrounding the league.¹¹¹ However, it does seem as if the extent of his concern for these issues begins and

103. See Cindy Boren, *The NBA's China-Daryl Morey Backlash, Explained*, WASH. POST (Oct. 7, 2019), <https://www.washingtonpost.com/sports/2019/10/07/nba-china-tweet-daryl-morey/> [<https://perma.cc/6E7N-44K7>] (reporting Morey “sent and quickly deleted tweet, ‘Fight for Freedom. Stand with Hong Kong.’”).

104. See *id.* (discussing timing issues in Morey's tweet).

105. See Isodore, *supra* note 102 (detailing numerous business consequences of Morey's tweet).

106. See *id.* (discussing significance of Yao Ming in China-NBA relationship).

107. See *id.* (reiterating how important China's market is to NBA).

108. See Mark Medina, *LeBron James Says Rockets GM Daryl Morey 'Misinformed' On China Tweet, Then Clarifies Remark*, USA TODAY (Oct. 15, 2019), <https://www.usatoday.com/story/sports/nba/lakers/2019/10/14/lebron-james-addresses-daryl-morey-china-tweet-clarifies-remark/3982048002/> [<https://perma.cc/DF96-LRRD>] (showing LeBron's need to clarify statements he made about Morey's tweet).

109. See Ohm Youngmisuk, *LeBron James: Daryl Morey was 'Misinformed' Before Sending Tweet about China and Hong Kong*, ESPN (Oct. 14, 2019), https://www.espn.com/nba/story/_/id/27847951/daryl-morey-was-misinformed-sending-tweet-china-hong-kong [<https://perma.cc/E2E7-869M>] (showing confusion over LeBron's remarks).

110. See *id.* (displaying that LeBron did not actually have educated reasons for deeming Morey's tweets as uneducated or misinformed).

111. See, e.g., Ruth Umoh, *LeBron James' Charlottesville Comments are Just the Latest Way He's Fighting for Racial Equality*, CNBC (Aug. 17, 2017), <https://www.cnbc.com/2017/08/17/lebron-james-charlottesville-comments-address-racial-inequality.html> [<https://perma.cc/6FCC-UQ7K>] (showing LeBron's outspoken remarks following Charlottesville's incident); Nolan Feeney, *LeBron James Wears 'I Can't Breathe' Shirt During Warm-Ups*, TIME (Dec. 9, 2014), <https://time.com/3624684/lebron-james-i-cant-breathe-eric-garner/> [<https://perma.cc/49AU-4AK2>] (demonstrating support for Eric Garner through “I Can't Breathe” t-shirts following his death by police shooting).

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ends with his own African-American community.¹¹² Lebron has never stood up for Kanter during his international struggles; in fact, Lebron really does not care for Kanter at all as the two have a history of feuding.¹¹³ Regardless of what Lebron thinks or does, Kanter has vast support inside and outside the NBA, and the outcome of his situation can be found by analyzing extradition law, not tweets.¹¹⁴

III. ANALYSIS: EXAMINING WHY TURKEY IS UNSUCCESSFUL IN OBTAINING KANTER

Kanter's political situation with the Turkish government has restrained him from traveling and thus doing his job.¹¹⁵ While Kanter's worries are indeed warranted, they are most likely a precaution for his safety at best.¹¹⁶ Through the below analysis of American, Canadian, and Interpol extradition laws, it will be clear that Turkey lacks a remedy to have Kanter returned to his home country.¹¹⁷

A. The Turkey-United States Extradition Treaty

1. *History and Law of Treaty*

While extradition within the United States is required upon request, there is much more detail and investigation for extraditions with other nations.¹¹⁸ The extradition “‘process by which a fugitive [living in the United States] may be returned to another country to face criminal charges’ is regulated by . . . 18 U.S.C. §§ 3181, 3184, 3186, 3188–3191[] and [by] treaty.”¹¹⁹ Generally,

112. See Larry Brown, *Lebron James Responds to Enes Kanter*, LARRY BROWN SPORTS (Nov. 13, 2017), <https://larrybrownsports.com/basketball/lebron-james-responds-to-enes-kanter/409274> [<https://perma.cc/ZMD5-TFJD>] (inferring that LeBron has little sympathy towards Kanter's situation of injustice).

113. See *id.* (detailing tension between Kanter and James).

114. For further discussion on support for Kanter, see *supra* notes 97–101 and accompanying text.

115. See McCann, *supra* note 5 (detailing Kanter's situation).

116. For further discussion on why Kanter's worries of being extradited from the United States are precautionary, see *infra* note 118–164 and accompanying text.

117. For further discussion on why Kanter's worries of traveling to Canada are precautionary, see *supra* notes 165–204 and accompanying text.

118. See Justice Manual, *Title 9–15.100– General Principles Related to Obtaining Fugitives from Abroad*, DEP'T OF JUST. (last visited Aug. 20, 2019), <https://www.justice.gov/jm/jm-9-15000-international-extradition-and-related-matters#9-15.635%239-15.635> [<https://perma.cc/VM7H-Z4WL>] [hereinafter “Justice Manual”] (referring to United States' extradition process being regulated by treaty).

119. Roberto Iraolo, *Charges and International Extradition*, 56 WAYNE L. REV. 1813, 1814–15 (2010) (quoting *Mironescu v. Costner*, 480 F.3d 664, 665 (4th Cir.

under United States law, extradition is only granted to a foreign country if the United States has an existing extradition treaty with that country.¹²⁰ Turkey, along with 109 other countries, currently has such a treaty with the United States.¹²¹

Extradition begins when the United States Department of State receives a request from the embassy of a foreign country.¹²² If the fugitive is arrested, a magistrate judge will hold a preliminary hearing to determine whether the evidence presented by the foreign government is an extraditable offense.¹²³ The foreign government is permitted to submit depositions, warrants, or other papers in evidence upon the hearing of any extradition cases.¹²⁴ In determining whether an extraditable offense is present, the magistrate judge will consider “(1) whether [the] crime [is listed] in the relevant treaty; (2) whether the []conduct is criminalized in both countries; and (3) whether the offenses in both countries are substantially analogous.”¹²⁵

With regard to the third element—offenses in the United States and the requesting country to be substantially analogous—it is enough if the particular act charged is criminal in both jurisdictions.¹²⁶ If the magistrate makes these determinations, then the judge will ultimately issue a certificate of extradition.¹²⁷ From there, the Secretary of State will review and determine whether to issue a surrender warrant for the fugitive.¹²⁸

2007)) (citing *Eain v. Wilkes*, 641 F.2d 504, 508 (7th Cir. 1981); *Waits v. McGowan*, 516 F.2d 203, 208 (3d Cir. 1975)); *In re Extradition of Bolanos*, 594 F. Supp. 2d 515, 517 (D.N.J. 2009)) (discussing statutes that govern international extradition).

120. See Justice Manual, *supra* note 118 (explaining treaties are usually required to extradite, along with fulfilling provisions of United States’ extradition statute).

121. See 18 U.S.C. § 3181 (1996) (listing in its notes countries with existing treaties with United States).

122. See *Cornejo-Barreto v. Seifert*, 218 F.3d 1004, 1009 (9th Cir. 2000) (discussing extradition schemes); see also Restatement (Fourth) of Foreign Relations Law § 428 (Am. Law Inst. 2019) (laying out extraditions’ typical procedure).

123. See 18 U.S.C. § 3184 (1996) (explaining extradition procedures following fugitive’s arrest); see also *Iraolo*, *supra* note 119, at 1815–16 (summarizing duties of magistrate judges).

124. See 18 U.S.C. § 3190 (1996) (listing types of evidence permitted for preliminary hearings for extradition by foreign countries).

125. *United States v. Knotek*, 925 F.3d 1118, 1128-29 (9th Cir. 2019) (listing elements of extraditable offenses); see also *Quinn v. Robinson*, 783 F.2d 776, 791 (9th Cir. 1986) (reviewing extraditable offenses).

126. See *Knotek*, 925 F.3d at 1131 (explaining “substantially analogous” elements of extraditable offenses).

127. See Justice Manual, *supra* note 118 (discussing certificates of extradition)

128. See 18 U.S.C. § 3186 (1948) (noting Secretary of State functions as judge for whether United States will surrender wanted fugitives after magistrate judge

Although uncommon, extradition is still possible where a treaty does not exist.¹²⁹ Title 18 sub-section 3181(b) of the United States Code allows the United States to extradite “persons, other than citizens, nationals, or permanent residents, . . . who have committed crimes of violence against nationals of the United States in foreign countries.”¹³⁰ However, this process is irrelevant to Kanter because the United States and Turkey already have an agreement: the Treaty on Extradition and Mutual Assistance in Criminal Matters Between the United States of America and the Republic of Turkey (the “Treaty”).¹³¹

The Treaty between the two countries was signed in June of 1979 by President Jimmy Carter and placed into force on January 1, 1981.¹³² Article II of the Treaty spells out the extraditable offenses for which a requesting party can petition for the return of a fugitive.¹³³ Among these, the most important provision lies in Article II (1)–(a), which states that the extraditable offense must be punishable under both the federal laws of the United States and the laws of Turkey for a penalty or prison sentence of at least one year.¹³⁴ It seems as if Turkey’s extradition request lacks merit under this provision because it has failed to name Kanter to an offense punishable in the United States; rather, it has merely linked him to a terrorist organization, that the United States and the European Union have not recognized.¹³⁵

has made its determination); *see also* *Eain v. Wilkes*, 641 F.2d 504, 508 (7th Cir. 1981) (“If the case is certified to the Secretary for completion of the extradition process it is in the Secretary’s sole discretion to determine whether or not extradition should proceed further with the issuance of a warrant of surrender.”); 18 U.S.C. §§ 3184–85 (1996) (providing Secretary of State’s role).

129. *See* 18 U.S.C. § 3181(b) (1996) (“The provisions of this chapter shall be construed to permit, in the exercise of comity, the surrender of persons, other than citizens, nationals, or permanent residents of the United States . . . without regard to the existence of any treaty of extradition with such foreign government . . .”).

130. *Id.* (discussing violent crimes committed against United States nationals in foreign countries); *see also* Justice Manual, *supra* note 118 (providing extradition process).

131. *See* Treaty on Extradition and Mutual Assistance in Criminal Matters Between the United States of America and the Republic of Turkey, Turk-U.S., June 7, 1979, T.I.A.S. No. 9891 [hereinafter “Turk-U.S. Treaty”] (introducing Turkey’s extradition treaty with America).

132. *See id.* (explaining origin of Turk-U.S. Treaty).

133. *See id.* at 3 (discussing extraditable offenses for dual criminality purposes).

134. *See id.* (noting dual criminality).

135. *See* Vincent Frank, *Turkey Claims Enes Kanter Is Member Of Terrorist Group, Issues Arrest Warrant*, SPORTSNAUT (May 26, 2017), <https://sportsnaut.com/2017/05/turkey-claims-enes-kanter-is-member-of-terrorist-group-issues-arrest-warrant/> [<https://perma.cc/FWN2-ZEF3>] (discussing that arrest warrants Turkey issued af-

2. *Application To Kanter*

Still, Turkey may look for success in the Treaty under section three of Article II, which describes association crimes.¹³⁶ Article II (3)–(a) of the Treaty grants extradition for attempts to commit an extraditable offense as an accessory or accomplice.¹³⁷ Further, section 3(b) describes offenses of association to commit a crime under the laws of Turkey and the United States, as well as conspiracy.¹³⁸ While the situation for Gülen is different, Turkey’s attempt to have Kanter returned primarily lies within section 3(b).¹³⁹ Turkey claims that Gülen is responsible for the 2016 failed military coup which, if proven, could put Kanter in hot water for his known association with Gülen.¹⁴⁰ However, Turkey has struggled to provide Department of Justice attorneys with plausible evidence to prove Gülen was behind the military coup.¹⁴¹ Without this evidence, the United States will remain reluctant to tie him to the coup, which will keep Gülen from being extradited under Article II (1)–(a) and Kanter from being extradited for possible association under Article II (3)–(b).¹⁴²

Turkey’s argument loses even more merit when the conditions of refusal in Article III of the Treaty are examined.¹⁴³ Sub-section (1)–(a) of Article III specifically states that extradition shall not be granted where the requested party regards the offense to be that of a political character.¹⁴⁴ Although Turkey believes that insults

ter linking Kanter to FETO, which is led by fugitive Gülen). *See, e.g., EU Denies Claims Of Designating Gülen Group as ‘Terrorist Org’ in Report*, AHVAL NEWS (Apr. 15, 2018), <https://ahvalnews.com/feto/eu-denies-claims-designating-gulen-group-terrorist-org-report> [https://perma.cc/C5N8-G3TD] (showing European Union failed to recognize Gülenist movement as terror group).

136. *See* Turk-U.S. Treaty, *supra* note 131, at 3 (discussing Turkey’s potential legal strategy).

137. *See id.* (implementing crimes of attempt, accomplice, accessory offenses).

138. *See id.* (providing conspiracy and association crimes).

139. *See* Frank, *supra* note 135 (discussing that Kanter is wanted for association within Gülen’s “terror group”).

140. For further discussion of Turkey’s claims against Gülen and his organization, see *supra* notes 62–68 and accompanying text. For further discussion of Kanter’s association and allegiance to Gülen, see *supra* notes 69–73 and accompanying text.

141. *See* Erkus, *supra* note 63 (detailing that Department of Justice attorneys have spent “thousands of hours” on Gülen’s extradition request but have not found plausible evidence that would meet evidentiary standards for extradition in America’s judicial system).

142. *See id.* (explaining Gülen’s case would not proceed through court system because of lack of enough evidence to pass through lower federal courts).

143. *See* Turk-U.S. Treaty, *supra* note 131, at 4–5 (focusing on Article III’s political character exception in Conditions of Refusal).

144. *See id.* (referencing Article III’s political character exception).

against the President are offenses that are punishable with penalties and prison, the United States would most likely characterize Kanter's comments as political offenses, not legal offenses.¹⁴⁵ The First Amendment to the Constitution allows freedom of speech even when that includes insults against the President of the United States.¹⁴⁶ Going further, Turkey continues to refer to Kanter as a political target or opponent, rather than a wanted criminal, which evinces the nature of his so-called "offenses."¹⁴⁷

The second part of Article III sub-section (1)–(a) continues by stating an extradition will not be granted where the United States concludes that the request is being made to punish or prosecute someone for an offense of political character or due to his political opinions.¹⁴⁸ This portion of the Treaty albeit combats most of what Turkey is attempting to do in its extradition request of Kanter.¹⁴⁹ Kanter's insults or declarations of Erdogan's political status are

145. Compare Safak Timur, *Turkey Cracks Down on Insults to President Erdogan*, N.Y. TIMES (Mar. 2, 2016), <https://www.nytimes.com/2016/03/03/world/europe/crackdown-dissent-turkey-insults-recep-tayyip-erdogan.html> [<https://perma.cc/VG65-G3HP?type=image>] (reporting that there have been 1,900 criminal cases filed against Turks since 2014 for insulting Erdogan), with Deena Zaru, *Top 10 Insults Hurlled Back at Donald Trump*, CNN (July 21, 2015), <https://www.cnn.com/2015/07/21/politics/donald-trump-insults-mccain-comments/index.html> [<https://perma.cc/H9HT-D3QS>] (showing insulting President Trump is normalized in America, rather than being a punishable crime).

146. See Lincoln Caplan, *How the First Amendment Applies To Trump's Presidency*, NEW YORKER (Mar. 21, 2017), <https://www.newyorker.com/news/news-desk/how-the-first-amendment-applies-to-trumps-presidency> [<https://perma.cc/5CBY-MRKJ>] (summarizing First Amendment coinciding with Donald Trump's presidency).

147. See Jacob Bogage, *Turkish Prosecutors Reportedly Seek Arrest Warrant For NBA Player Enes Kanter*, WASH. POST (Jan. 16, 2016, 12:18 PM), <https://www.washingtonpost.com/sports/2019/01/16/turkish-prosecutors-reportedly-see-arrest-warrant-nba-player-enes-kanter/> [<https://perma.cc/2GNY-78VY>] (reporting that Turkey seeks Kanter's return as President Erdogan's political opponent); see also Liz Roscher, *Turkish Government Seeking International Warrant to Arrest Knicks' Enes Kanter*, YAHOO! SPORTS (Jan. 16, 2016, 11:07 AM) <https://sports.yahoo.com/turkish-government-seeking-international-warrant-arrest-knicks-enes-kanter-160737040.html> [<https://perma.cc/3U6A-KC6Z>] (stating Kanter is targeted by Erdogan's political administration).

148. See Turkey-U.S. Treaty, *supra* note 131, at 4–5 (detailing conditions of refusal for extradition).

149. See Ellentuck, *supra* note 6 (stating Kanter fears for his life following Turkey's extradition request due to vocal opposition of Erdogan); see also Suzy Hansen, *The Era Of People Like You Is Over: How Turkey Purged Its Intellectuals*, N.Y. TIMES (July 24, 2019), <https://www.nytimes.com/2019/07/24/magazine/the-era-of-people-like-you-is-over-how-turkey-purged-its-intellectuals.html> [<https://perma.cc/PAC3-9K77?type=image>] (showing Erdogan purged many Turkish academics who strived for different political structure in Turkey); see generally Timur, *supra* note 145 (acknowledging that insulting Turkey's government is punishable by criminal prosecution in Turkey).

clearly his own political opinions and do not meet the standard for extradition set out in Article II (1)–(a).¹⁵⁰ Turkey may continue to urge the United States that Kanter is involved in a “terror group” but it seems unlikely that association in the Gülenist movement is anything more than a political affiliation or opinion.¹⁵¹ Rather, Turkey will focus its efforts on proving Kanter’s involvement in the 2016 military coup that attempted to overthrow Erdogan.¹⁵²

Article III sub-section (1)–(a) additionally contains a provision stating that any offense committed or attempted against a Head of State or a Head of Government “[S]hall not be deemed to be an offense of political character.”¹⁵³ The issue for Kanter with this clause is that he becomes more vulnerable in the wake of new evidence about the military coup.¹⁵⁴ While Kanter is safe to lash-out against Erdogan and his administration, he can wind up in trouble with the extradition laws if he is found to be involved with the coup, which attempted a crime against the head of Turkey’s government.¹⁵⁵ New evidence about Kanter’s involvement in the coup would most likely be permitted in a preliminary extradition hearing under Section 3190 of the United States Code if the United States followed through with the request at a later date.¹⁵⁶ From there, a magistrate judge with jurisdiction can most likely find that the conduct matches the treaties and is punishable in both countries, but must decipher whether the crimes are “substantially analogous in Turkey and the United States.”¹⁵⁷

In a 2019 decision, the Ninth Circuit Court of Appeals decided that for two offenses to be substantially analogous, the court looks to whether the essential character of the transaction is the same

150. See Turkey-U.S. Treaty, *supra* note 131, at 3 (stating that crimes for extradition must be punishable in both countries by penalty of at least one year in prison). For further discussion on Article II requirements in the Turkey-U.S. Treaty, see *supra* notes 117–119 and accompanying text.

151. For further discussion of the Gülenist movement, see *supra* notes 57–61 and accompanying text.

152. For further discussion of Turkey alleging Kanter to be a contributor in the 2016 military coup, see *supra* notes 47–50 and accompanying text.

153. Turkey-U.S. Treaty, *supra* note 131, at 4 (stating that qualifying offenses against Presidents do not fall under political character exception).

154. For further discussion of the 2016 Turkish military coup, see *supra* notes 47–56 and accompanying text.

155. See Caplan, *supra* note 146 (discussing constitutional freedom of speech rights); Turkey-U.S. Treaty, *supra* note 131, at 3 (stating punishment for crimes against heads of government).

156. See U.S.C. § 3190 (1996) (stating evidence admissible on hearing for extradition requests).

157. See *United States v. Knotek*, 925 F.3d 1118, 1128–29 (9th Cir. 2019) (explaining “substantially analogous”).

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and made criminal by both statutes.¹⁵⁸ The scope of the crime does not need to be the same in both countries or contain identical elements.¹⁵⁹ Rather, it is enough that the act being charged is criminal in both jurisdictions.¹⁶⁰ The Court emphasized in its opinion that the crux of substantial analogy is whether two countries' laws are "directed to the same basic evil."¹⁶¹

New evidence linking Kanter to involvement in the coup could raise concern considering he can be extradited for criminal association under Article II of the Treaty and the coup featured a plethora of high-profile crimes in and of itself.¹⁶² Gülen would also be placed in hot water as the leader of the Gülenist movement and subject to extradition for leading the coup.¹⁶³ However, this is merely speculative for now as Turkey has struggled to find legitimate evidence to back its extradition request.¹⁶⁴

B. Canadian Extradition Law and Kanter

Although it seems as if Kanter is safe in America right now, it is also clear he avoids traveling to Canada to prevent a potential arrest or incident that may lead to his extradition.¹⁶⁵ Unlike traveling to London, which would most likely be a difficult process without the security of a passport, Kanter is free to travel internationally to Canada with the use of his Green Card.¹⁶⁶ Still, he fears traveling

158. See *id.* at 1331 (elaborating on substantial analogous element of extradition findings); see also *Wright v. Henkel*, 190 U.S. 40, 58 (1903) (stating that general principles for international law for extradition cases, crimes done on which extradition is demanded must be made criminal by laws of both countries).

159. See *Knotek*, 925 F.3d at 1331 (citing *Collins v. Loisel*, 259 U.S. 309, 312 (1922)) (holding that dual criminality existed where petitioner was accused of obtaining jewelry by false pretenses, which qualified as cheating in India, but obtaining property under false pretenses in United States).

160. See *Collins*, 259 U.S. at 312 (ruling on sufficiency for substantial analogy).

161. *Clarey v. Gregg*, 138 F.3d 764, 766 (9th Cir. 1998) (explaining substantial analogy prong).

162. See *Turk-U.S. Treaty*, *supra* note 131, at 3 (indicating association crimes as extraditable offenses). For further discussion of the 2016 Turkish military coup, see *supra* notes 47–56 and accompanying text.

163. See *Turk-U.S. Treaty*, *supra* note 131, at 3–4 (prohibiting crimes against heads of state). For further discussion on the Gülenist movement hierarchy, see *supra* notes 57–61 and accompanying text.

164. See *Erkus*, *supra* note 63 (detailing Turkey's struggles to link Gülen's movement to Turkey's 2016 military coup).

165. See *West*, *supra* note 17 (discussing Kanter's refusal to travel to Canada with his team after Interpol issued Red Notice against him).

166. See *McCann*, *supra* note 5 (explaining that Kanter may travel to Canada as permanent resident with Green Card); see also *U.S. Permanent Residents Can Visit Canada Without a Visa*, IMMIGRATION ROAD (Feb. 15, 2011), <https://immigrationroad.com/blog/u-s-permanent-residents-can-visit-canada-without-a-visa/> [<https://perma.cc/LZH5-EJ2R>] ("Permanent residents of the United States may

outside of the United States or Canada will place himself in danger.¹⁶⁷ Kanter, however, does not seem to realize that he may be safer from extradition in Canada than he is in the United States if he is arrested.¹⁶⁸

Canada's Extradition Act provides it with the legal basis to extradite a person living in Canada who is sought for extradition by one of its extradition partners.¹⁶⁹ Extradition partners of Canada only include countries who have an extradition agreement with Canada, countries listed in the Extradition Act, or countries which have a case-specific agreement with them.¹⁷⁰ Turkey, unsurprisingly, is not listed as a partner to Canada under the Extradition Act.¹⁷¹ Going further, Canada also has no bilateral or multilateral conventions with Turkey that speak to extradition procedures.¹⁷² It seems then that Kanter, or anyone seeking shelter in Canada from Turkey, only need to worry about a case-specific agreement between the countries.¹⁷³

Even if that scenario were to arise, it most likely would not favor Turkey considering the stringent requirements of Canada's Extradition Act.¹⁷⁴ This Act is similar to United States extradition law, in that it focuses on dual criminality principles within the countries.¹⁷⁵ Except, Canada has a heftier requirement for case-specific agreements than the United States under Part 2 sub-section

travel to Canada from the United States . . . without passports, travel documents or Visas provided they produce satisfactory evidence of their identity and status.”).

167. See McCann, *supra* note 19 (detailing Kanter's worries about traveling to London to play basketball); see also, West, *supra* note 17 (discussing Kanter's fear of leaving United States).

168. For further discussion of Canada's international extradition laws, see *infra* notes 169–183 and accompanying text.

169. See *Extradition Requests to Canada*, CANADA DEP'T OF JUST. (Oct. 20, 2016), <https://www.justice.gc.ca/eng/cj-jp/empla-eej/tocan-aucan.html> [<https://perma.cc/VKW7-TSV6>] (explaining background of Canada's extradition process).

170. See *id.* (explaining three types of extradition partners that Canada has).

171. See Extradition Act of Canada, S.C. 1999, c. 18 *available at* <https://laws-lois.justice.gc.ca/eng/acts/E-23.01/FullText.html> [<https://perma.cc/5L63-QNXU>] [hereinafter “Canadian Extradition Law”] (showing absence of Turkey as extradition partner of Canada).

172. For further discussion on the observation that there is no applicable Canadian extradition treaty with Turkey, see *supra* note 169 and accompanying text.

173. See Canadian Extradition Law, *supra* note 171 (discussing case-specific agreements under Canada's extradition laws).

174. See *id.* (showing extraditable conduct provisions from Canada's Extradition Act).

175. Compare *United States v. Knotek*, 925 F.3d 1118, 1128–29 (9th Cir. 2019), with Canadian Extradition Law, *supra* note 171 (explaining Canada's conduct provisions). For further discussion on United States Extradition Law regarding dual criminality, see *supra* notes 122–135 and 158–161 and accompanying text.

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(3)(1)(i) of the Act.¹⁷⁶ According to this provision, where a request to Canada is based on a specific agreement, the offense must be punishable by a prison term of five years or more in both countries.¹⁷⁷ A term which is four years longer than what is required of dual criminality in the United States-Turkey Extradition Treaty.¹⁷⁸

The Minister of Justice in Canada eventually becomes the ultimate decision-maker in the process.¹⁷⁹ After the minister grants authority to proceed with the process, the Canadian courts must determine whether there is evidence to justify the person's surrender for extradition.¹⁸⁰ If the court decides to commit the person for extradition, then the Minister of Justice literally has the power to decide whether to order the person's surrender even where it means contradicting the court's evidentiary finding.¹⁸¹ Even after the Minister renders a decision, the person committed may appeal their committal and seek judicial review of the Minister's surrender order.¹⁸²

Considering Canada's lack of relationship with Turkey, its heightened requirements for extradition, and its appeal process, it is likely that Turkey would have difficulty apprehending Kanter if he was arrested in Canada.¹⁸³ This comes as no surprise due to Canada's reluctance to extradite criminals in the past, including some very high profile cases.¹⁸⁴ For example, serial killer and rapist

176. Compare Part 2 sub-section 3(1)(ii) of Canadian Extradition Law, *supra* note 171 (explaining penalty for crimes within state provision), with Article II(1)(a) of the Turkey-U.S. Treaty, *supra* note 131 (explaining requirements for crime to be extraditable by American government).

177. See Part 2 sub-section 3(1)(ii) of Canadian Extradition Law, *supra* note 171 (discussing punishable prison term requirement of Canadian extradition specific agreements).

178. See Turk-U.S. Treaty, *supra* note 131, at 3 ("Offenses . . . which are punishable under both the federal laws of the United States and the laws of Turkey . . . for a period exceeding one year or by a more severe penalty.").

179. For further discussion on Canadian Minister of Justice's extradition power, see *supra* note 169 and accompanying text.

180. Compare *Knotek*, 925 F.3d at 1331 (listing elements of dual criminality), with *Extradition Requests to Canada*, *supra* note 169 (explaining role of Canadian courts in extradition proceedings).

181. For further discussion on the Canadian Minister of Justice's final decision-making power, see *supra* note 169 and accompanying text.

182. See *Extradition Requests to Canada*, *supra* note 169 (noting possibility of appeal or judicial review).

183. For further discussion on Canada's extradition process, see *supra* notes 165–178 and accompanying text.

184. See Charles Montaldo, *Serial Killer Charles Ng - A Master of Legal Manipulation*, THOUGHTCO (Mar. 17, 2017), <https://www.thoughtco.com/charles-ng-master-of-legal-manipulation-972723> [<https://perma.cc/DHH8-EANL>] (referring to murderer Charles Ng).

Charles Ng, fled to Canada after committing his crimes to avoid the death penalty in the United States.¹⁸⁵ Understanding that Ng would face death if extradited, Canada initially refused to return him to the United States.¹⁸⁶ It took six years and a \$6.6 million dollar legal battle for Canada to finally extradite Ng in 1991 to the United States, where he now sits on death row.¹⁸⁷ Kanter's offenses are far less serious, but Ng's case shows Canada's opposition to extradition, especially where the committed person may face torture and death if returned.¹⁸⁸

As of now, Kanter does not have much to worry about regarding extradition whether he is in the United States or Canada.¹⁸⁹ Although new evidence is always possible, it seems that his concerns with traveling are focused primarily on capture or assassination.¹⁹⁰ Kanter may be safe under United States and Canadian extradition laws, but Interpol, although unlikely, may have jurisdiction to apprehend him.¹⁹¹

C. Interpol Concerns

It is also very probable that Turkey, the world's most fertile abuser of Interpol, will be unsuccessful in obtaining Kanter through the Red Notice system.¹⁹² Because a Red Notice is not an international arrest warrant, a receiving country has the option of whether to arrest the wanted person, which many countries refuse

185. See Charles Montaldo, *Sadistic Killer And Rapist Charles Ng*, THOUGHTCO (July 15, 2018), <https://www.thoughtco.com/profile-of-sadistic-killer-charles-ng-972697> [<https://perma.cc/RB93-UF8K>] (discussing Ng's horrid crimes, including his path to Canada in order to avoid being killed by American forces).

186. See Montaldo, *supra* note 184 (analyzing that Canada refused to return Ng because there was no more death penalty in Canada, but understood that if he was returned, Ng would face death in United States).

187. See Montaldo, *supra* note 185 (discussing several outcomes of Charles Ng's extradition case).

188. See Montaldo, *supra* note 184 (showing Canada's unwillingness to cooperate with extradition due to its opposition of death penalty implementation). For further discussion on Kanter's alleged offenses, see *supra* notes 6–12 and accompanying text.

189. For further analysis on Kanter regarding United States extradition laws, see *supra* notes 153–161 and accompanying text. For further analysis on Kanter and Canadian extradition laws, see *supra* notes 167–172 and accompanying text.

190. See Shireen Qudosi, *Enes Kanter Fears Turkish Assassination Plot*, CLARION PROJECT (Feb. 20, 2019), <https://clarionproject.org/enes-kanter-fears-turkish-assassination-plot/> [<https://perma.cc/SE2J-F5C7>] (discussing Kanter's fear of Turkish assassination plots or impending torture if captured by Turkey's government).

191. For further analysis on Interpol and Kanter, see *infra* notes 192–204 and accompanying text.

192. For further discussion on Interpol and Turkey's abuse of the Red Notice system, see *supra* notes 80–84 and accompanying text.

to do.¹⁹³ The United States is one of the countries that does not arrest fugitives based solely on Red Notices; rather they investigate first.¹⁹⁴ The Criminal Division of the Department of Justice will make a determination if the wanted person on notice is eligible for extradition by examining the crimes of the accused and by looking to see if an applicable treaty exists between the two countries.¹⁹⁵ If so, then the United States Attorney's office will issue a warrant and take the matter to court itself.¹⁹⁶ In Kanter's case, the United States is aware that he is on Red Notice and clearly aware that he resides in the country, which makes it certain that the Department of Justice's criminal division lacks any findings of extraditable crimes against him at this point.¹⁹⁷

Still, Kanter traveling to the wrong places could put him in harm's way because Interpol is an international organization that puts all participating countries on alert for a wanted person.¹⁹⁸ He would be fine traveling to Canada considering the absence of a Turkey-Canada treaty, but may have a hard time in other countries, like England.¹⁹⁹ There does exist an extradition treaty between the

193. See Sadar, *supra* note 77 (noting Red Notices are not equivalent to international arrest warrants); see also Michelle Estlund, *Interpol's Red Notices and Extradition: What Happens if There's No Extradition Treaty?*, RED NOTICE L. J. (Mar. 5, 2019), <https://www.rednoticelawjournal.com/2019/03/interpols-red-notices-and-extradition-what-happens-if-theres-no-extradition-treaty/> [<https://perma.cc/727F-Z33G>] (explaining that countries may operate at their own discretion in determining whether to detain persons on Red Notice within their borders).

194. See *Justice Manual: Organizations and Functions Manual, Chapter 3 Provisional Arrests and International Extradition Arrests—Red, Blue, or Green Notices*, U.S. DEP'T OF JUST., <https://www.justice.gov/jm/organization-and-functions-manual-3-provisional-arrests-and-international-extradition-requests> [<https://perma.cc/6PBS-TXB5>] (last visited Apr. 27, 2020) (stating that United States law prohibits arrest of Red Notice subjects issued by another Interpol member country, when such notice is not supplemented).

195. See *id.* (declaring certain investigative process requirements to check someone within United States borders who is on Red Notice).

196. See *id.* (detailing functions of the US Attorney's Office where Red Notice arrests pass through criminal division of Department of Justice, subsequently reaching them).

197. See Lindsey Wisniewski, *Enes Kanter Remains in USA on "Red Notice" . . . But What Does That Mean?*, NBC SPORTS (Feb. 28, 2019), <https://www.nbcsports.com/northwest/portland-trail-blazers/enes-kanter-remains-usa-red-notice-what-does-mean> [<https://perma.cc/3EDJ-G726>] (showing that American news networks are aware Kanter is on Red Notice); see also McCann, *supra* note 5 (discussing Kanter's Red Notice status while he is within United States); Erkus, *supra* note 63 (speculating that Turkey has lack of evidence against Gülen for Turkey's coup, suggesting Turkey also lacks evidence against Kanter).

198. For further discussion of Red Notice alerts, see *supra* note 76 and accompanying text.

199. For further discussion on the lack of an extradition relationship between Canada and Turkey, see *supra* notes 167–172, 183–188 and accompanying text.

United Kingdom and Turkey that could provide a remedy for Turkey through Interpol.²⁰⁰ In some cases, where a treaty between two countries does not exist regarding extradition procedures, a country can still extradite a wanted fugitive.²⁰¹ Given the diplomatic relationship between Turkey and the United Kingdom plus the increased number of Turks and Muslims in that region of the world, it very well could be a reality for Kanter if he is caught in London.²⁰² However, the high court of the United Kingdom may still be reluctant to extradite prisoners back to Turkey due to the overcrowded prisons.²⁰³ Regardless, chances of a Kanter assassination or attack in the United Kingdom is most likely higher than in the United States or Canada.²⁰⁴

D. Kanter's Future in America and Abroad

1. *Kanter and the U.S.*

The next step for Kanter is most likely to secure his American citizenship, which would relieve him of his current status as a “man without a country.”²⁰⁵ While the Green Card that Kanter holds provides some sense of security, the path to American citizenship

200. See The Extradition Act 2003 (Overseas Territories) Order 2016 (S.I. 2016/990), arts. 1(2), 3(1), Schs. 1, 3 *available at* <http://www.legislation.gov.uk/uksi/2016/990/contents/made> [<https://perma.cc/7UT4-8PR2>] (listing Turkey as Category 2 country in United Kingdom's Extradition Act of 2003, meaning Turkey has extradition treaty with United Kingdom, although United Kingdom is not part of European Union).

201. See Estlund, *supra* note 193 (highlighting Red Notice subjects could be transferred for prosecution via diplomatic channels, without existence of necessary treaty).

202. See McCann, *supra* note 19 (observing Kanter's comments that he could be killed if he travels to Turkey); see also *Relations Between Turkey and the United Kingdom*, REPUBLIC OF TURKEY MINISTER OF FOREIGN AFFAIRS, <http://www.mfa.gov.tr/relations-between-turkey-and-the-united-kingdom.en.mfa> [<https://perma.cc/YBA4-LPGA>] (last visited Apr. 27, 2020) (summarizing positive tourism, trade, history statistics between Turkey and United Kingdom).

203. See Bowcott, *supra* note 67 (inferring that United Kingdom judges will not extradite prisoners back to Turkey in this political climate considering their acknowledgement of Turkey's overcrowded prison system).

204. See Marc Berman, *Enes Kanter Fears He Will Be Killed if He Goes to London Game*, N.Y. POST (Jan. 5, 2019), <https://nypost.com/2019/01/05/enes-kanter-wont-go-to-london-because-of-a-freaking-lunatic/> [<https://perma.cc/B7NJ-P8VA>] (showing Kanter's fears of assassination in London); see also McCann, *supra* note 19 (noting Turkish population is greater in Europe than North America).

205. See Tim Reynolds, *NBA Center Enes Kanter May Seek US Citizenship after Turkish Government Canceled His Passport Following Criticism, and It's Thrown His Future For a Loop*, BUSINESS INSIDER (May 22, 2017), <https://www.businessinsider.com/ap-death-threats-may-prompt-nbas-kanter-to-become-us-citizen-2017-5> [<https://perma.cc/7H6W-S3Z9>] (discussing Kanter's desire to gain American citizenship following his detention in Romania).

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would inevitably lead him to obtaining a passport and more confidence in his travels.²⁰⁶ Turkey significantly hindered Kanter's confidence in traveling abroad when they cancelled his passport, which explains his absence from several NBA games in recent times.²⁰⁷ Yet, an American passport may dismiss those fears and allow Kanter more freedoms to travel.²⁰⁸

Kanter's situation requires him to become a citizen through naturalization.²⁰⁹ While there are other ways to gain American citizenship, none of those options will readily apply to Kanter.²¹⁰ Of course, he could, as a Green Card holder, marry an American citizen and become a citizen himself within three years, but it seems that the NBA superstar is not welcoming such offers at this time.²¹¹ Instead, Kanter will probably wait until 2021 to begin his citizenship process when the mandatory five-year waiting period for Green Card holders expires.²¹² The five-year period requires that the

206. See McCann, *supra* note 5 (explaining that Kanter needs to gain American citizenship before he can become passport eligible).

207. See Reynolds, *supra* note 205 (detailing Kanter's fear of Turkey in international travels); see also Daniel Matthews, *New York Knicks Star Enes Kanter as Not Traveled For NBA London Game as He Fears Fans of Turkish President Could Try to ASSASSINATE Him*, DAILY MAIL (Jan. 17, 2019), <https://www.dailymail.co.uk/sport/sportsnews/article-6602843/New-York-Knicks-Kanter-misses-London-game-assassination-fears.html> [<https://perma.cc/773H-XYRA>] (noting Kanter's absence from New York Knick's 2019 game in London); West, *supra* note 17 (noting Kanter's absence from Knicks' 2019 game in Toronto).

208. See McCann, *supra* note 5 (noting international fugitive's capabilities with American passports).

209. See *Path To U.S. Citizenship*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, <https://www.uscis.gov/us-citizenship/citizenship-through-naturalization/path-us-citizenship> [<https://perma.cc/5976-JT4F>] (last visited Apr. 27, 2020) (explaining most common path to United States citizenship involves Green Card holders or permanent residents of at least five years to apply for citizenship through naturalization).

210. See *id.* (listing other paths to United States citizenship for Green Card holders or permanent residents that do not apply to Kanter).

211. See *Naturalization and Acquisition of U.S. Citizenship*, KANTER & ROMO IMMIGR. L. OFFICE, <http://www.kanterromo.com/naturalization-acquisition-u-s-citizenship/> [<https://perma.cc/A9TF-2Y8M>] (last visited Apr. 27, 2020) (explaining that Green Card holders who are in marital union with American citizens may apply for citizenship after only three years of continuous residence in America); see also Mike Chiari, *Enes Kanter Says He Gets Marriage Proposals On Social Media For Green Card*, BLEACHER REPORT (June 27, 2018), <https://bleacherreport.com/articles/2783159-enes-kanter-says-he-gets-marriage-proposals-on-social-media-for-green-card> [<https://perma.cc/8WD4-JG4J>] (stating Kanter rejects marriage proposals and intends to let process run its course).

212. See 8 U.S.C. § 1427 (a) (2006) ("No person . . . shall be naturalized unless such applicant, (1) immediately preceding the date of filing his application for naturalization has resided continuously, after being lawfully admitted for permanent residence, within the United States for at least five years"); see also Chiari, *supra* note 209 (reporting Kanter laughs off marriage proposals that would speed up extradition process).

Green Card holder maintain continuous residence in the United States.²¹³ This should not be an issue for Kanter considering he has not left the United States often since receiving his Green Card in 2016.²¹⁴

After meeting these requirements, Kanter can file his Form N-400 application and adhere to additional citizenship requirements such as taking a biometrics exam, attending to an interview with the United States Customs and Immigration Service, and finally taking the oath of allegiance.²¹⁵ Kanter may additionally become subject to a background check and then pass an English language and civics tests.²¹⁶ After the detention in Romania, speculation arose regarding whether Kanter may seek an expedited citizenship process given his political standing, but with less than two years to go it is likely he will remain steady on the five-year waiting period.²¹⁷

It is also worthy to note Kanter did not seek asylum in the United States, even though he may have been eligible to do so.²¹⁸ Asylum seekers residing in the United States, whether legally or not, may apply for such a status if they are unable to return to their home country due to fear of persecution based on religion, membership of a social group, or political opinion.²¹⁹ This type of persecution must be done on behalf of the home country's

213. *See id.* at § 1427 (b) (“Absence from the United States for a continuous period of one year or more during the period for which continuous residence is required for admission to citizenship . . . shall break the continuity of such residence . . .”).

214. For further discussion on Kanter's refusal to travel internationally, see *supra* notes 17–19 and accompanying text.

215. *See Citizen Path 2019*, IMMIGRATION DIRECT, <https://www.us-immigration.com/blog/citizen-path-2018/> [<https://perma.cc/F3CC-WBQD>] (last visited Apr. 27, 2020) (listing requirements for application of United States citizenship through naturalization).

216. *See* McCann, *supra* note 5 (touching upon background checks, education, and examinations involved in America's naturalization process); *see generally* *Citizen Path 2019*, *supra* note 215 (acknowledging basic examinations for citizenship applicants).

217. *See* Reynolds, *supra* note 205 (discussing possibilities of Kanter's expedited citizenship process); *see also* Eurohoops Team, *Enes Kanter Wants to Get US Citizenship*, EUROHOOPS (May 22, 2017, 11:04 PM), <https://www.eurohoops.net/en/nba-news/453646/enes-kanter-wants-get-us-citizenship/> [<https://perma.cc/QNK6-Z2MM>] (noting Kanter's hopes of accelerated American citizenship process).

218. *See* Reynolds, *supra* note 205 (showing that Kanter seeks citizenship rather than asylum).

219. *See Citizen Path 2019*, *supra* note 215 (explaining that asylum seekers may be granted stay for fears of persecution based on race, religion, nationality, membership in groups, or political opinion from their home country's government).

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government.²²⁰ Kanter, a legal United States resident, most likely meets this criteria as he is the subject of persecution from the Turkish government for his membership in the Gülenist movement and opposition towards President Erdogan's policies.²²¹ Yet, Kanter put his faith in the naturalization process, rather than asylum, unlike his good friend and religious leader, Gülen.²²² Regardless, Kanter's choice is a noble one and should be fruitful as he is hopefully on his way to obtain an American citizenship and subsequently a passport.²²³

2. *Rumors of NBA Expansion Overseas*

A separate consideration that may affect Kanter as his NBA career prolongs is the possibility of the NBA's expansion into Europe.²²⁴ NBA Commissioner, Adam Silver, expressed his desire to expand into Europe in the past.²²⁵ This should not come as a surprise considering the NBA conquered American interest nationwide with its popularity, and now seeks to expand beyond the United States.²²⁶ Following the 2016 NBA season, which was the same year Kanter received his United States Green Card, the NBA had just completed its 161st game in league history overseas after

220. *See id.* (emphasizing that persecution must come from their home country's government or their government's unwillingness to control listed group(s)).

221. For further discussion on Kanter's rift with the Turkish government see *supra* notes 6–10, 69–73 and accompanying text.

222. *See* Malik Ibrahim, *An Open Door: Gülen Asylees in North America*, COMMA NETWORK (Feb. 28, 2017), http://commanetwork.com/dig_deeper/open-door-gulen-asylees-north-america/ [<https://perma.cc/LNS8-5WUK>] (noting Gülen's asylum from Turkey in United States).

223. For further discussion on Kanter's path to United States citizenship, see *supra* notes 209–217 and accompanying text.

224. *See* Dan Devine, *Adam Silver Eyes 4 NBA franchises: 'I Believe It's Our Manifest Destiny To Expand'*, YAHOO SPORTS (Jan. 15, 2015, 2:05 PM), <https://sports.yahoo.com/adam-silver-eyes-4-european-nba-franchises—i-believe-it-s-our-manifest-destiny-to-expand-190532541.html?y20=1> [<https://perma.cc/ER7A-PMJK>] (noting NBA commissioner Adam Silver has claimed it is NBA's manifest destiny to expand into Europe).

225. *See id.* (explaining that Silver has had his eye on four potential NBA franchises in Europe); *see also* Bill Wilson, *NBA Boss Adam Silver Hopes for Global Basketball Bounce*, BBC NEWS (Jan. 15, 2015), <https://www.bbc.com/news/business-30754201> [<https://perma.cc/WY4B-TBS8>] (discussing Silver's hopes of future expansion into Europe).

226. *See* Shane Ryan, *The NBA is the Best Professional Sports League in America*, GOLF DIGEST (Nov. 20, 2017), <https://www.golfdigest.com/story/the-nba-is-the-best-professional-sports-league-in-america> [<https://perma.cc/CW7S-MXL4>] (claiming that NBA has surpassed NFL in terms of popularity); *see also* Wilson, *supra* note 21 (discussing NBA's surge in Europe as league's teams continue to sell out games in London).

playing a total of seven games in Europe that season.²²⁷ The NBA has continued to have success in Europe since, as they have played at least one game in London each of the past two seasons.²²⁸

Expansion into Europe would pose even more problems for Kanter considering his refusal to play internationally.²²⁹ As the league grows, Kanter would be subject to more away games in Europe, especially in London.²³⁰ While his Green Card may allow for this travel, we know that his concerns are more focused on being subject to assassination or capture by Turkish nationals in the United Kingdom and other regions.²³¹ However, the NBA seems to sympathize with Kanter's situation already and understands that the safety of all their players is a top priority.²³²

Still, NBA expansion into Europe remains speculative considering the structural barrier of professional sports leagues in the United States and in Europe.²³³ For example, the NBA exemplifies a typical American sports league that conducts business under a mixed-mode private property structure.²³⁴ Franchises in the NBA are able to limit competition by controlling the entry of new players and new clubs through league wide restraints in addition to restraining free movement of prospective players through first year

227. See generally *History of the NBA Global Games*, NAT'L BASKETBALL ASS'N, <https://www.nba.com/global/games2013/all-time-international-game-list-printable.html> [<https://perma.cc/4NJ4-6FJW>] (last visited Apr. 27, 2020) (recording data on NBA's history overseas).

228. See *Philadelphia 76ers, Boston Celtics to Play Regular-Season Game in London*, NAT'L BASKETBALL ASS'N (Aug. 10, 2017, 8:01 AM), <https://www.nba.com/article/2017/08/10/nba-london-games-2018-official-release/> [<https://perma.cc/7MMK-LM4J>] (reporting Philadelphia 76ers and Boston Celtics 2017–2018 game in London); see also *NBA London Game 2019 to Feature Regular Season Game Between Washington Wizards and New York Knicks*, NAT'L BASKETBALL ASS'N (Jun. 20, 2018, 10:00 AM), <https://www.nba.com/article/2018/06/20/nba-london-game-2019-official-release> [<https://perma.cc/XSP7-KU9G>] (reporting on Washington Wizards and New York Knicks 2019 game in London, which is one of several games where Kanter refused to travel to Europe).

229. See McCann, *supra* note 19 (discussing Kanter's absence from 2019 London game); see also West, *supra* note 17 (discussing Kanter's refusal to travel to Toronto).

230. See Wilson, *supra* note 21 (referencing that NBA expansion into Europe may lead to development of four European franchises).

231. For further discussion on Kanter's travel concerns, see *supra* notes 15–19 and accompanying text.

232. For further discussion on the NBA's sympathy towards Kanter, see *supra* notes 98–100 and accompanying text.

233. See Marc Edelman & Brian Doyle, *Antitrust and Free Movement Risks Of Expanding U.S. Professional Sports Leagues Into Europe*, 29 NW. J. INT'L L. & BUS. 403, 405 (2009) (referring to different structures and competition laws between American and European sports leagues).

234. See *id.* at 406 (noting NBA's position within American sports leagues).

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drafts and league-wide reserve systems.²³⁵ On the contrary, European sports leagues generally operate under a pyramid structure that features club promotion based around on-field performance.²³⁶ For example, in England's Premier league, the three best teams from the second highest British division each season are promoted to the Premier League, while the three worst teams from the Premier League are demoted.²³⁷ Further, first-year athletes in European sports league are not forced to enter a first-year draft.²³⁸ Instead, athletes can sign a contract with any club of their choosing at any salary.²³⁹ In addition, the antitrust ideologies exemplified in American sports differ from European Community competition law.²⁴⁰ For these reasons as well as additional international expansion issues, Commissioner Silver recently stated that the NBA is not yet ready to expand into Europe.²⁴¹

For Kanter, Christmas in 2019 gave the Celtics superstar a very special gift: his guaranteed safety internationally.²⁴² On December 25, 2019, Kanter traveled with the Boston Celtics and played in a game against the Toronto Raptors, in which he helped lead the Celtics to a big win.²⁴³ Kanter credited Canadian Prime Minister Trudeau and U.S. Senator Ed Markey for their diligent assistance in

235. *See id.* (discussing competition restraints implemented by NBA's league structure).

236. *See id.* at 408 (differentiating European sports league's pyramid structure with American sports league's mixed-mode property structure).

237. *See id.* (explaining how England's Premier League controls entering and exiting teams, which is typical of most European sports leagues).

238. *See id.* at 409 (noting European professional sports leagues do not use drafts to bring players into their leagues).

239. *See id.* (reporting that contracts provide possible entry into European leagues).

240. *See id.* at 410–11 (explaining that unlike United States competition law, European competition laws are intended to address both antitrust concerns and policy goals oriented towards objectives of European economic integration).

241. *See* Gary Washburn, *NBA Commissioner Adam Silver on Expanding to Europe: 'We're Not Quite There Yet'*, BOSTON GLOBE (Jan. 20, 2019), <https://www.boston-globe.com/sports/celtics/2019/01/20/nba-commissioner-adam-silver-expanding-europe-not-quite-there-yet/jGsoFqAvZXkQ743dgouLNM/story.html> [<https://perma.cc/AU72-9ZX7>] (“We’re not quite there yet, I think, for that level of expansion to the league in terms of quality play. At the same time, we don’t want to dilute the quality of NBA talent. That’s why my focus right now is building a very strong 30-team league. But it’s something that’s not completely out of the question, and I’m sure we’ll turn back to that at some point.”).

242. *See* Tim Bontemps, *Celtics' Enes Kanter to Play in Toronto After Issues Resolved*, ESPN (Dec. 23, 2019), https://www.espn.com/nba/story/_/id/28361920/celtics-enes-kanter-play-toronto-issues-resolved [<https://perma.cc/L5G7-W294>] (reporting Kanter would play in his Christmas Day game in Toronto, which was his first time travelling internationally in several years).

243. *See* *Brown Scores 30, Celtics Beat Raptors 118–102*, ESPN (Dec. 25, 2019), <https://www.espn.com/nba/boxscore?gameId=401161097> [<https://perma.cc/>]

ensuring his safety.²⁴⁴ This was Kanter's first international game as a Celtic and marks a huge stepping stone for him in this entire situation.²⁴⁵ Although Canada made this happen for Kanter, it is still unlikely he will feel safe traveling to Europe to play in the near future while his tension with Turkey is still hot.²⁴⁶ It will be interesting to see how Kanter chooses to respond to future NBA International games or potential NBA expansion, if applicable, down the road.²⁴⁷

IV. CONCLUSION: A SAFE BUT WANTED ATHLETE

In sum, Kanter is not your average international NBA superstar.²⁴⁸ President Erdogan of Turkey, who pinned the 2016 Turkish military coup on the religious group that Kanter follows, has constantly made efforts to have Kanter and Gülen returned to Turkey.²⁴⁹ Although Erdogan's previous efforts have been unsuccessful, Kanter has remained extremely cautious in his international affairs and travels.²⁵⁰ While his fears of assassination or capture in Europe are warranted, his reluctance to travel in order to prevent a potential extradition is a precaution, at best.²⁵¹

At the situation's current position, Turkey does not have an avenue to have Kanter extradited under their treaty with the United

SP3S-ADK3] (showing Kanter's double-double in Celtics' Christmas Day game against Toronto).

244. See Bontemps, *supra* note 242 (detailing Canada, United States working together to help ensure Kanter's safety).

245. See *Enes Kanter Cleared to Travel to Toronto for Celtics Christmas Day Tilt vs. Raptors*, CBS BOSTON (Dec. 23, 2019, 1:58 PM), <https://boston.cbslocal.com/2019/12/23/enes-kanter-cleared-toronto-celtics-raptors-christmas-day-nba-turkey/> [<https://perma.cc/2YSD-YYER>] (stating it was Kanter's first time traveling internationally since joining Celtics).

246. See Chelsea Howard, *Enes Kanter Won't Travel With Knicks to London Due to Fear of Turkish President*, SPORTING NEWS (Jan. 5, 2019), <https://www.sportingnews.com/us/nba/news/enes-kanter-new-york-knicks-wont-travel-london-fear-safety-washington-wizards-turkish-president-recep-tayyip-erdogan/uc6py6a30rsi1qrxgm212rlvj> [<https://perma.cc/WFB5-6BU9>] (alluding to Kanter's fear of prosecution by Erdogan in Europe).

247. See *id.* (predicting Kanter probably will not travel overseas until his safety is ensured).

248. For further discussion of Kanter's unorthodox rise to NBA superstardom, see *supra* notes 3–10 and accompanying text.

249. For further discussion on Erdogan's trials to have Kanter and Gülen returned to Turkey, see *supra* notes 62–65, 85–90 and accompanying text.

250. For further discussion on Kanter's absences from games that require international travel, see *supra* notes 17–19 and accompanying text.

251. For further discussion of Turkey's inability to extradite Kanter, see *supra* notes 143–147, 165–168 and accompanying text.

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States or their current extradition arrangement with Canada.²⁵² Turkey may have more success with extradition in the United Kingdom, but it seems unlikely considering the United Kingdom's past refusals to send Turkish nationals back home.²⁵³ Additionally, it is unlikely that any of these countries—the United States, Canada, or the United Kingdom—will choose to act on Turkey's Interpol Red Notice for Kanter.²⁵⁴ On the contrary it seems Kanter's situation will improve as he is only two years away from American citizenship eligibility and, hopefully, a passport.²⁵⁵ Further concerns may arise for Kanter if the NBA decides to expand into Europe, but the current set of circumstances makes it seem as if the league is not yet ready for such a venture.²⁵⁶ It is Kanter's choice whether he wants to travel for these international games, as he has the support of the NBA and most of the United States.²⁵⁷ Still, his cautious approach is most likely an over-analyzation as it would be extremely difficult, if not impossible, for Turkey to obtain Kanter through extradition or Interpol.²⁵⁸

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252. For further discussion on the applicable extradition treaties and Kanter's low chances of extradition, see *supra* notes 114–200 and accompanying text.

253. For further discussion on the United Kingdom's refusal to extradite Turkish nationals, see *supra* notes 66–68, 203–204, and accompanying text.

254. See Erkus, *supra* note 63 (suggesting Interpol Red Notice should not threaten Kanter).

255. For more on Kanter's American citizenship and passport situation, see *supra* notes 205–214 and accompanying text.

256. For further discussion on NBA expansion into Europe, see *supra* notes 224–241.

257. For further discussion on the NBA's support of Kanter's travel decisions, see *supra* notes 98–101 and accompanying text.

258. For further discussion on Turkey's inability to extradite Kanter, see *supra* notes 143–147, 165–168, and accompanying text.

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