

The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

Issue 157
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Dear Subscriber,

When **the U.S. Supreme Court takes up the District of Columbia's gun ban** in March, it will find states across the country lined up on both sides, filing friends of the court briefs for or against the ban.

Virginia Attorney General BOB McDONNELL is joining Arkansas, Missouri and Texas **to challenge the ban.**

He said, "This is a case of **fundamental importance to the interpretation of the Constitution of the United States** that is going to impact every state and every territory in the Union based on how they rule."

Arkansas Attorney General DUSTIN McDANIEL said, "**I believe the Second Amendment confers a constitutional right to bear arms on individuals, not just on militia members.**"

Missouri Attorney General JAY NIXON said, "We have an opportunity here to get a court decision solidifying *what most Americans already believe: that the Second Amendment guarantees individuals the right to keep and bear arms.*"

Maryland, New York, Illinois and Hawaii are filing briefs **supporting the ban.**

Virginia's McDONNELL predicted that almost every state will file a brief on one side or the other.

In another legal controversy, the *New York Sun's* recent reports about **the way cases are steered to the courtroom of U.S. District Court Judge JACK WEINSTEIN** have compelled the Second Amendment Foundation (SAF) to call on the 86-year-old jurist **to step down.**

The *Sun* reported in an editorial that **Judge WEINSTEIN has a stranglehold on gun and tobacco cases**, and asked why the mega-cases - Agent Orange, asbestos, breast implants, and pharmaceuticals - all get assigned to Judge Weinstein.

In fact, 2nd Circuit Appeal Court **Judge JOSE CABRANES asked attorneys this September why New York City's lawyers had taken a suit against firearm manufacturers "across the Brooklyn Bridge" to where Judge WEINSTEIN sits, when the court in Manhattan was nearer to the city's law offices.**

SAF issued a news release asserting that, "There is enough doubt about Judge WEINSTEIN's impartiality that we believe **it is time for him to retire his gavel**, or at the very least, step aside from hearing any further gun industry lawsuit cases."

Prosecutors and defense attorneys agreed on **one year of probation** for WESLEY WAYNE HILL, a Utah gun dealer who *entered a guilty plea to a misdemeanor charge of failing to fill in one line on a 33-line form when selling a shotgun to SULEJMAN TALOVIC*, who later used it to **kill five and injure four others** last February in Salt Lake City's Trolley Square mall, before being killed by police.

Hill could have faced a year in prison, but U.S. District **Judge DALE KIMBALL dismissed a felony charge** of unlawful transfer of a firearm.

The Georgia Court of Appeals has struck down a Coweta County law banning guns in parks. The appeals court reversed a June Coweta County Superior Court decision against gun rights group GeorgiaCarry.org.

A three-judge panel agreed with GeorgiaCarry.org. **The reversal sets a statewide precedent that will affect similar gun bans in other counties.**

Also in this issue: ● Georgia lawmaker wants gun law overhaul ● Senators put hold on BATF director confirmation ● Will Michael Bloomberg run for President? ● Voters trust NRA endorsement most ● New polls on gun rights ● A Study in Contrasts in our Page Eight "Parting Shot"

**ON THE
LEGAL
FRONT**

ARKANSAS TO ALLOW CONCEALED GUNS IN HUNTING AND FISHING AREAS

The Arkansas Game and Fish Commission (AGFC) has voted to allow hunters with concealed carry licenses to possess concealed handguns on lands and waters they administer, including lakes and wildlife management areas.

Doyle Shook, chief of the AGFC, said the new regulation will also allow concealed handguns during archery deer season, muzzle-loader deer season and archery turkey season, previously prohibited.

The new rule does not allow concealed carry where prohibited by federal law or on private property.

IN THE STATES

CALIFORNIA SET TO SEIZE FIREARMS FROM 60,000 CONVICTED FELONS

Attorney General Jerry Brown has announced that the state of California has confiscated the firearms of 1,000 convicted felons - "the most dangerous cases in the database" - and may expand the crackdown to guns owned by as many as 60,000 Californians.

California's Department of Justice agents are using a state database to identify persons who lawfully acquired firearms in the past but became barred from possession due to a subsequent felony conviction.

The state's database currently has 9,000 names, but could include 60,000 as new offender records are added to the system.

During a six-week door-to-door campaign, state and local law enforcement agents seized 541 firearms, conducted 205 probation or parole searches and made 16 field arrests.

Brown said, "Thousands of former lawful gun owners should not have them now."

GEORGIA LAWMAKER PROPOSES PRO-GUN OVERHAUL OF STATE'S FIREARM LAWS

Democratic Rep. Timothy Bearden (68th District) has introduced the Second Amendment Protection Act of 2008, a comprehensive overhaul of Georgia's firearms laws.

The bill, HB 915, removes conflicting, confusing and restrictive laws, decriminalizes open carry, includes Georgia's Car Carry Bill from 2007, stops false straw purchase sting operations like New York Mayor Michael Bloomberg's attack on gun dealers, requires timely issue of firearms licenses, and includes the "Katrina Bill," barring government confiscation of private firearms during an emergency.

ILLINOIS' COOK COUNTY AND TWO ANTI-GUN PROPOSALS

Cook County commissioners are considering two proposals that would virtually ban all guns in the Chicago area. The first, the Safe Streets/Weapons Registration Ordinance, contains so many prohibitions - transporting only "broken down and nonfunctioning" guns, and outlawing possession of ammunition - that it is actually a ban on all firearms.

The second, the "Deadly Weapon Dealers Ordinance" would ban all gun shows in the county and prohibit federally licensed dealers from operating within 10 miles of another federally licensed dealer. No timeline on hearings has been set.

NEW JERSEY SENATE COMMITTEE PASSES THREE BAD BILLS

The New Jersey state Senate Law and Public Safety Committee has passed S2470, S2934, and S2461 for consideration by the full Senate. S2470 criminalizes transfer of ammunition without an ID card, S2934 makes gun owners responsible for the acts of criminals if they fail to "immediately" report loss or theft of a gun, and S2461 criminalizes the mere possession of handguns.

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WHY DID PRO-GUN GROUPS SUPPORT THE NEW NICS BILL?

When Congress passed the long-stalled bill tightening the National Instant Criminal Background Check System (NICS) last month, many gun owners asked why leading gun groups supported the measure.

The answer is simple: in addition to the new reporting requirements to screen out the mentally ill, gun rights advocates also got a provision allowing individuals unfairly prohibited from owning guns to appeal their prohibition and have their Second Amendment rights restored, benefitting many thousands of Americans of sound mind, including many veterans, who have been permanently barred from owning guns. The bill helps pay states for reporting mental disability records to the NICS system, but does not expand the burden on prospective gun purchasers.

AT THE FEDERAL LEVEL

BILL PROPOSES MASSIVE OVERHAUL OF BATFE

Reps. Steve King (R-Iowa) and Zack Space (D-Ohio) have introduced H.R. 4900, the "Bureau of Alcohol, Tobacco, Firearms and Explosives Reform and Firearms Modernization Act" that would totally rewrite the system of administrative penalties for licensed dealers, manufacturers and importers of firearms.

The bill is aimed at eliminating petty "fly-speck" penalties for such minor errors as using abbreviations on a federal form or filing records in the wrong order, and end the "either-or" situation in which BATFE can only give either a warning or totally revoke a license - instead creating a sliding scale of penalties such as fines or temporary license suspensions.

The bill would also clean up more than a dozen other problems that currently plague the operation of the BATFE.

SENATORS PUT HOLD ON BATFE CONFIRMATION

Louisiana Republican Senator David Vitter has joined Idaho Republican Senators Mike Crapo and Larry Craig to put a hold on the confirmation of Bush nominee Michael J. Sullivan as director of the Bureau of Alcohol, Tobacco, Firearms and Explosives. Any individual Senator has the right to put a hold on legislation.

The Citizens Committee for the Right to Keep and Bear Arms (CCRKBA) has urged the Senate to go a step further and reject Sullivan's nomination altogether. While CCRKBA praised Sullivan's "no-nonsense opposition to attempts by New York Mayor Michael Bloomberg and others to gain sweeping access to sensitive BATFE firearms trace data," the group expressed alarm at "what appear to be significant abuses of authority by BATFE agents under his command" (see story above).

Sen. Vitter expressed concern that Sullivan, now acting director, allows his agents to hold gun owners and dealers to unreasonable standards, often leading to license revocation for errors in paperwork that did not violate firearms law.

Sullivan supporter, Sen. John Kerry (D-MA), demanded the holds be released.

SENATORS PUSH FOR RIGHT TO CARRY IN NATIONAL PARKS

Secretary of the Interior Dirk Kempthorne has received a letter signed by 47 U.S. Senators urging him to let visitors to national parks and wildlife refuges carry lawfully owned handguns for self-defense.

Led by Sen. Mike Crapo (R-Idaho), the senators want Kempthorne to change the rules banning firearms on federal lands, saying that the guidelines are "confusing, burdensome and unnecessary."

Gun owners traveling from state lands, where gun carry is allowed, over federal land boundaries, often don't know it, or have to stop and dismantled their firearms for storage while in national parks and wildlife areas.

The changes are necessary not only for consistency's sake, but also for personal safety: increasing numbers of assaults and robberies are taking place in our national parks, making self-defense a matter of importance. Campers have also spoken up about defending themselves from wild animal attacks, which have been increasing.

Secretary Kempthorne has not responded to the letter.

ANTI-GUN ZILLIONAIRE WANTS TO BE KING - ER, PRESIDENT - OF AMERICA

What does it mean when Mayors Against Illegal Guns takes out newspaper ads in the *Des Moines Register* and *New Hampshire Union Leader* to remind the '08 hopefuls and primary/caucus voters about its crusade against guns?

(The ads said, "Where do the presidential candidates stand on gun control?")

And what does it mean when New York City Mayor Michael Bloomberg switches from Republican to Independent?

(The Republican label didn't fool anybody, anyway.)

It means that Bloomberg, who funds that Mayors' anti-gun group and sent shills into other states to entrap gun dealers, is ready to spend a billion of his zillions on a run for the White House. At least that's what a rumor on the Internet says.

**BLOOMING
IDIOT
PRESIDENTIAL
WATCH**

But the *New York Post* has real reporters and editors, and they said Bloomberg aides have been "reaching out to consultants from his past campaigns about whether they are free for a possible 2008 White House bid."

The *Post* also reported that "The consultants, including ones that crafted Bloomberg's mayoral election TV ads, have been asked for their future availability; one who was apparently going to work for Hillary Clinton's campaign was told "he should not sign up with another campaign and instead wait and see what happens with the mayor," the sources said.

THE MAYOR'S PLAN

Bloomberg, who owns the financial media company Bloomberg LP, was a longtime Democrat then switched to the Republican Party to run for New York mayor in 2001. Last June, during his second term as mayor, Bloomberg left the GOP to become an independent.

It isn't at all unrealistic to think that The Blooming Idiot could and would spend a billion of his own bucks to sit in that big leather chair behind that big wooden desk in the Oval Office for four years (or more).

So the prediction that Bloomberg will run has now become the buzz in almost every newspaper. The only question seems to be how and when.

As crazy as he is about gun control, Mike Bloomberg is a cunning politician. He probably doesn't believe you can actually buy the presidency of the United States, even with a billion dollars, although he would surely like that.

And he isn't likely to blow a billion on a sure loser, even if that sure loser turns out to be himself.

So things have to be right. For Bloomberg to actually step forward as a presidential candidate, most believe that it will only happen in the event that the primaries don't seem to have clear Republican or Democratic candidates.

WHAT IF HE ACTUALLY RUNS?

That will probably become clear about March 5, when the Texas primaries are held, and until then, Bloomberg has chosen a two-pronged, yes-no strategy.

It looks like a game of political silly-putty - now it's this, now it's that. For example, just before New Year's Day, Bloomberg's aides announced that he would attend a forum in Oklahoma convened by a group disappointed in the Republican and Democratic parties. Looks like he's running for office.

Just after New Year's, Bloomberg appeared on NBC's "Today Show" and said, "I am not a candidate. I am not going to be a candidate." Looks like he's not running for office.

It's not illegal to spend as much of your own money as you want to run for president. If Bloomberg does run, the issue won't be his money, but his record. He will be the first U.S. presidential candidate to run on a platform whose main plank is gun control.

In a way, a Bloomberg candidacy could be a welcome development for gun owners in America: it would be a referendum on gun control. Bookies would likely be pleased to take Bloomberg's billion-dollar bet on that election day loser.

ELECTION YEAR BOMBSHELL: THE HELLER CASE

The U.S. Supreme Court's acceptance of a case on the constitutionality of a handgun ban in Washington, D.C. could be the "perfect storm" of election year 2008.

The case, District of Columbia v. Heller, combines the political, philosophical and constitutional arenas where the gun rights battle is fought, which could dominate the campaign debate.

GUNS AND THE 2008 ELECTIONS

A decision is likely to come in the middle of the 2008 presidential campaign, galvanizing gun rights activists to press candidates for clear answers and firm promises.

An affirmative ruling by the high court that the Second Amendment protects an individual right to keep and bear arms - beyond membership in a militia - will crush a cornerstone of gun control extremism: that the amendment only protects some mythical "collective right" of states to organize such militias.

Second Amendment Foundation Founder Alan Gottlieb and Dave Workman - authors of the bestselling new book, *America Fights Back - Armed Self Defense in a Violent Age* - say such a ruling won't put the gun control lobby out of business, but will force them to re-write their rhetoric.

What that would do to politicians, public opinion against gun owners and courts that must deal with gun rights cases is not hard to predict: it would change things, but not easily and not all at once.

NRA ENDORSEMENT COUNTS MOST

A recent poll conducted by Zogby International for Associated Television News has found that voters value the endorsement of the National Rifle Association more than any other source. Second in influence is the endorsement of former President Bill Clinton, with third place going to President George W. Bush.

These three beat out the AFL-CIO, Oprah Winfrey, the National Council of LaRaza and Barbra Streisand.

The interactive poll was conducted December 13-17, 2007, surveyed 6,072 likely voters nationwide and had a margin of error of plus-or-minus 1.3 percentage points. The people polled were asked which of eight endorsers were most important when considering for whom to vote. Results:

National Rifle Association - 27%

Bill Clinton - 25%

George W. Bush - 23%

AFL-CIO - 16%

Oprah Winfrey - 9%

National Council of LaRaza - 5%

Barbra Streisand - 4%

Voters were three times more likely to support a candidate backed by the NRA than by Oprah.

COULD ROMNEY'S GUN POSITION DOOM HIS CAMPAIGN?

During a recent *Meet the Press* grilling by Tim Russert, Mitt Romney (R-MA) repeated his support for a ban on "assault weapons," explaining that he signed a ban as governor "because it provided for a relaxation of licensing requirements for gun owners in Massachusetts, which was a big plus."

In the next breath, he said he would sign a gun control bill as president "if there is determined to be a weapon of such lethality that it poses a grave risk to our law enforcement personnel, that's something I would consider signing. I would look at weapons that pose extraordinary lethality."

Whatever that is. Which is the question that set off a wave of criticism from outraged gun owners about Romney's vague remark. Bob Owens of Pajamas Media, a consortium of weblogs, was so incensed that he wrote a scathing retort listing all kinds of common firearms that Romney might call "extraordinarily lethal," including ordinary hunting rifles. Well, Huckabee won Iowa.

SELF DEFENSE WITH A FIREARM - IN THE NEWS

● **Ingram, Pennsylvania:** Kaelin Weber, 24, was working the night shift at the local 7-Eleven when he saw a masked bandit walk into the store. The intruder brandished a knife, jumped over the counter and attacked Weber, who pulled out his personal handgun and shot at the intruder. The masked man ran out of the store and Weber gave chase, firing again and hitting him in the leg. The would-be thief was taken to Allegheny General Hospital, North Side. Weber suffered only a cut hand.

● **Orlando, Florida:** A 65-year-old man who collects cash for parking at a church was collecting fees before a basketball game when someone put a gun to his head and demanded his money. Four other men surrounded him. Pretending to reach in his jacket for money, he instead pulled out his licensed and permitted concealed gun and opened fire. The men fled with no money and were not captured. It was not known if they were wounded.

● **Kent, Washington:** Two homeowners returned to their condominium on a Saturday evening and found an intruder inside. A confrontation and fight ensued, and the homeowner got his handgun and shot the intruder, who staggered out a door and fell dead in the back yard. Neighbors said it was the second burglary at the complex in recent days. Police did not identify the homeowners or the dead intruder.

● **Palm Coast, Florida:** Two residents of a home on Pheasant Drive, Sean Christopher Adams, 22, and an unidentified woman, were at home when Rashan Pugh, 20, walked in their unlocked front door with a gun. Adams grabbed his gun and fired at Pugh, who ran toward the door, turned and fired several shots at Adams. Adams returned fire and hit Pugh, who fell dead outside the front door. Police are investigating whether others were involved. Adams denied any connections with Pugh.

● **West Valley, Utah:** A couple with a small child were at home at about 10 pm on a recent Thursday evening when a woman knocked at the door. The wife answered the door. Suddenly two men in ski masks forced their way in and the decoy woman ran away. When the family dog tried to attack the intruders they shot it. The intruders then bound the wife to a chair and marched the husband around the house pointing out where valuables were kept. The three gathered money, jewelry and electronics. The husband quickly grabbed a gun from one intruder and shot him dead. The other thief fled, carrying some of the stolen items. Police identified the dead man as a documented gang member with gang tattoos.

● **Knoxville, Tennessee:** Tilvis Coffey, 42, came to the door of a home on Copeland Road where he demanded to be let in, but the 14-year-old boy didn't know the man and refused. The boy's mother told him to hide in a closet. Coffey kicked in the door and went inside. The boy used his cell phone to call his grandfather, Harry Smith, 58, who lives nearby. Smith came with his handgun and confronted Coffey inside. Coffey ran out just as the boy's grandmother drove up. Coffey moved toward the car. Smith warned Coffey to stop or he'd shoot. Coffey kept moving and Smith shot him once in the head, killing him. Coffey was identified by police as having a criminal history of theft, aggravated burglary and probation violation.

● **Deerfield Beach, Florida:** Hygens Labidou was in his roofing truck at a stop light at a busy intersection when Edward Borowsky, 28 and Steven V. Lonziserro, 43, began pounding on his truck and yelling, "Nigger, get out of the truck!" Labidou was terrified when Borowsky tried to pull him out of his truck, so he grabbed his handgun and shot his attacker dead, and wounded Lonziserro. He then hysterically called 911, yelling that he had been attacked and, "I shot them!" Police arrested Lonziserro and charged him with murder during the commission of a crime - Florida law provides that a person can be charged with murder if someone dies while the accused is committing a crime, even if he didn't pull the trigger. The Broward County Sheriff's office is considering the case a hate crime because the attackers who were white, shouted racial epithets at Labidou, who is black. Labidou holds a concealed weapons permit.

● **Spring Valley, California:** The owner of G and M market pulled a pistol and scared off five gunmen who tried to rob his store. No shots were fired.

**GUNS
SAVE
LIVES**

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

● **Washington, D.C.:** A CNN/Opinion Research Corporation telephone poll of 1,002 U.S. adults recently found that nearly two-thirds of Americans say they believe the Constitution guarantees each person the right to own a gun. In all, 65 percent said the thought the Constitution ensures that right and 31 percent said it did not. The question had a sampling error of plus-or-minus 3 percentage points.

● **Neptune, New Jersey:** Another poll found people in the United States are almost evenly split between those who want tighter firearms legislation and those who believe this is unnecessary. A poll by Rasmussen Reports found 42 percent of respondents believe their country needs stricter gun control laws, while 44 disagree. Comparisons between May and December 2007 showed that the number saying No, we don't need stricter laws declined from 49% in May to 44% in December.

● **Omaha, Nebraska:** Applications for permits to buy handguns have more than doubled in Douglas County since the Westwood Mall shootings in which 19-year-old Robert Hawkins fired over 30 rounds of ammunition into a crowd of shoppers, killing eight people before killing himself. More than 100 applications have gone through the sheriff's office since the shootings in early December, 2007. Douglas County Chief Deputy Marty Bilek said, "What we're seeing now is people wanting to defend themselves." Bilek said his department issued 43 certifications in the week before the shootings, and in the week following they issued 105. The National Safety Council Omaha Chapter said it had cancelled several gun training courses the last few months, but not in December.

● **New York City:** Market research publisher SBI has released its "Small Firearms and Ammunition Market in the U.S." report for 2007. With higher uncertainty about personal safety and security driving people to buy guns, the new report estimates the U.S. market for small arms and ammunition at \$4.9 billion in 2007, an increase of 10% over 2006. Small firearms manufactured in the U.S. rose an estimated two percent to 3.7 million units. The number of imported units grew 30% while unit exports revealed a growth of less than one percent annually since 1998. Cathy Minkleer, Associate Editor of SBI, said, "2007 showed a remarkable shift in the percentage share of import and export unit shipments, with imports accounting for 52% of total unit consumption. Units manufactured in the U.S. accounted for the remaining 49%. The chief culprit for this changing mix was cheaper imports from countries like China, compounded by price increases for U.S.-made small arms."

● **Jersey City, New Jersey:** 50,000 New Jersey residents recently got a postcard that read, "Stop Illegal Guns Now!" It was sent by Jersey City Mayor Jerramiah T. Healy, and it wasn't about illegal guns at all, but a way to hustle support for the Mayor's failed ordinance that tried to limit legal purchases to 1 per month. That was overturned by Hudson County Superior Court Judge Maurice Gallipoli, who ruled that it subjected gun dealers and buyers in Jersey City to a different standard than their counterparts in the rest of the state. So Healy convinced local legislators to introduce a state 1-gun-a-month bill. It passed the Assembly in June by a 51-25 vote, but the state Senate hasn't taken it up. That's what the postcard was really about, trying to budge the Senate. The bill is stalled and will probably have to be reintroduced when the new legislative session begins later this month.

● **Hoffman Estates, Illinois:** Just weeks after its gala grand opening, the Cabela's superstore is facing closure by the Cook County Board of Commissioners. The potential disaster is the work of anti-gun Commissioner Larry Suffredin, whose "Deadly Weapon Dealers" proposal would prevent licensed firearms dealers from operating within ten miles of each other. If Cabela's can't sell firearms, there's no Cabela's, and the millions in sales tax money will flee from cash-strapped Cook County to neighboring counties. Richard Pearson, executive director of the Illinois State Rifle Association called the threat "an election year stunt," and urged gun owners to rally against the proposed ordinance and stop it before it starts.

Parting Shot

A STUDY IN CONTRASTS

When a black-clad gunman walked into Colorado Springs' New Life Church on Sunday, December 9, 2007 and started shooting, he was met with the church's first line of defense: a congregant with a concealed weapons permit and a law enforcement background who shot and killed the gunman.

Jeanne Assam was an armed volunteer, a private citizen who provided security for the church. When faced with a sudden deadly emergency, she reacted without hesitation, disregarding her own safety, and confronted the gunman.

By confronting a killer, she saved many lives, said church Senior Pastor Brady Boyd.

The Second Amendment Foundation was so impressed by Assam's bravery, it has selected her to receive their Eleanor Roosevelt Award, which honors exceptional women who use firearms in self-defense and the defense of others.

Former First Lady Eleanor Roosevelt frequently carried a revolver for personal protection, even while she lived in the White House, and during the times she campaigned in the South for civil rights.

The award notice stated, "Jeanne Assam did an incredibly brave thing under circumstances that could easily be described as above and beyond the call."

The G-T Report adds its salute to Jeanne Assam for her heroism.

Oakland, California, in the San Francisco Bay area, is a world away from the New Life Church in Colorado Springs, Colorado.

And California's anti-gun state Senate President Pro Tem Don Perata who has supported gun ban legislation is a world away from Jeanne Assam.

Perata was third in line at a stoplight in North Oakland at about 11 p.m. on Saturday, December 29, 2007 when an armed man put a gun to his car window, holding it sideways in gangster style, and yelled "get out of the mother----ing car."

Perata told the man, "I'm outta here," and jumped out of the car, leaving his cell phone - and early reports said, his private handgun.

But Perata told reporters that he no longer holds a concealed-weapons permit, and he did not leave a gun in his carjacked state vehicle.

The carjacker made off with Perata's state car, which was later found in nearby Richmond. Investigators are examining the stolen car for evidence that might identify the carjacker and his accomplices.

Perata owns a gun but votes against your gun rights is a hypocrite.

If Senator Perata had kept his concealed carry permit and his gun, police might have the identity of the carjacker now - and one less thug on the loose.

Alan M. Gottlieb

Joseph D. Tartaro

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