of Kavanaugh’s and has also represented former White House chief of staff Reince Priebus, former Trump strategist Steve Bannon, and current White House counsel Don McGahn in the Mueller investigation.

With this naked, shameless judicial coup, however, Republicans may have awakened a slumbering beast. Why should any of us accept that an increasingly powerful branch of government is selected in such a manner? As a forum of legal scholars pointed out recently at TheNation.com, there is nothing in the Constitution that requires the Court to have nine members. Why not 11 or 13? Justices could also be given term limits of, say, 18 years or selected by an impartial committee, as they are in other democracies. If the Senate Republicans have wholly abdicated their constitutional duty to appraise Supreme Court nominees in full public view, then the people have every right to take that duty away from them.

**NUMBERS**

**60%**
Percentage of retired senators from the 2008 Senate Banking Committee who went to work for the financial industry

**40%**
Percentage of congressional senior staff involved in the response to the 2008 crash who have gone on to work for the financial industry

**1,447**
Number of former federal employees hired to lobby for financial firms from 2009 to June 2010, including 73 members of Congress

**88%**
Percentage of Goldman Sachs lobbyists in 2016 who at one point worked for the federal government

**$1M**
Amount made by former congressman Barney Frank, co-sponsor of the Dodd-Frank Wall Street Reform and Consumer Protection Act, on the board of directors of Signature Bank since 2015

—Nawal Arjini

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**Just Do It?**

*Nike swooshes up to Colin Kaepernick.*

In early September, both the sports and marketing worlds were hit with shock waves when news broke that Colin Kaepernick, the quarterback blackballed by the National Football League for kneeling during the national anthem to protest police violence and racial inequity, would be the face of Nike’s 30th-anniversary “Just Do It” ad campaign. The first print ad was an unairbrushed black-and-white close-up of Kaepernick’s face with the words believe in something, even if it means sacrificing everything. This was followed by a televised ad, first released online, that Nike aired during the NFL’s opening game of the season.

The whole thing sent social media into paroxysms of confusion. Liberal and left-wing commentators found themselves largely praising the decision by the global sneaker behemoth and promising to buy an array of Nike products to show their support. Others on the left stopped short of singing Nike’s praises but saw it as a victory for Kaepernick: He stood by his principles and now has a sweet shoe deal to show for it. Others, Republicans, may have awakened a slumbering beast.

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**COMMENT**

On the right, there were calls for demonstrations against the sneaker company. #BoycottNike trended on Twitter. Scenes of people burning their sneakers or cutting the swooshes off their clothes also went viral. Donald Trump, of course, had his say as well, tweeting “What was Nike thinking?” and announcing to his licksplitters on Fox & Friends: “I don’t think it’s appropriate what they did. I honor the flag, I honor our national anthem, and most of the people in this country feel the same way.” (This continues Trump’s misinformation campaign of painting the protests as being against the anthem instead of against police violence.)

In the ensuing days, people on both sides of this di-vide were tracking Nike’s online sales and stock price, as if they were game standings or sports statistics that would reveal who’d “won” or “lost.”

This has been a head-spinning set of circumstances. For decades, Nike has been the target of protests by worker-rights activists for its notoriously poor labor practices, with organizations like United Students Against Sweatshops on the front lines. Earlier this year, the company was accused of fostering a sexist work environment rife with chronic harassment; a *New York Times* exposé this past spring started, “For too many women, life inside Nike had turned toxic.” As Jim Keady, a former soccer coach at St. John’s who lost his job over his refusal to wear Nike products, said: “I am deeply disappointed that Nike is attempting to co-opt Colin’s actions in order to sell more shoes that are still made in sweatshop conditions by mostly young women of color in Vietnam, Indonesia, and China. The short of it is, Nike never does anything simply because it is the right thing to do. They do not care about social justice or human rights. This is about money. Period.”

Keady is correct, of course, and Nike has a long track record that demonstrates his claim. When it comes to marketing, Nike has used the image of rebellion to sell its gear for three decades—from Spike Lee’s famous black-and-white “It’s gotta be the shoes” Air Jordan ads and John McEnroe’s “Rebel With a Cause” campaign, to Nike’s current ads featuring LeBron James and Serena Williams—while stripping that rebellion of all content. As Gino Fisanotti, Nike’s vice president of brand for North America, told ESPN, “We believe Colin is one of the most inspirational athletes of this generation, who has leveraged the power of sport to help move the world forward.” The idea that Nike executives would position themselves as messengers of Kaepernick’s righteous, years-long struggle is to put it mildly, galling.

In Nike’s antiseptic, hollow corporate-speak, Kaepernick is simply “moving the world forward.” There is no mention here of police violence or racism. Similarly, in the voiceover for the ad, Kaepernick offers a great many inspirational statements, but they are statements that could have been said by any athlete. There is no mention of the causes that have animated Kaepernick’s struggle. And it would be stupid to expect it. This is Nike—asking them to be a voice for social justice is like asking a dog to meow.

Even so, this is more complicated than just calling out Nike for commodifying dissent or, in the words of Jim Keady, “woke washing.” For the past two years, Kaepernick has been showered with hatred and death threats, vilified on social media and from the presidential bully pulpit. In the last year, he has given away over $1 million of his own money. He has been unable to earn a living during the prime years of his career. It is a great thing that he is actually going to earn an income and receive funding for his activist work, and it is satisfying that, after two years in the political wilderness, he is seeing an outpouring of support from those defending an (continued on page 8)
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