

WITNESS STATEMENT

For use of this form, see AR 195-10 - TB PMG 3; the proponent agency is Office of the Provost Marshal General.

PLACE Washington, D.C.	DATE 18 Sep 70	TIME	FILE NUMBER 69-CID011-00014
LAST NAME, FIRST NAME, MIDDLE NAME ZAZA, Robert Nicholas	SOCIAL SECURITY ACCOUNT NO.		GRADE Crim Inves
ORGANIZATION OR ADDRESS 1st MP Det (CI), USACIDA, Washington, D.C.			

I, Robert N. ZAZA

SWORN STATEMENT

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

INVESTIGATOR'S STATEMENT

This investigator's statement was prepared to provide information and a record of investigative activity not otherwise included in Report of Investigation 69-CID011-00014.

Preliminary investigation of alleged offenses occurring at My Lai (4) was conducted by the Office of the Inspector General in response to RIDENHOUR's letter of 29 March 1969.

ALLIED REPORTS OF INVESTIGATION

Report of Investigation Concerning Allegations of Atrocities by Members of Company C, 1st Battalion, 20th Infantry, dtd 19 September 1969, classified CONFIDENTIAL, prepared by The Office of the Inspector General, Washington, D.C.

Report of Department of the Army Review of the Preliminary Investigations into the My Lai Incident (PEERS Inquiry), Vol I, The Report of Investigation, dtd 14 March 1970, classified CONFIDENTIAL.

CID Reports of Investigation: 69-CID011-00068 through 74
70-CID011-00001 through 9
70-CID011-00012 through 15
70-CID011-00043

The selection of substantiating statement matter obtained by OTIG, as inclosures to this report, was in compliance to an early request by CPT Aubrey M. DANIEL III, OSJA, Ft Benning, GA, that certain witnesses who had already offered detailed verbatim testimony be excluded from reinterview unless their reinterview was crucial to other investigations in progress and limited to specific areas of inquiry. A restraining order issued by LTC Reid W. KENNEDY, Military Judge of the Fifth Judicial Circuit on 29 December 1969 included those witnesses.

Written statement matter obtained by criminal investigators seeking to secure evidence or develop additional witnesses, but providing information having comparatively little or no evidential value, has been retained although not attached as exhibits to this report. Results of those interviews, where appropriate, have been summarized and reported in this statement.

Appropriate and timely distribution of all statement matter and documents obtained by the CID during the conduct of this investigation was made under separate cover.

EXHIBIT

B

INITIALS OF PERSON MAKING STATEMENT

R/R

PAGE 1 OF 9 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___ TAKEN AT ___ DATED ___ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

FORM 2823

INVESTIGATOR's STATEMENT PREPARED BY ROBERT N. ZAZA AT WASHINGTON, D.C.
DATED 18 SEP 70, CONTINUED:

Allegations of crimes attributed to Subjects identified in this report, where not directly connected with the mass executions taking place at the trail south of Thuan Yen subhamlet and the irrigation ditch east of Thuan Yen, have been investigated and reported separately.

Several former members of C Company have referred to BACON's squad as the 3d Squad, and it may have had that designation prior to the combat assault at My Lai (4). The 1st Platoon operated with two squads at My Lai (4). One of the squads, probably the 2d, was dissolved prior to the mission and its personnel placed in the remaining two. Members of BACON's squad are identified as 2d Squad in this report.

Machine gunners, assistant gunners and ammunition bearers are identified as "Machine Gun Crew" because it was common practice among them to switch assigned duty positions, each taking turns as gunner.

Vietnamese witnesses have indicated that victims were buried in unmarked graves among older gravesites at Tu Cung and nearby hamlets. Few witnesses thought they were able to identify any one victim to a particular burial site. Many victims were reportedly buried in common graves with little effort made to inter members of one family in a single grave. The exhumation of victims was deemed infeasible for the following reasons: Necessary Vietnamese government approval was not granted; Vietnamese religious and social mores reject disturbance of gravesites; surviving relatives objected to exhumation; investigators were unable to ascertain the location of interred victims; twenty months had passed since the burials took place; Tu Cung and the surrounding area are still unsecure.

On 30 October 1969, CONTI described a briefing reportedly given by CALLEY, wherein CONTI attributed remarks relative to the destruction of My Lai (4) and its inhabitants to CALLEY. The gist of CALLEY's briefing as reported by CONTI, and even the language used, has been for the most part attributed to MEDINA rather than CALLEY by the majority of men who recalled MEDINA's preassault briefing. No other 1st Platoon personnel remembered CALLEY making similar remarks subsequent to MEDINA's briefing.

DOHERTY was reinterviewed but declined to say anything further relative to his conduct or observations at the irrigation ditch (Crim Inves GRAHAM, Ft Hood, TX, dtd 3 Dec 69).

Individuals identified below were either participants in C Company's combat assault at My Lai (4) or were assigned to C/1/20 Inf during or about March 1968 (Parenthesized information following a current address indicates the former duty assignment), and when interviewed stated as follows:

Mr James R. BERGTHOLD, , Niagara Falls, NY
(Machine Gun Crew, 2d Sqd, 1st Plt), stated that the landing and subsequent sweep through My Lai (4) was unopposed; noncombatants were indiscriminately fired upon as C Company moved through the village; other civilians, including women and children, were detained and then executed. BERGTHOLD offered no information relative to executions described in this report other than he had been told by unidentified personnel at My Lai (4) that people had been executed in a ditch and that a helicopter pilot had intervened to prevent a child's execution by MITCHELL (Crim Inves THOMPSON, 3 Nov 69).

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Page 2 of 9 pages

EXHIBIT B

INVESTIGATOR'S STATEMENT PREPARED BY ROBERT N. ZAZA AT WASHINGTON, D.C.
DATED 18 SEP 70, CONTINUED:

Mr Michael A. BERNHARDT, , Franklin Square, Nassau, L.I., NY (Rifleman, 2d Sqd, 2d Plt), stated that while wandering through the village he came upon a group of unidentified C Company personnel as they forced about twenty Vietnamese men, women and children into a ditch and then executed them with machinegun and rifle fire. BERNHARDT stated that he could not remember where the ditch was located or the time the incident occurred, nor was he able to provide a description of the American personnel involved in the incident. BERNHARDT stated that he was told by TERRY that he(TERRY) had finished off several wounded Vietnamese as an act of mercy (Crim Inves KASH, Ft Dix, NJ, 20 Nov 69).

SP4 Robert E. BLAZE, , HQ Co, 2/10 Inf, 5th Mech Inf Div, Ft Carson, CO (Rifleman), stated that he was not at Ky Lai (4) but recalled being told by Roy WOOD or BOYCE that CALLEY, MITCHELL and MEADLO had rounded up Vietnamese civilians and executed them during the mission (Crim Inves GRAHAM, 25 Nov 69).

Mr Anthony E. BROUSSARD, , Houston, TX (Rifleman), stated that he was AWOL at Chu Lai and returned to his base camp while the company was still in the field. He recalled that when the company returned, several of the men told him that they met no resistance at Ky Lai (4), only civilian men, women and children who were killed in groups, many of them by CALLEY (Crim Inves William C. WAINWINGER, Det E, 4th MP Gp (CI), Ft Polk, LA, 6 Jan 70).

Mr Fred W. DUSTIN, , Canoga Park, CA (Rifleman, 3d Sqd, 3d Plt), stated that he remembered seeing a pile of bodies lying on the northsouth trail south of the village perimeter. Although he thought HAEBERLE's photograph depicted the same bodies, he could not be certain because he viewed the bodies from a distance of about 100 meters (Crim Inves PORTER, 7 Dec 69).

Mr James H. FLYNN, , Plainview, RM (Attached to C/1/20 Inf from E/1/20 Inf as Forward Observer for 4.2 mortars), stated that while accompanying the command element he came upon a group of bodies lying on the northsouth trail south of the village perimeter. FLYNN stated that he later saw numerous Vietnamese dead lying in a ditch east of the village (Crim Inves BUGLIO, 6 Mar 70).

Mr Curtis L. FRITTS, , Oliver Springs, TN (Rifleman), stated that he spoke with CARTER and MEADLO at a hospital when they came from the field with wounds. FRITTS stated that CARTER told him that the unit had gone wild, killing some 200-300 men, women and children in a village. FRITTS stated that MEADLO agreed with CARTER's statement, but no details were discussed by any of them (Crim Inves MERCER, 29 Jan 70).

Mr Joseph N. KOZMINSKI, , Rockville, MD (Admin Specialist), stated that after the mission he was told by DUKSI and GRESIK that although no contact with the enemy was made, villagers were rounded up and executed. According to DUKSI, CALLEY was especially active in regard to the executions and made certain that MEADLO participated in the slayings when it appeared that MEADLO was reluctant to take part (Crim Inves FENER, 26 Oct 69).

Initials: ~~RE~~ EXHIBIT B

INVESTIGATOR'S STATEMENT PREPARED BY ROBERT N. ZAZA AT WASHINGTON, D.C.
DATED 18 SEP 70, CONTINUED:

Mr Sidney (NEN) KYE, , Kansas City, KA
(Rifleman, 1st Sqd, 1st Plt), stated that after landing near the objective, no resistance was encountered. He recalled passing two bodies in the village and that several children were sent forward under escort. KYE stated that he went through the village but remembered no shootings, recalled seeing no other bodies. He couldn't remember just what he or the other men did as they moved through the village. KYE stated that after the mission he was told that 150 civilians had been killed and he couldn't believe it (Crim Inves Raymond E. MILLER, Det C, 12th MP Gp (CI), Ft Knox, KY, 13 Dec 69).

Mr Hershel LAWRENCE Jr, Indianapolis, IN (Rifleman), stated that he was assigned to C Company during April 1968 and recalled that OLSEN told him that during the mission at My Lai (4), a Lieutenant ordered MEADLO and other C Company personnel to kill about 150 women, children and old men after they had been gathered in or near a ditch (Crim Inves MILLER, 29 Dec 69).

Mr Robert J. LEE, Oshkosh, WI (Medical Aidman, 1st Plt), stated that after landing near the village the 1st Platoon began shooting anything that moved, animals and people. He stated that unarmed, unresisting men, women and children were massacred. Vietnamese wounded were given no medical treatment. He observed thirty to forty bodies scattered about My Lai (4) but estimated that 200 people were killed during the assault. LEE recalled that sometime during the morning, CALLEY received a radioed report of a large number of prisoners held at a ditch east of the village and replied that he would go to the ditch. LEE stated that he did not accompany CALLEY but learned the next day in conversation with MEADLO and DUKSI that CALLEY had ordered his men to kill the prisoners and took part in the killings himself. LEE recalled that MEADLO was injured on 17 March 1968, when he stepped on a mine or boobytrap, and as he was being treated by LEE, MEADLO shouted to CALLEY that it was God's punishment for what CALLEY had made him and the platoon do, and that God would get even with CALLEY too for what he had done. LEE stated that he felt certain, after hearing MEADLO's remarks, that rumors of the mass execution at the ditch were true (Crim Inves THOMPSON, Ft Sam Houston, TX, 17 Sep 69).

SFC Isaiah (NEN) COWAN, HQ Third US Army, Ft McPherson, GA (1st Platoon Sergeant), stated that he witnessed no opposition during the assault at My Lai (4) but heard much gunfire ahead of him as he brought up the rear of the platoon. He saw only five bodies in the village. COWAN opined that the assault was properly executed according to orders they received and that in accordance with those orders, no unnecessary killing of civilians occurred (Crim Inves GRAHAM, Ft Jackson, SC, 30 Oct 69). COWAN was contacted on 26 February 1970 and declined a reinterview (Crim Inves GRAHAM, Ft Jackson, SC, 4 Mar 70).

Mr Lupe G. MANZANEDO, San Jose, CA (Rifleman), stated that he was assigned to C Company during April 1968. He recalled that COWAN told him that 300 men, women and children were killed at My Lai (4) and that victims were rounded up and shot by CALLEY and others (Crim Inves BUGLIO, 13 Dec 69).

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Page 4 of 9 pages

EXHIBIT B

SGT Patrick A. THIELE, HHC/1/299 Inf, APO SF 96557 (Rifleman), stated that he was reassigned to E/51 Inf during January 1968 although carried on the 18 Apr 68 C Company roster. THIELE stated that he was told by BERNHARDT, DOHERTY, GARFALO and TERRY that C Company had been ordered to kill everything in a village in the "Pinkville" area, and that a lot of people had been killed, including women and children. THIELE stated that he received that information after the former C Company personnel transferred to E/51 Inf in Vietnam (Crim Inves FEHER, 7 Nov 69).

Mr Thomas W. TURNER, North Platt, NB (Rifleman, 2d Sqd, 1st Plt), stated through legal counsel, Mr Wallace M. RUDOLPH, that he would make no statement concerning My Lai (4) (Crim Inves BYERS, 19 Dec 69).

PVT Johnnie E. TUNSTALL, B/1/10 Inf, 5th Mech Inf Div, Ft Carson, CO (Rifleman), stated that he was assigned to C Company after the assault at My Lai (4) but recalled general conversation that his company had killed everyone and everything at My Lai (4). TUNSTALL recalled that MITCHELL told him that CALLEY shot a group of Vietnamese after they were forced into a ditch. TUNSTALL stated that he received the impression that about 300 people were killed in the village (Crim Inves GRAHAM, 25 Nov 69).

Mr Joseph (JIM) VACCARO, Jamestown, NY (Mortar Crew), stated that he was at a fire base during the assault at My Lai (4) and had no direct knowledge of events occurring there. VACCARO stated that he did hear rumors of CALLEY ordering villagers killed. He stated that more often than not, MEDINA found fault with anything CALLEY attempted, pushed him to do things he (CALLEY) did not want to do, and often ridiculed CALLEY's efforts in front of subordinates (Crim Inves PORTER, 23 Dec 69).

CALLEY, having been warned of his rights and advised that he was suspected of murder and war crimes as a prelude to an interview conducted by COL Norman T. STANFIELD, OTIG, elected to have counsel present during the interview. After speaking with counsel, CPT Arthur H. BLITZ, OSJA, Ft Myer, VA, CALLEY indicated that he was willing to make full disclosure of events happening in relation to the 16 March 1968 combat assault at "Pinkville", but only if granted immunity from criminal prosecution. When informed by COL STANFIELD that immunity would not be granted, CALLEY declined to make any further statement (COL STANFIELD, OTIG, Washington, D.C., 9 Jun 69). Subsequent attempts to interview CALLEY were unsuccessful.

MEDINA established a client-attorney relationship on 13 May 1969 and subsequent attempts to interview him were unsuccessful. MEDINA is the subject of CID Report of Investigation 70-CID011-00013 dtd 10 Sep 70 and cosubject of CID Report of Investigation 69-CID011-00072, dtd 8 Apr 70.

Investigation determined that former C Company riflemen, Herschel LAWRENCE Jr, Eusibio B. SANTELLANA, and Mark S. PATE, were not present during the assault at My Lai (4) as reported by STANLEY and LLOYD.

Initials: ~~BZ~~

Page 5 of 9 pages

EXHIBIT B

INVESTIGATOR'S STATEMENT PREPARED BY ROBERT N. ZAZA AT WASHINGTON, D.C.
DATED 18 SEP 70, CONTINUED:

Individuals identified below were assigned to the 123d Aviation Battalion during March 1968 (Paranthesized information following a current address indicates the former duty assignment), and when interviewed, stated as follows:

Mr John H. CAMEROTA, , Mechanicville, PA (Gunner), stated that he flew in support of the combat assault at My Lai (4) and recalled COLBURN telling him that the infantry was just murdering people and that COLBURN's crew rescued a baby found among a bunch of bodies (Crim Inves BYERS, 1 Mar 70).

Mr Curtis S. GILCHRIST, , Jamaica, Queens, NY (Gunner), recalled that when COLBURN returned to their base camp he reported rescuing three infants from a ditch filled with bodies of women and children killed by a company from the 11th Inf Bde, and that COLBURN had been instructed by his pilot to fire upon the infantry if they attempted to obstruct his rescue efforts (Crim Inves BYERS, 24 Feb 70).

Mr John H. KOES, , Minneapolis, MN (Gunner), stated that his aircraft supported the ground assault by flying cover for Hugh THOMPSON's helicopter. KOES recalled no unusual events in connection with the mission other than being told by COLBURN that his ship rescued some people at My Lai (4). KOES stated that because he was averaging 1500 feet altitude, he saw no bodies and saw no helicopter fire directed upon the village proper (Crim Inves MILLER, 12 Jan 70).

Mr John C. MANZER, , Norfolk, NB (Gunner), stated that his gunship flew cover for Hugh THOMPSON's aircraft. MANZER stated that he observed THOMPSON land, and when airborne again, heard him announce on the radio that he had seen two children stabbed to death by ground forces, and that he was departing station with passengers. MANZER stated that he heard ground fire during the mission but saw no killings (Crim Inves BYERS, 17 Mar 70).

CPT Thelmer A. MOE, , Officer's Student Bn, US Army Air Defense School, Ft Bliss, TX (Operations Officer, B Co), stated that he was in the field operations van during the morning of the assault and that some of the radio traffic he monitored included aviators remarking about the large number of bodies they observed in and around My Lai (4). MOE recalled that when the aviators returned, Hugh THOMPSON and others told him that people were killed indiscriminately at My Lai (4) and that while THOMPSON directed some rescue operations, evacuating some women and children, he got no cooperation from ground forces (Crim Inves PORTER, 12 Jan 70).

Mr Larry W. POETTER, , Tara Circle, Douglasville, GA (Gunner), recalled being told by COLBURN that women and children were shot by American infantrymen at My Lai (4) (Crim Inves MERCER, 24 Feb 70).

SGT Esteban RIVERA-MUNIZ, , HHC/7/6 Inf, 2d AD, Ft Hood, TX (Gunner), recalled that COLBURN told him of the infantry killing civilians and of Hugh THOMPSON's efforts to save the civilians (Crim Inves SMITH, 13 Jan 70).

Initials: RZ

EXHIBIT B

INVESTIGATOR'S STATEMENT PREPARED BY ROBERT N. ZAZA AT WASHINGTON, D.C.
DATED 18 SEP 70; CONTINUED:

SSG Robert (NEN) ROONEY, , US Army Avn School Regt, 2d School Spt Co, Ft Rucker, AL (Maintenance Supervisor), recalled seeing Hugh THOMPSON when he returned from a combat support mission about March 1968. He remembered that the usually calm aviator was noticeably angry and heard him remark that he had landed his aircraft near the infantry and told an officer that if he didn't stop killing people, he (THOMPSON) would have his gunners cut the infantry platoon down. THOMPSON reportedly said that the infantrymen were acting like animals, killing everything that walked. ROONEY recalled hearing similar reports from other aviators concerning the conduct of infantrymen during the mission. ROONEY stated that to his knowledge no B/123 Avn Bn aircraft were damaged by weapons fire during the mission (Crim Inves MERCER, 22 Jan 70).

CW2 Daniel M. Del SOBRAL, , Avn Sec, DIVARTY, 82d Abn Div, Ft Bragg, NC (Pilot), stated that he recalled Hugh THOMPSON telling him that civilians were killed for no reason at My Lai (4) and that he had attempted to stop the shooting. Del SOBRAL opined that it was unusual for THOMPSON to be as upset as he appeared at the time (Crim Inves SHERWOOD, 31 Jan 70).

CW2 Stanley R. STASZCUK, , 22 Avn Det, APO NY 09189 (Pilot), stated that he heard from other aviators at their base camp that Hugh THOMPSON confronted an infantry officer on the ground at My Lai (4) in an attempt to halt the slayings and that THOMPSON evacuated some wounded taken from piles of bodies (Crim Inves Richard L. JONES, Det G, 9th MP Gp (CI), APO NY 09189, 5 Feb 70).

CW2 Marvin J. STAMOS, , 182d Avn Co, Ft Bragg, NC (Pilot), stated that Hugh THOMPSON told him of the infantrymen killing women and children and of his attempts to rescue some of them (Crim Inves SHERWOOD, 29 Dec 69).

Mr David E. WITKOWSKI, , Chevy Chase, MD (Pilot), stated that he recalled an intelligence briefing conducted on 19 March 1968, where Hugh THOMPSON challenged a 103 Viet Cong KIA count for 16 March 1968 by asking the intelligence officer if women and children were included in the count (Crim Inves MILLER, 2 Mar 70).

Reference is made to the statements of Hugh THOMPSON, dtd 11-13 Jan 69, and BACON, dtd 22 May 69, relative to the identification of the ground element confronted by THOMPSON as civilians were evacuated by helicopter gunships. Although the infantry leader referred to in THOMPSON's statement has not been identified with certainty, BACON fairly established that the infantrymen were primarily of the 1st Platoon.

CPT Steven J. GABLE, , Artillery Career Course, USAFAS, Ft Sill, OK (CO, D/6/11 Arty), stated that pre-planned artillery fire for the assault was accomplished with four 105mm tubes, firing approximately 120 rounds, surface detonating fuse, for about five minutes preceding C Company's arrival at the landing zone west of My Lai (4). GABLE stated that he was unable to remember if the artillery fire was restricted to the landing zone or included portions of the village (COL WILSON, OTIG, 23 Jun 69).

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EXHIBIT

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INVESTIGATOR'S STATEMENT PREPARED BY ROBERT N. ZAZA AT WASHINGTON, D.C.
DATED 18 SEP 70, CONTINUED:

Mr Dennis R. VASQUEZ, Williamsburg, VA (6/11 Arty, Artillery Liaison Officer), stated that on 16 March 1968, artillery fire was placed on the landing zone, 300-400 meters northwest of the village perimeter and included WP and HE rounds fired from four tubes of 105mm artillery, for about 3-5 minutes. VASQUEZ stated that a sustained rate of fire would have allowed impact of 44 rounds per minute. VASQUEZ stated that he was airborne as the artillery fire struck the landing zone and suggested that the barrage could have spilled into the northwest edge of the village, although he didn't recall making any corrections (COL WILSON, OTIG, 1 Jul 69).

A review of casualty reports (DD Form 1300) maintained by Casualty Branch, OTAG, Washington, D.C., verified the death of:

SP4 Glenn U. ANDREOTTA, KIA 8 April 1968
SGT John A. WOOD, KIA 27 September 1968

No evidence was found to indicate that marijuana, drugs, hallucinogenics or intoxicants were factors in the purposeful murder of noncombatants at My Lai (4).

Attention is invited to the report rendered by the "PEERS Committee", already mentioned in this statement, concerning the investigation by that body of possible violations of lawful orders, regulations, and directives in connection with the combat assault at My Lai (4). Offenses that are administrative in nature were not included in the CID Report of Investigation.

Initials: *RZ*

Page 8 of 9 pages

EXHIBIT B

AFFIDAVIT

1. Robert N. ZAZA

MENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 9. I HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

Robert N. Zaza

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of September, 19 70 at Washington, D.C.

Roland W. Thompson

(Signature of Person Administering Oath)

ROLAND W. THOMPSON

(Typed Name of Person Administering Oath)

Art 136 (b)(4), UCMJ, 1969

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

EXHIBIT B

INITIALS OF PERSON MAKING STATEMENT

RZ