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these companies, in addition to the Government agencies mentioned, that the declarations and letters carrying the CIA legend were directed. [redacted]

[redacted]

[redacted] liaison with the Downey-Fecteau families had several purposes: the necessity of opening a channel of communication between the Agency and the families, the humanitarian purpose of assisting the families in obtaining every lawful benefit to which they were entitled,

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(footnote continued from previous page) that he was in sensitive work, that this was something that he was doing because he wanted to do it, and that they should accept it on those terms. 14/

[redacted]

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document was conveyed to the Secretary General [redacted]

[redacted] In it the position was taken by the US Government that the civilians were entitled to release under the terms of the Korean Armistice Agreement. 41/

On 17 December 1954, Dag Hammarskjold was invited by Chou En-lai to come to China for a discussion . . .

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(footnote continued from previous page) paragraph for inclusion in Dag Hammarskjold's briefing book was originally prepared in the Agency and summarized the publicly released cover story, noting that the Chinese Communists linked the case with those of the 11 airmen whose sentences were announced at the same time, although the airmen were on a separate mission and were shot down several weeks after the civilians. The airmen were on a confidential mission in support of the UN Command, directly related to the UN defense against the Chinese Communists aggression in Korea. Their operations were important to this purpose and were made necessary by the Chinese Communists breach of international peace and security. The Korean Armistice Agreement contemplated the return of civilians whose detention resulted from the hostilities in Korea and a number of civilians had been returned thereunder. Downey and Fecteau came within this category and their continued detention by the Chinese Communists could not be justified. The Government of the United States maintained that these American civilians should be given their freedom forthwith.

The complete paragraph was routed within the Agency to C/Ops, A/DD/P, C/FE, SA/DCI/P by [redacted]

[redacted] There was also a routing slip to Lawrence R. Houston, General Counsel, on which [redacted] stated that "attached paragraph inserted in Secretary General's book. He is reported to have read it without comment." Presumably the paragraph was inserted by the USUN Ambassador or a member of his staff.

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On 11 November 1952, a radio message from the team leader, STAROMA/6, stated that he had returned safely from a trip to Linchiang and that he had been successful in obtaining official credentials and other needed operational documents. However he also reported that exfiltration routes through Korea were blocked and it would be impossible to carry the documents out through Hong Kong. The agent requested that he be exfiltrated by air, and that supplies be dropped to the rest of the team to carry them through the winter.\* Everything seemed

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\* Subsequently, the New China News Agency (NCNA) release of 23 Nov. 1954 identified the agent as Lin Chun-ying who had been airdropped into Kirin Province to conduct liaison and subversive activities.... NCNA further explained:

The nine special agents of the Chinese Nationality who had been airdropped by Downey into Kirin and Liaoning Provinces are all former officers of the Chiang Kai-shek gang. They were taken up in 1951 by the "Free China Movement," a US espionage organization in Hong Kong, and given espionage training. They had later undergone further secret training directly under Downey. Their task was to establish "bases" for armed agents; set up safety points for sheltering agents; build "parachuting grounds" to receive airdropped supplies and agents; establish secret communication. (continued on next page)

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~~SECRET~~Liaison with the Families

Liaison with the families was an important part of Personnel's responsibility for the MIA cases, although shared with the Office of Security. The purpose was to provide the families with a channel of communication at any hour of the day or night on anything that might be bothering them and to furnish a trusted intermediary to assist them with release efforts, finances, letters, packages, printed materials, and, starting in 1958, visits to China. In terms of workload, if that is the proper term to use in this delicate matter, there were literally thousands of telephone calls, hundreds of letters, and dozens of visits to the families, none of which were ever put into the impersonal context of office hours or the cold formality of a casualty desk. An insight into the human side of this responsibility was given by Ben DeFelice in the Oral History:

These observations are based on approximately 15 or 16 years of rather extensive contact with the families.... Mrs. Downey before her recent illness was an absolute, dynamic, and powerful woman determined to do everything possible to secure the release of her son and to allow no one or nothing to get in her way... [REDACTED]

[REDACTED] As the years passed I obtained her confidence and eventually we became very close.\*

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\* In a July 1973 letter (continued on following page)

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subject to military authority and the Department of Defense has an obligation to so act." 35/

7 December 1954: Director from Senior/Rep [redacted] While realizing necessity for separation, it is essential that USG coincident with the separation of civilian from military make strongest appropriate statement from highest level on behalf of the civilians possibly pursuing line grouping D-F with large list of other civilians either imprisoned or unable to achieve exit. Course indicated necessary to offset increased pressure on D-F if success achieved in freeing military personnel. 36/

10 December 1954: Memo from the DDP to the Chief/FE describing change of position of Russians at UN. That the 11 airmen were not spies but only dropping agents. The DDP felt the same case could be made for Downey and Fecteau. 37/

On 10 December, the UN Assembly by resolution condemned the detention of the US airmen and instructed Secretary General Dag Hammarskjold to seek their release. Within the US Government, the DDP pressed on with his efforts in behalf of Downey and Fecteau directing them now to State and maintaining vigorously that even as civilians both men were subject to the US theater commander,\* and were on a mission in support of the UN Command. 38/

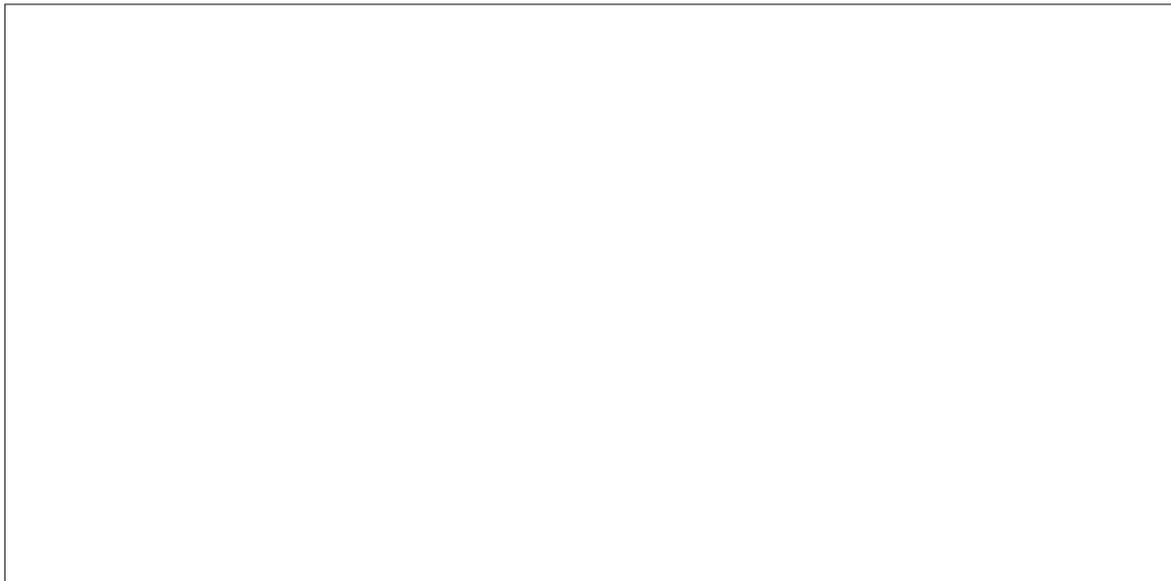
What if the cases had not been separated? There were those in the Agency who believed that the linking

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\* Commander in Chief, Pacific (CINCPAC).

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It was to these people and

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(footnote continued from previous page) Under these sad circumstances, Mrs. Downey was reunited with her son on 12 March 1973. Unfortunately it is not possible in an administrative history to do justice to her story or that of the other parents and relatives of Agency employees who had to suffer in silence under particularly grueling and cruel conditions.

\* The initials WAEPA now (1973) stand for World Wide Assurance for Employees of Government Agencies. In 1953, they stood for War Agencies Employees Protective Association.

\*\* [redacted] stated on 6 March 1973:

The Fecteaues were simple, wonderful family people, who lived on a low income. Mr. Fecteau had worked for the General Electric Company in Lynn. He felt that what his boy was doing was important to US security, that he (Mr. Fecteau) would do nothing to jeopardize the relationship, that the best thing to do was to keep their mouths shut and follow instructions.

[redacted] the impression that Dick Fecteau had fairly well schooled his parents (footnote continued on next page)

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in order so [redacted] made arrangements to carry out the requests. The operation was mounted using a sterile aircraft equipped with snatch gear enabling the aircraft to make the pick-up without landing. The original plan called for two men from CAT to operate the pick-up gear making it an all-CAT operation,\* but

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(continued from previous page) lines connecting the bases with Mukden; collect information about defense works [in China], [the location of] industrial areas, and meteorological conditions; rescue invading American airmen who were shot down; and rally Chiang Kai-shek's remnant bandits for armed riots.

Four of the Chinese tried with Downey and Fecteau received death sentences. The man to be picked up, Lin Chun-ying, was given life imprisonment, according to NCNA.

\* [redacted] and [redacted] writing in 1969 made these observations on the change:

There are a couple of points affecting the air support aspect of the operation that might be noted: First, the late change of assignment in the rear of the aircraft meant two Agency employees, knowledgeable of many aspects of Agency operations, including locations and personnel, were exposed to possible capture and risk of being forced to divulge such information to the ChiComs. [redacted] [the original CAT personnel assigned to the rear of the aircraft] were very good personal friends of the writer [redacted] but from a purely realistic Agency point of view, they offered much less of a security risk for the Agency than did Downey and Fecteau. 3/

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soon thereafter. With the first trip and then with subsequent trips it became important to brief each of the travelers and I remember visiting the Fecteau and Mrs. Downey with funds as well as briefing material. The thrust of the briefing was that they should not get involved in political discussions or a questioning of why their sons were jailed or imprisoned or question of their sentences. The thrust of their whole presence in Communist China was that they were there to visit their sons and give them assurance of their interest in their welfare and merely to have a mother-son visit. The families understood this and understood the necessity for avoiding any kind of a political discussion or haranguing because this could well jeopardize future trips. 74/

The first visit came in January 1958 and was made by [redacted] Mrs. Fecteau, and Mrs. Downey, accompanied by William Downey, John's brother. Naturally enough, the initial visit was a source of considerable worry and concern for the Agency. The families knew of their sons' affiliation with CIA, but the nature of the sons' activities and such circumstances as were known of their capture and imprisonment had not been divulged. The first prerequisite was a briefing for the families in the course of which the Agency representatives, [redacted] and DeFelice, endeavored to prepare the travelers for what they might encounter both in terms of their sons' attitudes and from

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Downey, [redacted] and Fecteau, the Director of Personnel did what he could to establish what he referred to as an "Equalization Allowance" which approximated the cost of the packages sent by Mrs. Downey to her son and the Fecteaus to theirs. [redacted]

Originally, allotments could be based on the instructions which each individual had made a matter of record before going overseas. The fact that Downey was single simplified the handling of his affairs. [redacted]

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\* By the 1960's, maintenance of the prisoners' accrued funds had become a major investment problem as described in Chapter II.

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for sleeping purposes." Well, I knew right then that the axe fell; and I just felt that I had been hit over the head with a sledge hammer. I knew this was the end of the line.

The interpreter gave us all this spiel. The crew foxed him by volunteering to live off the corridor and that threw his whole plan out of kilter so he had to come and say, "Well, we think Downey and Fecteau ought to live together." Well, I was practically in tears and my head just dropped to my chest and I knew that was the end of the line, and I foresaw a long haul for us and that these guys (the Arnold crew) were going to get out. For once in my life I was pretty accurate in my grasp of things. So we picked up our stuff, the Air Force guys were trying their best to cheer us up - and kidding us and everything. I remember Benjamin, one of the enlisted men, saying, "Well, listen don't forget when you get home, send us a postcard." It made me laugh though I was practically ready to cry. So Dick and I were taken out and we were put in another corridor in a cell and we were both pretty agitated, at least I certainly was, and we were talking there and saying, "Jesus, thank Christ we are together, at least we got that much, no more solitary;" and the door swings open and (the voice saying), "Fecteau, will you step out," and that is the last I saw of him. There I was back in solitary. That was a very miserable day. I remember that was really a jolt because I never believed it was really too good to be true, that we would get on the Arnold group's coattails, but you always have that wild hope and now!

Perhaps it was only coincidental, but at the time that Downey and Fecteau were separated from the Arnold crew -- despite the efforts of the USAF crewmen to prevent this -- Hammarskjold was about to begin (5 - 10 January

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would not have opened this matter to world view unless they could produce live bodies led to the decision by a Headquarters group, convened by Richard M. Bissell, Jr.,\* that continued insistence that Downey and Fecteau were dead would be futile. Accordingly, the legal status of Downey and Fecteau was changed to "Missing in Action," which had the effect of canceling the former finding but did not involve the Agency in affirming that they were alive. The cover story would be continued as being in the best interests of the individuals and the US Government. For 20 years there would be no deviation from that story.\*\*

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\* Bissell subsequently became Special Assistant to the DCI for Planning and Development in April 1958 and served as Deputy Director for Plans (DDP) from 1958 to 1962, resigning as of 17 February 1962. The Bissell group consisted of the General Counsel (Houston), AD/Pers (Reynolds), Dir/Sec (Edwards), Chief/FE (Aurell), and [redacted]

\*\* The first official acknowledgment that Downey was a CIA employee was made by President Nixon at the very last minute of a press conference on 31 January 1973. Some people outside the government, including Jerome A. Cohen, Downey's Yale classmate who became a scholar of Chinese law, have suggested that, had the US Government acknowledged culpability and apologized, Downey might have been released earlier; and, indeed, this approach was suggested some years later by [redacted]. On the other hand, acknowledgment early in the game might have caused the execution of the two men, or at least led to a propaganda bonanza and extreme embarrassment to the United States without helping the two individuals. In any event, the Agency and the USG held the line for two decades.

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A second visit by William Downey in July 1959 led to a plea of clemency in connection with the 10th anniversary celebration of the founding of the People's Republic of China, the so-called Stevenson petition as previously described.\* Both these and subsequent visits caused some nervousness among concerned Agency officials who feared the visits might jeopardize the prisoners' cause. Chinese Communist sensibilities were easily and unpredictably aroused. For example, the Chinese Communists cut off all letters from the prisoners for almost a year after the first visit for undetermined reasons thought to be involved with prisoner indoctrination. 81/ So circumspect was the behavior of both prisoners and families during the initial and subsequent visits that there were no untoward incidents that could be exploited by the Communist propaganda apparatus.

John Downey, who had more numerous visits from his family than did Dick Fecteau, found that he had mixed reactions to these contacts. In his interview with the author of this history in April 1974, Downey stated:

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\* See pp. 56-57, above.

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both uniformed and civilian personnel on the grounds that all US personnel in a military theater were the responsibility of the US military commander. 28/ At the civilian policy level in the DOD -- especially among the "new" people -- there were qualms about the whole subject of unconventional warfare on the China mainland, which, said Wisner, had the effect of jettisoning our civilians. 29/ The Agency Senior Representative [redacted] who had very properly notified and cleared the STAROMA mission with the Commander, US Far East Air Force (General Smart), also took the position that the status of the CIA men was no different than that of the military. He was informed by cable of some of the difficulties:

26 November 1954: Senior Representative [redacted] from Director: Consequence of Chi Com sentencing of 13 viewed with extreme seriousness and various retaliatory actions considered including blockade. Problem complicated by somewhat different legal status of Downey and Fecteau from uniformed personnel in Air Force plane. So far no distinction made in any authorized press statement.

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\* The post of Senior Representative was established in 1950 by General Bedell Smith when he was DCI. The concept was that since the DDP headquarters and field organization was based on geographical divisions and paralleled State Department's organization, the Senior Representative's jurisdiction would correspond to that of the US theater commander. He reported directly to the DCI in Washington. [redacted]

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The Peking announcement came like a bombshell to the Agency and the families.\* There were many urgent tasks to perform and decisions to be made if the newscast from Peking was valid. In 1954 the propaganda battle between the two nations was at a peak with the Communists accusing the United States of germ warfare and showing posters of bugs crawling around Korea, supposedly dropped by US aircraft. Most of the exchange was crude and not very creditable, given the attitude of suspicion and distrust that prevailed at that time. In this instance, however, facts in the announcement that could only have been learned from the individuals and the feeling that the "ChiComs," as they were then called,

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(footnote continued from previous page) The author's personal interviews with both Fecteau and Downey support the views of Messrs [ ] and [ ] (See Appendix J for all tape transcripts referenced in this note.)

\* The Agency learned the news from an FBIS intercept of a Peking New China News Agency Broadcast in English Morse to Southeast Asia, Europe, and North America, 1640 hours, 23 November 1954. In 1971 *The New Britain Herald*, Downey's hometown newspaper, claimed that it had picked up the story and broken the news to the public:

By this time (23 Nov 1954) even the Associated Press had lost track of the name Downey. But it was spotted by the *Herald* city desk and a reporter (Henry Keezing) was sent to Mrs. Downey's home to ask about it. The terms of the imprisonment became known at that time. 19/

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I had very mixed feelings about the visits, and this is rather peculiar. They were for me a period of great tension, particularly the first and second visits, I had fears for the well being of my family members while there. I had no idea particularly in the early days - in the later years, no - but at first I had no idea of what the Chinese were like. I had this enormous tension at first figuring they were going to soak it for all the propaganda they could get. I also felt that it was somewhat degrading for my mother, for her to have to go over and beg these bastards for her son. The interviews, of course, were strictly monitored and I felt it was nonsense that you could say nothing you really wanted to say. I am somewhat reticent about expressing my deeper feelings and certainly not in front of a bunch of hostile strangers. For practical reasons, since I got all kinds of chow and reading material and the prison regime was much more comfortable and pleasant at that time, everything was excellent. I noticed that during and after the visits, I felt much better. I have all these objections to it but the net result was, at least for a while, a temporary boost in my morale. Had I been consulted at any time I'd have told them, don't come, but none the less when they did come, and it cost me a lot in terms of worry about this, that, and the other things, still it did boost my morale. Sometimes I thought it is better not even to come in contact with the outside world and home. You have made your peace with the present situation, it can be painful to open the door and see the sunlight, better stay back in your hole.\*

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\* For the full transcript of Downey's comments, see Appendix J, Tape Transcripts Nos. 39-40.

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a few days before the mission was to take-off, [redacted]  
 [redacted] wary of the two CAT men not having  
 the proper clearances, requested Jack Downey to make the  
 flight assisted by Dick Fecteau.\* The aircraft left  
 [redacted] on the night of 29 November 1952 on schedule with  
 the two CIA men on board and the two CAT pilots at the  
 controls. On the morning of 30 November, [redacted]  
 notified Headquarters that the aircraft was overdue; 4/  
 and the public statement was issued with the fate of the  
 mission unknown.

Downey and Fecteau Declared Missing in Action,  
18 December 1952

On 18 December 1952, the Personnel Director, George  
 E. Meloon, basing his action on FE information, declared

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\* Contrary to still persistent rumors in the corridors  
 of the Agency, Fecteau and Downey were not on a joyride.  
 As noted here, their assignment was at the direction of  
 [redacted] EA/Div, stated in an  
 interview for the Oral History on 26 November 1973 that  
 his study of the files also confirmed the official na-  
 ture of the flight. (See Appendix J Tape Transcript No.36)  
 In August 1952 Downey had made a previous over-flight  
 with -- to use Downey's terms from the Oral History in-  
 terview -- "a certain unofficial authorization." At that  
 time, his immediate superior in the field, [redacted]  
 [redacted] had complained that he had  
 only one jumpmaster for the mission. Downey's offer to  
 fly the mission was accepted with the admonition, "if you  
 are caught by our bosses, you have got to say that it was  
 unauthorized. You just wanted to go along for the ride  
 for fun and games." 5/ However, the November flight was  
 fully authorized, and the ban on the use of staff employees  
 on over-flights did not come until after the loss of this  
 mission.

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and [redacted] represented the Legal Counsel.

The problems encountered in the handling of these cases caused the Office of Personnel to conduct a study which resulted in [redacted]

the issuance of a more comprehensive guide to the handling of MIA cases. [redacted]

[redacted]

Declared Dead, 4 December 1953

From the very outset of the Downey-Fecteau disappearance, there was a strong feeling in the FE Division that both CIA men, as well as the two pilots, were dead: [redacted]

[redacted]

[redacted]

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Connecticut, and Richard G. Fecteau\* of Lynn, Massachusetts, were two young "gung ho" paramilitary officers who had been assigned to the aircraft in place of two CAT employees originally named to fly the mission.

The background of the flight had begun on 14 July 1952 when a team of five Chinese Nationalist agents was airdropped into Kirin Province, some 50 miles north of the Yalu River. Their mission was to collect operational intelligence and, also, determine the extent of, and organize, resistance activity. The team had been trained at CIA installations [redacted]

[redacted] and dispatched from [redacted]

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Court of China for having sneaked into the territorial air space of China by plane to conduct espionage activities with the aim of jeopardizing the security of China.

During the period in which these 11 criminals served their sentences, they observed discipline and behaved themselves fairly well. The authorities in charge so reported to the Military Tribunal of the Supreme People's Court and asked leniency for them.

The Tribunal decided on July 31,\* according to law, to release these 11 criminals before the completion of their terms. 48/

The release of the uniformed personnel, while welcomed, occasioned some long second thoughts on the part of Agency people, thoughts of the lost bureaucratic battle to make common cause for all 13 prisoners.

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\* Edgar Snow, previously cited in footnote p. 43, puts a different slant on the release quoting Chou En-lai: "In order to create a favorable atmosphere, China released, before the talks began (at Geneva), eleven so-called prisoners of war following the mediation of Krishna Menon and UN Secretary General Dag Hammarskjold's visit to Peking. Why are they referred to as "so-called" prisoners of war? Because they were not captured on the Korean battlefield... (they) were on a United States plane which intruded into China's air space, and were captured after their plane was hit. Both China and the United States had declared that the Korean war was restricted to Korea and did not extend to China. This plane was shot down in China, so China did not recognize them as prisoners of war. Nevertheless, China released them -- to create a favorable atmosphere for the ambassadorial talks at Geneva and that was the end of the so-called prisoner of war issue." According to Snow, Chou then went on to describe another category, a very special one; namely, Downey and Fecteau. 49/

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[Redacted]

[Redacted]

[Redacted]

Continuing

responsibility for these cases was lodged in FE Division but liaison with the families on the myriad personal problems that arose from these incidents devolved on the Offices of Security (OS) and Personnel (OP) and on the Legal Counsel. [Redacted]

[Redacted]

, (OP), \*\* the Downey-Fecteau case;

[Redacted]

\*\* [Redacted] assignment in 1952 was to the Personnel Office where he was charged with developing a compensation and casualty program, and with handling retirement cases. He is currently the Assistant Legislative Counsel for the Agency. [Redacted]

[Redacted]

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a relatively neutral course, the Agency would be following the precedent set by the Armed Forces. 21/

The Assistant Director for Personnel, Harrison G. Reynolds, was assigned the responsibility for contacting the insurance companies and Government agencies and, in effect, retracing the steps taken in the notification of death the previous year. The Office of the General Counsel (OGC) was to assist OP in its approach to the private and public agencies. The initial objective as described in 1973 by  was to ascertain the position of the insurance companies, to impress on them the sensitivity of the cases in view of the US Government position that the men were Department of the Army civilians on a legitimate flight from Korea to Japan, and to dissuade them from any action which would involve publicity, pending the Agency's negotiations with the beneficiaries.

When word of China's action in announcing that Downey and Fecteau were alive and had

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operational aspects. The suggestion was not accepted. Instead the FE/Div was told to name a committee to coordinate prisoner affairs, and the ad hoc committee came into existence consisting of representatives of FE, Security, Personnel and Technical Services Staff (TSS).\* After the 1954 announcement that Downey and Fecteau were alive and imprisoned, the ad hoc committee function became one of preparing plans for the evacuation and evaluation of the men, should they be released. This activity was accelerated in 1955 after the United States and China had made an Agreed Announcement on civilian prisoners of the Korean war, which unfortunately did not affect Downey and Fecteau. [REDACTED]

[REDACTED] concentrated on release efforts, promotions, relations with the families, visits to China, and mail.

\* William E. Nelson [REDACTED]

[REDACTED] was the first chairman. Other early members were [REDACTED], OS: [REDACTED], OP: [REDACTED], OGC; [REDACTED] FE; [REDACTED] FE; and Dr. [REDACTED] TSS. Ben DeFelice joined the committee in 1957 and became chairman in 1958. (For further activity of this committee, see p. 44, below.)

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Compensation, and the Civil Service Commission were subsequently conducted. They proved to be entirely successful from a security standpoint and eventually from a financial standpoint.

What about the families? The whipsawing of emotions caused by the Communist announcement was very severe.\* Despite the frenzied activity behind the scenes in Washington and the field, there was no visible sign that the Agency was doing anything. It was a tense situation from a security as well as an administrative standpoint. Security risks both to the government and to the men made it imperative that there be no breach between the families and the Agency; an emotional explosion could negate the cover story and other arrangements and had to be avoided at all costs. That this did not occur is a tribute first and foremost to the parents, their fortitude and devotion to sons and country; and secondarily to the thoughtful, patient liaison conducted by Agency representatives with the families during the ensuing years.

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and to establish a measure of control in the interest of the security of the Agency.

Bombshells: September and November 1954

The demanding task of notification and liaison following the presumptive findings of death of Downey and Fecteau stretched well into 1954 with the insurance settlements the major problem as described by [ ]:

One of the main reasons for the issuance of the findings of death in these cases was to effect settlement of the various benefits, principally the insurance policies on the two men's lives...the cases were rather novel as far as payments for persons who were not in a military status.... The insurance companies had some experience in military cases but very little if any with civilians. Several were reluctant to act (but did so) on the initiative of [ ] which was the first to decide to go ahead and make payment. Throughout we felt that our actions and decisions in these cases were proper, were good decisions based on the considered judgment of people who had good knowledge of the Chinese approach, their philosophy and so forth. 15/

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the UN led to the separation of the uniformed personnel, for whom prisoner-of-war status could possibly be established, from the civilians -- a Hobson's choice if ever there was one. Before it was made at higher levels in the US Government, there were serious differences between the Agency and the Department of Defense and, to a lesser degree, the Department of State, at least at the second-echelon level. The separation led to great personal bitterness on the part of the Downey family who felt, rightly or wrongly, that it cost their son his freedom, a sentiment that was shared by many people in the Agency. Congressman (later Senator) Dodd of Connecticut wrote the DCI about it.

I am disturbed and distressed by official statements from Washington concerning the release of eleven members of the military establishment. Mrs. Downey came to my house in a very upset condition to find out the reason for this distinction between her son and the boys who are in uniform. 27/

Frank Wisner,\* the Deputy Director for Plans (DDP), felt very strongly that release efforts should include

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\* Wisner was Assistant Director for Policy Coordination (AD/PC) from September 1948 until that Office was absorbed by the DDP in 1951. He was designated DDP in July 1951 and served in the post until December 1958. After extended sick leave, he returned to the Agency in a special capacity until his resignation in August 1962. He died in October 1965.

↳ killed himself

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9 January. Dulles, on 3 February 1958, approved the schedule and the pay accounts were adjusted to reflect the changes.\* From that point forward, promotions were made periodically when people of similar background were promoted, as determined jointly by the Director of Personnel and the appropriate officials in the DDP, such as the Chief, FE Division, and the chairman, DDP Personnel Management Committee, and described by DeFelice:

Once we had brought the men fairly current and up-to-date with their contemporaries by a series of retroactive promotions, our standard was to be sure that they kept a pace with their colleagues. Throughout the years we would run a survey of the PM class colleagues, of both Fecteau and Downey, and would try to establish where these men would be had they not been taken prisoner. Eventually they were promoted to GS-13's and the Director of Personnel then wrote a piece of paper to the Deputy Director of Plans establishing that prisoners generally should be brought during the period of imprisonment to the journeyman level.

He established this journeyman level at GS-13. He then felt that one means of compensating these men for the hardships of prison life was to add one grade to the journeyman level and consequently fixed the terminal level of GS-14 for all prisoner cases. Each was promoted to GS-14. 71/

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\* See Appendix E, Promotion and pay schedule, 1951-1957,

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then sought Percy Chen's services as intermediary. Chen at first welcomed the opportunity to get back into the case, but within hours turned it down saying John Downey was a spy and an imperialist crook. 60/ The loss of the Communist contact was a serious blow, but Stevenson proceeded to draw up the petition dated 1 October 1959 for the release of John Downey, based on general amnesty being given to Chinese prisoners in connection with the 10th anniversary celebration. The petition was forwarded directly to the Supreme Court of the People's Republic of China early in October 1959. Little hope was held for it in view of the shift in Percy Chen's position which could only have come after consulting with his Communist superiors. Two and a half years later, in March 1962, a supplemental petition was presented to the Court by Solicitor Stevenson, reflecting Mrs. Downey's fears that she would not live to see her son released, but this, too, drew a negative response.\*

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\* Excerpt from State message of 13 July 1962:

In fact, one indication that an early release of John Downey is not in the offing, is the answer given to the Downeys concerning their 1959 petition for clemency...[when they] were informed through the Chinese Red Cross intermediaries that the petition was worthless because it was not drafted by a mainland licensed lawyer...nor would it do any good to have another appeal drafted. 61/

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as a friendly gesture...to bring up the matter of our five prisoners\* when he got to Peiping (on 29 September 1959)." 57/ This gesture by Krushchev, if made, was no more successful than other attempts to free the CIA prisoners.\*\*

#### Unofficial Efforts

The burden of misery and frustration suffered by the families led to independent efforts outside the channels established by the Agency. Mrs. Downey in

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\* By 1959, [redacted] Downey, Fecteau, Redmond, and McCann, with Bishop Walsh of Maryknoll, arrested in 1958, constituted the roster of imprisoned Americans. The two Maryknoll priests, named on the 1957 list, were released at the completion of their sentences in 1958.

\*\* A possible opportunity to gain the release of the prisoners is described by the British author E. H. Cookridge (pen name), in *Spy Trade*, New York, Walker & Co., 1971, p. 86. "Allen Dulles, who had a rational and pragmatic approach to the game he had played all his life, eventually favored Abel's [Colonel Abel, the so-called Soviet master spy arrested in 1957 and eventually traded for Gary Powers in February 1962] exchange for American prisoners held behind both Iron and Bamboo Curtains. Already in 1958, when Abel first suggested it to Donovan [American attorney and later intermediary in the Powers exchange], the possibility was broached of exchanging him in return for Americans imprisoned in China. Abel said that Pandit Nehru, the Prime Minister of India, or the Government of another neutral country, might be willing to mediate such an exchange. If Allen Dulles was willing to consider it, his brother, John Foster Dulles, the Secretary of State, frowned at even the hint of such a transaction. He wanted no truck with Moscow or Peking, which would have left the Communists the winners both in the value of the commodity gained and in obtaining political prestige in the eyes of the world." (continued)

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~~SECRET~~STAROMA Mission, 29 November 1952

The case which later was to cause world-wide ramifications began as a minor incident of the Korean conflict. On 29 November 1952, a C-47 aircraft of the Civil Air Transport (CAT), piloted by American civilians Norman Schwartz and Robert Snoddy, became overdue on a flight from Korea. A five-day search of the accessible land and sea area by the Far East Air Force proved fruitless and was abandoned on 5 December 1952. A very discreet statement was coordinated at Headquarters and in the field to the effect that a military contract plane was reported missing on a flight between Korea and Japan on 3 December 1952 with two CAT pilots and two Department of Army civilians. This simple cover story was maintained through thick and thin for 20 years.

Actually, the disappearance caused considerable consternation within the CIA. The flight was an ex-filtration operation set up in response to a call for help from a valued agent on the mainland of China. The Department of Army civilians (DACs) were actually Agency staff employees: John T. Downey\* of New Britain,

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of the CIA men to the far stronger legal case of the uniformed airmen would have forced the hand of the Chinese Communists. 39/ On the other hand it is entirely possible that the cases would have been separated anyway by the Chinese Communist leaders despite their contention that all of the men were spies subject to Chinese criminal law rather than prisoners of war under international law. In any event, it was very convenient to have the Americans separate the cases for them, and no one will ever know what might have been the outcome had another course of action been taken by the US Government or what political concession the Chinese Communists would have exacted for their release. At the time, all they wanted was the US Seventh Fleet withdrawn from the Formosa Straits, US withdrawal from Korea, the withdrawal of US support for the Nationalist China group on Taiwan, and diplomatic recognition of the People's Republic of China (PRC) by the United States.

On 14 December 1954 Assistant Secretary of State Walter P. McCaughy prepared, with the assistance of Messrs. Wisner of CIA and Godell of DOD, a document entitled "Suggested Paragraph for Inclusion in Briefing Book of Secretary General Hammarskjold." 40/\* The

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\* The suggested (footnote continued on next page)

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Fecteau from that of the flyers.\* The rationale was cabled to the Sen/Rep [ ] on the same date by the Director:

Problems of holding line regarding common action in respect to Downey-Fecteau and uniformed fliers presented many serious difficulties particularly as it became necessary to raise issue at UN level. If same line adopted for uniformed and civilian personnel then was real likelihood that net result would be only to prejudice prisoner of war status of former without helping our boys. 33/

After 4 December 1954, release efforts focused on the civilian status of Downey and Fecteau with the DOD assuming no responsibility for the CIA men who were ostensibly under Army cover. The Agency was largely on its own in the Councils of Government as shown in the correspondence and cable excerpts.

6 December 1954: In a memo to the DCI, the DDP stated very strongly that all prisoners held by the Chinese Communists should be considered together. "There is no reason to feel," Wisner said, "that the eleven airmen were different to Downey and Fecteau. All US personnel in a military theater are

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\* The facts in the case, and the thrust of the 29 November 1954 White House briefing probably made the outcome inevitable, although the actual decision was made at the highest levels in the US Government. Acting Personnel Director [ ] told Mrs. Downey that President Eisenhower had decided to place the case of the eleven military flyers before the UN. 34/

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The official position taken by State and adhered to persistently from then on was to maintain the policy of no bargaining, of standing upon the Chinese Communist statement of 10 September 1955 and of doing nothing that could be taken as recognition of the Chinese Communist Government. 55/

The 1957 State Department paper drew no response, and gradually the plight of the prisoners faded from public view.\* The ad hoc committee\*\* remained in touch

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\* When interviewed for the Oral History in April 1974, John Downey thought they would have been better off without the official efforts to free them. The somewhat sanctimonious approach of the United States only infuriated the Chinese Communists in the 1950's and the 1960's. It was not until the announcement of President Nixon's visit in February 1972 that he noticed any change in the climate of hostility between the two countries. For full statement see Appendix J Tape Transcript No. 39.

\*\* Liaison with State was mainly an FE/Div responsibility throughout the 1950's. [redacted]

[redacted] for CIA, and Edwin W. Martin and Robert Aylward, China Affairs for State, carried on the release efforts in the late fifties. C/FE also retained the chairmanship of the ad hoc committee for a short time after the prisoner affairs were turned over to the Director of Personnel in September 1959. An attempt was then made to distinguish between operational, which presumably meant release efforts, and administrative responsibility. The distinction was blurred and eventually FE was content to let Personnel handle the entire range of prisoner affairs, including chairmanship of the ad hoc committee, although FE retained membership on the committee.

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the executor of an estate. Each was in a position to furnish confirmation of the Communist news release. As an indication of how seriously Americans regarded security considerations at the time, no leak of information corroborating the true status of Downey and Fecteau occurred during the ensuing years, although the insurance companies were allowed to retain the Declaration of Death in their files and some of the DCI's letters of condolence never were recovered.

From the standpoint of security and finances, the most immediate concern was the life insurance claims that had been paid by the private insurance companies -- Equitable (WAEPA), New York Life, and Metropolitan Life -- to survivors. Under heavy time pressure, a policy statement was developed by the Bissell Group and approved by the DCI on 3 December 1954. 20/

Beneficiaries should be advised that, since the declaration of death has been reversed, they have no equitable basis for retaining death benefits received under insurance policies and should be encouraged to offer some sort of settlement within the limits of their means to the insurance companies. Nevertheless, the Agency should not attempt to bring pressure on them, especially where hardship would result, since it is the responsibility of the insurance company to determine what action, if any, it will take regarding recovery.\* In thus pursuing

\* [REDACTED]

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with the Office of China Affairs at State and various suggestions, such as asking the Russians for help and the suggestion that the prisoner release be made a condition to the resumption of the interrupted ambassadorial talks at Geneva in 1958, were not acted on for one reason or another. In the Agency's opinion the stumbling block was, of course, the fact that the Communist Chinese wanted a political concession from the United States and would not release the prisoners until they got it; and the United States was not about to give any such concession. 56/ State did take up with General Alfred Gruenther of the American Red Cross the idea of using the organization as an intermediary to obtain the release of the prisoners, but the Chinese parried this attempt by limiting Red Cross activity to visits and packages. In September 1959 the prisoner issue was included on the agenda for President Eisenhower's meeting with Premier Krushchev at Camp David. It was hoped that the Chinese Communists might consider releasing the prisoners as part of an act of amnesty announced on the 10th anniversary of the founding of the People's Republic of China -- said amnesty was supposed to include non-Chinese. Publicly the White House would only say that "Premier Krushchev might find it possible

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representative likewise turned over parcels from the families. The American Government has made available, to the Red Cross, Department of Air Force planes and personnel for the delivery of both Red Cross parcels and family parcels from the States to Hong Kong. It has also provided transportation to Hong Kong from Clark Field or Tokyo for the American Red Cross representative who twice a month turns over the parcels at the Hong Kong border to the Chinese representative. The Department has also made every effort to facilitate the delivery of reading material from the families to Hong Kong where the packages are mailed. This effort involving coordination of Red Cross and US Government personnel and facilities permits the saving of large sums in postage as well as eliminating long delays in mailing. 85/

The effort was very worthwhile. There was no question but that the food packages from the families and from the Red Cross contributed significantly to the physical well being of the prisoners just as the printed material, books, and magazines contributed to their mental equilibrium.

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On 23 November 1954, one year after they had been declared dead by the Agency and two years after capture, Peking really "pulled the plug" on the US Government by announcing to the world that Downey and Fecteau were in custody, having been tried, convicted, and sentenced for espionage. Downey received life imprisonment and Fecteau was sentenced to twenty years. Announced simultaneously was the sentencing of eleven airmen, the officers and crew of a Far East Air Force (FEAF) B-29 reconnaissance aircraft, shot down over China some weeks after Downey and Fecteau.\*

The press release stated in part:

The other espionage case involved John Thomas Downey (alias Jack Donovan), 24, born in Connecticut, and Richard George Fecteau, 27, born in Massachusetts, both special agents of the Central Intelligence Agency, a US espionage organization.

Downey and Fecteau worked with the Atsuki, [sic] Japan, espionage organization of the US Central Intelligence Agency. In the spring of 1952, Downey selected special agents of Chinese nationality and organized them into two teams -- "Team Wen" and "Team Shen" -- which were

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\* The airmen, also referred to as the Arnold Group, included Col. John K. Arnold, Jr., USAF, who received a 10-year sentence; William Hurl Baumer, eight years; Capt. Eugene John Vaadi, six years; Elmer Fred Llewellyn and Wallace Lamer Brown, five years; John Woodrow Burck, Howard William Brown, Steven Edward Kiba, Harry Martin Benjamin, Jr., John Walker Thompson, and Daniel Chris Schmidt, four years.

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particular displayed indomitable determination in carrying the struggle for her son's release to higher authority.\* Refusing to believe that the most powerful government in the world could do nothing, she managed through her own efforts to see four Presidents,

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(footnote continued from previous page) The Agency ad hoc committee did bring up with the General Counsel the idea of using James Donovan's services, particularly his "in" with Castro on behalf of the FE prisoners but this was in January 1963, 18 months after the Powers-Abel exchange.

\* In March 1973 [redacted] liaison officer with the family until 1957, described Mrs. Downey's efforts:

After the Chinese announcement that Downey and Fecteau were alive and had been sentenced, Mrs. Downey maintained her adamant stand, her insistence on various positions that she took about the cases. I know she saw Jack Kennedy, she saw Eisenhower, she made contact either in person or in writing with each President who took office during the period of Jack's imprisonment. She had also been in touch with President Nixon about the cases. She was in touch with several government officials, some UN officials, the Secretary of State. She came to Washington and had several meetings with Allen Dulles. She did everything she possibly could to keep Jack Downey's case in the minds of any government official who might have any possible effect on Jack's release. For this she can't be criticized really. Having gone through what she had gone through, the loss of her husband, and seeing her son in this situation, it is hard to criticize her. Mrs. Downey made overtures to the Chinese authorities, wrote letters to Chou En-lai and subsequently got permission for herself and Mrs. Fecteau to visit the two boys in China and they traveled there, I believe, in 1957. 58/

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Revenue Service could be made by the individual. In 1959 an equalization allowance\* of \$700 a year, designed to cover the cost of the "care" packages the families had been sending for three years, was authorized by the Director of Personnel on a retroactive basis, as recommended by DeFelice.\*\* The allowance was continued for the duration of captivity. Passed along to the families by increase in allotments, it served in some degree to relieve the financial burden on the parents without depleting the men's accrued funds. Personnel's actions on pay and allowances were described by DeFelice in May 1973:

We not only saw to it that they had everything the law authorized them to have, but we also responded to new financial needs imposed on the families by creating other allowances. Example -- when we found out that the families were using personal funds to send packages to

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(footnote continued from previous page) Personnel also commented on the revisions made in the "Missing Persons Act" and participated in the development of a "Code of Conduct for Agency Employees Subject to Capture by an Enemy," which was approved by the DCI on 28 April 1956. 62/

\* Equalization allowance is granted to staff and detailed personnel, career agents, and contract employees...based on a formula which takes into account the excess cost of living at the post or area of duty as compared to Washington, D.C.

\*\* For clarification of DeFelice's position, see p. 33, above, and p. 64, below.

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~~SECRET~~Travel to China, 1958-1959

Permission for the relatives to visit the imprisoned Americans was one of the major accomplishments of the January 1955 Hammarskjold visit to Peking. Three years were to pass before the promise became a reality, years during which the diplomatic efforts to gain release continued at the ambassadorial talks in Warsaw, and years during which most of the imprisoned Americans served out their terms and returned home. There were several reasons on both sides for the delay. From 1949 on the US Government banned travel by its citizens to China, finally yielding to pressure from American journalists and authors. In 1957 State told the Agency that permission had been granted to a few newspapermen to go to China, but emphasized that it was done with the greatest reluctance and had nothing whatsoever to do with either diplomatic recognition or with the prisoners. State's position was that the Department could do nothing to suggest or encourage the relatives' visits, but on the contrary it had to discourage and oppose such visits. 72/

Peking, having indicated in 1955 that permission to travel was up to the United States Government and that the visits were a private matter to be arranged by

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1955) negotiations with the Chinese leaders for the release of the 11 man crew of the downed B-29. What might have happened had Hammarskjold's list included the two Agency employees poses an uneasy and unanswerable question.

At least the returning airmen brought out first-hand reports on Downey and Fecteau. 50/

Cable, Director from [redacted]  
5 Aug 55: (1) Report of debriefing airmen. Downey and Fecteau arrived in Peking during April 1953. Previously held in Mukden. Housed same jail April 1953 through 28 December 1954. Downey housed with officers. Fecteau housed with enlisted men. Between 7-28 December occupied same cell. Prior to 7 December 1954, Fecteau observed in cell chained hand and foot. Fecteau believed to have resisted indoctrination.

Cable, Director from [redacted] 9 Aug 55: (1) Downey told all he knew -- Fecteau held out. (2) Para 4 D/F informed airmen they were certain operations in which they were captured was Chi Com trap.

From this point forward, official efforts to obtain the release of Downey and Fecteau were tied to the general release of all US citizens detained by China, although the occasion or concession considered necessary by the Communist Chinese for release of the CIA men was not to occur for 16 years and they were to be the last prisoners out of China. The US position was presented

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immediate release were slim, and at an 11 December 1957 meeting the Committee on CIA Connected Americans Imprisoned in China\* reached an agreement that the prisoners warranted promotions and these should be sought at certain specified grade levels.\*\* On 19 December, by memorandum to the Director of Personnel,\*\*\* the Chief, FE Division recommended [redacted]

[redacted]  
Richard G. Fecteau be promoted from GS-7 to the third step, GS-11; that John T. Downey be promoted from GS-7 to the fourth step, GS-11; such promotions to be effected in a graduated retroactive manner. 67/

A schedule was accordingly worked out by the Office of Personnel and presented to the DCI 70/ on

\* The Committee on CIA Connected Americans was a new (and soon discarded) title for the ad hoc committee. It was responsible for all aspects of the prisoners and in August 1957 consisted of [redacted] William V. Broe, chairman, who had just succeeded [redacted]

[redacted] of the Security Research Staff of OS; Chief, Casualty Affairs Branch/OP, [redacted] Dr. [redacted] 68/

\*\* The initiative for the promotion action came from the Office of Personnel. It was agreed in the committee that the formal request would come from Chief/FE to D/Pers. 69/

\*\*\* Gordon M. Stewart was Director of Personnel and [redacted] Chief, FE Division.

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been sentenced was received, our first reaction was to get to the people who were in possession of the certificates of death to button up these cases to avoid any publicity about their CIA status, or confirmation of that status which had been revealed by the Chinese. [redacted] of OGC and I immediately paid visits to the insurance companies, in some cases speaking with the general counsel, in some cases speaking with the vice-presidents in charge of claims asking that they take the records and all files of papers on the cases and put them in their direct custody in locked safes to assure that confirmation of the Agency employment of these two men would not be made public. I must say in this connection that certainly it was an encouraging and rather heart warming experience to find these people outside the stream of official Washington being totally cooperative even to the point of placing their own reputations in some jeopardy if the situation became difficult in their own company. As far as I am aware these files are still kept in locked safes in the insurance companies and in several banks that were involved with the accounts of these men. 22/

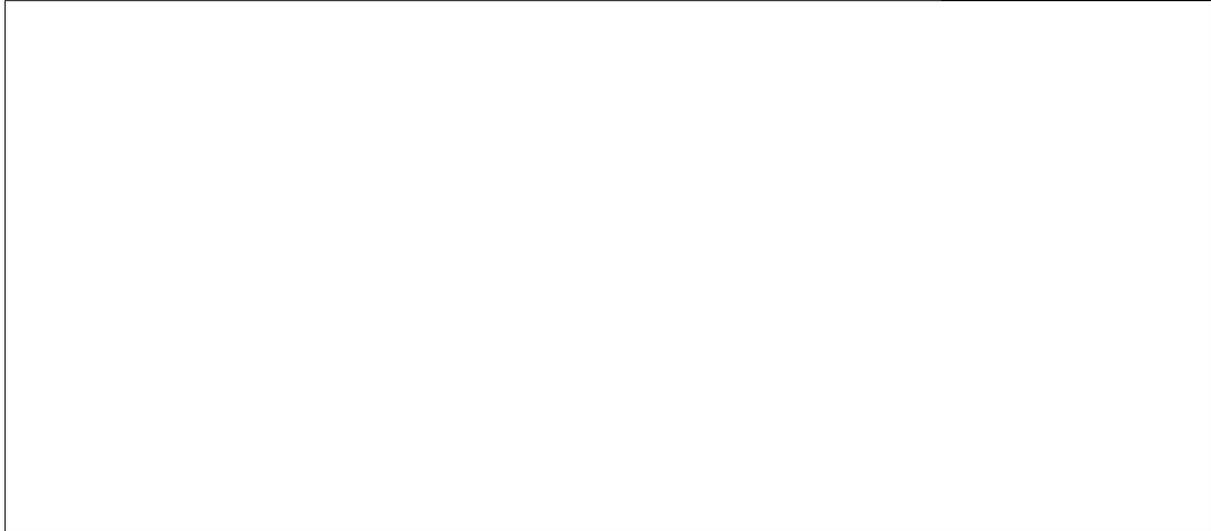
It was decided that the Agency would make no offer or gesture toward the assumption of responsibility for repayment of funds to the companies. If, when the views of both parties -- that is, family and company -- had been ascertained and it appeared that a beneficiary refused or was unable to offer a settlement which the insurance company was willing to accept, then the Agency would consider making up the difference [redacted]

[redacted] These were the procedures on which the liaison with the private agencies, the Bureau of Employment

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Fecteau's affairs were more complicated.



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Chinese jails although Hammarskjold's instructions from the UN General Assembly Resolution of 10 December 1954 applied only to the 11 B-29 airmen.\* Upon Hammarskjold's return, the United Nations announced publicly that Premier Chou En-lai had agreed to permit relatives to visit the Americans held in Chinese jails. Privately the Secretary General reported to UN Ambassador Lodge that the Chinese were extremely suspicious of the 11 airmen and the two civilians for a number of reasons. Downey and Fecteau were caught red handed. The 581st (the B-29 Unit) was obviously on more than a UN mission because of the number of personnel, radios, and such. Downey and Fecteau were not on the lists presented at Geneva. 44/

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\* Edgar Snow, American expatriate journalist and author, quotes Chou En-lai as saying in a personal interview with him: "There are two United States nationals in Chinese prisons of another category -- a very special one. They are airborne secret agents sent by the United States to China, namely, the very famous Downey and Fecteau. Allen Dulles of the United States Central Intelligence Agency could give you all the details, but perhaps he would not want to give the information in such detail as we would. In early 1955, when Hammarskjold came to Peking to discuss the question of the United States nationals in Chinese prisons, even he found it inconvenient to bring up their case for discussion. These two were in no way related to the Korean war, but were on a mission of pure espionage and secret agent activity." 45/

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Other administrative actions taken in early December 1954 included the establishment of a Table of Organization consisting of [ ] positions, grade and salary undetermined, to be administered by the Office of Personnel and to which the Comptroller would allot such funds as required for the period during which the individuals were carried in an MIA status. 24/ [ ]

[ ] The change of status for Downey and Fecteau from dead to missing was made effective as of 5 December 1953, the day following the date of the previous declaration of death. Allotments in effect at that time and such other allotments as deemed necessary by the Assistant Director of Personnel (AD/P) were authorized and the AD/P assumed the fiduciary responsibility for the prisoners.

The Ad Hoc Committee in the 1950's

As early as June 1953, the FE Division requested the Director to name a representative, preferably from Personnel or Security, to handle support aspects of the Downey-Fecteau case while it continued liaison with the State Department and the Pentagon and handled the

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[redacted], the liaison officer for the Personnel Director, was not privy to operational cables under the policies prevailing at the time. In 1973 he stated another reason for the finding of death:

The feeling of the China experts was that the Chinese certainly would have made whatever propaganda play they could. Therefore, there was initially a feeling that the men must have been killed in the crash or that they had been killed by the Chinese. There was very little possibility of their being alive. The attitude increased with the passage of time... on the basis of the considered judgment of all parties, a presumptive finding of death was made in November 1953 or at the expiration of the year's time (called for in the Missing Persons Act)...again with the very firm feeling on the part of the operational people that the Chinese would have given these cases some attention in the press...and in the absence of any indication of that sort, the men were dead. 12/

Accordingly, on 2 December 1953, Chief FE, George Aurell addressed the fateful memo to the Personnel Director: 13/

After thorough investigation both in Field and Headquarters, the Far East Division has reluctantly come to the conclusion that the two CIA staff employees, Mr. John Downey and Mr. Richard Fecteau, who have been carried in an MIA status are dead....It is therefore

[redacted]

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The effect of the failure to join their cases with the case of the Arnold crew on the individuals most concerned has been set forth by John Downey in a recent (26 April 1974) interview with the author of this history. Downey noted that within about two weeks of the Chinese announcement of the formal sentencing (23 November 1954) of all the Americans, he and Fecteau were put into the same cell corridor with the Arnold crew. Of the subsequent events Downey stated:

After three weeks living with the Arnold crew during which I was sort of living on the edge of my chair every instant fearing that this was too good to be true, and being reassured by them that we were all on our way, that they (the Chinese) would not have put us together if we weren't going out together, the axe fell. The interpreters came in for a normal daily meeting, a briefing kind of a session, and just casually announced that, "well, we felt it was a little crowded in here and perhaps a couple of you ought to live on another corridor." It would relieve the crowding (they thought). Then questions were asked, does that mean they, Downey-Fecteau, are separate? Can they come back every day and talk and read and exercise together? "Oh, yeah," they said, "you can play together and come back and live together." Well, much to the chagrin of the Chinese, two of the Air Force guys volunteered to move out of the corridor and live together. The Chinese got quite confused and said, "well, we were thinking since Downey and Fecteau are not part of the crew probably it would be better if they lived separately, and the crew kept together." So then they (the Chinese) were asked, "Can they come back?" "Oh, yeah," was the answer, "they can come back every day and everything. It's just

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From time to time, grass roots efforts sprang up in the home towns of the prisoners. Family participation was usually discouraged by the Agency for many reasons. There were fears as to the effect of unguarded remarks and unwise actions on the Chinese Communists. There was a reluctance to give opportunists a publicity field day.



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Despite the somewhat discouraging feedback from the UN, hopes were high throughout the first six months of 1955 that the prisoners would be released or that their sentences would be commuted. The special committee\* was revitalized on 7 July 1955 under the Chief/FE to focus on an evacuation plan in case Downey and Fecteau were released. 46/ Chaired by [redacted] [redacted] and composed of representatives of OS, OP, FI, PP, and TSS, the committee was to have the doubtful distinction of being the longest lived ad hoc committee in Agency history. An immediate task, in addition to the evacuation plan, was the preparation of the background briefing for Ambassador Alexis Johnson, who was selected to represent the United States in ambassadorial-level talks scheduled for Geneva in August 1955. 47/

On 4 August 1955 the Communists released the 11 air-  
men, preceded by an announcement that made no mention  
of the two civilians.

Eleven US spies (named) were formally  
sentenced for various terms of imprisonment  
by the Military Tribunal of the Supreme People's

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\* See p. 32, above.

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to gain John Downey's release. Impetus for that operation had begun in 1957 in Bangkok when an American lawyer, Albert Lyman, made the suggestion to the US Embassy that he be allowed to draw up an appeal on humanitarian grounds within the framework of Chinese law. A Hong Kong lawyer, Percy Chen, who had contacts with the Chinese Communists, would then go to the mainland with the appeal and plead the case on the basis of clemency. The price, in addition to Lyman's fee, would be an interview for Chen with President Eisenhower during which Chen would plead the cause of world peace.

[redacted] advised against the proposal, describing Albert Lyman as an unscrupulous opportunist and Chen as a man who would use this matter to further his own aims. 59/ The concept was saved for a better occasion and a more reputable proponent.

Both developed two years later, immediately after the 13 - 19 July 1959 visit of William Downey to his brother. As advised, William had pleaded for his brother's release on the basis of clemency, citing the 10th anniversary of the founding of the People's Republic of China. Upon his return to Hong Kong, [redacted] put William in touch with a reputable British attorney, George E. S. Stevenson, of the firm of Stewart and Company. Stevenson

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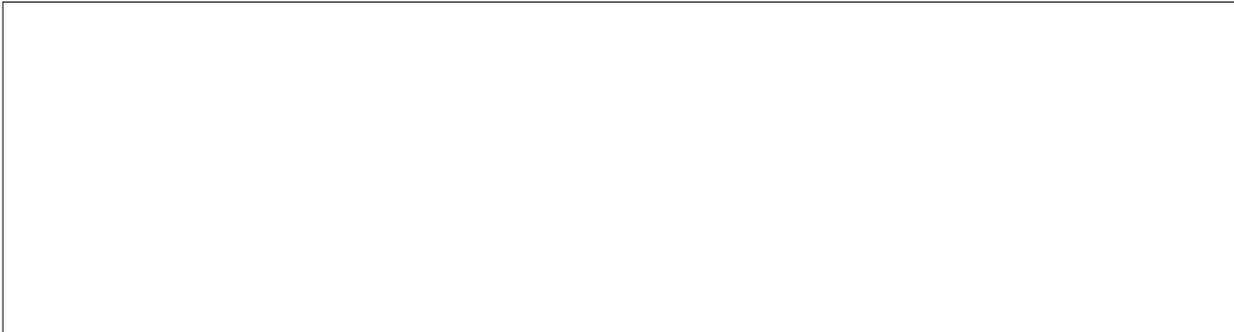
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Personnel Administration of the MIAs in the 1950's

After recovering from the administrative disaster attendant upon declaring Downey and Fecteau alive a year after having declared them dead, personnel administration of the MIAs followed a pattern involving six major areas: pay and allowances allotment, promotions, maintenance of accrued funds due to the employee, travel of families, and personal communication and contact with the families. The personnel process had, however, a very distinct abnormality -- the individuals were missing from the scene and could not be consulted, so the Office of Personnel had to make decisions for them.

Pay accounts had been reestablished in 1955, at which time it was determined that the men were entitled, ironically as it seems, to separation allowance,\*\* and



\*\* Separation allowance (footnote continued on next page)

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(b)(1)  
(b)(3)  
(b)(6)

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**ADMINISTRATIVE HISTORICAL SERIES**

**OP**

**MISSING IN ACTION - PEOPLE AND POLICIES**

**by**

**James J. White**

**Historical Staff**

**Central Intelligence Agency**

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In 1958 the Director approved the recommendation of the DDP that the responsibility for CIA-connected Americans in jail in Communist China be turned over to the Director of Personnel. 25/

Official Efforts to Gain Release, 1954-1959

The Chinese Communists in their 23 November 1954 announcement made no distinction between the 11 military personnel and the two civilians, labeling all of them spies convicted of the serious crime of jeopardizing the security of China. The first reaction in the US Government was instinctive and angry. Various retaliatory measures of a military nature, including naval blockade of China, were considered and soon rejectéd, in some measure because of the doubtful legal position of the United States with respect to the prisoners and to the difficulty of unilateral action by US Forces serving under the United Nations Command.\* Attention turned almost immediately to other methods of obtaining the prisoners' release, with the most obvious course leading to the United Nations. The decision to take the case to

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\*  CINCPAC had recommended against retaliatory action, including blbckade, since "ChiComs may have good case in international court against some of these people." 26/

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by Ambassador Alexis Johnson at Geneva and resulted in a bilateral statement by the two countries issued on 10 September 1955. The Agreed Announcement of the Ambassadors of the United States of America and the People's Republic of China set up the requirement that each country take appropriate measures so that American and Chinese nationals desiring to return to their respective countries could exercise their right to do so. 51/ This effort came to naught in the ensuing months due in part at least to the unwillingness of the Chinese who were living in the United States to return to Communist China,\* but the Agreed Announcement served as a point of diplomatic reference for the US Government for the next 15 years.

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\* The United States instituted a press, television, and radio publicity campaign announcing the right of any Chinese in the United States to return to Communist China unhindered. Notices containing the text of the Agreed Announcement were placed in 35,000 post offices, throughout the country. There was not a single response. Furthermore, neither the Indian Embassy in the United States, which had been authorized to make representations on behalf of any such Chinese, nor the British Charge d'Affaires in China, representing any American in the country, brought a single case to the attention of the US Government. 52/ The Geneva Talks (subsequently Warsaw Talks) which followed this meeting and were continued for thirteen years are described in the footnote on p. 150.

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Chinese Communist attempts to use the visitors for propaganda and intelligence purposes. 75/ Second in importance was the matter of financing the travel because the expenses were considerably beyond the means of the relatives.\* Financial assistance was extended in a carefully guarded way so as to protect the covert Agency relationship between the Agency and the prisoners. The visit was rigidly controlled by the Chinese Communist Government, with the visitors constantly accompanied by a Chinese Red Cross representative. An interpreter was always present at the actual meetings with the prisoners so that it was impossible to evade prison regulations which forbade any discussion of the prisoner's case or his treatment. 77/\*\* A sorrowful event, the trip to China was never repeated by Mrs. Fecteau.

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\* Fourteen thousand dollars for the travel of [redacted] Mrs. Downey and Mrs. Fecteau and William Downey was approved by the DCI for the initial visit, accounting to be made upon return. The precedent was established for the payment of travel expenses which totaled some \$35,252 between 1958-1971 when the last trip was made by Mrs. Downey accompanied by son and wife, Mr. and Mrs. William Downey, the latter a registered nurse who assisted the mother, by that time in her seventies. 76/ See footnote p. 131 for a recap of the China visits.

\*\* This information is derived from a Foreign Service Dispatch which, while referring specifically to William Downey's 13 - 19 July 1959 visit, gives a detailed and characteristic description of what happened inside China on these visits.

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to post differential.\* The Office of Finance, which did a great deal of work on these accounts down through the years, proceeded to keep the accounts in a current status so that immediate and accurate payment of accrued funds could be made at any time upon release. The procedure was based on memoranda from the Director of Personnel to the Comptroller citing the Missing Persons Act of 7 March 1942 as amended [redacted]

[redacted] \*\* Since these individuals were not in a position to pay their income taxes, these were deducted from their pay when due and placed in escrow until such time as payment to the Internal

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(footnote continued from previous page) is one granted to an employee who is compelled by reason of dangerous, notably unhealthy, or excessively adverse living conditions at his post in a foreign area, to meet the additional expense of maintaining any or all of his dependents elsewhere than at such post or assignment.

\* Post differential is established at a post in an area where the environment differs so substantially from that of Washington as to warrant additional compensation. [redacted]

\*\* The Plans Staff of the Office of Personnel -- in this case the analyst was [redacted] -- developed the comprehensive regulation which incorporated the experience gained in the MIA cases. (footnote continued on next page)

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Having made the decision, a first essential was to backstop with the Department of Defense the cover story that Downey and Fecteau were Department of Army civilians traveling as passengers on the flight of a military contract aircraft between Korea and Japan, since it was DOD that would catch the heat from the US press.\* Simultaneously, it was necessary to begin unwinding the many personnel administrative actions with respect to other Government agencies, the insurance companies, banks, and families that had consumed most of 1954. Complicating both courses of action was the previous release of information in the name of the Central Intelligence Agency such as the Declarations of Death which bore the signature of Agency officials and the letters of condolence from the Director of Central Intelligence to the next of kin. At least eighteen persons outside the Government were aware of the connection of Downey and/or Fecteau with the Agency. In addition to the families, the eighteen included top officials of three insurance companies and two banks, several lawyers, and in one case

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of problems. On two subsequent occasions, 31 December 1954 and 2 January 1955, the Chinese Communists broadcast a description of "US Spy" Downey's air pick-up mission in China, possibly in anticipation of the Secretary General's visit and appeal for release. The broadcasts were carefully analyzed in the FE Division and the information found to be substantially correct and to give an accurate account of the mission. Chief/FE concluded that it was probable that the STAROMA team had been doubled immediately after their launching or that the Chinese Communists had obtained text of messages from the team operator or other team members by interrogation after capture. 42/

The Secretary General was in Peking from 5 - 10 January 1955 and had four formal meetings with the Premier-Foreign Minister for a total of 13 hours, 90 percent of which, according to the UN, was spent on the prisoner issue. 43/ There were at this point, 17 Americans\* of some degree of association with the UN Command in

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\* In addition to the 11 B-29 airmen and the two civilians, four jet pilots who had wandered into China's air space on separate occasions after the 1953 armistice had been shot down and were jailed. Their status was not in contention and they were freed after short periods of captivity.

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DeFelice described the different reactions of the families:



Shortly after their return, on 17 February 1958, Mrs. Downey, William Downey, [redacted] met with the DCI for a discussion of the prisoners. This was followed by a widely publicized meeting with the new Secretary of State, Christian Herter, shortly after he took office in 1959, 79/ during which the Secretary was admonished by Mrs. Downey, according to DeFelice:

After the first trip, I remember that all of the families [redacted] met with the Secretary of State and pictures were taken which were published. I recall also that it was during this visit with Secretary of State Herter that Mrs. Downey demonstrated her strong will and actually pointed her finger in his face demanding that more attention be given to the cases by the United States Government. 80/

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recommended that under the provisions of Public Law 490, 77th Congress, as amended, and Section 5.4 of the CF Regulations of this Agency, the necessary steps be taken to have the referenced subjects declared dead.\*

The Office of Personnel was assigned the task of preparing appropriate declarations of death and letters to survivors\*\* and assisting the Comptroller and General Counsel Offices in the preparation of the pertinent documents for the General Accounting Office, the Civil Service Commission, the Bureau of Employment Compensation, the Social Security Administration, and the private insurance companies. The finding of death presumably ended the security risk to the two men and, accordingly, the declaration and letters were prepared in the name of the Central Intelligence Agency, their official employer, and signed by the Acting Director

\* The procedure by which the Chief/FE originated the request for personnel action was determined by the informal group called together by the Personnel Director. It became normal procedure in the MIA cases. This group included: [redacted] Deputy Director of Security; [redacted] FE Division; [redacted], C/Emp-ServDiv/OP; [redacted] Ins/Claims Br/OP; and [redacted] Acting Personnel Director, who presided.

\*\* See Appendix D Finding of Death of Missing Person.

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The finish to this set of official efforts to free the prisoners came on 29 January 1957 when the Department of State issued a paper entitled, "The Facts Concerning the Chinese Failure to Release Imprisoned Americans," which reflected the level of frustration, rhetoric, and distrust.

Communist spokesmen and media have intensified in recent weeks their efforts to mislead the World concerning the continued imprisonment in Communist China of six American civilians.\* These Americans are held in cynical disregard for an unqualified Chinese Communist pledge on September 10, 1955, to take measures for their release "expeditiously."

After having used other excuses to explain away or divert attention from their failure to keep their word, the Chinese Communists have now fallen back on the specious allegation that the United States had failed to keep its own commitment with respect to Chinese nationals in this country. 53/

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\* The six American civilians included two Maryknoll priests  Their sentences and places of confinement were noted by C/FE:

The Rev. Joseph P. McCormack, Shanghai, five years (expires Jun 1958)  
The Rev. John P. Wagner, Shanghai, five years, (expires June 1958)  
John T. Downey, Peking, life  
Richard G. Fecteau, Peking, 20 years  
Hugh F. Redmond, Shanghai, life  
Robert R. McCann, Tientsin, 15 years. 54/

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beginning with President Eisenhower in 1957; one Secretary of State, Herter in 1958; two DCIs, Dulles and McCone; two UN Ambassadors, Henry Cabot Lodge of the United States and Krishna Menon of India; and several Senators and Representatives. Each visit caused at least a temporary flurry in the bureaucracy as papers were staffed up the line explaining the mission, the cover arrangements, and prior steps taken in behalf of the prisoners. Mrs. Downey's unrelenting efforts probably helped to keep the diplomatic mill grinding. At least they kept new administrations informed at the highest levels of the plight of the American prisoners as they faded from view in the press\* and in the mind of the public.

Following a visit to China in July 1959 a private attempt, ostensibly by his brother William,\*\* was made

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\* The hometown newspapers, [redacted] the *New Britain Herald* for Downey, and the *Boston Globe* for Fecteau, remained alert to developments in the cases and, while careful to avoid statements that would damage the prisoners' cause with the super-sensitive Chinese, gave the men their strong support.

\*\* William Downey had resigned his position with a New York bank and moved to Hong Kong to devote full time to his brother's release. [redacted] originated the plan to use Percy Chen.

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the parties concerned through the Chinese Red Cross, proceeded to throw every official obstacle they could devise in the way of the travel. There was for example at one point extensive diplomatic wrangling over the so-called "insulting wording" carried on American passports. The reference was to the restriction on travel "to those portions of China held by the Communists," Peking being more concerned with the terminology than with the restriction, and the United States being very careful to avoid even the appearance of recognition by carrying the title of "People's Republic of China" on official documents. 73/ It was not until 1958 that the Agency was informed that all the necessary clearances had been obtained and the relatives were ready to travel. The procedures and the implications of the visits were described by DeFelice for the Oral History:

One recurring development throughout the period of imprisonment of Downey and Fecteau was the matter of the trips of their families. I can't recall completely all of the activities that were associated with the first trip the families made in 1958. Involved, of course, was a general routine. The families themselves would first cable out to Peking for permission to travel. Generally there was no quick response. They would cable again. Again generally there would be no answer to that and eventually the family would turn to the Red Cross here. Our Red Cross would cable to the Chinese Red Cross and as a general statement approval of the trip would follow

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of Personnel [redacted] \* Happy to be relieved of the administration burden, FE Division gave its full blessing to the assumption by [redacted] OP, and [redacted] OGC, of the responsibility for the preparation and delivery of documents to Government and private agencies and for the contact with families, lawyers, and banks.

Victims Personal Circumstances, December 1953

The families and personal affairs of Downey, Fecteau, [redacted] became of prime importance to the Agency in December 1953 from a security, legal, and humanitarian standpoint.

[redacted]

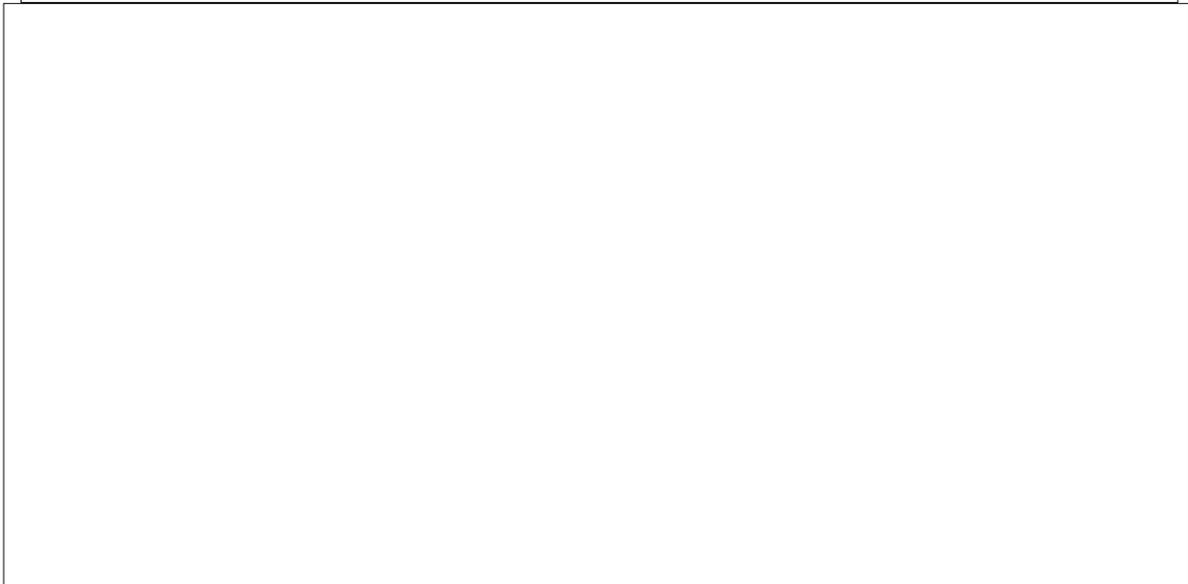
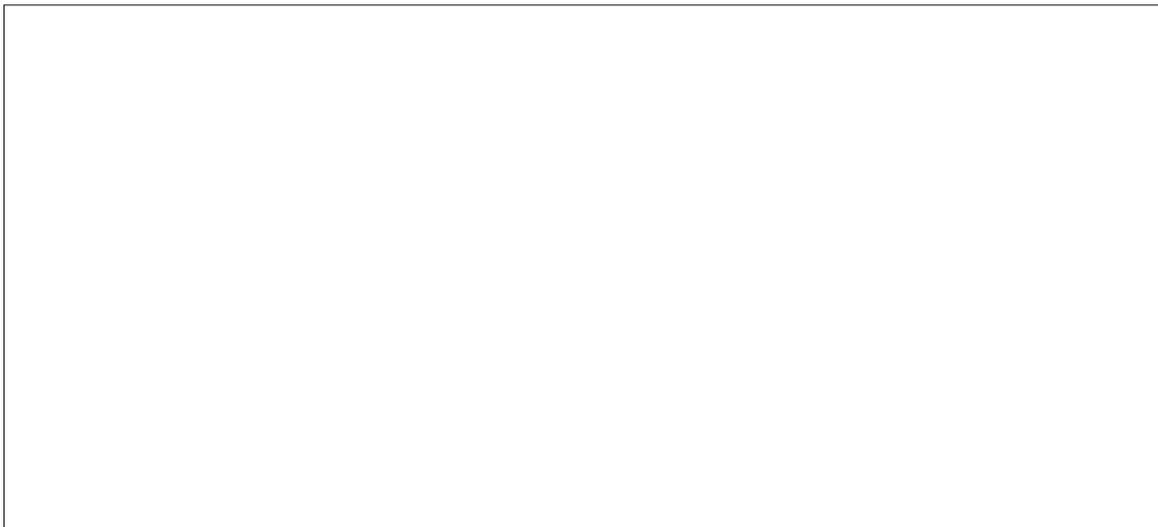
\* [redacted] a long-time personnel official of the Agency, was Executive Officer of Office of Personnel from February 1954 to February 1957.

\*\* The Agency, as well as the US Government, was to hear in no uncertain terms from this indomitable woman as she waged, well within security limits, a 15-year struggle for her son's release. The struggle involved four Presidents, several Secretaries of State, Senators, Congressmen, the Catholic Church, and the United Nations. As this account is being written, Mrs. Mary Downey's grave illness and stroke, together with President Nixon's personal intervention with Premier Chou En-lai, has brought her son's release. (footnote continued on next page)

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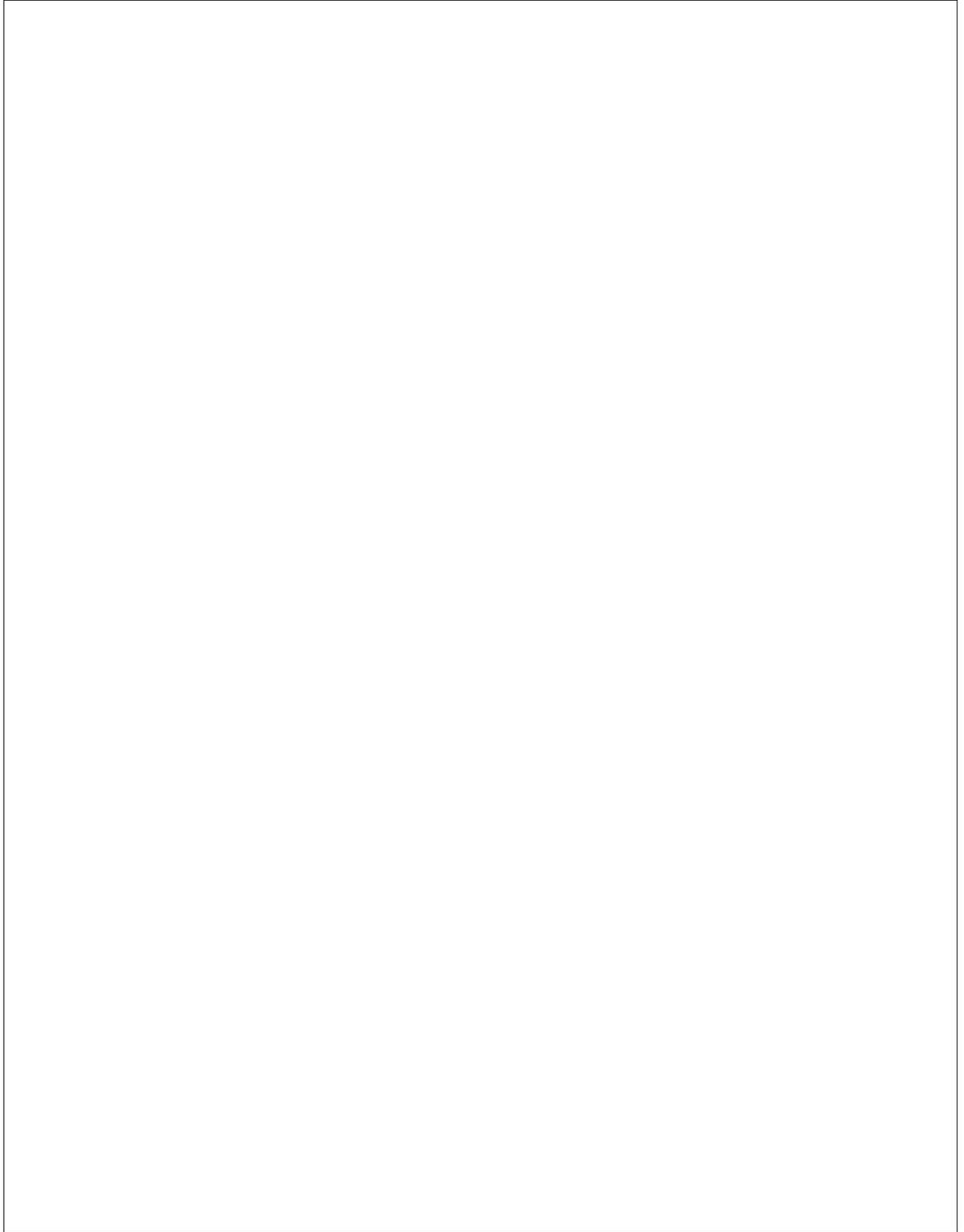
education facing them, the Director of Personnel approved a formula by which funds from Mr. Fecteau's accrued pay and allowances were used to pay for educational expenses.



Another complication that became apparent in 1957, somewhat belatedly as it happened, was the matter of promotions. By then it was clear that the prospects for

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later airdropped in Kirin and Liaoning Provinces in China. In October 1952 Downey had Li Chun-ying, another agent, airdropped into Kirin Province to conduct liaison and subversive activities, and in August 1952 him himself [sic] stole into China to drop supplies for "Team Wen."

Downey and Fecteau were both captured on the night of November 29, 1952, when they entered Northeast China in a US plane, made contact with and provided supplies to airdropped agents and attempted to pick up Li Chun-ying who was to report. Their plane was shot down.

The sentences passed by the Military Tribunal of the Supreme Peoples Court on the American spies are as follows: John Thomas Downey, life imprisonment; Richard George Fecteau, 20 years imprisonment.\* 18/

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\* According to [redacted] in the 6 March 1973 interview previously cited:

The apparent reason for the difference in the sentences of these two men was that Downey had been an instructor and very much involved in the training of indigenous teams and this information must have come out either through information extracted from Downey during the course of his interrogation or information which the Chinese may have picked up from other sources. In any event, the Chinese were aware of the fact that Downey was a much more involved and influential person in the situation than Fecteau was.

[redacted] who handled the cases for EA/Div in the 1970's, confirmed this interpretation of the different sentences in the 26 November 1973 interview for the Oral History. [redacted] further stated that there is no substance whatsoever to the persistent rumor around the Agency that Fecteau had gotten a lesser sentence because he had talked! (footnote continued on next page)

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[redacted] As his children grew up [redacted]  
 [redacted] the administration  
 of his affairs became increasingly complicated. For  
 example, the question of increased allotments to Fec-  
 teau's children had to be faced as early as 1955-1956,  
 requiring a basic judgment as to the standard of living  
 he would have established for his family. In his 1973  
 Oral History interview, DeFelice\* described the allot-  
 ment difficulties as follows: 65/

We used a standard for allotments that we have  
 maintained throughout the years in handling  
 the finances of our prisoner cases. We con-  
 sider ourselves as fiduciaries charged with  
 the highest of trust in disbursing the funds  
 of Agency prisoners.... The case that had  
 the most complications was the Fecteau case.

[redacted]

[redacted] As the children approached their  
 teen years, especially with the need for

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\* Upon the transfer of [redacted] to the Of-  
 fice of the General Counsel late in 1957, Ben DeFelice,  
 who had been [redacted] assistant, took over as Chief of the  
 [redacted] Branch, OP. He personally handled the  
 Downey and Fecteau cases for the next 16 years during  
 which time he advanced to the position of Deputy Direc-  
 tor of Personnel for Special Programs. He was a GS-9  
 Insurance and Claims Assistant in November 1953 when he  
 first encountered the case. [redacted]

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Downey and Fecteau officially "Missing in Action." In a memorandum to the Comptroller, 6/ Meloon requested that their pay and allowance be continued under the authority of the Missing Persons Act as amended, including field allowances as authorized by [redacted] the [redacted] Regulations. The employment status of the two CAT pilots, Norman Schwartz and Robert Snoddy, was judged not to be within the purview of the Missing Persons Act or of Agency regulations. Arrangements for them were left to the proprietary company. 7/\*

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\* In the aftermath of the Downey release in March 1973, the *Washington Evening Star-News* reported on the two pilots. "The Snoddys received a series of insurance payments over a period of two years; \$30,000 on two policies taken out by CAT with American International Underwriters, \$15,000 on the two policies written by Standard Insurance, and a \$10,000 national service policy administered by the Veterans Administration." Similar documentation, said the *Star*, is lacking in the Schwartz case but in a telephone interview with a brother, Melvin Schwartz, the reporter found out that payments totaling about \$25,000 had been received by the parents, now deceased. In a 6 March 1973 interview, [redacted] stated:

There was some feeling about the decision. Some persons, I being one, were of the opinion that, if the true facts of the relationship of Snoddy and Schwartz and the airline to the Agency had been presented to the Bureau of Employee Compensation, these men also might have been entitled to benefits under the Federal Employee Compensation Act. 8/

As this account is being written immediately following Downey's release in 1973, Senator Mark Hatfield (R., Ore.) and Rep. John Dellenback (R. Ore.) are querying Secretary of State, William P. Rogers, on this very point on behalf of the pilots' survivors.

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It even got to the point where she would defend the Agency and me personally during conversations [redacted]

[redacted] ... Mrs. Downey and I had literally thousands of telephone conversations over the years. She never hesitated to call at any hour day or night. Conversations would range anywhere from ten minutes to three hours, at Agency expense of course. The peak would always be associated with something key that was happening. For example, when she was first trying to get a visa to go to China our contacts were intensive. Whenever she perceived from the press that something was happening in US relationships to China, she would call.... Most of our conversations consisted of Mrs. Downey talking and my reacting and giving her assurances and whatever comfort I could. Her contact with me was so frequent for so long that in recent years when it began to diminish and months would go by before she would call it got me to the point of being concerned.... I then took the initiative of calling her on a regular basis. 82/

The Fecteus\* were really a very different kind of family. They were very modest in circumstances, lived in a modest home, very solid people generally; this family, [redacted] [redacted] were always satisfied that the United States Government was doing everything it was possible to do and that there was little that they could do to stimulate the Government into action. They [redacted]

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(footnote continued from previous page) to William Downey after Jack's return, DeFelice wrote, "Your mother is the single most outstanding and inspiring human being that I have ever met."

\* At this writing (August 1973) Mr. and Mrs. Fecteau are alive and in good to fair health, still residing in their home in Lynn, Massachusetts.

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Whether it will prove wise and practical to maintain this position is not yet clear. 30/

On 29 November 1954 the DCI in a briefing at the White House described the STAROMA mission in some detail, stating in part:

It is clear from the Peiping Radio that the survivors of both this flight and of the Arnold flight [redacted] [redacted] have disclosed substantially complete information regarding the respective flights, their previous training and affiliations. The stories attributed to them have, of course, overtones of Communist propaganda, but many of the details attributed to the occupants of these two planes are accurate.... The stories attributed to Downey and Fecteau are particularly accurate since in view of the nature of their mission, this fitted in with Communist propaganda objectives. In the case of the Arnold mission, the Peiping Radio has added many touches which are not accurate to give it an espionage angle and to tie this flight with CIA...the practice of using American personnel on overflights of hostile territory was discontinued by CIA about two years ago, shortly after this incident. 31/

On 4 December 1954 the United States protested in the General Assembly of the UN the detention and sentencing of the officers and crew of the B-29 aircraft of the US Far East Air Force while engaged in a UN Command mission. 32/ The decision to take the military cases directly to the UN had the effect of separating the status of Downey and

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[REDACTED]

were content to hear from me regularly on what we were doing, and to receive assurances that the Government was in fact doing everything that it could possibly do. 83/

[REDACTED]

In the absence of diplomatic channels, even the mechanics of communication with prisoners were very cumbersome, giving rise to numerous frustrations for the families in their attempts to send mail, food, and book packages and adding to the Agency's liaison burden as the families sought help with their problems. State had primary responsibility for all US prisoners in China but was inhibited by the lack of diplomatic channels. A Department of State memorandum in 1957 described the logistics of these supply efforts:

The first transfer of 44 Red Cross parcels were [*sic*] turned over at the Hong Kong border to a Chinese Red Cross representative on May 30, 1955. These parcels of one kilogram each were increased to parcels of five kilograms each on July 15, 1955 transfer. Beginning with the June 15 transfer, the Red Cross

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