

# by Gene Grove

The Columbia Broadcasting System has done a number of remarkably interesting, not to say valuable, documentary programs in its time and they had a certain extra value to the network since, as Richard Salant, the vice president in charge of news, has observed: "We hire no extras for documentary programs." There was "Hunger in America," for instance, which told the people in Shaker Heights all about malnutrition. The network didn't have to pay people to be hungry—if it had they might have run down to the corner grocery and subverted CBS's redeeming social significance by getting fat. And there was "The Silent Spring of Rachel Carson," which told the people of Harlem about the harmful effects of pesticide on the wooded glade. There again the network didn't have to pay plants to wither or fish to die.

Unfortunately, as an untitled, unedited, unshown and—if CBS had had anything to say about it—unsung collection of film now mouldering in cardboard cartons in Washington will show, the network has learned that documentaries of armed invasions of friendly foreign countries from the mainland of the United States are a somewhat different matter. To the apparent amazement of CBS and its producer Jay McMullen, who happens also to have produced "Silent Spring," such enterprises seem to involve adventurers with an eye for the main chance and spear-carriers who expect some return on the risk of their freedom and blood. As it happens, six of the men involved lost their freedom and at least one lost a significant amount of blood.

The particular invasion CBS was interested in was of such a low order that, in the telling, it makes the Bay of Pigs fiasco look like a set piece by Clausewitz. It began in the spring of 1966 with an attempt to do a documentary on smuggling guns into Haiti, and developed during the summer and fall into a documentary on an attempt to invade Haiti, overthrow the Duvalier regime and use Haiti as a base for operations against Cuba. It devolved into something which smelled strongly of swindle, and ended January 2, 1967, with the arrest of the invasion group's leaders by Customs people in Florida without a shot ever being fired in anger.

No matter: CBS was interested enough in a documentary of an invasion of Haiti to invest a large amount of money in the project. The network itself says the investment was \$170,000 while other estimates have ranged up to a quarter of a million. The investment alone is not unusual: large amounts customarily are involved in the production, filming and editing of any network documentary. What set this one apart from the rest is that some portion of the money—despite CBS's efforts to dissemble—went, directly or indirectly, to the invaders themselves. There have been charges that CBS financed the

entire invasion in return for exclusive filming rights. CBS stoutly denies that, and it does seem unlikely, but admits that perhaps \$3,000 to \$5,000 might have gotten into the hands of the invaders.

Equally interesting is the fact that the executive branch of the United States Government, through the Central Intelligence Agency, the Federal Bureau of Investigation, and the Bureau of Customs, was fully aware of the invasion plans and of CBS's involvement from the time of the first filming and, in fact, encouraged the network to continue the project after McMullen had decided to drop the whole thing. And yet despite that, the legislative branch, through a special investigating subcommittee of the House Committee on Interstate and Foreign Commerce, is now conducting a secret investigation of CBS's activities in the invasion and has subpoenaed a truck-load of evidence from the network. So if one is persuaded that CBS's actions have been a little weird, how much more odd is it for the Government alternately to encourage those actions and then to threaten to club the network over the head with them?

The extent of CBS's financial support of the invaders is one of the questions the House subcommittee is trying to determine. McMullen has admitted that the leaders of the plot demanded \$30,000 in exchange for exclusive filming rights and it is a fact that CBS got exclusive filming rights, but the network denies that it paid a penny for them. (In mind's eye, one can see the salesman at Brooks Brothers cringing as a CBS executive enters the showrooms to sweet-talk them out of another free suit.) CBS admits that a self-described adviser to the invaders was given \$1,500 for which he performed no services and that, at one point, he was on the CBS payroll for two weeks at \$500 a week. One of the leaders of the invasion insists he was paid \$500 by CBS. A man who was injured while the documentary was being shot says he was given \$150 out of pocket by McMullen with the promise of more. CBS later coughed up \$15,000 to settle out of court a personal injury suit in which the injured man charged he had been hired by CBS to take part in the documentary. There was even the question of CBS buying beer and sandwiches for the invaders at their training camp.

These relatively small amounts are only those which have been admitted or sworn to; there are strong hints that more money changed hands. But perhaps most significant is the fact that the two leaders of the aborted invasion, Rolando Masferrer Rojas (who once led a gang of private killers and boasted he took 15,000 lives in the service of former Cuban dictator Fulgencio Batista), and Father Jean Baptiste Georges (once Minister of Education for Haitian dictator Francois Duvalier), raised money and recruited members of the invasion force by assuring their followers that success was certain this time because the money and prestige of the Columbia Broadcasting System was behind them. And they backed up their assertions and reassured the wavering by making frequent trips between Miami and New York to confer with CBS employees in the CBS building and by being seen around Miami with

McMullen and his crew. Ordinary prudence, one would think, would have suggested that CBS was lending aid and comfort to Masferrer and Father George by its very proximity.

One indication of the Government's covert involvement is that, although Masferrer was legally confined to the New York area, the Cuban openly made almost weekly trips between New York and Miami unhindered by the Government. Since Masferrer, Father Georges and four others were eventually convicted of violating the Neutrality Act by conspiring to invade Haiti and attempting to export munitions of war, the involvement of the CIA, the FBI and CBS is something more than an odd story about a tangle-footed attempt to photograph a Graustarkian revolution. If any of the network's money wound up financing the attempt CBS may well be in violation of the Neutrality Act also. And just who is supposed to make foreign policy around here anyway?

Were the secret Congressional investigation to focus on that question it might be a little easier to understand. But it raises more questions than it seems likely to answer. Just for openers, the chief investigator is James P. Kelley, who was once an investigator for CBS—for McMullen, in fact. He has been called by an executive at Black Rock (one of the names employees use to describe the CBS office building) a "disgruntled former employee." Leaving that aside for the moment, why was it more than two years after the incident that the investigation opened? Is it coincidence that it began after the change of Administrations or that it has become more intense since Vice President Agnew began laying it on the networks and the effete snobs? And why has it remained secret when a motion was made and passed last December to bring the investigation before the full committee in order to make it public?

Kelley, naturally, scoffs at all that. The investigation, he says, was undertaken not because of any personal animus toward CBS but "because it's relevant to the whole area of communications. And as far as that goes, what about disgruntled present employees? We've had some of them give us some very interesting evidence."

CBS undoubtedly would prefer to have nothing said about the matter at all, but since something is going to be said, it would prefer a public hearing at which it could present its side. When, in 1968, the Chicago CBS outlet, WBBM-TV, was accused of staging a marijuana party and presenting it as a documentary on college dope habits, there was a secret investigation and a report was published strongly criticizing the station. Since an armed invasion of a friendly foreign country is considerably more serious than passing a few joints around, and since the network is on the defensive after Agnew's attacks, it would much prefer to defend itself in public this time.

The story opens in March, 1966, when Andrew St. George, a free-lance writer who dabbles in Latin American politics and revolutions (or, perhaps, an expert in Latin American politics and revolutions who dabbles in writing), appeared in McMullen's office with a proposition.



*Rolando Masferrer*



*Father Jean-Baptiste Georges*



*Andrew St. George (light shirt)*



*Jay McMullen*

As McMullen tells it, he had for some time been interested in doing a documentary about arms smuggling. "This was stimulated," he says, "by the news that the Haitian Government had attempted to smuggle some T-28s out of this country to Haiti, stimulated by the whole business of guns being readily available." He had, he says, gone so far as to talk to someone at the Bureau of Customs who told him, he says, "That they'd like to help us do it but that it was a State Department matter and they weren't about to let us in on it. There are wheels within wheels in the Government, you know." At any rate, St. George approached him with the news that an invasion of Haiti was scheduled soon and proposed that he be put on the CBS payroll and sent to the Dominican Republic, where he would keep an eye on developments.

"I told him that I wouldn't be interested in that story because it was straight news, that is an event that took place that our hard-news people would cover, and not a documentary." (One pauses to wonder if, had CBS been offered access to the war room of the Third Reich during the preparations for the invasion of Poland, the answer would have been: "No thanks, that's hard news—our man in Warsaw will pick it up.") At any rate, McMullen says, he turned St. George down but said he would be interested in a story "on arms smuggling, on a movement of weapons, purchasing weapons within this country, with intent to ship outside the country or smuggling of arms, say, into Haiti, since he mentioned there would be some disturbance in Haiti. And he said he would think about that."

Not surprisingly, St. George thought a couple of weeks and reappeared with the news that he had made an appointment to see Mitchell WerBell III, whom he had known in the Dominican Republic and who "could be a very good source for the arms-smuggling story." Inasmuch as he is an arms dealer licensed by the United States Government, one might well imagine that WerBell would be a good source. After a preliminary visit by St. George at CBS's expense—the first payment on what was to become a very long bill—he and McMullen flew to Atlanta and drove from there to WerBell's mansion in, appropriately, Powder Springs, 25 miles away.

"He related to me," McMullen said, "that weapons were being smuggled into Haiti on a routine basis, put into the hands of the underground people in Haiti. He believed that the weapons were going to be put in the hands of people who were going to effect a change of administration over there in a violent way. He said the weapons were being purchased by revolutionaries, by Haitian exiles, and he said that there were some Cubans involved in this as well. He said that the Cuban interest in this was that they wanted to get a base, the Cubans wanted to get a base in Haiti to be used as a launching pad for the invasion of Cuba. I had the impression that there would be some action from the Dominican Republic . . . and also some people from the United States might leave there.

"We were definitely interested in what they were going to do, what they were up to in terms of arms smuggling . . . a documentary film depicting how

arms would be smuggled into Haiti and put into the hands of the underground in Haiti, fleshed out" [a perhaps unconscious pun]"if I may use that phrase, by interviews with Haitian exiles, by material concerning life in Haiti, if possible by an interview with Duvalier himself. We were not talking about an invasion; we were talking about that specific thing, how weapons were moving into Haiti and into the hands of the underground."

But however it started, the documentary soon began to focus on the plans for an invasion and CBS's disclaimers fall a trifle flat when one discovers that soon McMullen was filming the training of men for an armed landing in Haiti. The Justice Department subsequently preferred the term "military expedition":

"It was the plan of the said conspiracy to violate Title 18, United States Code, Section 960 by knowingly, wilfully and unlawfully conspiring to begin and set on foot and to provide and prepare the means for and to furnish money for and to take part in military expeditions and enterprises to be carried on from within the United States against the Republic of Haiti, a foreign state with which the United States, at all times mentioned herein, has been and is now at peace." (United States of America v. Rolando Masferrer Rojas, also known as Rolando Masferrer, also known as "Pancho", Jean Baptiste Georges, Antonio Leon Rojas, Julio Aton Constanzo-Pelau, Martin Francis Xavier Casey, Mitchell Livingston WerBell III, also known as Alex Wilson.)

McMullen never seemed quite certain about Mitch WerBell, although he never seemed to press the point either. "I believed WerBell was in contact with the CIA," he says now. "St. George told me he had been with WerBell at the CIA office in Miami and that WerBell had done contract work for the CIA. The CIA has admitted that much to me." On WerBell's interest in the invasion, McMullen said, "I was never entirely clear on what his interest would be. He indicated to me that he personally would like to see a change of government in Haiti."

The ubiquitous Andrew St. George wrote an article about international munitions merchants in True Magazine a year after the invasion was broken up and it centered around his friend WerBell. St. George described him as "a firearms broker of the new breed known as M.M.'s—munitions manipulators." His company is named Sionics, Inc., and is listed in the Atlanta telephone book, and one would think that that would have given CBS some idea of what his interests in an armed invasion might be. When one suggests this at Black Rock, however, the CBS answer—predictably, since WerBell wound up on the network payroll—is that CBS is certain WerBell supplied no arms to the invaders.

WerBell was an agent for the Office of Strategic Services, the CIA's predecessor, in the China-Burma-India theater during World War II, and a CIA agent has said WerBell was an agent from spring to December, 1966, which might give another hint of his interest. And if he *was* a CIA agent and was telling the CIA about the plans as they proceeded, does that make the CIA a covert member of the conspiracy to invade Haiti by knowing about but not discouraging the plans? Finally, WerBell is a self-described



(UPI-Feb. 28) GEORGIAN INDICTED IN HAITIAN PLOT-Mitchell L. WerBell III, 48, of Powder Springs, shown here with one of his weapons collection, is one of seven persons accused by a Federal Grand Jury of plotting to overthrow Haitian President Francois Duvalier. WerBell was not among the 78 persons arrested last month by U. S. Customs agents in a raid in the Florida Keys, which brought the alleged plot to light. (TD 1350 JD AP Wirephoto) 1967

Wide World

# THE CIA, FBI & CBS BOMB IN MISSION: IMPOSSIBLE

## [continued]

"anti-Communist and right-winger" who is of the opinion that "the people of the United States are continually being betrayed" and that "Communism is a substitution of a peasant dictatorship over the aristocracy—I prefer the aristocracy."

One would be hard put to describe Papa Doc Duvalier as a Communist, but the idea of the invasion, after all, was to use Haiti as a jumping-off spot for an invasion of Cuba and, anyway, WerBell is of the opinion that Duvalier is "playing into the Communists' hands."

Puzzled as he was about WerBell's interest in arming and equipping an invasion force, McMullen plunged ahead, although he insists WerBell was to get "nothing." Well, as a matter of fact, there was a little bit. "He said," McMullen remembers, "that for the sum of \$1,500 he would arrange for us to film the activities of exile groups in Miami, in terms of possession of weapons, smuggling those weapons out of the country, accommodations for us on a boat which would take us and our crew to the Dominican Republic."

If the activities were to go on regardless of CBS's participation (and, as it later developed, CBS rented at least one and probably more boats on its own), one might be prompted to ask exactly what that first \$1,500 really paid for, but McMullen does not enlighten us. "It was unclear," he says. What seems most clear from WerBell's "unclear" explanation is that the \$1,500 was to go to the invaders' war chest, and in such a vital matter one might think that CBS would have wanted to be perfectly clear about the use to which its money would be put.

The response at CBS when he returned from Powder Springs, McMullen says, was: "It sounds interesting and why don't we do it?" And so WerBell got his \$1,500 and St. George was put on the CBS payroll at \$500 a week as "a reporter working under me," McMullen said. "He was to be constantly in Miami to keep in touch with what the activities there were, to alert me when we could film, and I would say that was it."

In June, McMullen took a crew to Miami, "when I was advised that this arms shipment was about to be assembled and leave the country." It was on this first trip to Miami, in June, McMullen says, that he first met Rolando Masferrer Rojas. WerBell and St. George introduced Masferrer only as Pancho, he says, when they met in the home of Masferrer's brother, Kiki. Masferrer, who lost part of a foot in Spain during the Civil War and became a battalion commander in the International Brigade at 19, had swung to the right, become a Cuban newspaper tycoon, senator, cattle magnate and head of the Tigers, the island's biggest and most vicious gang of private gunmen.

Masferrer's recollection of first meeting McMullen is strikingly different: it happened more than six months earlier, he claims, and not in Miami but in

the CBS building in New York, where he was introduced by his correct name by St. George, whom he had known for six years. On McMullen's behalf it might be said that Masferrer's recollections do not often suit interests other than his own.

During his first trip to Miami in late June, McMullen says, he and his crew filmed weapons in several houses and their transport to an assembly point in the house next door to the home of Kiki Masferrer. There were, he said, guns, machine guns, bazookas, ammunition, grenades—"they told me that the value of the weapons there was in the neighborhood of \$25,000, \$30,000."

By this time, and certainly by June 30, the Government knew all about the invasion plans and CBS's involvement in them. "St. George told me he had lunch with an FBI man and that they knew all about it," McMullen said. In addition, McMullen himself approached the FBI and the State Department people during his first trip to Miami, although it seems to have been a tenuous relationship: "My job was to get information from them and theirs was to get information from me—but I wasn't going to be an informer." Also, McMullen says, "I thought WerBell—or even St. George—was in touch with the CIA."

What CBS didn't know at the time, however, was that a free-lance cameraman hired for the job, Jim Wilson, "acting independently and without the knowledge of his superiors," according to CBS, "reported the incident to the Central Intelligence Agency, which referred him to the Federal Bureau of Investigation, which in turn introduced him to the U. S. Bureau of Customs. Both the FBI and Customs asked the cameraman to continue to report to them but not to report these contacts to CBS News."

So all the characters are now on-stage. CBS's gun-running story is turning into a story of an invasion which may or may not have the tacit approval of the Government. The shadowy WerBell may or may not be informing the CIA. St. George tells CBS that he is in constant contact with the CIA and, CBS says, "this contact with the CIA has been confirmed." CBS itself is in contact with the FBI and the State Department, it says, to learn "the extent of Government knowledge of the project and also to learn the attitude of the U. S. Government toward the gun-running." And, unknown to CBS, there is an FBI and Customs informer in its own crew.

The question of whether CBS itself was doing anything illegal in filming and, in some ways at least, encouraging this assembly of arms for illegal shipment outside the United States, possibly in conjunction with an illegal invasion of a friendly foreign country, apparently did not cross the corporate mind. (Haiti is, in fact, friendly, as witness the picture taken during Nelson Rockefeller's Latin American tour last fall in which he was so friendly as to wrap his arms around Papa Doc, something he has not felt obliged to do to John Lindsay.) CBS was, to begin with, in contact

with Government agents and, McMullen says, "certain things were going to be performed regardless of us. If we were present and knew when these things were going to happen, we could film them."

But WerBell already had taken \$1,500 of CBS's money for arrangements "for us to film the activities of exile groups in Miami" and for "clearance for us in the Dominican Republic." So assuming it was not donated to Youth Against War and Fascism, it was presumably used by the group to further their aims—the overthrow of the Duvalier regime. That original \$1,500, if one remembers, was also to include "accommodations for us on a boat which would take us and our crew to the Dominican Republic." But, on a subsequent trip to Miami, the CBS crew shows up with its own boat, named, inappropriately, the Poor Richard.

"I can tell you how much money I gave WerBell," McMullen said. "Again it was \$1,500 and the reason was I had consented that the original \$1,500 was what we said we were going to pay and they said: 'Well, all the plans are changed and the expenses are greater and, you know, it is going to cost you another \$1,500.' [Again the question arises, what expenses if all the activities were to go on with or without CBS's participation?] Then we did not leave. WerBell gave me \$1,000 back. He contended that the other \$500 had been used for charts, maps and things, and the expenditures had already been made and he couldn't—in other words, we lost the \$500. The boat was brought down from Miami to the Keys where we were—Ocean Reef—and it was positioned at the dock there, and on the second or third day, some U. S. Marshal came down and put a lien on the boat, which immobilized it, and then a great flurry went on of trying to get the lien off the boat."

The Case of the Liening Boat was only one of a series of misadventures which at times turned what might have been a deadly expedition into something of a joke. Shortly after the lien was slapped on the Poor Richard, St. George, perhaps sober, was in another boat when the engine caught fire, blew up and hurled him into the water. WerBell, in still another boat, fished him out and got him back to the University Inn where the CBS crew was staying. Which led to more interesting expenditures by CBS.

To begin with, CBS paid for the repair of St. George's boat. "The Cubans from whom Andy had got the boat," McMullen said, "contended that it was his fault that it blew up or he was using it and this happened: therefore he should pay the expense or CBS should pay the expense. And in the discussion it was said, 'Well, you know, after all he was there and he was responsible and it must be our boat and somebody has to pay for it.' I said, 'Well, under those circumstances, we will pay for it.'" Why CBS should pay for the boat unless the network had leased it—and it admitted only to leasing the Poor Richard—or unless St. George had leased it personally to conduct CBS business again is unexplained. At any rate, McMullen admitted that the bill came to "possibly another \$1,500." One begins to wonder if CBS producers are subject to summary dismissal if they admit to paying a lump sum of \$1,501 or more. (There have been charges that CBS also invested in

two other boats, the Olokum III and the Mimi, and then the questions arise: to transport whom [invaders?] and what [arms?] to where [Haiti?] and why?)

A second result of St. George's misfortune was that he was hospitalized and, McMullen says, "I employed WerBell to be the contact—on a paid basis—with the Cuban group. That week and subsequently one other week." Which means that an admitted munitions dealer and admitted, as it later developed, military adviser to the leaders of the invasion was on the payroll of the Columbia Broadcasting System for two weeks at, McMullen said, \$500 a week. And it also means that CBS's admitted investment in the invasion, exclusive of the rental of the Poor Richard, was \$1,500 to WerBell originally, \$1,500 for repairs to the mysterious boat wrecked by St. George, and \$1,000 to WerBell while he was on the payroll, for a total of \$4,000.

There was another piece of comic relief on the trail to nowhere. In September or October, according to McMullen, and in March, according to Masferrer, Masferrer took McMullen, St. George and a camera crew to a training camp "near Delaware Water Gap on Route 46 in New Jersey . . . on private property owned by the Shiloh Hunting Club." There they filmed a house and arms and a handful of men training at the camp and, according to McMullen, began to follow an arms shipment of only eight rifles to Florida.

"I was with St. George in the second car, Masferrer and his people were in the first car. My crew was in the third car. We are now leaving the farm; when we came out of the farm there was a fork in the road." The camera crew took a wrong turn, McMullen spent the night looking for them, Masferrer took off and CBS was left alone in the wilds of New Jersey. A week after that contretemps, McMullen said (unmindful of his initial protestations that "we were not talking about an invasion") he returned to Miami "because they were talking about their activities for an invasion. And we went back down to film what I could of those activities."

In all of this running after material and filming the distribution of arms and watching men train for a military operation, McMullen and CBS seem to have exhibited a decidedly casual air toward what was going on around them. "Wasn't it a matter of some curiosity to you as to where these guns had been gotten from?"

McMullen: "I suppose it was, but I also thought it would be one of those questions which would be a rather trying question."

"If the purpose of CBS being involved in this was to film a documentary on guns that were being smuggled, why didn't you inquire as to the source or the origin of these various guns or rifles?"

"The guns were being transported north to south, presumably to be taken out of the country and smuggled."

This evidently was as close as McMullen ever got to asking where the arms came from or how, although he was in constant contact with a licensed arms dealer, WerBell. But, it develops, that wasn't quite all because he came into possession of a film (later found to be faked) purporting to show a shipment of

**CBS**

COLUMBIA BROADCASTING SYSTEM, INC.  
51 WEST 52 STREET  
NEW YORK, NEW YORK 10019

IF PLEASE DETACH THIS STATEMENT BEFORE DEPOSITING CHECK

DATE AND REFERENCE	AMOUNT OF INVOICE	COMMENTS
6/21/68	\$15,000.00	In full settlement of all claims and actions against CBS, its officers, directors, employees and agents.

001-3490-005-2754-08

THE ACCOMPANYING CHECK IS IN SETTLEMENT OF THE ITEMS STATED ABOVE. IF INCORRECT, RETURN AT ONCE.

*CBS paid \$15,000 to Julio Hornilla for losing one eye and three fingers.*



*Masferrer (second from left) and members of Haitian Expeditionary Force after capture by Customs agents.*

arms leaving WerBell's home and being delivered in Miami. He was equally uninquisitive about the money which purchased the weapons (neglecting, of course, the question of payments for clearances by a television network). "They told me they collected the money from various sources. They said they got some money from Canada, some money from the church."

Remembering that Masferrer swore that he first met McMullen in his office in the CBS building no later than January, 1966, and that McMullen swore that he first met Masferrer in Miami in June, 1966, McMullen was asked if he ever met with Masferrer in his CBS office. Yes, he said—twice. (Masferrer says he remembers three or four times.)

"Masferrer was going to break off with the whole bunch and run his own invasion. I don't know what he asked for. Something like \$20,000 or whatever . . . He was angry at some of the other people. So he wanted to take complete control and he wanted me to put up the money."

The second time Masferrer came to his office, McMullen said, "he came to the office with Father Georges and Father Madrigal [who was not further identified]. They came for one specific purpose and that was to ask for money—and a lot of it. It was a large sum. I don't know—it was \$30,000 or something like that. As much as we could give." (Strangely, \$30,000 was the rough estimate of the value of that war materiel McMullen had filmed in Miami.)

"What was CBS to get in return for this sum?"

"Coverage of an invasion. They said, 'Come with us on the invasion. Have all the rights.' And I said no, we couldn't have any part of it. We couldn't be put in a position of financing an invasion of any country, and that we are bound by the rules and regulations of the FCC and so forth, and they would be asking me to literally, professionally commit suicide by even suggesting that we could do that. And they seemed to understand. I said, 'Of course, we would like to continue filming your activities.' But we did have, as we did, a certain amount of film at that time."

There was another reason, too, McMullen says now, why he didn't give the plotters the money: "This was in September and by then I'd already been told by the Customs people that the launching of the invasion wouldn't be permitted—there was nothing to pay them for."

Masferrer, predictably, has quite a different recollection. He went to McMullen the first time, he says, because "I thought with CBS and with NBC, newspapers and some TV stations in Miami [interested] in the matter of the possibility of activities in Cuba," he would be able to get sympathy for the invaders. He was, he says, introduced to McMullen by St. George in the CBS building at least six months before McMullen claims to have met him in Miami. And he claims he never asked for money.

If he didn't ask CBS, they may be the only people he *didn't* ask. He raised a war chest variously estimated at anywhere from \$100,000 to \$700,000 from Haitian and Cuban exiles, American and Canadian well-wishers and even one Haitian refugee with a reported \$400,000 in a Swiss bank, constantly using

his connection with CBS as a verbal letter of credit. Most of it disappeared.

A year later, one of the spear-carriers, Julio Hormilla, of whom more later, demanded protection from Masferrer and two others and swore to an affidavit which said that "I believe that the reason for these threats on my life is because I knew that Rolando Masferrer Rojas, Antonio Rojas and Julio Aton were only pretending to launch the invasion of Haiti and Cuba so that they could raise monies for their own selfish use."

CBS began to blow its cover, as they say in the trade, on September 25, 1966, although no one realized it at the time. McMullen went to a town called Kendall in southern Dade County with St. George and WerBell. McMullen had been told, he says, that "it was a secret camp where Haitians and Cubans who were going to participate in the invasion of Haiti were being trained" and he went there to make films of the training. It was not, in fact, a "secret" camp because it was open to the public.

That day, some 25 or 30 men were training. And that day, too, they were filmed by CBS. And that day, too, the Garand M-1 rifle being fired by the man to the right of Julio Hormilla exploded and blew Hormilla's right eye out. And, he says, people were restrained from helping him until the CBS cameraman moved in for bloody close-ups. He probably will lose the sight in his left eye, too, ophthalmologists have decided, as a result of the loss of his right eye and other injuries. No one paid much attention to him at the time, however, although he was taken to a hospital in a CBS car and, he claims, given \$150 out of pocket by McMullen with the promise of more. He missed 18 days at his \$20-a-day job while he lay in Jackson Memorial Hospital, went back to work and discovered that the loss of the eye had robbed him of his depth perception. Because of that, he says, he lost three fingers in a punch press when he misjudged the distance the following March.

Meanwhile, McMullen says, he had begun to believe that the whole invasion project was a hoax. "There were three things," he says. "First was that training camp where Hormilla got hurt. St. George even put in an expense voucher that I okayed for repairs to a car he said he wrecked driving to the camp at night without the lights. And when I got there it turned out to be nothing but a public shooting area with few men, few guns, and the men there said they were in their first day of training. Second, one of my crewmen looked at some of the guns we were filming and told me he recognized the serial number on one of them from a previous shipment—we seemed to be filming the same guns over again. And thirdly, I discovered that the owner of the Poor Richard, Harvey, had rented it to us with a \$2,700 lien against it and then, with the knowledge of WerBell, had reported its location to the U. S. Marshal so that he could serve the lien. It began to look like we weren't going anywhere, and I knew that money had disappeared around Masferrer before."

There was one other incident around this time. While McMullen was away from Miami, St. George directed the filming of what was purported to be the transportation of a shipment of arms from WerBell's

Atlanta headquarters to Miami to arm the invasion. After McMullen had seen it, Tom Dunkin, a reporter for the Columbus Ledger, Georgia, who was on a leave of absence to act as a cameraman with CBS and who is a familiar of WerBell's, volunteered the information that the whole thing had been faked and had been shot around Miami.

McMullen decided to give it up as a bad job, he says, and returned to New York. "Then I got a call from two Customs men," he says. "They were very upset that we were pulling out. They said they wanted us to go back in because they were afraid if we pulled out the guns would go back underground. Now, it had looked to me like a phoney and now the Government is asking me to go back in. They intimidated me that there was a much bigger story there: that there was Mafia money involved because they had been promised gambling rights in the Haitian casinos if the invasion were a success. So we stayed in. This was in October and we went back and did some more filming."

So now we seem to have the spectacle of the Government apparently inducing CBS to continue in the activities for which, two years later, another arm of the Government is investigating them.

It didn't last much longer, however. On November 19, a CBS man in Port-au-Prince reported a rumor that an invasion force of 300 men had landed. And ABC broadcast it as fact. Since that was the approximate number of men being trained by Masferrer's people, one might assume that the man in Port-au-Prince had been briefed and was awaiting the invasion, although CBS doesn't say.

"Are you familiar with any CBS news announcements of any of its media, radio or television, as to the effect that an actual invasion was taking place in Haiti?"

Masferrer: "It surprised us that their correspondent in Port-au-Prince produced an information which appeared in all the papers that actually Cap-Haitien had been taken by the invasion. In fact, I think that was planted by Duvalier in order to justify his repression." There was, in fact, no invasion that day nor any plans for one.

That was not the only disaster of November. Although Masferrer was the nominal head, with Father Georges, of the group, he denied he was in command of the training of the uninvasion force. "We had an infantry battalion, you know, which was in charge of a Cuban by the name of Napoleon Vilaboa who had been in the Bay of Pigs and who was an officer in the United States Marine Corps Reserves." In November, Vilaboa announced everything to a Miami newspaper, said the attempt was a farce, that Masferrer and Father Georges had not lived up to an agreement to provide him with full control of the expedition and that he was resigning and taking 390 of his followers—most of the men involved—with him. The arms Masferrer had bought, he said, were deficient (as Hormilla might have testified) and dirt-encrusted. The resignations led to bitter dissension between the Haitian and Cuban groups and prompted hasty recruiting, which soon became common knowledge in Miami.

That was the last straw for McMullen and he finally

abandoned the project. About a month later, on January 2, 1967, as guns were being loaded onto a 43-foot boat at Cocoa Plum Island in the Florida Keys 110 miles south of Miami, Customs officials and local police swooped down on the lonely, two-story headquarters and rounded up 74 men and a quantity of munitions. Eventually a Federal grand jury indicted the seven men it regarded as leaders of the plot, including WerBell, the adviser to the leaders, licensed munitions dealer, former OSS man and whilom CBS employee. "It was further a part of said conspiracy," the indictment read in part, "that said defendants and co-conspirators would acquire the use of a house at Cocoa Plum Beach, Florida, and that said defendants and co-conspirators would cause armed men and materials and implements of war to be assembled at such house from which such armed men and materials and implements of war would be transported out of the United States for a military expedition and enterprise against the Republic of Haiti."

Among the overt acts listed in the indictment was that "on or about September 12, 1966, Mitchell Livingston WerBell III, a defendant herein, paid approximately \$1,000 to Richard Harvey at Fort Lauderdale, Florida, within the Southern District of Florida, for the purpose of acquiring possession of the vessel 'Poor Richard'." So it would appear that the grand jury, at least, was not convinced of the purely informational nature of the intended use of the Poor Richard. Hormilla by this time was pretty mad at everyone and talking right and left and was named as a co-conspirator but not as a defendant because he allegedly had visited the Kendall Field on September 19 "for the purpose of making an inventory of weapons stored on said farm." The list of weapons captured included 151 rifles, a shotgun, 16 pistols, 10 submachine guns, 13 machine guns, 9 mortars, 2 rocket launchers, and some 72,000 rounds of ammunition.

But wait! In March, 1967, a month after the indictments were handed down, U. S. Attorney William A. Meadows said he was dropping the charges against WerBell and refused to specify why. He told a Federal judge in Miami only that the Government was dismissing the indictment against WerBell after consultation with then Attorney General Ramsey Clark and the Justice Department and, when asked if it was because of CIA involvement, replied only: "No comment." Charges usually are dropped against a defendant only if he has agreed to become a Government witness. WerBell did not testify at the trial of his friends.

Meanwhile, a Miami attorney, Edwin Marger, who had hotel interests in Haiti, decided that his 1966 holiday business had been ruined by the CBS news broadcast in November, filed a suit for \$2,575,000 damages against the network for "false reporting" (which subsequently was dismissed) and managed to get Masferrer out of jail long enough to take a deposition from him. He did this with a young attorney in his office named Richard Burns and with the active help of Hormilla, who by this time was pretty angry with everyone. When Burns set up his own office with one Saul J. Cooper, Hormilla went with them

and, being young, new and not having an excess of business, they devoted perhaps more time to Hormilla's case than they might have done if time had not hung so heavily on their hands.

At length, they filed suit against CBS for \$1,000,000, charging that Hormilla had been hired as a television film extra by CBS to portray, along with other actors and extras, a "Cuban trainee" preparing for the invasion of Haiti; that he had been supplied by CBS with fatigue uniforms and a rifle; that he was directed how to act, where to stand, what position to take, how to hold his weapon and when to fire it; that the rifle of another extra exploded, and that CBS employees intentionally prevented any medical aid from reaching him "until the cameramen could photograph the plaintiff in his agony and thereby add realism to their television production."

CBS's first reaction was curious. Richard Salant, vice president in charge of news, said: "There has never been such a news broadcast. We hire no extras for any documentary programs and have a strong prohibition against re-enactment of any news events."

But in its first motion in the suit, CBS didn't deny what Hormilla claimed: it simply insisted that, "If plaintiff was hired by defendant, as alleged, and if plaintiff's injuries arose out of the course of plaintiff's employment and the business of the defendant, as alleged, then plaintiff's exclusive remedy is under the Workmen's Compensation Law . . ." It was not an admission, but it was a tangential way to slip into the case.

In an amended complaint, Hormilla named Masferrer and Father Georges as co-defendants and this time charged that CBS had agreed to give them money, rifles and technical assistance for the purpose of invading Haiti and Cuba; that CBS delegated certain employees, among them McMullen, St. George, WerBell and Julio Aton Constanzo-Pelau (who previously had turned up as a defendant in the Government's Neutrality Act case as one of the leaders of the proposed invasion) to record the events. Then, the second complaint said, the defendants recruited Hormilla and others to take part in the training exercise. Also, Hormilla charged, CBS rented a Ford Mustang which took rifles, ammunition, beer and sandwiches to the field at Kendall; the rifles were unloaded and distributed by CBS employees and the same car subsequently took him to the hospital. CBS denied everything except that McMullen and St. George were its employees and it had filmed the exercise.

"St. George had a Mustang," McMullen says. "I was with him. If he took any guns out there I don't know anything about it. These guys were in a public place and in their first day of training. That was one of the things that made me suspicious. But we didn't set it up."

But Burns and Cooper now came up with an affidavit from Constanzo-Pelau. (Later he was to show up in Burn's office with 14 bullet wounds in his body, convinced that he had nearly been done in by Castro people. Still later, he was identified by bystanders as the person who had shot to death a Masferrer follower in the middle of Flagler Street and had shouted, "You're the first of four." He is still being hunted.) But now, angry at Masferrer, Con-

stanzo-Pelau swore that: "I was paid approximately \$500 during [October to December, 1966]. During this period of time I was employed by Columbia Broadcasting System as coordinator for filming activities. The monies paid me by the Columbia Broadcasting System were given me in cash by Andrew St. George, many times in the presence of Jay McMullen. On several of the occasions when money was paid to me, Jay McMullen gave the cash to Andrew St. George who then took some of the cash in front of Mr. McMullen and paid it directly to me. In my presence I have seen Jay McMullen give cash monies to Andrew St. George and have then seen Andrew St. George disburse such monies to other individuals who were also Cubans, who were working for the films to be produced by Columbia Broadcasting System."

McMullen says he gave Constanzo-Pelau \$50 once because he was supposed to captain the Poor Richard and denies the rest of it. Meanwhile, Burns and Cooper got a court order for CBS to come up with all the film and photographs and the records of money spent by CBS for ammunition, uniforms, rifles, salaries paid to persons being filmed and a record of the money paid to Hormilla. The network came up with the films, but as far as records of money spent for rifles, uniforms and so on, the network said, "CBS has no such books or records." To have them, of course, would have been an admission that CBS had helped finance the intended invasion.

Meanwhile, St. George seemed to have defected. From what he had told them, they claim, Burns and Cooper prepared an affidavit for St. George to sign. He never did. The affidavit said that during the time he worked for CBS on the proposed invasion, he had personal knowledge of money being given by CBS to Masferrer and Constanzo-Pelau, that he went to the field near Kendall in the red Mustang rented by CBS and that it contained guns and ammunition which were to be distributed to the trainees and that Hormilla and the others had been invited there exclusively for the filming.

Just why he allegedly volunteered the information and then failed to sign the affidavit is a question only St. George can answer and he hasn't, but Burns implies that it was a matter of playing Hormilla and CBS against each other. When the case finally was set for trial on May 13, 1968, Burns wrote a letter to St. George, then believed to be in La Paz, Bolivia, with the affidavit enclosed, "which is merely a summary of the events which you yourself told me had occurred. If years from now you regret that you did not aid me in fighting one of the largest corporations in the United States, it will be of no conciliation to either of us. I am sending this letter and the enclosed affidavit to you in Bolivia and hope that wherever it finally reaches you, you will have the courage and dignity to speak out." There was no answer.

By now, Burns and Cooper were in something of a bind—to say nothing of Julio with one eye and three fingers missing and no money. Cooper wrote to Congressman John Moss, the chairman of the House subcommittee on freedom of information outlining the case and saying that "the information we have compiled leads us to believe that in our case a news

media went far beyond the constitutional protection it so often uses as a shield. CBS, according to the information we have received, not only 'staged' an entire invasion but also contributed and financed an illegal and outrageous act. Unhappily, in view of our client's limited financial resources, pretrial discoveries and investigations have been restricted. Little imagination is needed to conclude that had we the resources available to your committee, we would be able to bring to light during the trial an exposé of one of the greatest hoaxes played by an allegedly responsible news media on the American public."

Unknown to Cooper, who received an answer enlightening him the next day, Moss also is a member of the House Interstate and Foreign Commerce Committee and its Special Subcommittee on Investigations, which has legislative oversight jurisdiction over the Federal Communications Commission. He gave the letter to the subcommittee's chief counsel, Robert W. Lishman.

After the deposition of McMullen was taken June 14, in the course of which he made some perhaps damaging admissions, CBS, which had adamantly denied everything, suddenly decided it wanted to settle out of court. Settling out of court is not an admission of guilt, of course, but this seemed to be something more than a harassment suit. Burns and Cooper asked for \$500,000. CBS offered first \$10,000 and when that was turned down, \$15,000. Penniless Julio insisted that they settle. They argued with him but it was no good: Hormilla had never seen \$15,000 before. Cooper, to this day insists that, under Florida's rather peculiar personal injury laws, "if it had gone to the jury that case would have been worth about \$225,000 to \$250,000—and CBS didn't want it to go to trial, not with all that was involved and what they would have been forced to reveal." Hormilla was adamant, though: he needed money now. What he got out of what might have been a fortune was \$8,212.88, after his attorneys' fees, expenses, and some small personal loans to him were deducted.

That wasn't the end of the strange adventures of CBS, though. Much has been made, in McMullen's deposition, of the handling of money on a documentary project. A preliminary budget must be made out, he said—an itemized statement, including "crew expenses, personnel expenses, various expenses, of which miscellaneous is probably the smallest item." Burns and Cooper, of course, were probing to find out if there were amounts of cash on hand which were unaccounted for, money which—as Constanzo-Pelau swore—could be handed out of pocket without showing up on company records. No, he said, it was done by voucher "and each sum of money you draw has to be accounted for in terms of receipts, hotel bills, etc. Everything has to be accounted for. Draw the money, it's charged against you or the show and you are required to account for it." For a whole show, anyway, he said, miscellaneous is a "sort of \$2,000 or \$3,000 basis, one way or the other, normally."

But, later on, according to Burns and to Cooper, it developed that there was a contingency fund of one sort or another on which it might be possible to draw without accounting for its destination by voucher.

In March, 1969, more than two years after the invasion had been aborted, nearly three years after the Government first had knowledge of CBS's involvement, a year after Burns and Cooper had written to Representative Moss, James P. Kelley, the one-time investigator for CBS who is now chief investigator for the special subcommittee on investigations, appeared in Burns' office, interviewed him, took his copies of the Masferrer and half the McMullen depositions and began looking for the remainder.

Shortly before the last session of Congress ended in December, according to Republican Representative Clarence Brown of Ohio, the full committee of the House Interstate and Foreign Commerce Committee met and "raised the question if it should not be brought to the attention of the full committee, and the motion passed." And Republican Anchor Nelson of Minnesota says, "I made the motion with the intention of bringing the investigation before the full committee and making the information public. The network is playing with dynamite. If the allegations are true, this is manufactured news."

Well, yes. If it is true that CBS financed the whole invasion, it certainly is manufactured news. If it is true that some CBS money *helped* the invasion but that the attempt would have started and continued regardless of CBS, then it may or may not be manufactured news.

CBS is worried certainly. McMullen already has spent days testifying in closed session. A rented truck recently carted 15 cartons of film and two cartons of CBS records from Black Rock to the Capitol. CBS has prepared a press release defending itself. Though dated January 12, it has not yet left the executive offices but it is there for when the fur starts flying. And CBS, if it is telling most of the truth, has some cause for complaint.

If the Government was fully informed throughout the period that CBS was involved, and if the Customs people did entice CBS into staying with the case after McMullen wanted to pull out, why is the Government now preparing to slug CBS over the head with it?

And why has it taken three-and-a-half years for the investigation to come to a head? And why was it not until March, nearly a year after Cooper wrote to Representative Moss but less than two months after Nixon and Agnew entered the corridors of power, that the investigation even began?

It may be that the investigation itself is manufactured news, that, as McMullen says, "they're trying to intimidate us. They don't want investigative reporting. They want specials on flower arrangement."

Kelley's answer to his former boss, however, is that "if CBS is trying to blame Vice President Agnew for their troubles, it only shows their naivete, and if I were a stockholder I'd be worried. They're in trouble and they're trying to protect their corporate image. They don't always care how they do that,"

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