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*Magazine*

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Theory**

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**Declaration  
Deep Dive**

**Be Afraid,  
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**ISSUE 80**  
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**PAST MEETS PRESENT**  
**THE LONG VIEW OF CRITICAL**  
**RACE THEORY**

J O H N H. B A R N A R D

8

**THE ART OF PERSUASION**  
**HOW TO WIN FRIENDS AND**  
**WRITE A DECLARATION**

D A N M A R C U S

12

**EMBEDDED STRUCTURES**  
**CRITICAL RACE THEORY**  
**IN PRACTICE**

J O H N O ' K A N E

14

**A LEGACY AND A LIFE**  
**THE CLOSING CIRCLE**  
**LAURIE STEELINK**

R I C H A R D M O D I A N O

22

**A PANDEMIC PARABLE**  
**SCORING BAMLANIVIMAB:**  
**COVID MEETS KAFKA**  
**IN L.A. COUNTY**

L I S A R O B I N S

26

**E C O N O M I C S 2 0 2 1**  
**HOW AMERICA WENT**  
**FROM MOM-AND-POP**  
**CAPITALISM TO**  
**TECHNO-FEUDALISM**

E L L E N B R O W N

30

**NO ROOM AT THE TOP**  
**CEOS WIN WHILE**  
**LOW-WAGE WORKERS SUFFER**  
**IN THE PANDEMIC**

S A R A H A N D E R S O N

34

**BEYOND TORCHES & PITCHFORKS**  
**HES SAUVET (A LEFT-LEANING**  
**LIBERAL'S LAMENT)**

K A R L Z E L I N S K I

38

**P E D D L I N G H O P E**  
**PROBE OF ALZHEIMER'S DRUG**  
**APPROVAL**

J E S S I C A C O R B E T T

42



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**"American Hands"**

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Open discussion and agreement on the facts, without rancor, is important to rectify past injustices and deny future crimes against all Americans. We can no longer accept or allow any pretense of an imposed dilution or diminishment of one's opportunity that is based on racial superstition or ignorance of class based on legal institutions that serve the interests of the wealthy or a socially accepted norm that oppresses and exploits other persons. Instead of race and class-based assumptions of privilege, we must strive to "look to a day when people will not be judged by the color of their skin, but by the content of their character."

- John H. Barnard

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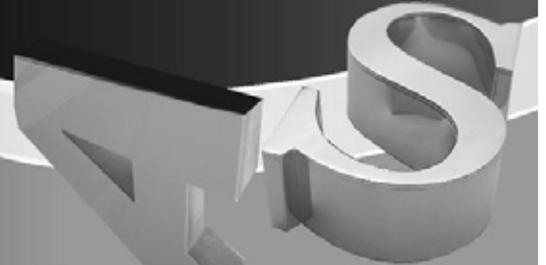
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# THE LONG VIEW OF CRITICAL RACE THEORY

JOHN H. BARNARD

**C**ritical race theory—a thorny issue from any perspective. I do not claim clarification, only a respite to calm the rhetoric and take a step back.

Fundamentally, critical race theory is a legal term in that it attempts to define how race affects law and jurisprudence and how law, in turn, affects race. It asserts that race is not biological but instead is a socially constructed tenet that has had—and has—a significant influence on rights and privileges, or the lack thereof, based on race.

I have recently read that CRT is “a radical ideology that seeks to use race as a means of moral, social and political revolution.” (WSJ, *Battle over Critical Race Theory*. June 27, 2021).

I have also read where “...critical race theory asks why discrimination did not end with the Civil Rights Act of 1964 and recommends critical scrutiny of laws focusing on their consequences rather than upon the avowed intentions of their authors.” (*The War on History Is a War on Democracy*, NY Times Essays, June 29, 2021).

It seems that the debate over the meaning and application of critical race theory has become a bit convoluted, distorted, and misrepresented, depending on which perspective one takes on its meaning and application. At times it has become an intellectual bludgeon. Calming the waters and letting the mud settle is required if one truly wishes to comprehend what all the hand-wringing is about. Which begs the question: what is the question?

Is there an apprehension that CRT will tarnish the character of historical figures and national institutions?

Is CRT an attempt to divide class and race in society and place them at loggerheads where discussion degenerates into shouting matches and inane accusations of right and wrong? Or is the presentation of CRT an attempt to reveal a structural flaw that acts to destabilize civil society, which in turn creates an inequality that has plagued the country since its inception? Since it is known

that CRT is a “legal” concept, it would be appropriate to look at the evidence wherein CRT proposes that not all society is equal under the law. So let’s begin with early-established law.

In 1620, the early colonies of Virginia, Maryland, and Georgia enacted law that established institutionalized slavery based solely on race. There is no denying that the institution of slavery was a brutal, oppressive, and criminal enterprise that has left a lasting scar on American society. The affected people are both Black and White. Blacks have been denied equal participation in the American experience from its beginning and Whites have been tasked with the maintenance of a system of apartheid and forced separation, while proclaiming that “all men are created equal.”

Both White and Black experience the animosity of racism, leaving civil society in a precarious position. How precarious?

The institution of slavery existed for over 240 years, first as colonial jurisprudence and then in the form of state municipal codes after the establishment of the United States and its constitution.

**Both  
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animosity  
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position.**

— John H. Barnard

The threat of a schism over the issue of slavery during the Constitutional Convention was avoided when certain “slave clauses” were inserted into the Constitution in order to achieve ratification by the slave-holding states. This was done without using the explicit term of “slave.” By not affording slavery legal stature under federal jurisprudence, a fragile balance of power was instituted. However, with the expansion of the nation, these and other fragile compromises that attempted a justification of America’s “peculiar institution” failed to support a lasting remedy over the issue of slavery. The result was the illegal secession of thirteen states, the Civil War, and the final demise of slavery with the passage of the Thirteenth

Amendment in 1865.

It seemed reasonable to assume that the bloodiest war the United States fought—and the fact that it was over the issue of slavery based on race—would put an end to institutionalized racism. Unfortunately, that was not to be the case. The Fourteenth Amendment, ratified in 1868, established that “All persons born or naturalized in the United States, and subject to the jurisdiction thereof...” are guaranteed “equal justice under the law.” Yet, individual states over time established state and municipal codes based on race and racism that negated the legal principals of the Fourteenth Amendment. These are commonly referred to as Jim Crow laws. In many of the

former states that attempted to illegally secede, municipal codes were often enforced with brutal violence in the form of organized terror groups like the Klu Klux Klan, public lynching, and state-sponsored court and prison systems that negated the individual's rights of citizenship based on race.

In other states, a form of racial jurisprudence was established based on property rights, redlining (the practice of denying services, typically financial, to residents of certain areas based on race or ethnicity), employment, education, and policing practices that have persisted to present times. These facts—and I stress the word “facts”—support the conclusion that a socially constructed tenet that has had, and has, a significant influence on rights and privileges, or lack thereof, based on race” persists.

This supports a supposition that a precarious situation exists for Black, White, Brown, and all Americans. Critical race theory is an attempt to address and offer solutions to this ongoing erosion of personal liberties.

But not so fast. There is the principal in historical academia which states that past historical moments must not be viewed and judged by present social norms, but rather by the accepted social norms of the times when such occurrences took place. With that in mind, consider the European history of discovery and conquest. There is no doubt that the European nations—in particular Portugal, Spain, and England—went to sea. A simple statement, but a fact nonetheless that reveals a great deal about actions and consequences. The fact of the matter, and history, is that it was European vessels that sailed to Africa and China and the seven seas and imposed a culture upon other peoples—with or without their consent. That is undeniable. The issue of right or wrong is of little historical consequence as the condition of right or wrong was dictated *at the time of the historical event* by the social and civic norms at that time.

It is easy to look back on history and proclaim that the enslavement of peoples of Africa or the vice of opium imposed on China or the eradication of native peoples in North America was wrong, illegal, and a sin against humanity. There is no argument or doubt that crimes were committed. However, it became a recognized wrong when society recognized that it was so, and not until then. Should one condemn those who drove across America in a car in Jack Kerouac's *On the Road* when it is quickly becoming apparent that the internal combustion engine is a major contributor to greenhouse gases? Did not Kerouac and company contribute to global warming, as did all those who owned and operated an internal combustion engine? Not at the time. In the near future, however, the internal combustion engine may be illegal and anyone caught using such a device may be liable to fines and imprisonment.

Another example can be found in the internet. In 1990, the World Wide Web was hailed as a new beginning that would change life! And it did. But the internet is currently being viewed as a threat to privacy, a misappropriated distribution of wealth, unregulated commerce, and a cesspool of conspiracy theories,



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pornography, and cyberattacks. How times have changed.

In the case of critical race theory, the same principal applies. At one time, racism was as ubiquitous as oil is today in that it was ignored, denied, and allowed to exist. Here is the point: presently, it is no longer tolerated and is considered civically a crime and socially a sin. As a matter of history, one can trace the origins of this revulsion of racism back to 1619 by those who were enslaved on the basis of race.

Today, it is finally being asked: what is to be done about this?

It is not easy to confront, recognize, or admit to such practices, especially in a society that has proclaimed from its inception that “all men are created equal” and fought against authoritarian and racial tyrannies in numerous foreign wars, only to come to a realization that “there’s something rotten in Denmark.”

It’s as if one discovers that there has been an incestuous rape and the perpetrator is oneself. A bit disconcerting.

Truth be told—truth be told. Once the evidence is presented that there are inequalities in civil society, then, and only then can they be addressed, debated, and remedied. Which brings us full circle, because that is what is occurring presently in the debate on critical race theory.

Not an easy discussion, but one that has to be confronted. The historical record of the denial of equal justice under the law to a segment of our fellow Americans needs to be recognized and can no longer be tolerated if we as a society, nation, and people wish to strive for “a more perfect Union.” The bliss of ignorance will no longer placate crimes ignored or neglected.

I believe that this discussion should not be accusatory or require sackcloth and ashes, but instead should seek a lasting remedy. It is important to rectify this issue so we as a nation, people, and human race can come together to confront other serious and threatening problems that can no longer be ignored.

The fact of the matter is that all humanity evolved out of Africa. *All* humanity. It is the birthplace and source of homo sapiens. As we migrated from that continent and populated the world, we made great strides and advances. Now this world we populate is in jeopardy. It is vital that we recognize the role we played and the role we must



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take to ensure our survival, both in the practices that have denied equal justice under the law and those that deny the effects of global damage due to our actions. One fact is undeniable: we are quickly running out of time.

Open discussion and agreement on the facts, without rancor, is important to rectify past injustices and deny future crimes against all Americans. We can no longer accept or allow any pretense of an imposed dilution or diminishment of one’s opportunity that is based on racial superstition or ignorance of class based on legal institutions that serve the interests of the wealthy or a socially accepted norm that oppresses and exploits other persons. Instead of race and class-based assumptions of privilege, we must strive to “look to a day when people will not be judged by the color of their skin, but by the content of their character.”

The humble suggestion by an earlier president is a fitting course to sight by: “With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation’s wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.”

Tired and weary of the argument, America must no longer find solace in blame or the scapegoating of ideas that are disagreeable. Staunch loyalty to a concept, without knowledge of the facts, serves no purpose other than a self-indulgent martyrdom. It is vital to present and voice a variety of reasonable perceptions. Only then can a reasonable judgment be made on the validity and righteousness of an idea.

There is a vigor and resilience in working together to overcome difficulties; looking for the “yeses.” A reasonable, calm approach to a problem leads to meaningful communication and creates the possibility of a remedy. In this regard, I believe critical race theory is not an affront, but a catalyst to understanding. It is not a theory to be foisted on society, but a means to addressing a situation that has plagued our civil discourse for over four hundred years.

John Hyde Barnard is an L.A.-based writer, historian, and musician. His short story “The Lot” was a recent winner of the Jerry Jazz Musician Short Fiction Contest.



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# ABOUT BEYOND BAROQUE

Beyond Baroque Literary Arts Center is one of the nation's most successful and influential grassroots incubators of literary art. Founded in 1968, and housed in the original Venice City Hall building in Venice, California, it is a nonprofit public space dedicated to cultivating new writing and expanding the public's knowledge of poetry, fiction, literature, and art through cultural events and community interaction. The Center offers a diverse variety of liter-ary and arts programming, including readings, workshops, art exhibits, and education. The Center also houses a bookstore with the largest collection of new poetry books on the west side of Los Angeles; the Mike Kelley Gallery, which specializes in text and language-focused visual art; and a 50,000 vol-ume archive of small press and limited-edition publications that chronicles the history of poetry movements in Los Angeles and beyond.

Few literary spaces have done more to cultivate innovative art from cultural outsiders, or to shape emerging artistic movements. Across five decades Be-yond Baroque has nurtured the Venice Beats, cradled the Los Angeles punk scene, and provided crucial support to a series of seminal experimental writ-ers and artists that include Dennis Cooper, Wanda Coleman, Mike Kelley, and Will Alexander.

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It's reading and performance series have exposed L.A. audiences to some of the world's most notable writers and artists, often at early stages in their ca-reers, including Allen Ginsberg, Amiri Baraka, Raymond Carver, X, Patti Smith, Viggo Mortensen, Paul Auster, Chris Kraus, Eileen Myles, Luis J. Ro-driguez, Dana Gioia, Hector Tobar, David St. John, Robin Coste Lewis, and Maggie Nelson.

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Beyond Baroque's mission is to encourage the writing, reading, publication, dissemination, and preservation of contemporary literature through program-ming, education, archiving, and services in literature and the arts.

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# HOW TO WIN FRIENDS AND WRITE A DECLARATION

DAN MARCUS

In June of 1776, Thomas Jefferson took quill in hand to prepare the first draft of a formal document announcing the decision of the American colonies to break from England. The task at hand was not to create a national treasure but to compose the 18th century equivalent of a press release. If the document failed to accomplish its purpose, there wouldn't be a nation to treasure it.

The Declaration of Independence stands alongside the Liberty Bell, Mount Rushmore, and the Stars and Stripes as an American icon. But when we approach it as a monument in parchment, we're apt to lose sight of its sheer vitality, its craftsmanship, and, yes, its craftiness. With all that's going on in our country and the world today, this might be a propitious time to blow the dust off the familiar preamble and "break it down."

So, ever so carefully, let us remove the Declaration from its bulletproof, fireproof case and examine the text as one might suppose it was originally conceived.

**"When in The Course of Human Events..."**

The opener of all openers. Get ready for something big.

**"...It Becomes Necessary For One Nation to Dissolve the Political Bands That Have Connected Them With Another..."**

The way of the world, baby. We're just doing what any self-respecting nation would do under similar circumstances.

**"...And to Assume Among The Powers of The Earth, The Separate and Equal Station to Which The Laws of Nature and of Nature's God Entitle Them..."**

We're *assuming* this station, no permission required. And this station we're assuming is among—*not* other nations per se—but "the powers of the earth." A sly verbal two-step for a small collection of colonies making its world debut. But as we all know, shrinking violets don't get very far.

But why "*separate and equal*"? Obviously, we'd remain separate. We don't speak Swedish or Portuguese and we're separated from Europe by a vast ocean. There is, however, some strategy behind the seemingly superfluous word: what if we announced that we're assuming "an equal station to the powers of the earth"? A bit arrogant, wouldn't you say? But interpolate the word "separate" and we've softened the tone. Read the whole sentence again and see if it doesn't go down like fine whiskey.

Which leads to another clever formulation: "to which the Laws of Nature and of Nature's God entitle them." Two elements are being joined here: nature and God. Take either one by itself and the sentence comes off as presumptuous. Let's test the theory: (1) "to which the laws of nature entitle them." (2) "to which God entitles them." See what I mean? Who are we to say what either nature or God entitles us to?

Maybe using both elements in the sentence will take some of the pressure off. Here goes: "to which the Laws of Nature and of God entitle them." Hmm, not quite right. Nature and God seem isolated, unconnected. Some verbal epoxy is required, a common element that connects the two. Okay, then, let's try using the word "nature" twice, both as a noun as previously and as an adjective modifying "God."

It would then read, "to which the Laws of Nature and of Nature's God entitle them." Bingo!

Not only does it have the right feel; it brings out a new level of meaning: first, the Lockean notion of "natural rights." A government does not *grant* us our rights; it can only choose to recognize them or not. Second, the formulation "Nature's God" as opposed to "God" alone suggests that God rules over nature but as human beings possessing free will we are the agents of our own destiny.

**"...a Decent Respect to The Opinions of Mankind Requires That They Should Declare The Causes Which Impel Them to The Separation..."**

That's courteous of us. But there's an agenda behind the courtesy. Note that it's a decent respect, not

**The task at hand was not to create a national treasure but to compose the 18th century equivalent of a press release.**

– Dan Marcus

to “the opinions of other nations,” but to “the opinions of mankind.” Phrasing it that way subtly obscures the underlying motivation. To make independence a reality we needed help from other nations—whether militarily or financially. But who wants to become embroiled in some British internal squabble? We needed to be viewed as a sovereign nation in our own right.

**“We Hold These Truths to be Self-Evident,...”**

Lightning struck when this phrase appeared, which should give a clue as to who came up with it. Here’s Jefferson’s version: “We hold these truths to be sacred and undeniable.” Lacks the same punch. Thank you, Ben Franklin.

**“...That All Men Are Created Equal, That They Are Endowed by Their Creator With Certain Unalienable Rights,...”**

This equality obviously does not refer to talent or native ability. There’s only one Picasso, one Simone Biles. It’s about rights, not rewards.

**“...That Among These Are Life, Liberty and The Pursuit of Happiness.”**

Let’s review the rights we’re entitled to: “Life?” Check. “Liberty?” Check. “Happiness?” Sorry, Charlie. But we do have the right to pursue it. And possessing life and liberty gives us that chance.

**“That to Secure These Rights, Governments Are Instituted Among Men, Deriving Their Just Powers From The Consent of The Governed.”**

This is what we call *writing*—every syllable serves a purpose. Governments don’t derive “their powers from the consent of the governed.”—they derive their “*just* powers from the consent of the governed. Take away that critical word and the sentence allows for a new kind of tyranny—a tyranny of the majority. The government’s function is clearly defined: “to secure these rights.” Nothing less and—as the Declaration does well to remind us—nothing more.

Dan Marcus is a playwright, screenwriter, and songwriter. His songs have been performed and recorded by artists around the globe and appeared in movies and on television. In addition, he has co-written the book and/or composed the score for six stage musicals produced in the Philippines and the United States, respectively.

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# CRITICAL RACE THEORY IN PRACTICE

JOHN O'KANE

Critical Race Theory is a product that thrives in academe after the anti-racist activism of the 1960s and early 1970s expires—MLK's direct action strategy for change through a multi-racial class coalition and the subsequent selective embrace of Malcolm X's focus on combatting the colonial domination of black communities. When the political tide turns conservative and support for liberal movements wanes by the mid-1970s, anti-racism as a broad-based focus for change is replaced by "diversity" and a stress on the cultural positives of racial identity. This is evident in the Democratic Party, which has owned the anti-racism narrative since the Civil Rights Movement. It began to abandon the working and lower classes for the middle and upper classes, the issues of economic inequality and class disappearing from its rhetoric and policies. Subsequent to the McGovern loss in 1972, the party moved to the right to compete with the Republicans and regain the presidency. The New Right was gaining ground by the mid-1970s and poised to mount an offensive to take Congress in 1978.

Race and its link to the Weather Underground is symptomatic. This spin-off from SDS, popular in the early 1970s, made many of Malcolm X's concepts central to its agenda. It gave race relative priority in its stress on the class struggle and imperialism, rejecting MLK's notion of integration for that of community empowerment. Its inability to garner sufficient support among the public, to a great extent the result of its aggressive rhetoric and destructive actions, led to its members going underground during this turning-to-the-right decade.

Diversity as such has always been a valid idea since integration—its conceptual kin—was key to racial justice for MLK. But it was also integrally linked for him to the economic issues of class and inequality. "Diversity" in the mid-1970s, as Walter Benn Michaels has shown,

becomes a more limited notion, a substitute for the complete anti-racist narrative against the existing order, which means forgetting the critique of capitalism and the growing income and capital gap (Walter Benn Michaels, *The Trouble with Diversity: How We Learned to Love Identity and Ignore Inequality*). Not that the party and activist cultures aren't supportive of anti-racism, but the focus shifts to the positive virtues of racial identity which is part of the larger shift to identity politics of that era and the rejection of broad universal narratives symptomatic of postmodernism, the academic fashion that explodes on the scene roughly around this time. According to Stephen Sawchuk, "critical race theory emerged out of postmodernist thought which tends to be skeptical of the idea of universal values, objective knowledge, individual merit, Enlightenment, and liberalism" ("What Is CRT, and Why Is It Under Attack?" *Education Week*, 5/18/21).

This "ism" was spawned from the failure, by the late 1960s, of the utopian movements for change which were premised on large stories and universal truths that so many came to distrust. This skepticism bred the attraction to the championing of multiple narratives with the potential to garner smaller and more reliable pragmatic truths.

**The issues that commonly arise when identifying systemic racism are housing, health deficits, criminal justice, day-to-day life, food and nutrition, work and wealth, and school and childhood.**

— John O'Kane

So instead of grounding the positives of diversity in the critique of capital and systemic blockages, the effort was to bring in as many people of color—especially blacks—as possible, integrate them and their positive qualities into the white-dominated society to combat inequality. This was mostly about demographics, not sociological or political-economic truth, and offered little guidance in narrowing the inequality gap.

The practical consequence of this shift was the emphasis on working the system versus fundamentally changing it. Greater inclusion and a stress on positive cultural identities translated into affirmative action, an adjunct of the Civil Rights legislation from the prior decade.

Designed as a boost for blacks to compete by giving them the nod in employment when equally qualified with others—especially whites—It often became a means for the active recruitment of blacks without regard for competitive qualifications. This was a success, the decade of the 1970s witnessing a sharp narrowing of the inequality gap with whites, and despite the legal challenge from the successful Bakke case in 1978 which rejected quotas in racial hiring and the priority given to race. With the weakening of

affirmative action beginning in the 1980s and its further weakening by the Supreme Court in the 1990s, the picture changes and the inequality gap widens (though the decline of affirmative action was surely not the only cause).

As mainstream institutions refuse to fundamentally eliminate racism—at least the early, Civil Rights-inspired version—black leaders fall into line, supporting the larger neoliberal turn that’s been responsible for widening the inequality gap for all citizens, whatever the color or category. Many even agreed with the weakening of affirmative action, arguing that it taints success. Given this turn, there was little interest in improving the plight of lower-class blacks, those likely impacted most by the legacy of slavery. With this attention to the top tier in the black community, the upper-middle and upper classes expanded their relative positions of wealth which now approximate the income and capital gaps in the white, Hispanic, and Asian communities. That is, the aggregate one percent structural imbalance forever identified by progressives is essentially replicated within each cultural group.

The CRT revived—from its incubation in academe for more than four decades—by the events of the past year or so reflects these biases. Despite a lot of rhetoric about “revolutionary change,” the attention has mostly been on the educated with links to mainstream institutions and corporate America where consultants apply the tenets of identity politics through workplace diversity training. They discuss how to unlearn white supremacy through a sort of therapy or attitudinal adjustment and reject certain turns of phrase or assumptions as problematic while reinforcing the

positive images of blacks and tolerance for all aspects of black culture. This is all relatively comparable to BLM’s window dressing of the historic Black Panthers on their website while becoming quite cozy with the world of corporate endowments.

There are clear positives here, but it has become open to criticism for a lot of reasons. This initiative’s application tends to be an all-or-nothing process which violates the classically liberal ideas about free speech (in the 1980s and 1990s, CRT was already sympathizing with actions to restrict certain First Amendment rights in relation to campus speech codes because they favored certain interests). It has developed into a religion of sorts, according to John McWhorter, where so much of the focus is on the matter of language and enforcing the rules of how to talk about things properly, those refusing to do so are branded heretics (“Does Teaching America It’s Racist Make It Less Racist,” *The Argument*, 5/10/2021). As a result, the full truth has been sacrificed to ideology. This has alienated many who otherwise support anti-racism, spawning an us-versus-them mindset.

Instead of this parochial focus, many claim the resources would be better served in addressing the inequities outside the schools and workplaces, in the poverty cultures of race that have been truly victimized. According to Michele Goldberg, changing the way school funding is allocated or changing the way school districts are drawn would produce more useful consequences in completely changing who constitutes the student body (*The Argument*, 5/10/2021).

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This top-down pressure is evident in the striking increase of blackness in the commercial ads of many media venues, but this boost has apparently endowed mostly seasoned professionals, or at least those who already have a foothold in the field. The funding doesn't seem to be filtering down to those who need it most. This despite BLM's considerable stash of wealth which could be used for eradicating one of the great deficits in black communities, the lack of investment (as William Julius Wilson's research has shown). But instead, much of it has found its way into the coffers of the leadership who've managed to secure some valued properties.

This might help explain the decline in support for BLM by more than the usual Republicans and some whites (Jennifer Chudy and Hakeem Jefferson, "Support for Black Lives Matter Surged Last Year. Did It Last?" *New York Times*, 5/13/2021). And there's a perception of privilege that's percolating resentment in some circles due to the belief that the black elite are consuming most of the resources, and there's been little discussion about what this means.

One of the issues that should bear on this potential discussion—and what's promoting division—is the way the concept of systemic racism, a significant adjunct to CRT, is interpreted. Its implementation by the Democratic Party, as expected, reflects its mid-1970s shift away from a full anti-racism focus and toward "diversity" and the positives of black identity, as mentioned above. Racism is not the expression of toxic attitudes toward one racial or ethnic group by another—though they can certainly cultivate it—but the effect of power, victims being subjected to prejudices that impact their daily lives and careers in corrosive ways. Racism, therefore, is embedded in the system's

structures. But these structures are mostly eliminated from the equation, race as a category becoming privileged in the relation. Society, it is claimed, is racist since the structural set up is racially saturated and the incidence of skin color is the dominant lens through which racism is conceptualized.

This stress has provoked a strident response from some progressive anti-racists and a noxious reaction from many on The Right. Donald Trump's Executive Order 13950—"Combatting Race and Sex Stereotyping"—is typical of the latter: "This ideology is rooted in the pernicious and false belief that America is an irredeemably racist and sexist country; that some people, simply on account of their race or sex, are oppressors; and that racial and sexual identities are more important than our common status as human beings and Americans."

The Right's reaction to the discourse of identities is provocative but limited, and it has nothing to replace it with but "common status," a myth that evades the reality of how our society is structured with groups and segments which have different cultural traditions. These differences attach to varying statuses which compete for recognition and power, and this dynamic result creates friction and the potential to breed racism. Eliminating these variances and conflicts can lead to the construction of an America as redeemably racist. The Right has no interest in fully evaluating what CRT is. It effectively dismisses it, in fact, while cleverly keeping it in the newsy-inspired faces of citizens to angst them from discussing what matters: health care, Medicare expansion, mandatory family leave and vacations, federal childcare subsidies, and other elements of the progressive agenda (Chris Olet, "Critical Race Theory Is Just Another Shot in the GOP's Culture War,"





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*CounterPunch*, 6/4/2021).

As the Right befuddles the populace with mystical jabs at CRT, the Left—or more accurately Democrats and “liberals”—diverts its attention away from important issues, especially inequality, with its “all about race” misrepresentation that applies policy through a limited view of systemic racism. The issues that commonly arise when identifying systemic racism are housing, health deficits, criminal justice, day-to-day life, food and nutrition, work and wealth, and school and childhood. It is through these issues that prejudices and unfairness are revealed.

Property ownership is commonly referenced since possession of capital assets presents the potential for advancing upward mobility. The fact that blacks as a group lag behind in owning their own homes is due to reasons that tend to be prejudicial. They often get subprime loans with higher rates that contribute to foreclosures. And redlining is a practice that has historically restricted blacks to certain less desirable neighborhoods. The effect of these practices is to repress their capital accumulation. While the origins of redlining stem from segregation—the desire to exclude blacks from society—its current-day practice has a lot to do with real estate players doing the bidding of those who fear they will lose equity if blacks move into their neighborhoods. Their perception is that blacks tend to get foreclosed more often—which decreases the value of their property—because of their riskier loans, deficient income, and general credit situation. Getting more money into the black community to establish relative parity can reverse these perceptions. And the creation of more community banks that service them can help by charging a fairer interest rate for loans.

The impoverishment of the black community produces many spin-offs that are correctible if systemic racism is considered along with systemic classism, a factoring of race with class, a funneling of income and capital into the pockets of the blacks who are truly victims. But the lower-class victims in other ethnic and racial groups experience the same deficits of capital and income. So, the privileging of skin color—though a significant factor—can distort and hide fundamental causes.

Healthcare is another issue. The greater incidence of pre-existing conditions and decreased life expectancy in the black community were thrown into relief during the pandemic, inviting charges of racism. But access to health care in this country is linked to good-paying jobs so the deficits in employment, especially in the temp-work industry, foster this limitation which impacts other ethnic groups as well (though the mainstream media invariably ignores this broader problem). Access to vaccinations was also targeted, the participation rate in the black community being significantly less. But transportation and employer issues explain much of this and not the exclusive targeting of skin-color. And again, these are issues faced by many lower-class residents in other ethnic groups.

Criminal justice is especially relevant in light of the shootings of blacks in recent years. As a group, blacks are treated prejudicially, and particularly young black males, who are profiled and detained by the police more frequently

than whites from an early age. These prejudices continue through their adult years since once these males are in the system their rights tend to erode further from more intense profiling. Plus, they have fewer family connections to access the legal help which can expunge their records. But the greater attention to young black males is also driven by the fact that they commit a significantly greater amount of crimes, especially violent ones, than their counterparts in other ethnic groups, including whites. And since police officers are 70 percent white, they’re put disproportionately in the line of fire, and this contributes to potential friction. The high incidence of crime is conditioned by the lack of a substantive post-slavery reconstruction, evident today in the lack of good-paying jobs, the lessened income and wealth leading to innumerable deficits (one of the most significant is the hit on taxes from lower-valued properties which starves funding for the schools that can potentially vault students to success).

Again, the embedded structures that create unfairness and prejudice and a greater incidence of damage to blacks—leaving in place the fact and perception of racism—also impact those in the lower classes of other racial and ethnic groups. This means that the privileging of a particular race through constant race-based messaging will tend to provoke reactions from these other races and ethnic groups, as Elizabeth Suhay suggests, and decrease support for policies that many Americans perceive are unfair as a result (“Racial Equality Frames and Public Policy Support,” by Micah English and Joshua Kalla, Center for Open Science, 4/26/2021). This partially explains why some Hispanics and Asians have migrated away from the Democratic Party in recent years and toward the Republican Party. This was especially evident in the 2020 election. This suggests that the Democratic Party has conformed its identity politics to another big narrative of truth.

But an exclusive focus on class that marginalizes race is no solution either. In the polarized, unequal, and toxic-anti-“socialist” world of the current America this will lead to a backlash from the middle and upper classes. What is needed is a multi-racial class coalition—buffeted by a redesigned affirmative action policy factoring in class—that works to prevent all divide-and-conquer damage so that neither the racial and ethnic groups nor the impoverished class will become alienated and lose hope. And the power of such a coalition is the best hope to challenge the constituencies—especially the Republicans—that reject CRT completely, a strong anti-racism that includes an assault on inequality and the Democrats’ overriding attention to rights, identities, and skin color. Such a coalition need not interfere with work to get a CRT more serviceable for multiple interests, or the good work that’s already in progress in identifying the stubborn pockets of racism.

A recent piece in the *Guardian* by Cas Mudde reveals how difficult this will be. The author castigates “some liberals and leftists” for claiming that “race and racism distracts from the real progressive struggle between labor and capital.” Old white men are the force behind this struggle, obsessed with a working class made up of nativist

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white workers. They feel “betrayed by center-left parties” that support cosmopolitan urbanites and a “symbolic politics about issues such as gender-neutral bathrooms, rather than offer real material remedies on traditional bread-and-butter issues” (“Critical Race Theory Is the Right’s New Bogyman. The Left Must Not Fall for It,” 6/25/2021).

He lambasts white male progressives lost in the 1960s, implying that progressives today are of the same ilk, but they clearly aren’t. Bernie Sanders’ campaign manager was an indigenous black woman who brilliantly articulated race and its relation to class—all impoverished classes, not only the white working class. This is more name-dropping to drive home the refrain that this controversy is all about ubiquitous white supremacists threatened by people of color. The author never discusses the complexity of the class system present in all racial and ethnic groups. CRT is simply a self-evident presence. But we can’t correct racism without tackling the larger class problem as it has shaped the destinies of all these groups and exposed the limits of identity politics. Not all members of specific identity groups are equally exploited or demeaned. And this single focus activism allows the right to monopolize the big picture and the larger narrative to enhance its ability to win elections.

The failure to marshal a multi-racial class coalition will only spawn a surplus of supremacies.

Reprinted from *CounterPunch*. John O’Kane’s recent book is *Toward Election 2020: Cancel Culture, Censorship and Class. A Venice Quintet* is forthcoming in early September.

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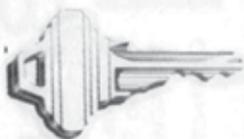
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A sad and lonely clown. A victim of his own  
pyrotechnic lies and dysfunctional device.

Please, pull up a chair.  
Here, take mine!  
Best seat in the house.

Let's sit for a while and catch up... comfy?

Seems like ages.  
Where have you been keeping yourself?

What a sight for sore eyes.  
You look so good!

You fill my half full heart.  
My disposable cup runneth over.

Can I get you something to drink?  
A glass of water? OJ?  
Some whisky perhaps?  
Hot tea? A cold beer?

Are you hungry?

Some music?  
A dance?

Have you heard the new Arlo Parks' *Collapsed in Sunbeams*?  
She says she was inspired by Allen Ginsberg's *Howl* as a teenager.

Please, don't leave, let's talk.  
We have all the time this tired old world has to give.  
I'm all ears. Promise.

Take a load off. Sit a spell. Relax.  
Rest your eyes. Let your mind go.  
We are safe. You are here.  
That is all that matters.

Do you like Cosplay?  
You can be the lion,  
I'll be the lamb.

Really, it's okay. Stay.  
The bad animals are a million miles away.

You are here, Love.  
And that is  
enough.

– S.A. Griffin

S.A. Griffin is the author of *Dreams Gone Mad with Hope* and co-editor of *The Outlaw Bible of American Poetry*.

# THE CLOSING CIRCLE: LAURIE STEELINK

RICHARD MODIANO

I was introduced to Laurie Steelink by our mutual friend V. Vale, editor and publisher of RE/Search at a RE/Search event held at Beyond Baroque Literary/Arts Center during my tenure there as executive director. But it wasn't until a few years later when I went to the opening of Gee Vaucher's show at Track 16 where I was dressed for the occasion in red and black neckerchief and IWW lapel pin that Laurie spotted the pin and asked, "Are you a Wobbly?"

"Yes."

"My grandfather Nick was a Wobbly!"

Of course, I knew who Nick Steelink was—a legendary fellow worker who did time in San Quentin for the cause of working class emancipation and was featured in the documentary, *The Wobblies* (1978). But I never connected Laurie with Nick; I knew her as the director of Track 16 Gallery in which position she served from 2002 to 2016—and as an artist in her own right.

Born in Phoenix, Arizona, and raised in Tucson, Laurie received a BFA from the San Francisco Art Institute and an MFA from Mason Gross School of the Arts, Rutgers University. In New York City she was archivist for the Gilbert and Lila Silverman Fluxus Collection in New York, been part of Native American

Indian marketplaces at the Autry Museum of the American West in Los Angeles, and was with the Santa Fe Indian Market in Santa Fe, New Mexico. Her work has been exhibited internationally.

In 2017, the band the Mourners performed at the dedication of the Joe Hill Memorial Plaque at San Pedro's Liberty Hill Plaza, consisting on that day of Laurie and Ralph Gorodetsky, whose grandfather was a Wobbly. Absent on that occasion was bandmate Kristine McKenna, who named the group. (Today the Mourners are Ralph, Candice Gawne, Moni Olguin, and Lou Mannick.) Local labor lore historian Art Almeida recognized the surname,

made the connection to Laurie's grandfather Nick, and invited the group to be part of the proceedings. It seems that Laurie had come full circle with her relocation to San Pedro, a one-time hotbed of IWW activity.

Full circle? Not quite, for the circle is still closing. In 2012 Laurie founded Cornelius Projects, an exhibition space in San Pedro that she named after her father, and in 2016 she set up shop permanently in Pedro. When the Metro Rail sliced off Track 16's space at Bergamot Station Arts Center in Santa Monica, the gallery moved to Culver City and finally relocated to downtown Los Angeles. By then, Laurie had left the gallery, moved to San Pedro, and put all her energy into her own art and Cornelius Projects, turning it into a proactive center for the arts, including the visual arts, multimedia, music, and poetry. Her friend, punk rocker and jazz musician Joe Baiza, provided an entrée to the city's creative inhabitants for whom Laurie made space at Cornelius Projects to tell their stories with art and music.

Around the time Laurie adopted San Pedro as her home, the struggle to preserve the integrity of First Nations'

**Around the time  
Laurie adopted  
San Pedro as her home,  
the struggle to preserve  
the integrity of First  
Nations' land against  
the depredations  
of the Dakota Access  
Pipeline was underway.**

— Richard Modiano

land against the depredations of the Dakota Access Pipeline was underway. As a Native American of the Akimel O'otham (christened Pima by the settler-colonists), this struggle was of paramount importance to Laurie. George Funmaker of Red Earth Defense approached Laurie about screening the documentary *Broken Rainbow* at Cornelius Projects. Then she and fellow San Pedran Danny Partida came up with the idea of doing a fundraiser for the water protectors, featuring presentations by indigenous activists Funmaker, Shannon Rivers, Cheyenne Phoenix, and Larry Rivers.

2017 was an important year for Laurie.

In addition to her participation in the Joe Hill Memorial dedication, she helped to revive the Many Winters Gathering of Elders (which had been dormant for the previous ten years). In 2018, she mounted two major exhibitions in conjunction with that year's gathering: "Coming Into Being; Gathering the Elder in Me" was a show with paintings, drawings, and video, including ephemera, artwork, and photographs from her family's collection. "In a Good Way" featured material from earlier gatherings, which included photographs, documents, and Tom Gugler's suite of portraits of Southern California's indigenous people.

Last year, Laurie was designated a 2020–2021



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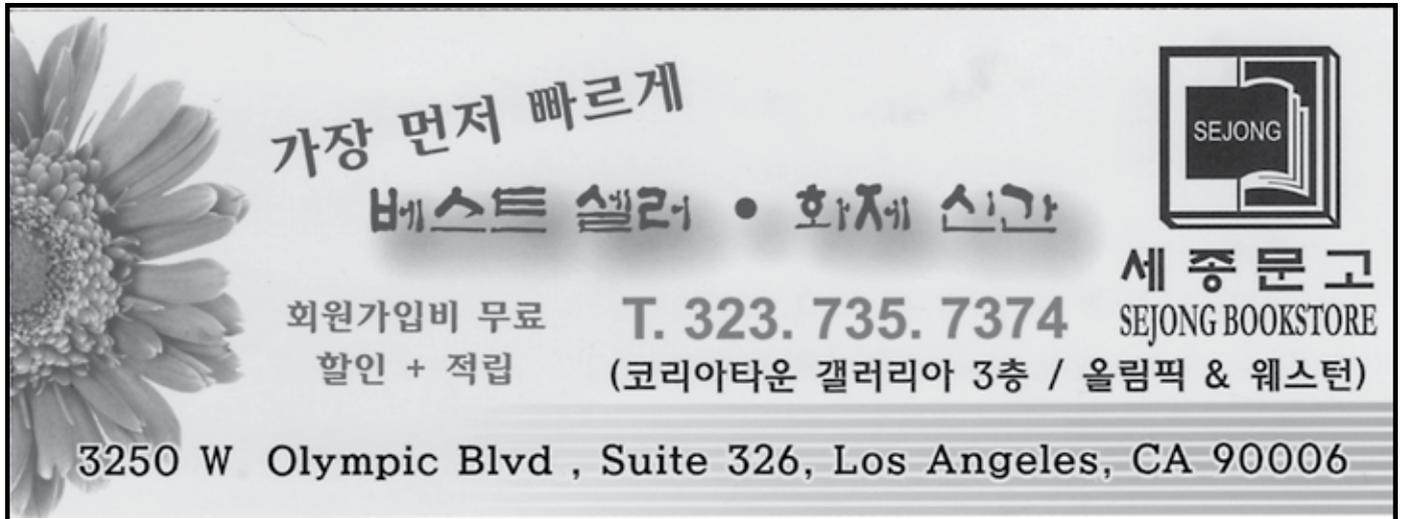
## A LEGACY AND A LIFE

Cultural Trailblazer by the Department of Cultural Affairs, Los Angeles, California. The trailblazing is her re-creation of Cornelius Projects so it functions not simply as an art gallery with a stable of artists but as an organic, free-form space devoted to the cultural history of the region and the artists of San Pedro and the Harbor area that features art in all its forms, including poetry, visual art, performance, film, video, and music. With the end of the COVID interregnum in sight, Cornelius Projects will be up and running in August, starting with a memorial exhibition of San Pedro and San Miguel de Allende painter Lida Lowrey.

And that is only the beginning: the circle may never be closed as long as the future exists to illuminate the past.

[Cornelius Projects is located at 1417 South Pacific Avenue, San Pedro, CA 90731.]

Richard Modiano is a native of Los Angeles. From 2010 to 2019, he served as executive director of Beyond Baroque Literary/Arts Center. During that period, he produced and curated hundreds of literary events. Richard is a rank-and-file member of the Industrial Workers of the World and the editor/publisher of the *Moon & Sun Review*. In 2019, he was elected vice president of the California State Poetry Society. [see AMASS issue 70 for a full-length interview with Richard.]



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# SCORING BAMLANIVIMAB: COVID MEETS KAFKA IN L.A. COUNTY

L I S A R O B I N S

**T**his is the true story of how my brother and I scored bamlanivimab monoclonal antibody therapy for our mom when she got Covid-19. It wasn't easy. We're convinced it saved her life.

Midday on December 30, I got a call from Melrose Gardens (MG), the assisted living facility in Hollywood where our 93-year-old mom, Kitty, currently resides. She had tested positive. This was no surprise—there had been a vicious outbreak in the facility. Since the beginning of the pandemic, my brother and I feared that if Kitty caught the virus it would be a death sentence; she's a longtime cigarette smoker (still smokes seven per day), has low-grade emphysema, chronic lung disease (COPD), hypertension, and is, let's face it, a bit overweight. My brother Rick is a psychology professor at UC Davis. His friend, who's the Chair of Emergency Medicine at the UC Davis Medical School, warned that our mom was at extremely high risk of complications and **STRONGLY** recommended that she begin monoclonal antibody treatment immediately (e.g., bamlanivimab, casirivimab plus imdevimab).

I had only vaguely heard of it, but on November 9, 2020, the Food and Drug Administration (FDA) had issued an Emergency Use Authorization (EUA) to make bamlanivimab available for the treatment of nonhospitalized patients with mild to moderate COVID-19 who are at high risk for progressing to severe disease and/or hospitalization. A monoclonal antibody is a lab-produced molecule that acts as a substitute antibody. It can restore, enhance, or mimic the immune system's attack on cells. It focuses on just one or two types of antibodies at a time and

may block the entry of Covid-19 cells into the host's cells. Bamlanivimab is one dose given through a vein for at least one hour. You should be monitored for an hour post-infusion. According to the FDA, the known and potential benefits outweigh the known and potential risks for the drug.

My brother instructs the MG doctor (Dr L): "My understanding is that there is ample supply. So the only issue is having someone give it to my mom. It's administered by IV but does not require hospitalization."

The Executive Director of MG (D) responds, "It's against the rules to have an IV. She'd need to go elsewhere."

Dr L's response: "We are starting a cocktail that we have been using for asymptomatic patients. Vitamin D and C, zinc, Pepcid. (Vitamins?!) If she develops any we we can consider oral antibiotics and steroids. Further treatment would need to happen in the hospital."

Rick counters, "She has mild symptoms—fatigue and decreased appetite. Antiviral treatments are only effective *before* a patient develops moderate to severe symptoms."

I add to the urgency: "It should be administered as soon as possible after positive results ...within 10 days of symptom onset."

Dr. L says, "These drugs need to be given in the hospital."

Rick counters, "According to the FDA webpage, "Bamlanivimab is not authorized for patients who are hospitalized due to COVID-19 or require oxygen therapy due to COVID-19...the antiviral drugs are explicitly not given to hospitalized COVID patients."

We try to ascertain whether a single infusion would be permitted at MG—you'd think they'd allow a potentially life-saving treatment under

these extenuating circumstances. Neither D nor Dr. L respond.

Scoring bamlanivimab for our mom consisted of two steps: find it and get it administered. Simple, right? HA! The following three days were like a slapstick horror show. Every single aspect of our quest was difficult. We learn some hospitals have bamlanivimab but won't give it to outpatients and wouldn't admit her since she wasn't symptomatic. We need an "infusion center." Cedar's Ambulatory Infusion Center has it, but a doctor with admitting privileges needs to prescribe. We consider getting our mom a new doctor, but that would take too long.

**I suspect  
many doctors  
don't understand  
exactly what the  
treatment is,  
don't trust it, and  
therefore  
haven't been  
prescribing it.**

— Lisa Robins

Our preference is to have it administered in Kitty's room at MG. But would MG lose its license? Dr. L's associate, Dr. M, who seems intrigued if not knowledgeable about our desired course of action, informs us that an IV liter of fluid can legally be injected.

We're on. I'm concerned about the impending holiday. The MG home health agency, which would provide the nurse practitioner to administer the infusion, assures us they're available 24/7. But they can't fill the prescription. Only hospitals seem to have it. But if you're already hospitalized for Covid-19, it's too late for the treatment. It seems you can only get it if you happen to be in the hospital and test positive.

I call the bamlanivimab manufacturer, Lilly. Closed until Monday. Then the CDC emergency line. They say to call the California State Department of Health, which tells me it's available at some long-term care facilities (not MG) which are supplied by local CVS "depot stores." I call our local CVS. They've never heard of it. I call their headquarters, somewhere in the Midwest, and speak to a supervisor. Dead end. I call the Public Health Department of the County of L.A. Someone reads me the same info I had read on the internet. She suggests going more local. The website <https://covid19.ca.gov/treatment-for-covid-19> shows that the drug seems to be available, but it's nearly impossible to obtain. I speak to the Information and Resource Center for Public Health—meant to connect people to resources—and somehow get to the nurse triage line. They send me back to the California Department of Public Health. Each of these calls has the normal menu of options designed to drive you insane and wait times which give me time to do my laundry and wash the dishes. Rick learns there are five pharmacies in the L.A. area that have bamlanivimab but only one is open, Med-Plus Pharmacy in Covina. We're on our way!

Now we need to deal with paperwork. We start on New Year's Eve at 6:58 p.m. We'll need the doctor's order and release, patient consent form, and facility release.

Meanwhile, our cousin, who is a doctor in Vegas, has concerns and plants doubts. "It's very expensive and Medicare only pays if she's hospitalized" (*The drug is expensive, but the government is giving it gratis*). "The

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efficacy is anecdotal" (*There was a randomized, controlled trial*). "Using someone else's plasma might evoke a cytokine storm." (*That's plasma therapy—this treatment helps prevent cytokine storms.*) "Why isn't everyone using it" (*It's meant for high-risk patients and, given Kitty's risk of mortality, seems like a good bet. Almost a million doses have been given in hospitals; perhaps there is simply a lack of leadership on the distribution chain.*)

I suspect many doctors don't understand exactly what the treatment is, don't trust it, and therefore haven't been prescribing it. However, the elite, like Trump and his cronies—Giuliani, Christie, and Carson—used it. The NY Times reported that "Carson said Trump 'cleared me for the monoclonal antibody therapy that he had previously received, which I am convinced saved my life.'" Guess they know how to find it.

Friday, January 1, New Year's Day. It appears *no one* is available, but thankfully Jian, "provider support" for Dr. L, calls me back. I hear chickens in the background. I have no idea where she is, but she remains available for the duration. Apparently, the needed release from MG had been sent to Dr. L but she can't access it. However, she has good news: Dr. M's associate. Dr. LZ, will prescribe at Cedars! But hours later, the pharmacy refuses to fill the prescription. Back to Covina.

10:11 a.m. Rick works on the paperwork. We need Dr. M to send the releases we've gathered to the pharmacy. And a signature from MG.

4:30 p.m. D assures us "they're on it." Flynn, the pharmacist, says, "When the last signatures are acquired. We will then need the patient face sheet." Argh, more paperwork!

6:36 p.m. No signature from MG. Am I driving to Covina tonight? Can't schedule the nurse until we know when we'll have the bamlanivimab.

8:00 p.m. Waiting on paperwork. Flynn tells us the drug p/u will have to be the next morning.

Now we need to book the nurse. Home health care tells me there's no one available to administer the infusion until Monday (while her baby coos in the BG). I remind her I was told they were available 24/7. Voila! Someone's available after all. We schedule her for the following morning. She wants to know if all the supplies for the IV



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9:07 p.m. Flynn directs the pickup: “Access via the back parking lot, ring the buzzer to inform them you are picking up an IV order. The driver should have an ice chest/igloo for transport. The IV will have the rate of infusion. Normally we would not be providing supplies as it’s typically handled in a skilled setting. We can provide the tubing and dial-a-flow rate. There is no cost for the drug itself. The ancillary supplies I will charge on what is supplied.”

1:03 p.m. MG has still not sent the paperwork.

January 2, 6:33 a.m. Flynn lists supplies for the IV—emphasizes the need to follow the instructions.

7:11 a.m. Paperwork still not complete.

7:52 a.m. D writes, “Faxed all papers to pharmacy.” A bunch of blank pages had been sent. Flynn thinks they were loaded upside down. Try again.

8:48 a.m. Flynn finally writes, “You can pick up now.”

I set out on my mission. On the way, a flurry of phone calls. The nurse has no equipment. Rick coordinates with Flynn to buy all materials needed. Flynn reminds us we’ll need a prescription for epinephrine. Where is our doctor?

9:30 a.m. I find myself on a deserted street in Covina.

I arrive at the back door to the pharmacy, the place I hope will save my mom’s life.

I let them know I’ve arrived and wait in the parking lot.

10:30 a.m. I get the goods, put them in the cooler, and hightail it to MG. Halfway there I get a frantic call—Flynn forgot the IV pole. I pull off the freeway, landing outside the men’s jail in downtown L.A. Should I head back to Covina? MG assures us they have one. I resume my quest. Meanwhile, D warns that if anything happens they’ll need to call 911. I’m hoping we’re not killing our mom with her cure.

11:30 a.m. Melrose Gardens. I meet the nurse practitioner and hand over the cooler. She looks very professional and assures me she’s read all the instructions. I hover around the area for an hour to be sure everything goes without a hitch. There is one, of course. She can’t find the IV pole. She improvises using a hanger from the closet and administers the bamlanivimab to Kitty.

We thank our pharmacist, Flynn, who replies, “It was my pleasure to assist you and your sister in seeking and obtaining the specialized treatment for your mother. Many times the only advocate is your family.”

Sunday, January 3. We finally hear from Dr L’s office: “I am sorry to hear that there has been a delay in treatment for your mother. I am including Dr. M and his care team in this email for prompt follow-up tomorrow morning.” Rick calls it the “please don’t sue us email.”

Monday, January 4 at 5:50 p.m. Dr. L finally checks in. By then it’s a moot point.

Kitty begins to recover immediately. Within a few days her appetite returns and she finally answers our calls.

Jan 10. We respond to our care team, “The

monoclonal antibody treatment, bamlanivimab, was administered on January 2 to our mom, Betty Robins. We didn’t want to wait until we heard back from you because the efficacy of the treatment depends on early administration. We’re grateful to Jian, who remained available during the holiday and tried to help. Nevertheless, she was unable to locate a way for us to get the medication, or obtain paperwork we needed. It was an extremely arduous process to make this potentially lifesaving treatment available for our mom. We spent approximately 30 hours each researching and orchestrating its administration in a domain we know little about. Every step of the way was difficult due to miscommunication, lack of knowledge, and slow responses to our queries.”

We outline our concerns about the delay in notifying us of our mom’s positive test result, their lack of knowledge of the treatment and how to get it, difficulties in coordinating signatures and paperwork, lack of coordination of communication between home health care and the pharmacy.

We offer to share information about obtaining and administering bamlanivimab. They respond, “We appreciate your partnership in coordinating care for your mom. There are many treatments that have received FDA approval for emergency use. Unfortunately, many are not readily available in the outpatient setting, including monoclonal antibody. We are glad that she was able to receive this treatment despite the logistical challenges. And we hope that she continues to improve.”

I reply, “Perhaps if more doctors advocated for the treatment it would be easier to access.”

In an appearance on CNBC on December 15, HHS Secretary Alex Azar lamented a surprising surplus of the medications, partly because “people are waiting too long to seek out the treatments.” Such delays, he warned, meant that for some patients “it may be too late in order to get the benefit of these antibody treatments that beat back the spread of the virus.”

<https://khn.org/news/article/patients-fend-for-themselves-to-access-highly-touted-covid-antibody-treatments> reports, “Months after Trump emphatically credited an experimental antibody therapy for his quick recovery from Covid and even as drugmakers ramp up supplies, only a trickle of the product has found its way into regular people. While hundreds of thousands of vials sit unused, sick patients who, research indicates, could benefit from early treatment — available for free — have largely been fending for themselves... So far...only about 30 percent of the available doses have been administered to patients, Federal Department of Health and Human Services officials said.”

Med-Plus Pharmacy, Covina, California. 626-966-1200. Flynn Lew, pharmacist. Tell him Rick and Lisa sent you. He’ll hook you up.

A lifetime member of the Actors Studio, Lisa Robins has worked with such inspirational directors, writers, and performers as Mark Rydell, Paul Mazursky, Estelle Parsons, Lou Antonio, Martin Landau, Jenny Sullivan, James Franco, and Johnny Depp. She is also a prominent acting coach whose students have been featured on Broadway, in film, and on television.

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# HOW AMERICA WENT FROM MOM-AND-POP CAPITALISM TO TECHNO-FEUDALISM

ELLEN BROWN

In a matter of decades, the United States has gone from a largely benign form of capitalism to a neo-feudal form that has created an ever-widening gap in wealth and power. In his 2013 bestseller *Capital in the 21st Century*, French economist Thomas Piketty declared that “the level of inequality in the US is probably higher than in any other society at any time in the past anywhere in the world.” In a 2014 podcast about the book, Bill Moyers commented:

“Here’s one of its extraordinary insights: We are now really all headed into a future dominated by inherited wealth, as capital is concentrated in fewer and fewer hands, giving the very rich ever greater power over politics, government and society. Patrimonial capitalism is the name for it, and it has potentially terrifying consequences for democracy.”

Paul Krugman maintained in the same podcast that the United States is becoming an oligarchy, a society of inherited wealth, “the very system our founders revolted against.” While things have only gotten worse since then thanks to the economic crisis of 2020, it’s worth retracing the history that brought us to this volatile moment.

## Not the Vision of Our Founders

The sort of capitalism on which the United States was originally built has been called mom-and-pop capitalism. Families owned their own farms and small shops and competed with each other on a more or less level playing field. It was a form of capitalism that broke free of the feudalistic model and reflected the groundbreaking values set forth in the Declaration of Independence and Bill of Rights: that all men are created equal

and are endowed by their Creator with certain inalienable rights, including the rights to free speech, a free press, to worship and assemble; and the right not to be deprived of life, liberty or property without due process.

It was good in theory, but there were glaring, inhumane exceptions to this idealized template, including the confiscation of the lands of indigenous populations and the slavery that then prevailed. The slaves were emancipated by the US Civil War; but while they were freed in their persons, they were not economically free. They remained entrapped in economic serfdom. Although Black and Indigenous communities have been disproportionately oppressed, poor people were all trapped in “indentured servitude” of sorts — the obligation to serve in order to pay off debts, e.g. the debts of Irish workers to pay for passage to the United States, and the debts of “sharecroppers” (two-thirds of whom were white), who had to borrow from landlords at interest for land and equipment. Today’s U.S. prison system has also been called a form of slavery, in which free or cheap labor is extracted from poor people of color.

To the creditors, economic captivity actually had certain advantages over “chattel” slavery (ownership of humans as a property right). According to an infamous document called the Hazard Circular, circulated by British banking interests among their American banking counterparts during the American Civil War:

“Slavery is likely to be abolished by the war power and chattel slavery destroyed. This, I and my European friends are glad of, for slavery is but the owning of labor and carries with it the care of the laborers, while the European plan, led by England, is that capital shall

control labor by controlling wages.”

Slaves had to be housed, fed and cared for. “Free” men housed and fed themselves. Free men could be kept enslaved by debt by paying them wages that were insufficient to meet their costs of living.

## From “Industrial Capitalism” to “Finance Capitalism”

The economy crashed in the Great Depression, when Franklin D. Roosevelt’s government revived it and rebuilt the country through a public financial institution called the Reconstruction Finance Corporation. After World War II, the US middle class thrived. Small businesses competed on a relatively level playing field similar to the mom-and-pop capitalism of the early

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– Ellen Brown

pioneers. Meanwhile, larger corporations engaged in “industrial capitalism,” in which the goal was to produce real goods and services.

But the middle class, considered the backbone of the economy, has been progressively eroded since the 1970s. The one-two punch of the Great Recession and what the IMF has called the “Great Lockdown” has again reduced much of the population to indentured servitude; while industrial capitalism has largely been displaced by “finance capitalism,” in which money makes money for those who have it, “in their sleep.” As economist Michael Hudson explains, unearned income, not productivity, is the goal. Corporations take out cheap 1% loans, not to invest in machinery and production, but to buy their own stock earning 8% or 9%; or to buy out smaller corporations, eliminating competition and creating monopolies.

Former Greek Finance Minister Yanis Varoufakis explains that “capital” has been decoupled from productivity: businesses can make money without making profits on their products.

As Kevin Cahill described the plight of people today in a book titled *Who Owns the World?*:

“These latter-day pharaohs, the planet owners, the richest 5% – allow the rest of us to pay day after day for the right to live on their planet. And as we make them richer, they buy yet more of the planet for themselves, and use their wealth and power to fight amongst themselves over what each possesses – though of course it’s actually us who have to fight and die in their wars.”

**The 2020 Knockout Punch**

The final blow to the middle class came in 2020. Nick Hudson, co-founder of a data analytics firm called PANDA (Pandemics, Data and Analysis), argued in an interview following his keynote address at a March 2021 investment conference:

“Lockdowns are the most regressive strategy that has ever been invented. The wealthy have become much wealthier. Trillions of dollars of wealth have been transferred to wealthy people. ... Not a single country did a cost/benefit analysis before imposing these measures.”

Policymakers followed the recommendations of the World Health Organization, based on predictive modeling by the Imperial College London that subsequently proved to be wildly inaccurate. Later studies have now been done, at least some of which have concluded that lockdowns have no significant effects on case numbers and that the costs of lockdowns substantially outweigh the benefits, in terms not just of economic costs but of lives.

On the economic front, global lockdowns eliminated competition from small and medium-sized businesses, allowing monopolies and oligopolies to grow. “The biggest loser from all this is the middle class,” wrote Logan Kane (Seeking Alpha). By May 2020, about one in four Americans had filed for unemployment, with over 40 million Americans filing jobless claims; and 200,000 more businesses closed in 2020 than the historical annual average. Meanwhile, US billionaires collectively increased their total net worth by \$1.1 trillion during the last 10



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months of 2020; and 46 people joined the billionaire class.

The number of “centi-billionaires”— individuals with a net worth of \$100 billion or more – also grew. In the US they included:

- Jeff Bezos, soon-to-be former CEO of Amazon, whose net worth increased from \$113 billion in March 2020 to \$182 billion in March 2021, up by \$70 billion for the year;

- Elon Musk, CEO of Tesla and SpaceX, whose net worth increased from \$25 billion in March 2020 to \$164 billion in March 2021, up by \$139 billion for the year; and

- Bill Gates, formerly CEO of Microsoft and currently considered the “global vaccine czar,” whose net worth increased to \$124 billion in March 2021, up by \$26 billion for the year.

Two others are almost centi-billionaires:

- The net worth of Mark Zuckerberg, CEO of Facebook, grew from \$55 billion in March 2020 to \$95 billion in March 2021, up by \$40 billion for the year; and

- The net worth of Warren Buffett of Berkshire Hathaway grew from \$68 billion in March 2020 to \$95 billion in March 2021, up by \$27.6 billion for the year.

These five individuals collectively added \$300 billion to their net worth just in 2020. For perspective, that’s enough to create 300,000 millionaires, or to give \$100,000 to 3 million people.

**Philanthrocapitalism**

The need to shield the multibillionaire class from taxes and to change their predatory corporate image has given rise to another form of capitalism, called philanthrocapitalism. Wealth is transferred to foundations or limited liability corporations that are designated as having charitable purposes but remain under the ownership and control of the donors, who can invest the funds in ways that serve their corporate interests. As noted in *The Reporter Magazine* (Rochester Institute of Technology):

“Essentially, what we are witnessing is the transfer of responsibility for public goods and services from democratic institutions to the wealthy, to be administered by an executive class. In the CEO society, the exercise of social responsibilities is no longer debated in terms of whether corporations should or shouldn’t be responsible for more than their own business interests. Instead, it is about how philanthropy can be used to reinforce a politico-economic system that enables such a small number of people to accumulate obscene amounts of wealth.”

With \$100 billion, nearly anything can be bought – not just land and resources but media and journalists, political influence and legislation, regulators, university research departments and laboratories. Jeff Bezos now owns *The Washington Post*. Bill Gates is not only the largest funder of the World Health Organization and the Imperial College London but also the largest owner of agricultural land in the US. And Elon Musk’s aerospace

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manufacturer SpaceX has effectively privatized the sky. Astronomers and stargazers complain that the thousands of satellites it has already launched, with many more in the works, are blocking their ability to see the stars. Astronomy professor Samantha Lawler writes in a piece for *The Conversation*:

“SpaceX has already received approval for 12,000 Starlink satellites and is seeking approval for 30,000 more. Other companies are not far behind [...] The point of the Starlink mega-constellation is to provide global internet access. It is often stated by Starlink supporters that this will provide internet access to places on the globe not currently served by other communication technologies. But currently available information shows the cost of access will be too high in nearly every location that needs internet access. Thus, Starlink will likely only provide an alternate for residents of wealthy countries who already have other ways of accessing the internet [...] With tens of thousands of new satellites approved for launch, and no laws about orbit crowding, right-of-way or space cleanup, the stage is set for the disastrous possibility of Kessler Syndrome, a runaway cascade of debris that could destroy most satellites in orbit and prevent launches for decades.... Large corporations like SpaceX and Amazon will only respond to legislation — which is slow, especially for international legislation — and consumer pressure [...] Our species has been stargazing for thousands of years, do we really want to lose access now for the profit of a few large corporations?”

Public advocacy groups, such as the Cellular Phone Task Force, have also objected due to health concerns over increased electromagnetic radiation. But the people have little say over public policy these days. So concluded a study summarized in a January 2021 article in *Foreign Affairs*. Princeton professor and study co-author Martin Gilens wrote:

“Ordinary citizens have virtually no influence over what their government does in the United States. ... Government policy-making over the last few decades reflects the preferences ... of economic elites and of organized interests.

Varoufakis calls our current economic scheme “post-capitalism” and “techno-feudalism.” As in the medieval feudal model, assets are owned by the few. He notes that the stock market and the businesses in it are essentially owned by three companies – the giant exchange-traded funds BlackRock, Vanguard, and State Street. Under the highly controversial “Great Reset” envisioned by the World Economic Forum, “you will own nothing and be happy.” By implication, everything will be owned by the techno-feudal lords.

### Getting Back on Track

The capitalist model has clearly gone off the rails. How to get it back on track? One obvious option is to tax the uber-rich. As Chuck Collins, author of *The Wealth Hoarders: How Billionaires Pay Millions to Hide Trillions* (2021), writes in a March 2021 article:

“A wealth tax would reverse more than a half-

century of tax cuts for the wealthiest households. Billionaires have seen their taxes decline roughly 79 percent as a percentage of their wealth since 1980. The “effective rate” on the billionaire class—the actual percentage paid—was 23 percent in 2018, lower than for most middle-income taxpayers.”

He notes that Sen. Elizabeth Warren (D-Mass.) and co-authors recently introduced legislation to levy a 2 percent annual tax on wealth starting at \$50 million, rising to 3 percent on fortunes of more than \$1 billion:

“The tax, which would apply to fewer than 100,000 U.S. residents, would raise an estimated \$3 trillion over the next decade. It would be paid entirely by multi-millionaires and billionaires who have reaped the lion’s share of wealth gains over the last four decades, including during the pandemic.”

Varoufakis contends, however, that taxing wealth won’t be enough. The corporate model itself needs an overhaul. To create a “humanist” capitalism, he says, democracy needs to be brought to the marketplace. Politically, one adult gets one vote. But in corporate elections, votes are weighted according to financial investment: the largest investors hold the largest number of voting shares. Varoufakis argues that the proper principle for reconfiguring the ownership of corporations for a market-based society would be one employee, one share (not tradeable), one vote. On that basis, he says, we can imagine as an alternative to our post-capitalist model a market-based democratic society without capitalism.

Another proposed solution is a land value tax, restoring at least a portion of the land to the “commons.” As Michael Hudson has observed:

“There is one Achilles heel in the globalists’ strategy, an option that remains open to governments. This option is a tax on the rental income – the “unearned income” – of land, natural resources and monopoly takings.”

Reforming the banking system is another critical tool. Banks operated as a public utility could allocate credit for productive purposes serving the public interest. Other possibilities include enforcement of anti-monopoly legislation and patent law reform. Perhaps, however, the flaw is in the competitive capitalist model itself. The winners will inevitably capture and exploit the losers, creating an ever-growing gap in wealth and power. Studies of natural systems have shown that cooperative models are more efficient than competitive schemes. That does not mean the sort of “cooperation” coerced through iron-fisted totalitarian control at the top. We need a set of rules that actually levels the playing field, rewards productivity, and maximizes benefit to society as a whole, while preserving the individual rights guaranteed by the U.S. Constitution.

Ellen Brown is an attorney, chair of the Public Banking Institute, and author of thirteen books including *Web of Debt*, *The Public Bank Solution*, and *Banking on People: Democratizing Money in the Digital Age*. She also co-hosts a radio program on PRN.FM called “It’s Our Money.” Her 300+ blog articles are posted at [EllenBrown.com](http://EllenBrown.com).

**CEOS WIN WHILE  
LOW-WAGE  
WORKERS SUFFER  
IN THE PANDEMIC**

SARAH ANDERSON

**D**uring the pandemic, low-wage workers have lost income, jobs, and lives. And yet many of the nation's top-tier corporations have been fixated on protecting their wealthy CEOs, even bending their own rules to pump up executive paychecks.

A new Institute for Policy Studies report finds that 51 of the country's 100 largest low-wage employers moved bonus goalposts or made other rule changes in 2020 to give their CEOs 29 percent average raises while their frontline employees made 2 percent less.

Among these 51 rule-rigging companies, average CEO compensation was \$15.3 million in 2020, while median worker pay was \$28,187 on average. The average CEO-worker pay ratio: 830 to 1.

How exactly did these companies rig their CEO pay rules? Let's look at a few examples.

Hilton CEO Christopher Nassetta had the largest paycheck among the rule-rigging companies. After he failed to meet the goals associated with his multi-year stock awards, the board "modified" the awards by disregarding poor 2020 financial results and changing the performance metrics. Those maneuvers inflated his total compensation to \$56 million—1,953 times as much as the company's median worker pay of \$28,608 in 2020.

At YUM Brands, the owner of KFC, Pizza Hut, and Taco Bell, CEO David Gibbs garnered positive media coverage by donating \$900,000 of his salary to pay for \$1,000 bonuses for restaurant general managers. But the board changed its bonus metrics to give Gibbs a special cash bonus and stock grant worth more than 2.5 times

his voluntary salary cut. This largesse boosted Gibbs's total compensation to \$14.6 million — 1,286 times as much as median worker pay of \$11,377. The fast food giant did not offer hazard pay to these frontline employees, whose average wages are just \$9.75 per hour, according to Payscale.

At Coca-Cola, none of the top executives met their bonus targets last year either, but the company board used "discretion" to give them all bonuses anyway. For CEO James Quincey, that \$960,000 bonus, combined with new stock-based awards, drove his total compensation package above

## **How did corporations justify such extreme disparity in a year of extraordinary hardship for workers?**

— Sarah Anderson

\$18 million, over 1,600 times as much as the company's typical worker pay. In December 2020, Coca-Cola announced plans to cut about 2,200 jobs, or 17 percent of its workforce. About 1,200 of the layoffs will hit U.S. workers.

How did corporations justify such extreme disparity in a year of extraordinary hardship for workers?

The most common defense was the "talent retention" argument. In a report filed with the SEC, for example, Hilton explained that the "projected zero payouts" on the CEO's performance stock awards would've "impaired the awards' ability to retain key talent."

This is the Great Man Theory: one heroic individual in the corner office almost single-handedly creates company value, so pay him whatever it

takes to prevent him from abandoning ship. So what can we do about it?

One bill pending in Congress, the Tax Excessive CEO Pay Act, would use tax policy to incentivize corporations to narrow their pay divides by reining in executive compensation and lifting up worker wages.

Under this proposal, companies with pay gaps between their highest-paid executive and median worker of less than 50 to 1 would not owe an extra dime. Corporations that refuse to narrow their gaps below this threshold would face graduated rate increases starting at 0.5 percentage points on ratios of more than 50 to 1 and topping out at 5.0 percentage points for companies with gaps above 500 to 1.

The Tax Excessive CEO Pay Act would generate an estimated \$150 billion over 10 years that could be used to create good jobs and meet human needs. If the bill had been in place in 2020, Walmart, with a pay gap of 1,078 to 1, would have owed an extra \$1 billion in federal taxes—enough to fund 13,502 clean energy jobs for a year.

Amazon, with a 1,596-to-1 pay ratio, also would have owed an extra \$1 billion, enough to underwrite 115,089

public housing units for a year. (Amazon's highest-paid exec last year was Worldwide Consumer CEO David Clark, with \$46.3 million.)

Home Depot, with a 511-to-1 gap, would have owed an extra \$800 million, enough to create 18,329 jobs that pay \$15 per hour with benefits for a year.

It's time for public policy to shift corporate America away from a business model that creates obscene wealth for a few at the top and economic insecurity for so many of the rest of us. By inflating executive compensation while their workers struggled during a pandemic, corporate boards have just strengthened the case for tax penalties on huge CEO-worker pay gaps.

Sarah Anderson directs the Global Economy Project of the Institute for Policy Studies and is a co-editor of *Inequality.org*.



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# HE'S ALIVE! (A LEFT-LEANING LIBERAL'S LAMENT)

KARL ZELINSKI

**B**ack when I was a young executive first starting out in the world in the early '80s, my job took me back to New York City several times a year and the local Democrats or Republicans that I associated with invariably offered up that Donald Trump was a con man who didn't pay taxes or his creditors—it was commonly known by seemingly all New Yorkers. And for a while, too, by Ted Cruz, Marco Rubio, and Lindsey Graham in 2015, along with countless other Republicans until they flipped for their cult leader.

It is astonishing that a man who was firmly committed to Democratic values—Trump has been a Democrat longer than a Republican—with regard to gun control and abortion and various other social issues in the '80s and '90s, has now, while out of office, maintained and even increased his hold on the GOP. This former president who bragged about his many sexual conquests, a thrice married porn star aficionado and serial adulterer, is now a staple of the evangelical movement. Surrounded by convicted felons, he mocks all who don't agree with everything he says and has no empathy for anyone but himself when confronted with his obstruction, corruption, or lies. Check out his deposition testimony for his 25-million-dollar settlement for his questionable enterprise, Trump University (it's on YouTube, though naturally he fought its release just like his tax returns and everything else). If that doesn't convince you—along with the other mountain ranges of evidence of his dubious ethical

standards—then the earth is flat. Meanwhile, he and his family continue to mine their supporters for even more dough, charging unwitting donors and scamming them to the tune of about 200 million dollars according to recent estimates, utilizing techniques and tricks of the trade undoubtedly learned at Trump U.

Moreover, when lifelong Republicans like John Bolton, Christopher Krebs, Rex Tillerson, Jim Comey, Andrew McCabe, etc. are immediately cast out as part

who is undocumented and has not gone through the normal citizenship process into the USA at this point regardless of criminal intent? We can't even take care of the thousands of homeless people who line the beaches and cities of LA. And if I just walked 1,000 miles from central America, sorry, I'm going to check the "asylum" box...duh. Don't let illegals in and immediately pay for their health care and education. No more free stuff. We can't afford it—we're in debt by too many trillions. Our FICO score

sucks. Furthermore, Dems need to distance themselves from this "defund the police" idea. Sure, George Floyd was killed and changes need to be made, but not all cops are bad and it is a damn difficult job! And for Christ's sake, don't worry about transgender bathrooms—we'll get to that some other time. For right wing media and the MAGA crowd these missteps by Democrats make retaining the base as easy as shooting fish in a barrel...easy sleazy.

Additionally, a large majority of Americans doesn't want *Roe v. Wade* overturned, wants sensible gun safety laws, and would prefer that big corporations

and billionaires pay their fair share of taxes. But the way things are headed, a majority will never get their way and minority tyranny will rule. Don't believe me about all of this? Did an insurrection happen on 1-6-21? Is there a bipartisan commission to investigate 1-6-21? Did Don Jr. meet with Russians to talk about adoption or was U.S. polling data given to ex-KGB agents? Are people still counting ballots even after Giuliani and company lost sixty lawsuits and many ballots in key battleground states were already counted three times over? Are voter suppression tactics being implemented and approved by local and state governments at an

**This former president who bragged about his many sexual conquests, a thrice married porn star aficionado and serial adulterer, is now a staple of the evangelical movement.**

– Karl Zelinski

of a "deep state" when they don't instantly align entirely with the crazy whims of a career non-politician, the cult believes it. So, you are either all in (and I do mean *all* in) or you are out, no negotiation or compromise possible. Just ask Liz Cheney.

But then again, the Dems make it easy for Forty-five to continue to influence his base. When Trump rolled down the gold escalator with his immigrant model (yeah, right) wife at Trump Tower to announce his candidacy in 2015, he turned heads by talking about illegal alien rapists and murders. To be sure, not all illegal aliens are rapists and murderers, but truthfully how can you let anyone

alarming rate even as we speak? Are Republican officials who stood up for the actual real election results in 2020 being booted out of office? Was Trump at the latest inauguration? Did Trump concede to Biden as Hillary did to him? Does Trump tell people he won or lost? Did Trump show Biden around the White House as Obama did for him, even after Trump said Obama wasn't even born in the USA?

There is a distinct likelihood

that Republicans will take over the House in 2022 with their continued gerrymandering efforts and successful voter suppression tactics. And if they take over the Senate, leader McConnell has already declared that he will not allow Biden to nominate any Supreme Court justices for the remaining two years of his term. The point is, the Dems will get nothing done even with their current majorities and when the Republicans regain the majority they'll eliminate

the filibuster to keep Trump and his royal family in power forever. I know it sounds like a possible death spiral for our democracy with little hope of flattening out, but we're already experiencing a severe case of turbulence. To quote Donald J. Trump himself, "Believe me!"

Karl Zelinski is an international business consultant and part-time author best known for the novel *Shanghai Sin in Newport Beach*.



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PROBE OF  
ALZHEIMER'S DRUG  
APPROVAL

JESSICA CORBETT

Public health advocates and other critics of the Food and Drug Administration's June decision to approve the first new medication for Alzheimer's disease in nearly two decades welcomed the acting commissioner's recent call for an independent investigation into the agency's review of the questionably effective drug—including staff contact with its developer, Biogen.

The probe request from Dr. Janet Woodcock, the FDA's acting commissioner, came just a day after the agency narrowed its recommendation about which patients are given Biogen's drug aducanumab, known by the brand name Aduhelm. It also follows an exposé in STAT revealing that "FDA officials worked hand in hand with Biogen executives to get the drug on the market."

Public Citizen—a consumer advocacy group that has repeatedly called for Woodcock "to immediately resign or be removed" over the "reckless and inexcusable" approval of the drug—noted the development on Twitter and declared, "The public deserves transparency."

The approval of Biogen's aducanumab to treat Alzheimer's disease was completely reckless.

The investigation of FDA's close relationship with Biogen must look at the role @DrWoodcockFDA's played in permitting this. The public deserves transparency.

In her letter to Christi Grimm, acting inspector general for the U.S. Department of Health and

Human Services (HHS), Woodcock acknowledged that "there has been significant attention and controversy surrounding the process for review" of the monthly intravenous infusion with a \$56,000 annual price tag.

Given growing concerns among advocates, lawmakers, and doctors—including multiple members of an FDA advisory panel who resigned in protest—Woodcock requested that HHS's Office of Inspector General conduct "an independent review and assessment of interactions between

Dr. Aaron Kesselheim, a professor of medicine at Harvard Medical School and Brigham and Women's Hospital, is one of three experts who quit an FDA advisory panel last month over Aduhelm's approval.

Kesselheim expressed support for a probe and told the *New York Times* that "it's really important that an investigation happen publicly and quickly so that we find answers to some of the many outstanding questions swirling around this decision."

Dr. Michael Carome, director of Public Citizen's Health Research Group, also welcomed Woodcock's "belated request for an independent IG investigation of her agency's inappropriately close collaboration with Biogen," pointing out that his group had called for a probe months ago.

"Such an investigation must be broad and determine when Dr. Woodcock first became aware of this collaboration and whether she ever specifically endorsed or facilitated it in any way," he said.

Carome continued: "The IG also must examine how Dr. Woodcock fostered

a culture within the FDA's Center for Drug Evaluation and Research that permitted and encouraged such an inappropriate collaboration with regulated industry. Under her leadership over the past three decades, the relationship between the FDA and the pharmaceutical industry has grown ever cozier—resulting in regulatory capture of the agency by industry."

It is also imperative that Congress proceed expeditiously with its own announced investigation of the FDA-Biogen collaboration to ensure

The approval  
of Biogen's  
aducanumab  
to treat  
Alzheimer's  
disease was  
completely  
reckless.

— Jessica Corbett

representatives of Biogen and the FDA during the process" that led to the agency's "accelerated approval" of Aduhelm.

Woodcock noted concerns "regarding contacts between representatives from Biogen and FDA during the review process, including some that may have occurred outside of the formal correspondence process," and said that for the sake of public confidence in the agency, it is critical to determine if any interactions "were inconsistent with FDA policies and procedures."



# STORYLANDIA

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John O'Kane, Bob Ritchie, Jhon Sanchez

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a thorough assessment and public airing of the circumstances that led to the FDA's reckless and inexcusable decision to approve aducanumab.

Alexander Gaffney, head of research at Politico's AgencyIQ—a division focused on the regulatory environment, particularly the FDA—suggested the agency “might think they have a better chance with OIG than with Congress. (But the risk is that what OIG finds leads to more congressional interest).”

Well, this isn't something you see every day.

STAT reported that “one former FDA official said that an investigation could actually help distance Woodcock from the controversial Aduhelm decision. The longtime agency veteran is currently its acting commissioner, but she is a leading contender to be nominated for the full role. The official pointed out that even though Woodcock was not involved in the approval decision, it was made by people she had elevated to decision-making roles.”

As the Medical News

outlet explained: “Inspector general investigations are among the most serious types of civil investigations that can be conducted into a federal agency. The inspector general's office typically has broad power to subpoena internal FDA documents and to conduct interviews under oath. The OIG can also refer potential criminal violations to the Department of Justice. However, no allegations of criminal conduct have been made against the FDA.”

It is rare for the OIG to investigate the FDA, and even more exceptional for it to investigate an individual drug approval decision, according to STAT's review of public records. The inspector general is currently reviewing a number of FDA programs, like its systems for monitoring the safety of medical devices, though the majority of those inquiries are audits and evaluations, less serious forms of investigations.

Although an HHS investigation is not yet guaranteed, Dana Conti, a spokesperson for Biogen, told the *New York Times* that the company

“will, of course, cooperate with any inquiry in connection with a possible review of the regulatory process.”

CNBC reported that “shares of Biogen fell by more than 3% after the announcement” of Woodcock's request. Alarm over the FDA's approval of the drug stems from not only potentially problematic interactions between the agency and Biogen but also uncertainty over the effectiveness of Aduhelm.

“Recognizing that clinical trials of the drug had provided incomplete evidence to demonstrate effectiveness, the FDA granted approval for the drug to be used but required Biogen to conduct a new clinical trial,” the *New York Times* explained last month. “If the new trial, called a Phase 4 trial, fails to show the drug is effective, the FDA can—but is not required to—rescind its approval.”

Jessica Corbett writes for *Common Dreams* and other publications.



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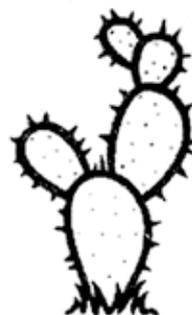
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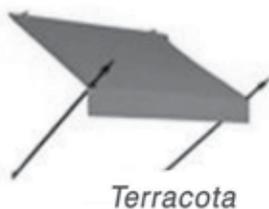
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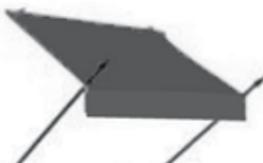
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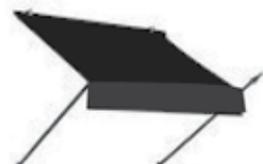
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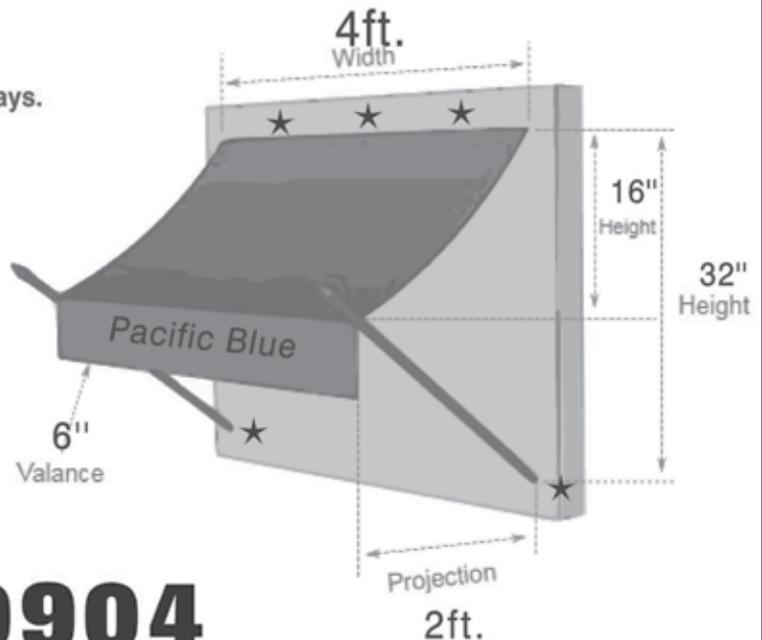
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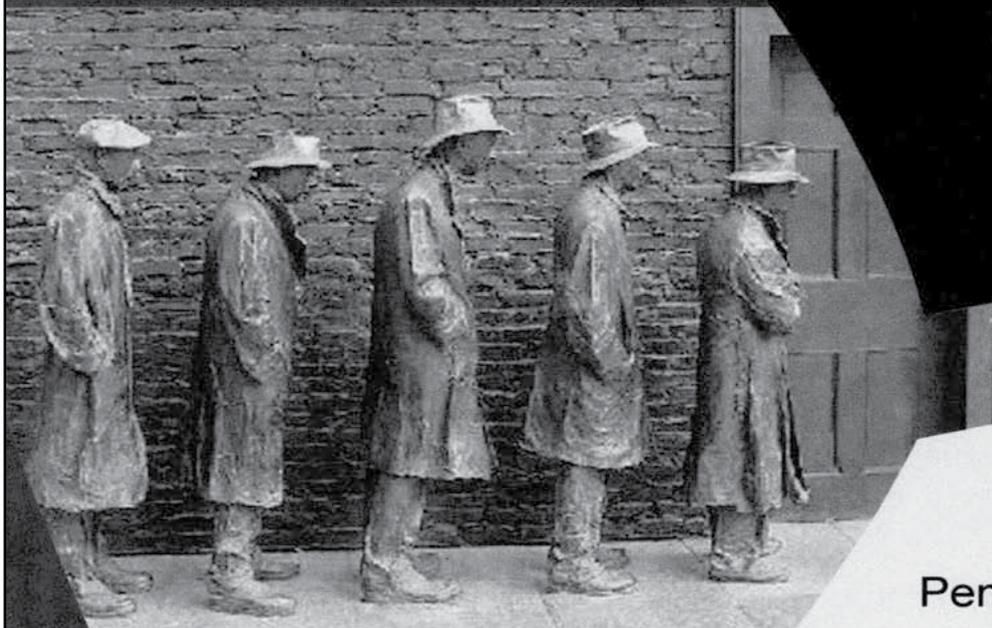
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