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## Buying a Conscience

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There is little doubt that the marketing team at Nike was giddy when they came up with the new advertising campaign, which would achieve two objectives with one ad.

Objective #1: Be controversial. Nothing generates buzz, the essence of advertising, quite like controversy. In the blink of an eye, they have garnered more exposure from the resulting news coverage than from actual ad placement. By that score, the marketers certainly earned their paychecks.

Objective #2: Find a way to help repair the damage done to their image by decades of bad publicity and lawsuits. The public

is right to question the company's ethics, considering the 800,000 people making shoes in sweatshops across Vietnam, Cambodia, Bangladesh, South Africa, and dozens of other countries,

where the pay is as low as \$32 per month. Nike will use its new ad as a distraction from the horrid labor conditions, in the same way that Harvey Weinstein used his donations to political campaigns that strongly advocated for women's rights as a moral equalizer for the more than 80 sexual misconduct allegations that have been made against him. Moreover, they will be able to distract the public with this red herring of an ad because of the incredible uproar about it--and gloss over the deplorable conditions of their workers. And what better way than to trot out Colin Kaepernick, a man who has "sacrificed everything" but who Nike pays generously, courtesy of those exploited in sweatshops.

Regarding the ad's implication that Kaepernick sacrificed a thriving career

as a quarterback, there seems to be some revisionist history going on here. In his last two seasons, Kaepernick's record was 3-16, with his best days clearly behind him. I attended one of his most recent games, at Levi's Stadium against the New England Patriots, and it was difficult to see how he was worth his salary. He made the decision to opt out and leave the San Francisco 49ers, just as he chose to turn down several million dollars offered by the Denver Broncos a few months before he started kneeling for the national anthem. But if he wants to file a lawsuit anyway, since he feels

victimized because no team wants him, it is certainly his right, just as it is his right to kneel for the anthem.

However, there is no denying the fact that even if he did lose a career due to his actions, the ad is mendacious because he simply did not sacrifice everything. Whether or not you believe kneeling for the flag is disrespectful to those who have died for the flag, the ad itself, with its insinuation of enormous sacrifice, is undeniably impudent. The notion Nike is peddling in the ad that Kaepernick has sacrificed everything, which tends to mock those who actually have, is beyond ridiculous.

To Mr. Kaepernick, I would like to suggest that you use your abundance of free time, and your profound wealth, to visit one of the 542 Nike factories in 42 countries. Say hello to the people who are abused in sweatshops every day, which helps to fund your latest probably multi-million dollar contract while you keep playing victim and pretending to care so much about oppressed people. Just Do It.

## Sweden's Shift Right

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Since Brexit's success in June of 2016, European political commentary has focused on the decline of moderate "establishment" parties and the emergence of right-wing populism as a powerful new force. In the last two years, elections in several countries including Germany, Austria and Poland reinforced this narrative, with far-right parties gaining ground and some governments modifying their policies to appease nationalist voters. Last Sunday, Europe's political transformation seems to have continued.

The latest installment occurred in a particularly surprising place: Sweden, which for decades maintained a reputation as one of the world's most liberal countries. As Philip Alterman writes in *The Guardian*: "Sweden was the first country to introduce a gender-neutral parenting leave allowance ... The World Economic Forum lists Sweden as one of the countries with the narrowest gender gaps in the world ... and it has accepted more asylum seekers per capita than any other European country." Additionally, its crime laws, like most of Scandinavia's, are exceptionally lenient, and its welfare state is larger and more aggressively redistributionist than that of most developed nations. In short, on almost every important issue, Sweden has tacked further to the left than nearly all European Union members.

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This governing ideology draws its influence from Europe's most venerable Social Democratic party. Such parties thrived throughout Europe in the postwar decades, but in no country was their success as consistent and thorough as it has been in Sweden. According to the *Financial Times*: "The centre-left Social Democrats have long seemed to be one of the most impressive election machines in the western world,

*continued on back*

coming first in every election since 1917. But now the party's popularity is in sharp decline, with its support having nearly halved in the past 25 years. At the last election it recorded its second-worst result in a century." On Sunday they fell even further, winning only 28.4 percent of the vote compared to 2014's 31 percent. By contrast, they received at least 35 percent of the vote in every election from 1914 to 2006, and more than 40 percent in every election from 1932 to 1988.

The Sweden Democrats, the country's approximate equivalent of Germany's Alternative for Germany (AfD) and France's National Front (FN), are the main cause and beneficiary of the Social Democrats' troubles. They started as a marginal and radical ethno-nationalist party in 1988, but have expanded their base of support and tempered their views over time. Their current leader, Jimmie Akesson, has expelled party members for extremist

comments and links to neo-Nazi groups, and has changed the party's logo from a fascistic flaming torch to a more palatable blue and yellow flower. At the same time, they have maintained their basic stance that immigration, especially the for Islamic countries, is destroying the country. The party's softening image, combined with Sweden's hardening attitudes toward immigration, catapulted the Sweden Democrats to prominence. Remarkably for any political party, the SD have achieved exponential growth, at least doubling its vote total in six of the eight election cycles it have participated in and earning almost one thousand times more votes in 2018 than it did in its first election thirty years earlier. Their electoral jump in the most recent election was not as large as it was in previous years (they got 17.6% this time vs. 12.9% in 2014), and did not move them out of third place, but still grants them more leverage over the new government's policies. Given that even in 2015 the Sweden Democrats were able to

pressure the Social Democrats into limiting the flow of asylum seekers, we can expect them to greatly influence Swedish policy in the future.

These results may force Sweden's main parties to either enter into a grand coalition (a partnership between the left and right), which seems unlikely and at any rate is unprecedented in Sweden, or compromise with the Sweden Democrats, an option that both major coalitions have ruled out. When the nationalist wave emerged across Europe and Britain in 2016, many analysts speculated that it was mostly limited to a few countries and would die down quickly once the economy picked up and the migrant crisis sparked by the Syrian civil war subsided. Today Sweden's economy is thriving, immigration is back to pre-crisis levels, and yet its far-right party is stronger than ever. This election only confirms that Europe's nationalist movement is more durable and far-reaching than many previously anticipated.

# Kavanaugh's Approaching Confirmation

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As smoke clears from the fiery battleground that was the Brett Kavanaugh confirmation hearings, the Supreme Court nominee stands solid for appointment. After fending off intense questioning during the last two 13-hour-long days of the hearings, the image Kavanaugh's supporters have presented of an experienced and erudite jurist prevailed over that of a far-right Trump puppet. In one of the most controversial and heated Supreme Court nomination processes that has ever occurred, Kavanaugh managed to dodge vilifying challenges and present himself as an independent judge, loyal to the Constitution, destined for the Court with the help of a Republican-controlled Senate.

As Sheryl Gay Stolberg details in the *New York Times* article "Two Portraits of Kavanaugh As Senate Hearings Open," two conceptions have circulated across the country. One, as Republicans portray him: an "experienced, independent-minded jurist with a sparkling résumé" and "an advocate and mentor for women in the judiciary." The other, as Democrats painted: a "far-right extremist who would roll back abortion rights, deny health coverage to people with pre-existing conditions," and "protect President Trump from the threat of subpoena." The image Kavanaugh conveyed during his Senate hearings would have substantial impact on his prospects for confirmation.

Democrats pressed Kavanaugh on his views on abortion rights and same-sex marriage, his remarks on *Roe v. Wade*, records from the George W. Bush White House, loyalty to

President Trump, and the limits of executive power. In the *Wall Street Journal* article, "Kavanaugh Weathers Raucous Hearings," Jess Bravin and Byron Tau explain how the nominee maintained a solid stance against his opposition. Kavanaugh deflected questions that tried to extort his views on reproductive freedom and marriage rights. When questions came up about a comment on *Roe v. Wade*, the landmark Supreme Court case which declared a constitutional right to abortion, he emphasized the need to follow legal procedure, including precedent, over personal belief. In March 2003, Kavanaugh, who was then working at the White House, sent an email in which he questioned whether "all legal scholars" viewed *Roe's* status as "settled law." In the hearings, he clarified that this email simply acknowledged how, as with any decision, the Supreme Court can always overrule it.

Debate continues over the paper record from Kavanaugh's time in the Bush administration. Democratic senators focused particularly on emails he sent involving racial preferences and profiling. Although hundreds of thousands of pages on Kavanaugh's tenure in the Bush administration are now publicly available, some papers remain "committee confidential." Republicans say that restricting public access to sensitive documents is commonplace in Supreme Court nominations. Democrats argue that there is no good reason senators and their staffs hold exclusive access to these other documents.

Democrats voiced further concern about Kavanaugh's future objectivity in cases involving President Trump. Also, the nominee's expressed

support, on the federal appellate court, for executive power invited interrogation about his loyalties. The nominee showcased his twelve-year record as evidence of his commitment to an independent judiciary and democratic institutions in general. He firmly countered doubts by stressing that his "loyalty is to the Constitution" and that he is "an independent judge."

The 51-49 Republican Senate majority almost guarantees Kavanaugh's confirmation. Democrats, aware of the nearly certain result, labored with their best course of action--delaying the confirmation process while trying to tie him to defaming potential embarrassments. Kavanaugh's mission in his hearings was never about convincing the opposition of his personal merit, since the Democratic leadership would never embrace a Trump-nominated justice. It was about preventing the Democrats from delaying the confirmation and complicating an otherwise-smooth procedure.

Kavanaugh's prospects for confirmation would disintegrate if all Democrats opposed him and two Republicans joined them. But that just won't happen. Republican Senators Lisa Murkowski and Susan Collins, stout abortion-rights advocates, seem to favor Kavanaugh and to hold him in high regard. In addition, some Democrats may even cross the aisle for him. These Democrats face re-election this year in states President Trump won by wide margins in 2016. If any delay or major problem for Kavanaugh's confirmation does arise, it will emerge from the enormous volume of papers from his service in the Bush White House.

It is almost certain that Brett Kavanaugh will become the next Supreme Court justice. He already seems to have the entire Republican majority at his back. Now, all he needs to do is ensure that he loses none of this support, by guaranteeing that no major concern arises about his professional or ethical qualifications, as Democratic senators tried to create in the hearings. Despite aggressive challenges against him, Kavanaugh maintained a steadfast resolve to present himself as a highly qualified, independent, and honorable constitutionalist worthy of confirmation.

## ENQUIRY

vol. VI

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## CONTINUE THE CONVERSATION™

1. *Buying a Conscience*  
#BuyingAConscience

2. *Sweden's Shift Right*  
#ToTheRight

3. *Kavanaugh's Approaching Confirmation*  
#KavanaughConfirmation