

STORM CURRENTS

A Student Publication of Torah Academy Bergen County



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Storm Currents

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Storm Currents is a debate magazine published at TABC. It is meant to provide analysis for a wide-range of topics including politics, social issues, sports, and more. The intent of this magazine is to promote awareness of the world in which we live in without any kind of bias. Therefore, all issues addressed in Storm Currents are discussed from both standpoints concerning the issue. The opinions expressed in the magazine do not necessarily reflect the views of the respective authors. All topics are debated fairly, with no partiality displayed toward any particular ideology.

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Paying College Athletes:

Recently, 3 executives affiliated with Adidas were found guilty of wire fraud in a pay-to-play scandal involving their giving illicit payments from Adidas to top high school basketball recruits. These payments influenced the players to go to the Adidas affiliated schools Kansas, Louisville, and N.C State, along with influencing many other decisions the players would've made after college. This trial and many other investigations has shown the public that the idealistic term "student-athlete" might not be so true, and has brought up the question whether these athletes should not have to go behind the NCAA to get paid. With all of this in mind, the question stands, should their NCAA change its rules and pay their "student-athletes?"

Yes: *by Liev Markovich*

While the actions of the 3 Adidas executives have garnered great outrage and have been widely condemned, the real scandal is the structure of college sports. Student athletes generate billions of dollars for universities while earning nothing themselves. The NCAA's idealistic doctrine of "student-athletes" is laughable, as players spend much more of their time being "athletes" than they do "students and should therefore be paid for their efforts.

It is no secret that universities and their coaches make exorbitant amount of money from endorsements and t.v rights. In NCAA basketball, the Atlantic Coast Conference (ACC) alone made 418 million dollars in 2017, while coaches such as

No: *by Avi Tepler*

The ongoing scandal in college basketball concerning the bribing of recruits with payments certainly raises questions about the NCAA's ideals. The main conflict that people seem to be discussing is the fact that student-athletes are not paid during their college years. Many say that it is unfair that the Power Five conference colleges are hauling in loads of money due to the outstanding play of their students, while the athletes are making a salary of zero dollars. However, only a handful of these players are generating this money for their respective colleges and most NCAA athletes do not gain money for their schools. Paying athletes in their college years would be misdiagnosing the problems within the NCAA. (cont. Page 4)

Mike Krzyzewski of Duke basketball (cont. Page 4) and Nick Saban of Alabama football both make about 10 million dollars a year. March madness, the annual NCAA basketball tournament, brings in over 1 billion dollars every year, while the players who generate the storylines and captivate the nation during March receive none of that revenue. Additionally, NCAA football makes about 4 billion dollars a year, none of that revenue going to players. The NCAA and universities constantly profess that they care greatly for student-athletes. However, the fact that none of their ridiculous amount of profit goes to players who give their heart and soul to the university shows the NCAA's great hypocrisy.

Top athletes who could possibly play professionally right out of high school risk injury, thereby their livelihood and career, for their colleges and get little in return from the universities. The NCAA- in order to vainly try to maintain their "student-athlete" doctrine- artificially prevent top recruits from realizing their true value. They prevent them from signing with sponsors and hiring agents, rendering players powerless to make any income before becoming professionals.

Some would counter my argument by saying that the NCAA pays their players indirectly by providing free education to players who

The NCAA's rules regarding player income were carefully installed to coincide with the values of sports and an education. For potential professional sports players, an education may just be a pitstop road to becoming a professional athlete, but for the majority of collegiate athletes this is not so. The majority of college sport players put countless hours into sports simply because they are dedicated. The NCAA's ideals are for sports to build character and to be a part of every student's education. Handing out salaries to the more profound student-athletes would change the whole purpose of sports in college. Also, paying the members of the sports teams would destroy a student's connection to their school and more importantly, in many cases rob young adults of an education. Certainly, there is a basis for the NCAA's ideology regarding not paying their athletes.

Furthermore, college athletes are students, not employees. Less than 2% of college basketball and football players pursue a professional career past their college years. Paying student-athletes and consequently treating them as employees, will in most cases disincentivize them from taking their college education seriously. As a result, a large number of students will be left without a true college education and the necessary skills they need to find a job outside of sports. (cont. Page 5)

otherwise wouldn't have gotten any (cont. Page 5) . education. However, we all know that top athletes; known as "one and done" players in college basketball, see college as only a pitstop in their road to becoming professional athletes. Consequently, most professional-bound athletes leave college before attaining a degree. Moreover, college athletes who are not good enough to make it professionally are not even able to reap the full benefits of a college education because their schedule requires them to juggle classes with hours of practice and games.

In the end, while the NCAA system may have been set up with the noble ideal of "student-athletes," it is an unrealistic expectation that has been debased because of possible profit. The NCAA has many times been exposed by mainstream media for its hypocrisy and is in desperate need of an overhaul. Top athletes should be able to monetize their worth through endorsements and commitments to agents. The rest of the players should be paid by schools and accommodated for missed class time, essentially setting up a "minor league" that develops top players for professional leagues yet also rewards less talented players. However, without any such changes being made, the NCAA is still a poorly structured and hypocritical organization.

Currently, most students athletes are serious about their college education along with their specialized sport because they understand that the education they receive is preparing them for a successful career and life. Employing college athletes will surely take away this important motive.

All in all, the many that believe that the NCAA should start paying student-athletes, are looking for the wrong change in the corrupt system. This change will completely destroy the values of college sports players as well as ruin many of their careers. It is simply not worth it to give salaries to college sports players just so the top tier athletes that are in need of financial support can be paid during their college years. Changes have to be made in the NCAA student-athlete system, however, employing students should not be the resolution.

Detained University Student:

Israel recently detained a 22 year old American student, Laura Alqasem, as she was traveling to attend Hebrew University in Jerusalem. Israeli authorities claim that her detention was based on her membership in the University of Florida chapter of Students for Justice in Palestine, a branch of the BDS movement. However, the decision has met much criticism in the United States and Israel. The question stands, was the Israeli government correct in its actions?

Addendum: The Israeli Supreme Court ruled that Alqasem's detention was unconstitutional and granted her access into the country.

Yes: by *Eitan Mermelstein*

When Israel apprehended Lara Alqasem, a young, muslim activist attempting to enter Israel, their actions were justified. The country was merely defending itself from a radical activist who believed that Israel was cruel and immoral. Furthermore, it set a precedent of caring for its own citizens over outsiders.

It is no secret that Israel is constantly ridiculed by the rest of the world for its actions towards the Palestinians. The United Nations constantly condemns Israel, turning the rest of the world against the country. Furthermore, many of the countries who draft these U.N resolutions against Israel, such as Venezuela and Syria, (cont.

No: by *Noam Barenholtz*

A few weeks ago, an American student named Lara Alqasem was “barred from entering {Israel} and ordered deported” (*USA Today*), despite having a student visa. The basis to block her from entering the country was a law that prohibits entry to anyone who “knowingly issues a public call for boycotting Israel.” Israel justified their decision by alleging that Lara was a member of a BDS chapter in the University of Florida at one point, and this provided a pretext to deny her from coming into the country. Whatever justification Israel used, they ultimately made the wrong decision. It is ultimately up to Israel to decide who enters their country. However, Israel should have (cont. Page 7)

Page 7) have some of the worst humanitarian conditions and policies in the world. Thus, Israel is an international punching bag which countries use to shift ridicule away from the evil, immoral actions which they are doing. Therefore, it is important that Israel defend itself as a nation against the people who reprimand Israel and condemn its actions. People like Ms. Alqasem whom have contributed to the BDS movement misdirect and manipulate the world media to create a false image of Israeli immorality. The BDS movement portrays Israel as a villainous intruder who constantly violate Palestinian rights, negatively affecting the world's perspective on Israel, thereby threatening the life of the country as a whole. Yet, Ms. Alqasem feels that she is justified in entering a country to which, through her contribution to BDS, she has greatly harmed?

Additionally, Ms. Alqasem is hurting Israeli businesses with her actions in advocating for the BDS movement, as BDS promotes boycotting of Israeli products. Even if she hates Israeli policy, her actions do not affect high ranking government officials who have the power to fix policies. Rather, her actions affect the lowly, hard working Israeli who has no influence or decision on matters regarding government policy. By detaining Ms. Alqasem, the Israeli government is showing that it is extremely loyal to its people, and that it will not

had te foresight to refuse Lara a visa before she flew across the ocean. She had already received a visa by the time she arrived in Tel Aviv. Israel's decision to block her is therefore slightly hypocritical and representative of a certain shortsightedness. Once she had permission to come into the country, that permission should have never been rescinded, certainly not once she had already arrived.

Even though denying entry to a visa holder is technically legal, Lara's detainment is still unwarranted. *Amendment No. 27 to the Entry Into Israel Law* bans people from entering the country who "knowingly issue a public call for boycotting Israel" which has "has a reasonable possibility of leading to the imposition of a boycott." Lara's mother has stated that she only belonged to BDS for a semester and has never made any genuine threats against Israel. Belonging to the group for a few months clearly did not affect her opinion of the State of Israel. Her Hebrew professor, Dror Abend David wrote in a letter to *Haaretz* that Lara "never expressed any negative sentiment or anger about Israel." He also said that she shows an "open and positive attitude toward Judaism, Jews, and the State of Israel." These statements describe someone with a friendly perspective on Israel. She is not antagonistic towards Israel and has never threatened the country. In addition, her intentions were clearly innocent: studying human rights at (cont. Page 8)

allow someone who has negatively (cont. Page 8) affected its citizens into the country. It is truly offensive that Ms. Alqasem, who has negatively affected numerous Israeli lives, has the audacity to try to enter Israel.

Ultimately, Israel's actions were completely justified regarding Ms. Alqasem. She has affected not only the Israeli government, but Israeli citizens themselves, helpless, innocent people who have no voice in regards to the treatment of Palestinians or other Israeli policy. Her actions were disrespectful and audacious and therefore, Israel was justified in not allowing her into the country.

Addendum: Despite the Israeli Supreme Court allowing Ms. Alqasem into the country, I still believe that Israel was setting the correct precedent when detaining her. The government showed that it places the wellbeing of its citizens above everything else, and that is an important principle.

Hebrew University. If she never even threatened Israel, let alone knowingly issuing a public call to boycott Israel, what legal right do they have to prohibit her from entering? There is no basis to bar a friendly, eager student from entering the country.

If there is no clear reason to deny Lara from studying in Israel, a very dangerous precedent is set. Lara belonged to a BDS chapter for a few months and is the victim of governmental retribution for it. The Israeli government is showing that they do not care for dissenting opinions, to the point where students will not be allowed to attend Israeli universities if they have ever indicated their disapproval of Israeli policies. Israel's decision could almost be construed as an attack on democracy. Israel's actions help BDS more than they hurt it. BDS now has ammunition to use against Israel: Israel is undermining freedom of speech. An example of this is Nada Elia's article on *bdsmovement.net*: "Lara Alqasem's case highlights the need for the academic boycott of Israel." Nothing significant is achieved by banning a single student from entering the country, but it could cause much damage.

Addendum: An Israeli court made the right decision a few weeks ago when it permitted Lara to enter. The government had no reason to block her and made a dangerous decision when it (cont. Page 9)

did. She should never have been detained at all, but at least she is being let in now.

Interpreting the 14th Amendment:

Recently, president Donald Trump vowed to end birthright citizenship in America. This vow has stirred up a debate as to how we should interpret the 14th amendment, which seemingly gives anyone born on U.S soil the right to citizenship. Some say that the amendment isn't that simple, and that it can be interpreted differently. The question stands, was President Trump's vow unconstitutional?

Yes: *The Wall Street Journal Editorial Board*¹
The right to citizenship for anyone born on
U.S. soil is derived from the Fourteenth
Amendment adopted in 1868: "All persons born

No: *by Liev Markovich*
President Trump's vow to repeal
birthright citizenship through an executive order
has garnered massive outrage and disapproval

¹ Excerpted from the print edition of the Wall Street Journal, October 31, 2018

or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.” This is the common law doctrine of *jus soli*, or right of the soil.

Opponents of birth citizenship try to obscure this plain meaning by interpreting “subject to the jurisdiction” as applying only to those who owe allegiance to America. Because alien parents owe allegiance to a different sovereign, the argument goes, their children have no right to citizenship. (cont. Page 11)

But “jurisdiction” is well understood as referring to the territory where the force of law applies, and that means it applies to nearly everyone on U.S. soil. The exceptions in 1868 were diplomats (who have sovereign immunity) and Native Americans on tribal lands. Congress later granted Native Americans birth citizenship while diminishing tribal sovereignty.

The jurisdiction of U.S. law surely applies to all immigrants, or they could not be prosecuted for breaking even immigration laws. As for owing allegiance, do we really want to set a precedent that has the government defining which American residents owe allegiance to the U.S. and which don't? What would that mean for American citizens who are also citizens of another country.

from Democrats and Republicans alike. Many have said that the possible executive order would be unconstitutional, violating the 14th Amendment to the U.S Constitution. However, the president is actually correct from a legal standpoint, and his executive order may actually favorably impact America's immigration laws.

The 14th Amendment states: “All persons born in or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside.” Many have used this (cont. Page 11) statement to support birthright citizenship and lambast President Trump's position on the executive order. However, a closer look at the language and history of the Constitutional provision demonstrates that President Trump is not wrong. The key phrase is “subject to the jurisdiction thereof.” Lyndon Trumbull, the co-author of the 14th Amendment and chairman of the Senate Judiciary Committee, stated that being “subject to the complete jurisdiction of the United States” meant “not owing allegiance anybody else.” Thus, simply being born in the United States and being subject to its laws should not automatically one U.S citizenship.

No law passed by Congress has made it clear that children of temporary or illegal residents that are born in the United States are

The very purpose of the Fourteenth Amendment was to prevent politicians from denying citizenship to those they thought weren't American enough. This meant former slaves, but in the debate over the amendment the question of citizenship for immigrant children was raised directly. As David Rivkin and John Yoo have recounted, Pennsylvania Sen. Edgar Cowan asked: "Is the child of the Chinese immigrant in California a citizen?" Sen. John Conness of California responded yes.

The Supreme Court reinforced that meaning in *U.S. v. Wong Kim Ark* (1898) by upholding the citizenship of a child in San Francisco of Chinese parents barred from citizenship by the Chinese Exclusion Act. The Court wrote that "the 14th Amendment affirms the ancient and fundamental rule of citizenship by birth within the territory, in the allegiance and protection of the country, including all children here born of resident aliens."

If President Trump wants to end the practice sometimes called "birth tourism", he can always draft and campaign for a constitutional amendment. But Congress is unlikely to agree and pass a law, much less an amendment. So he is making this futile gesture of an executive order a week before Election Day. The President undermines his legal standing, and his political

automatically declared citizens. And although section 5 of the 14th Amendment enables Congress to "enforce, by appropriate legislation, the provisions of this article," Congress has never explicitly expanded the provisions to include children born in the U.S to illegal or temporary residents. Moreover, *U.S v. Wong Kim Ark* (1898) is the Supreme Court decision cited as establishing birthright citizenship, but it only set a precedent that children of legal, permanent residents of the United States are automatically granted U.S citizenship. Because of the unclear judicial precedent and lack of legislative action on this part of the 14th Amendment, an executive order by the president is proper to set the record straight and make sure that no one is granted U.S citizenship based on shaky legal grounds.

Further, by allowing U.S citizenship to be obtained by merely being born on U.S soil, these immigrants are not properly vetted to determine whether they have the will and desire to be contributing members to American society. Also, birthright citizenship encourages "birth tourism," where people sneak into the U.S to give birth and thereby avoid the rules established to gain lawful citizenship. This is simply unfair to the many people who follow the rules, and U.S citizenship should be obtained only through legal means

credibility, when he pulls a stunt like single-handedly trying to rewrite the Fourteenth Amendment.

established by Congress. President Trump should be applauded for attempting to bring back the rule of law to the immigration and citizenship process. This approach, based on naturalization through hard work and dedication to the United States, will have a favorable impact on the immigration process for years to come.