



UNITED STATES DEPARTMENT OF JUSTICE
Board of Immigration Appeals
WASHINGTON, D.C. 20530

September 5, 1973

Leon Wildes, Esquire
515 Madison Avenue
New York, New York 10022

John Winston LEMMON
A17 595 321

Dear Mr. Wildes:

The Board will convene on October 29, 1973* in Room 1138, Safeway Building, 521 Twelfth Street, N.W., Washington, D. C. at 2:00 p.m. for the purpose of hearing oral arguments. Your case is among those scheduled for that date, since you have requested oral argument.

Oral argument should not extend beyond 15 minutes, unless advance approval for more time has been received.

Appearance at oral argument is entirely voluntary, and you are neither required nor ordered to appear. Failure to appear will not constitute a withdrawal of your appeal. If you choose not to appear, your case will be decided after a full consideration of the entire record file, including any briefs that may have been submitted.

Please advise whether or not you intend to be present on the above date. If we fail to hear from you by _____, we shall assume that you have decided not to appear.

Pursuant to 8 C.F.R. 292.4(b), you may examine the record of proceedings in our office during the time the case is pending before us. The record will be available on the day of the hearing.

The hearing may be postponed, but only upon a showing of good and sufficient cause. Any request for postponement must be received no less than 48 hours prior to the time of hearing. Our telephone number is Area Code 202 739-4457. Our mail address is Board of Immigration Appeals, Department of Justice, Washington, D. C. 20530.

***rescheduled and confirmed telephonically.**
****additional time granted to both sides.**
cc: **Vincent A. Schiano**
Trial Attorney
Terrence A. Anselmen Was

Sincerely yours,
Maurice A. Roberts
Maurice A. Roberts
Chairman



U.S. DEPARTMENT OF STATE

BUREAU OF SECURITY AND CONSULAR AFFAIRS

VISA OFFICE

WASHINGTON D.C.

Number 68
Volume II

AIR PRIORITY

AVAILABILITY OF IMMIGRANT VISA NUMBERS FOR SEPTEMBER, 1973

1. This bulletin relates to the allocation of immigrant visa numbers for use during September. Consular officers are required to report to the Department of State the priority dates of all documentarily qualified visa applicants each month. The Immigration Service similarly reports the dates of all qualified applicants for adjustment of status. To the extent possible under the numerical limitations, allocations are made for all such demand for visa numbers received by August 10th in the chronological order of the priority dates reported. If there is more demand than can be satisfied within the statutory or regulatory limits, the classification or foreign state or dependent area in which demand is excessive is deemed to be oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the statutory or regulatory limits. Only applicants who have a priority date earlier than that date may be issued visas.
2. Allocations of visa numbers for persons born in areas other than the independent countries of the Western Hemisphere are governed by the provisions of Section 203(a) of the Immigration and Nationality Act, as amended, which prescribes preference categories as follows:
 - First preference (unmarried sons and daughters of U.S. citizens): 20% of the over-all limitation of 170,000 in any fiscal year;
 - Second preference (spouses and unmarried sons and daughters of aliens lawfully admitted for permanent residence): 20% of the over-all limitation, plus any numbers not required for first preference;
 - Third preference (members of the professions or persons of exceptional ability in the sciences and arts): 10% of the over-all limitation;
 - Fourth preference (married sons and daughters of U.S. citizens): 10% of the over-all limitation, plus any numbers not required by the first three preference categories;
 - Fifth preference (brothers and sisters of U.S. citizens): 24% of the over-all limitation, plus any numbers not required by the first four preference categories;
 - Sixth preference (skilled and unskilled workers in short supply): 10% of the over-all limitation;
 - Seventh preference (refugees): 6% of the over-all limitation;
 - Nonpreference (other immigrants): numbers not used by the seven preference categories.
3. A prerequisite for nonpreference classification is a labor certification under Section 212(a)(14) or satisfactory evidence that the provisions of that section do not apply to the alien's case. Since all beneficiaries of approved third and sixth preference petitions are required to have a labor certification in support of the preference petition, such applicants are thereby entitled also to nonpreference classification. Therefore, if visa numbers are not available for them within their preference classes and if nonpreference visa numbers are available for their foreign state or dependent area, they may apply for nonpreference visas. A nonpreference priority date, once established, is retained by the alien even though he may meet the provisions of Section 212(a)(14) at the time of formal visa application by some means other than that by which he originally established that date.

4. Allocations of visa numbers for persons born in independent countries of the Western Hemisphere are subject to the 120,000 annual limitation prescribed in Section 21(e) of the Act of October 3, 1965. There are no preference classes nor foreign state limitations prescribed for applicants born in countries subject to this provision. A Western Hemisphere priority date, once established, is retained by the alien even though he meets the provisions of Section 212(a)(14) at the time of formal visa application by some means other than that by which he originally established that date.

The spouse or child of an immigrant described in any of the categories listed above may be granted the same status as the spouse or parent he is accompanying or following to join.

5. Under the provisions of Section 203(b) of the Immigration and Nationality Act, numbers for applicants born in areas other than independent countries of the Western Hemisphere must be made available in the order of the preference classes. Moreover, within such classes, under Section 203(c) of the Act, they must be made available in the order of the filing dates of the petitions according preference status. In certain foreign states and dependent areas, the demand in the higher preferences exceeds the foreign state and dependent area limitations of 20,000 and 200 per annum, respectively. In these areas, numbers are not available for applicants in the lower preferences or the nonpreference class until demand in the higher preference has been satisfied.

6. A date listed under any category indicates that the category is oversubscribed. (See paragraph 1.) As allocations for following months will be based on reports of applicants who have subsequently become documentarily qualified, it is not possible to predict whether these dates will change appreciably in the near future. "C" means current, i.e., that numbers were available for all qualified applicants under the category so noted at the time the allocations were made. "U" means unavailable, i.e., that no numbers were available for applicants under the category so noted.

FOREIGN STATE	PREFERENCE							NONPREF- ERENCE
	1ST	2ND	3RD	4TH	5TH	6TH	7TH	
ALL FOREIGN STATES IN EASTERN HEMI- SPHERE AND THEIR DEPENDENT AREAS EXCEPT THOSE LISTED BELOW	C	C	2-1-73	C	C	C	C	U
ITALY	C	C	2-1-73	C	C	1-1-73	U	U
PHILIPPINES	C	C	8-15-69	U	U	U	U	U
ANTIGUA	C	11-15-72	U	U	U	U	U	U
BELIZE	C	7-1-72	U	U	U	U	U	U
BRITISH VIRGIN IS.	C	C	2-1-73	C	12-1-69	U	U	U
DOMINICA	C	C	2-1-73	C	C	6-15-70	U	U
GRENADA	C	6-1-73	U	U	U	U	U	U
HONG KONG	C	7-15-71	U	U	U	U	U	U
MONTSERRAT	C	C	2-1-73	C	C	1-1-71	U	U
ST. CHRISTOPHER	C	8-1-72	U	U	U	U	U	U
ST. LUCIA	C	C	2-1-73	C	7-1-72	U	U	U
ST. VINCENT	C	C	2-1-73	C	5-1-70	U	U	U
ANTILLES, NETH.	C	C	2-1-73	C	C	6-1-71	U	U
CAPE VERDE	C	C	2-1-73	C	U	U	U	U

Numbers allocated for September issuance under the Western Hemisphere limitation were for applicants with priority dates earlier than October 15, 1971.

SCA/VO - August 10, 1973

Sol Marks
District Director

August 29, 1973

Vincent A. Schiano
Chief Trial Attorney

John Lennon, A17 595 321.

I have just perused the brief on appeal submitted by counsel for the respondent. Needless to say, it is lengthy and contains many citations and other legal references. Mindful and appreciative of the trust reposed in me by virtue of this assignment, I am desirous of rendering scholarship and thought to the response. Even if no brief is filed by the Government, much preparation is needed to make ready for oral argument.

The brief raises many issues concerning policy on which I prefer the assistance of the General Counsel. There are also some surprising notes. For instance, counsel will rely in a great measure on the decision of Immigration Judge Cassidy in Boston concerning a similar issue. I was not made aware of this decision by the Government, but a copy thereof was furnished to me by counsel within the past two days. Naturally I would like the reaction of the General Counsel since this decision was not appealed.

On this date I was handed a copy of the brief submitted by the New York Civil Liberties Union which is also lengthy and raises many issues. While some of the constitutional questions may be "ignored" from the viewpoint of jurisdiction, nevertheless, there are one or two points which would affect the administrative appeal. As a matter of fact, both briefs urge an extension or reassessment of the power and authority to review foreign convictions in an administrative hearing (where such conviction forms the basis of a charge either for deportation or exclusion). Would such an indiscriminate review be permitted, it would subject to reevaluation hundreds, if not thousands of cases which were based on foreign convictions.

In any event, it is difficult at this stage to properly comment on all aspects of the brief without further study. It is to that, that I direct my request.

A postponement of one month is necessary for oral argument. I cannot adequately prepare in less time. And, in that time, I would appreciate the assistance of both the Regional and General Counsel who should be furnished copies of the briefs. I must be made ready to answer inquiries that may be placed by members of the Board which bear on policy.

Beyond that, it must be apparent that the studies necessary for oral argument cannot be made in the cubicle assigned to me. It offers neither the room, privacy nor quietude necessary for such study and research. As a matter of fact, I would have to be at the law library almost every day.

I am sure that counsel will not object to any postponement since he was afforded several months for his preparation of the brief and argument. The request may be communicated to the Board orally through the Appellate Trial Attorney--Appleman. Counsel would be satisfied with a mere not as to the new date. May I undertake this directly or shall you communicate to the General Counsel? In any event, please inform me as soon as possible.

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District Director

August 29, 1973

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Chief Trial Attorney

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LENNON, Yoko Ono



(b)(6)

LENNON, John Winston

A 17 595 321

A

105 Bank Street, New York, New York

"DEP" (Appeal)

Leon Wildes, Esquire

515 Madison Avenue, New York, N. Y. 10022

New York City

~~XXXXXXXX~~ VD/DEP

March 23, 1973

x
At large

x

RECORD FILE HAS BEEN TRANSMITTED TO BOARD OF IMMIGRATION APPEALS
MAY 10, 1973.

UNITED STATES GOVERNMENT

Memorandum

TO : Sol Marks
District Director

FROM : Vincent A. Schiano
Chief Trial Attorney

DATE: August 29, 1973

SUBJECT: John Lennon, A17 595 321.

I have just perused the brief on appeal submitted by counsel for the respondent. Needless to say, it is lengthy and contains many citations and other legal references. Mindful and appreciative of the trust reposed in me by virtue of this assignment, I am desirous of rendering scholarship and thought to the response. Even if no brief is filed by the Government, much preparation is needed to make ready for oral argument.

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*Yes, confer
with
General
Council*

*See
8-29-73*

[Signature]

A17 597 321

August 17, 1973

Leon Wildes, Esq.
515 Madison Avenue
New York, New York

Re: JOHN WINSTON ONO LENNON

Dear Mr. Wildes:

Receipt is hereby acknowledged of brief filed on
August 16, 1973 in the case of the above-named
alien.

Very truly yours,



SOL MARKS
District Director

143

August 17, 1973

Leon Wildes, Esq.
515 Madison Avenue
New York, New York

Re: JOHN WINSTON ONO LENNON

Dear Mr. Wildes:

Receipt is hereby acknowledged of brief filed on
August 16, 1973 in the case of the above-named
alien.

Very truly yours,



SOL MARKS
District Director

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(b)(6)

PAGE WITHHELD PURSUANT TO
(b)(6)

LEON WILDES
ATTORNEY AT LAW
515 Madison Avenue
New York, N.Y. 10022

PLAZA 3-3468

To Mr.
Mark
7/31/73
M

CABLE ADDRESS
"LEONWILDES," N. Y.

July 24, 1973

Immigration and Naturalization Service
20 West Broadway
New York, New York 10007
Attention: Vincent A. Schiano, Chief Trial Attorney

Re: LENNON, John Winston Ono
A17 597 321

Dear Mr. Schiano:

In accordance with our agreement, there is submitted here-
with an itemized list of errata concerning the transcript
of hearing in the above-captioned proceedings, consisting
of seven pages. This was prepared based upon my own
correction of the record and the corrections made by
Dr. Lester Grinspoon as to his testimony. I have not sub-
mitted the transcript for review by any witness other than
Dr. Grinspoon.

Also attached is a stipulation with respect to these items.
I am confident that you will find the corrections acceptable.
If you do, please sign the stipulation and attach the errata
and the stipulation to the original transcript of proceedings.

If there is any question with respect to any of the corrections,
please feel free to telephone my office.

Very truly yours,


LEON WILDES

LW/ts

Encls.

P.S. A copy of this letter, without enclosures, is being sent
to the Board of Immigration Appeals to be attached to the
original transcript of proceedings, so that the Members
of the Board will know that certain agreed changes in the
transcript will be forthcoming.

DISTRICT DIRECTOR
RECEIVED
JUL 31 1973
New York, N. Y. 10007

Best "Reproducible" Copy Available

JUN 24, 1973

Immigration and Naturalization Service
20 West Broadway
New York, New York 10007
Attention: Vincent A. Schiano, Chief Trial Attorney

Re: LENNON, John Winston Ono
A17 597 321

Dear Mr. Schiano:

In accordance with our agreement, there is submitted herewith an itemized list of errata concerning the transcript of hearing in the above-captioned proceedings, consisting of seven pages. This was prepared based upon my own correction of the record and the corrections made by Dr. Lester Grinspoon as to his testimony. I have not submitted the transcript for review by any witness other than Dr. Grinspoon.

Also attached is a stipulation with respect to these items. I am confident that you will find the corrections acceptable. If you do, please sign the stipulation and attach the errata and the stipulation to the original transcript of proceedings.

If there is any question with respect to any of the corrections, please feel free to telephone my office.

Very truly yours,


LEON WILDES

LW/ts
Encls.

P.S. A copy of this letter, without enclosures, is being sent to the Board of Immigration Appeals to be attached to the original transcript of proceedings, so that the members of the Board will know that certain agreed changes in the transcript will be forthcoming.

Best "Reproducible" Copy Available

IMMIGRATION AND NATURALIZATION SERVICE

In the Matter of:


JOHN WINSTON ONO LENNON,

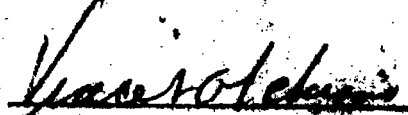
Respondent

: A17 597 321

STIPULATION

It is hereby stipulated and agreed by and between counsel for the respondent and for the Immigration and Naturalization Service, that the transcript of proceedings be amended as provided by the attached list of errata, consisting of seven pages of corrections.


LEON WILDES
Attorney for Respondent


VINCENT A. SCHLARO
Chief Trial Attorney

Dated: July 24, 1973

Best "Reproducible" Copy Available

I tried to drop Winston but they made me keep Winston as well.

9 It is a practice of the Immigration Service, although it appears to my knowledge nowhere in the regulations of the law, to accord to the beneficiaries of third preference approved cases, that is those which are likely to be approved, the privilege of deferred departure while they prepare applications for adjustment of status or if there are problems in their way while they are cleared.

15 The District Director has felt obliged not to invoke that beneficial practice in this particular case and we feel that has a deleterious effect upon the cultural interest of the United States, and since the interest of the United States is of the utmost issue in that determination, we have today filed such a motion.

5A 9 The next consideration that I intend to mention is relative there.

5A 14 Because of some recent development over there with respect to the police officers involved and because of the retention of local counsel in England for the purpose of obtaining that expungement, we feel that we need additional time within which to determine whether adjustment of status is the appropriate remedy and we want to be able to apply at a time so as not to break up a family unit.

1 21 Mrs. Lennon has absolutely no legal impediment whatsoever in her application, and the institution of these proceedings in her case was an act which was certainly imprudent and possibly a severe abuse of discretion.

2 5 It is our contention, first of all, that Mr. Lennon who has a conviction in England for possession of marijuana, is categorically ineligible.

2 10 And the statute is very clear and categorical in stating that it is for the purpose of the

requiring the ability to traffic in narcotics rather than possession presumably for one's own use.

20 In the alternative, if the government believes that Mr. Lennon's marijuana conviction is a bar to his residence, we initiated - we have commenced - a proceeding in the English court to obtain a judicial expungement of that conviction...

3 13 Mrs. Lennon is the mother of a young child, Kyoko, who is a citizen of the United States.

20 These parents have spent a great deal of time and agony in trying to secure and finally securing temporary custody orders with respect to the child only to find that the child was spirited away by the natural father.

4 15 First in locating their child, then in obtaining custody and now having the paper which would be meaningless without finding the child.

4 16 Will it be then that the father simply intends to wait out his time until they are removed from the United States in order that he can continue his illegal custody of the child. There is a party to these proceedings, perhaps only represented today by the press, and that is the public.

5 7 The contribution of the Lennons themselves while here in the United States to the international effort in Bangladesh has exceeded in value the contributions of the United States government to the U.N. for that purpose.

6 8 What is occurring is akin to what happened in Mandel v. Mitchell, where the Federal Court observed that it was an abuse of discretion when discretionary relief was denied solely in restraint of first amendment rights.

8 23 MR. WILDES: Is the question whether the approval is necessary?

MR. WILDES: Well, if that is the question...

again, these petitions could have been approved as the standard adjudicating time in this kind of case, when the Labor Department need not be consulted, would be the normal one month period.

17 MR. WILDES: Well before replying to that, if I may ask, is it the Special Inquiry Officer's position that he does not have authority to terminate a proceeding before him?

11 5 MR. WILDES: As you know, the application for adjustment of status is a discretionary application left to the Special Inquiry Officer's discretion.

24 It is just impossible to call these people up and say be here Tuesday afternoon at three o'clock, you have to give them notice.

11 26 We have arranged for the Counsel to Apple Records, who is travelling to England tonight, and this is one of his functions.

12 24 MR. WILDES: What we need, Mr. Special Inquiry Officer, is largely a question of opinion, and I think that I should, as counsel to the Lenons, be given sufficient latitude to determine when, and what witnesses I would like to have to present my case.

15 13 MR. WILDES: No, there are a number of errors which have occurred which, if I may, before commenting on the allegations and the legal conclusion in the order to show cause, I should like to comment on, to bring the case up to date because there are any number of occurrences which are not at this point in the record.

15 19 To this point in the proceedings a number of things have taken place which if given an opportunity to report on, then, we will go on.

15 21 There is a discriminatory kind of pre-judgment of every application and request being filed.

15 22 In pursuance of my obligation to represent you 3

PREFERENCE

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clients, some time ago, on April 28, presented myself at the Immigration Service office and requested, as I had done previously, to see my clients' file.

4 Since I know that the District Director has a mandatory obligation to rule on them, I therefore requested of the Federal Court that the District Director be ordered to rule on the applications.

6 As a temporary request, I asked that an injunction against deportation proceedings be entered pending the approval or denial action on the third preference petitions.

17 I had no alternative but to appear the same afternoon before the Federal Court for the Southern District of New York where I requested a temporary restraining order.

17 It is necessary it be pointed out, and I wanted it in the record of these proceedings, that I had to go to a court, and get an injunction, in order to get it done, and it appears to have been done between nine and ten that morning.

8 My application to do so before the District Director did result finally in a letter denying my application which merely indicated that the applications were denied in the exercise of discretion because Mr. Lannon has a conviction on his record and for "other circumstances" in the case.

11 At no time, despite the fact that I have asked what these "circumstances" are, was I informed of it.

8 MR. WILDES: I must admit, I have never even conceived of asking the question in the deportation context.

18 We admit allegation number 15 is that we were served with the letter which is in evidence as Exhibit 45.

allegations.

20 We deny this was an effective revocation.

20 MR. WILDES: I have various other documents, one or two of which lack translation, and I can plan to submit all of them.

21 MR. WILDES: The Special Inquiry Officer is probably aware that though our Immigration Act was concerned with traffic in narcotic drugs, it never mentioned the word - marijuana - and the transgression in the Act was limited to the possession for certain purposes, which had to do with traffic. In 1956 it was amended to include so-called simple possession.

17 I am an Associate Clinical Professor of Psychiatry (Research) at the Massachusetts Mental Health Center. I am also a member of the Boston Psychoanalytic Society.

21 I have published roughly about sixty papers, most of which have to do with drugs, and two books, and my particular interest in this particular drug - marijuana - now spans four and a half years during which I have been doing research on it.

3 All right. Marihuana Reconsidered by Lester Grinspoon, M.D. will be Exhibit 12.

9 Well, the word Cannabis actually comes from the label which Linnaeus affixed to the plant.

13 Yes...affixed in 1775 to the plant which is commonly called Indian Hemp.

14 He called the plant Cannabis sativa, and pretty much since that time, products of the Cannabis sativa plant have in generic terms been referred to as Cannabis, and that is to say the non-fiber-as there are also fiber products from the plant; the non-fiber products are subsumed under the generic term Cannabis.

CE

back a little bit - the plant is a DICECOUS plant, that is there are male and female plants.

There is a male and a female, and this resin is obtained from the female plant at a time when the female begins to flower, extracted from the inflorescence of the flower's pistillate parts.

Now the resin is obtained in a number of ways, usually in Nepal and India and in other parts of the world as well but whatever way is used for taking it, the product as it finally emerges is referred to, in India as CHARAS and in the rest of the world as Hashish.

33 17 The word marijuana, the etymology of it is not certain, but it is largely thought now to derive from the Portuguese word maniguango which means intoxicant.

37 19 Regardless of its origin, the word is a north American word for what in India is referred to as Bhang and in England it is also called Marijuana but frequently the word Pagg, which is a term which comes from South Africa, what it actually is - the cut parts of the cannabis sativa plant, usually of the female, but it may also be female and male, and it's a cutting of these staminate and pistillate tops usually mixed with stems and seeds and so forth and so on.

38 1 The term marijuana is used in other parts of the world, but there is no question that marijuana refers to just this particular form of the plant and not to the resin.

38 4 In other words, what you are saying, in essence, is, that there is a plant known as Cannabis, or Cannabis sativa, which is the Indian Hemp and that there are various things which will come from that plant, that the common usage of marijuana is that the leaves or the stems or the tops of the plant

SENTENCE

- contd. limited product of the plant, which consists of the resin from the female plant when it begins to flower?
- 20 Growing at a certain altitude in Nepal, this scraped-off yellow oleo resin put it in a box and you would have a very high grade solid Cannabis resin.
- 40 2 There are other things that have to do with the commercial aspects of the product, they form or make it into little bricks or fingers, or what have you.
- 40 17 Now, in some forms of Hashish the highest grade of resin is collected.
- 40 19 But what they do for example is run through the field of Cannabis sativa plants; the one that produces the resin stands about six feet high and they run through the fields either with leather jackets on or nude and they come in from the field and people scrape these little bits and traces off them.
- 40 23 And that is actually the first step in the production of Hashish, there are other impurities also, I mean it isn't pure cannabinol derivatives quite obviously, there are other things in it, but it's the purest form.
- 41 6 That's correct, and in fact, the leaves and the tops, the tops of the plant, the inflorescence is at the top of the plant, there are actually two grades of that.
- 41 8 There is Bhang which is like our marijuana but there is also Canja which is another leaves and tops preparation, another kind of a product as opposed to the resin product.
- 41 25 Are you talking about cannabinol, or cannabial, or what?
- 42 4 Cannabis resin consists of a mixture of cannabinols of which some of them have been identified as delta-1-tetrahydrocannabinol.

LEON WILDES
ATTORNEY AT LAW
515 Madison Avenue
New York, N.Y. 10022

PLAZA 3-3406

To Mr.
made
7/24/73
[Signature]

CABLE ADDRESS
"LEONWILDES," N. Y.

July 24, 1973

Immigration and Naturalization Service
20 West Broadway
New York, New York 10007
Attention: Vincent A. Schiano, Chief Trial Attorney

Re: LENNON, John Winston Ono
A17 597 321

Dear Mr. Schiano:

In accordance with our agreement, there is submitted herewith an itemized list of errata concerning the transcript of hearing in the above-captioned proceedings, consisting of seven pages. This was prepared based upon my own correction of the record and the corrections made by Dr. Lester Grinspoon as to his testimony. I have not submitted the transcript for review by any witness other than Dr. Grinspoon.

Also attached is a stipulation with respect to these items. I am confident that you will find the corrections acceptable. If you do, please sign the stipulation and attach the errata and the stipulation to the original transcript of proceedings.

If there is any question with respect to any of the corrections, please feel free to telephone my office.

Very truly yours,

[Signature]
LEON WILDES

LW/ts
Encls.

P.S. A copy of this letter, without enclosures, is being sent to the Board of Immigration Appeals to be attached to the original transcript of proceedings, so that the Members of the Board will know that certain agreed changes in the transcript will be forthcoming.

321

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Mr. Irving A. Appleman
Appellate Trial Attorney
I&N Service

DATE: July 17, 1973

FROM : *ju* Louisa Wilson, Acting Chairman
Board of Immigration Appeals

SUBJECT: John Winston Ono Lennon,
A17 595 321

Counsel for the above-named respondent has been granted until August 16, 1973, to submit a brief to the Board.

The Service is being granted until August 30, 1973 to submit a reply brief if it so desires.

The case remains on the calendar for September 10, 1973.

July 18, 1973

In re: John Winston One Lemon
File: A17 595 321

Leon Wildes, Esq.
515 Madison Avenue
New York, New York 10022

Dear Mr. Wildes:

This will refer to your letter of July 12, 1973, requesting additional time within which to file a brief in the above matter scheduled for argument on September 10, 1973.

The Board has carefully considered your request and has decided that it has not been established that there is need for extensive delay in the submission of a brief. We shall grant you until August 16, 1973, to submit your brief to the Board. This is an additional ten days from August 6, 1973, the date which the Board originally set for the brief to be in our hands.

The Immigration Service will be granted until August 30, 1973 to submit its brief with the Board. The respondent's reply brief, if any, shall be submitted to the Board by September 6, 1973. No further extensions will be granted.

Sincerely yours,

Louisa Wilson
Acting Chairman

cc: Mr. Irving A. Appleman
Appellate Trial Attorney
I&N Service

LW:mhl

Form G-25
(Rev. 6-16-66)

ROUTE SLIP

Date 7/17/73

To Mr. Schiavo Room _____

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| <input type="checkbox"/> Per telephone conversation | <input type="checkbox"/> Call me Ext. _____ | |

Remarks

From Dr. Irving Appleman Room 1172

IMMIGRATION AND NATURALIZATION SERVICE

934-128

LEON WILDES
ATTORNEY AT LAW
515 MADISON AVENUE
NEW YORK, NEW YORK 10022

(212) 753-3468

STEVEN L. WEINBERG
STEPHEN IRA TAMBER

CABLE ADDRESS
"LEONWILDES," N.Y.

July 12, 1973

U.S. Department of Justice
Board of Immigration Appeals
Safeway Building
11th Floor
521 12th Street, N.W.
Washington, D.C. 20530

Re: LENNON, Jphn Winston Ono
A17,595 321

Gentlemen:

I respectfully request that I be accorded additional time within which to file my brief in the above-captioned matter. The notice of appeal filed in this matter requested that I be given until October 2, 1973 to file such brief and your office was kind enough to accord a period of time to file the brief which expires on August 6, 1973. Every effort has been made to complete the brief by that time, but it now appears that it will not be possible. Request is hereby made for permission to file the brief on or before November 1, 1973 for the reasons stated in my letter to the Board of April 26, 1973 and for the following additional reasons:

Counsel remains unable to brief the issue of denial of his client's due process right to a fair hearing because of the failure of the Central Office of the Immigration and Naturalization Service to respond to his requests under the Freedom of Information Act for data as to the prosecution of similar cases by the Service. The request to the Central Office was made on April 13, 1973 for a list of items, which has not been furnished to date despite the fact that the Central Office was notified of the requirement that a brief be filed in these proceedings on or before August 6, 1973.

A new development has occurred which requires addi-