

10-18-73

*Russell*

United States District Court

FOR THE

Southern District of New York

*JAMES*

CIVIL ACTION FILE NO. \_\_\_\_\_

JOHN WINSTON ONO LENNON

Plaintiff

SUMMONS

v.  
ELLIOT RICHARDSON, Attorney General of the United States; LEONARD CHAPMAN, Commissioner, Immigration and Naturalization; EDWARD A. LOUGRAN, Associate Commissioner, Immigration and Naturalization; SOCRATES ZOLATAS, Regional Commissioner, Northeastern Region, Immigration and Naturalization; SOL MARKS, District Director, District No. 3, Immigration and Naturalization, Defendants.

To the above named Defendant :

You are hereby summoned and required to serve upon

LEON WILDES

plaintiff's attorney , whose address is

515 Madison Avenue  
New York, N.Y. 10022

an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

*[Signature]*  
Clerk of Court.  
*[Signature]*  
Deputy Clerk.

Date: *October 18, 1973*

[Seal of Court]

No. \_\_\_\_\_

United States District Court  
FOR THE  
Southern District of New York

JOHN WINSTON ONO LENNON,  
Plaintiff,

vs.  
ELLIOT RICHARDSON, LEONARD  
CHAPMAN, EDWARD A. LOUGHRAN,  
SOI MARKS, SOCRATES ZOLATAS,  
and IMMIGRATION AND NATURAL-  
IZATION, Defendants.

**SUMMONS IN CIVIL ACTION**

Returnable not later than \_\_\_\_\_ days  
after service.

LEON WILDES

Attorney for Plaintiff  
NY-65-6-26-60-1004-3886

CIVIL ACTION FILE NO.

NOV 12 1960

Note:—Affidavit required only if service is made by a person other than a United States Marshal or his Deputy.

[SEAL]

day of \_\_\_\_\_, 19\_\_\_\_

Subscribed and sworn to before me, a

this \_\_\_\_\_

By \_\_\_\_\_  
Deputy United States Marshal

Service \_\_\_\_\_

Travel \$ \_\_\_\_\_

United States Marshal

MARSHAL'S FEES

When you receive this copy, please return it to the court.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
JOHN WINSTON ONO LENNON,

Plaintiff,

-against-

ELLIOT RICHARDSON, Attorney General of  
the United States; LEONARD CHAPMAN,  
Commissioner, Immigration and Naturali-  
zation; EDWARD A. LOUGRAN, Associate  
Commissioner, Immigration and Naturali-  
zation; SOCRATES ZOLATA, Regional Com-  
missioner, Northeastern Region, Immigra-  
tion and Naturalization; SOL MARKS,  
Director, District No. 3, Immigration  
and Naturalization,

C O M P L A I N T

Defendants.  
-----X

1. This action is brought under Section 3 of the Administrative Procedure Act, as amended by the Act of July 4, 1966, 5 U.S.C. §522(a)(3), seeking a preliminary and final injunction against the withholding of records and information from the plaintiff and ordering that such records and information be disclosed.

PARTIES

2. Plaintiff, JOHN WINSTON ONO LENNON, is a citizen of Great Britain, a nonimmigrant alien residing in New York City, State of New York, and an applicant for the status of lawful permanent resident of the United States.

3. Defendant, ELLIOT RICHARDSON, is the Attorney General of the United States, having his principal office in Washington, D.C., and is charged by statute with the administration of the immigration laws through the Immigration and Naturalization

4. Defendant LEONARD CHAPMAN, is Commissioner of the Immigration and Naturalization Service, with offices in Washington, D.C.

5. Defendant SOCRATES ZOLATA, is the Regional Commissioner of the Northeastern Region of the Immigration and Naturalization Service.

6. Defendant EDWARD A LOUGHRAN, is Associate Commissioner of the Immigration and Naturalization Service, with offices in Washington, D.C.

7. Defendant SOL MARKS is District Director of District No. 3 of the Immigration and Naturalization Service, with offices in the City of New York, State of New York.

#### JURISDICTION

8. This Court has jurisdiction in accordance with 5 U.S.C. §552(a)(3) over the subject matter of this complaint; insofar as the remedy provided be considered to be an injunction in the nature of Mandamus, this Court has jurisdiction over the subject matter of the Complaint pursuant to the provisions of both 28 U.S.C. §1361 and 5 U.S.C. §552(a)(3).

#### VENUE

9. As a cause of action under the Freedom of Information Act, venue is proper in the Southern District of New York, since the plaintiff (complainant) resides within said district; insofar as the Complaint presents an issue of mandamus, venue is proper in compliance with 28 U.S.C. §1391(c), in that the Defendants are public officials sued in their official capacity.

PRELIMINARY FACTS

10. On August 13, 1971 the Plaintiff was admitted to the United States as a non-immigrant visitor for pleasure, and was authorized to remain in the United States until February 29, 1972.

11. On March 1, 1972, a letter from defendant MARKS was written granting plaintiff permission to remain in the United States until March 15, 1972, and on March 3, 1972 Plaintiff filed a petition for status as an outstanding artist.

12. Three days later, on March 6, 1972 and again on March 7, 1972, Orders to Show Cause in deportation proceedings were issued against plaintiff by defendant MARKS charging Plaintiff with overstaying in the United States and with failing to comply with the conditions of his status, making Plaintiff the respondent in a deportation proceeding of the defendants.

13. Precipitated by an action against defendant MARKS commenced in this Court entitled JOHN WINSTON ONO LENNON and ano. against SOL MARKS, Civil Action No. 72 C 1784, resulting in a temporary restraining order, defendant MARKS granted plaintiff's application for third-preference status as an outstanding artist, but nevertheless proceeded with the deportation hearing, which hearing had been adjourned to May 2, 1972.

THE RECORDS

14. Pursuant to Title 5, U.S.C. §552, the Plaintiff, by his attorney, LEON WILDES, demanded various records and information from the defendant MARKS, as District Director of the Immigration and Naturalization Service, on May 1, 1972, which

were deemed necessary to prepare a proper defense to the deportation proceedings. [The demand is attached hereto and made a part hereof as Exhibit "A".]

15. The records therein and herein concerned are records kept by the defendants, in the ordinary course of their duties relating to the administration of the immigration laws, and concern various records and statistics about (a) aliens apprehended who are excludable or deportable and the various legal grounds under which they are deported or excluded; (b) aliens against whom formal deportation proceedings were actually commenced; and aliens whose cases were administratively considered "non-priority" cases, against whom deportation proceedings were not commenced as well as the basis or criteria for determinations made by the defendants not to commence proceedings in their cases; and (c) the standards for classification of cases as "non priority." These are the basic records which are the subject of this action, and the requested records are in the exclusive control of the defendants, are not accessible to the public, and the procedures for their classification, though of general applicability in the cases of all aliens subject to the U.S. Immigration laws, are not the subject of published regulations available to the public or interested individuals.

#### THE REQUESTS AND DENIALS

16. As described, supra, Plaintiff, by his attorney, demanded the records described in paragraph #15 of the within complaint on May 1, 1972 from defendant MARKS, both formally (See Exhibit "A") and informally, by way of a motion to terminate the deportation proceedings.

17. Prior to May 23, 1972, no reply whatsoever was forthcoming from the defendant MARKS.

18. On May 23, 1972, Plaintiff's attorney telephoned Vincent A. Schiano, Esq., the trial attorney for the defendant MARKS, who informed plaintiff's attorney that no reply would be forthcoming.

19. On June 5, 1972, Plaintiff's attorney informed defendant MARKS of this fact by letter dated June 5, 1972 (attached hereto as Exhibit "B"), advising defendant MARKS that the Special Inquiry Officer (now called Immigration Judge) had granted Plaintiff until July 1, 1972 to file a brief in support of plaintiff's motion to terminate the deportation proceedings based upon the information which was anticipated to be forthcoming pursuant to the May 1, 1972 demand under 5 U.S.C. §552.

20. By letter dated June 14, 1972, defendant MARKS advised Mr. Wildes that the defendant maintained a public reading room in which certain materials were available for use, which materials, however, did not furnish the Plaintiff with any of the information requested, and for such matters, defendant MARKS referred Plaintiff to the Statistical Branch of the Immigration and Naturalization Service, at its Central Office located in Washington, D.C. (See Exhibit "C" attached hereto.)

21. By letter dated June 27, 1972, Plaintiff, by his attorney, moved before the Immigration Judge for permission to take the testimony of government witnesses in support of the Plaintiff's motion to terminate the deportation proceedings, repeating Plaintiff's allegation that the defendants had violated their own established practice and policy in commencing deportation proceedings against Plaintiff, which practice would be demonstrated by the disclosure of the information in full demanded in the May 1, 1972 requests (See Exhibit "A") and further advising the Immigration Judge of the occurrences to date. [See Exhibit "D" attached hereto.]

22. That motion, as a part of his decision, was denied by the Immigration Judge in his opinion which issued March 23, 1973.

23. On April 13, 1973, Plaintiff, by his attorney, made a demand identical to the May 1, 1972 demand, from the Central Office of the Immigration and Naturalization Service. [See Exhibit "E" attached hereto.]

24. By letter dated May 16, 1973, defendant LOUGHRAN, Associate Commissioner of the Immigration and Naturalization Service, advised Plaintiff's attorney to meet with defendant MARKS to discuss the various requests made. [See Exhibit "F" attached hereto.]

25. By letter dated May 21, 1973, Plaintiff, by his attorney, advised defendant LOUGHRAN that unless the information was received within thirty (30) days of his letter, he would commence legal proceedings to secure the information which had not yet been disclosed, although more than one year had passed. [See Exhibit "G" attached hereto.]

26. By letter dated May 31, 1973, defendant LOUGHRAN advised Plaintiff's attorney that although the agency's [Immigration and Naturalization Service] form [Form N-585] had not been filed, he was sending the agency's Annual Report for 1972 which contained "some" of the information sought by Plaintiff's counsel, but that as to the other information, the Form N-585 was necessary, along with the requisite filing fee. [See Exhibit "H" attached hereto.]

27. By letter dated June 5, 1973, Plaintiff, by his attorney, supplied defendant LOUGHRAN with the requisite form [Form N-585], which, though it did not lend itself to the type of request being made in behalf of Plaintiff, was completed and forwarded to defendant LOUGHRAN, advising defendant LOUGHRAN



made not to commence or maintain deportation proceedings against certain aliens, decisions concerning "non-priority" cases, a class of aliens, it is alleged, which should have included the Plaintiff. [See Exhibit "I" attached hereto.]

28. By an undated letter, defendant LOUGHRAN advised Plaintiff's attorney that a fee of three (\$3.00) dollars should have accompanied the application [See Exhibit "J"] which was sent to defendant LOUGHRAN on June 19, 1973 [See Exhibit "K"].

29. By letter dated July 16, 1973, defendant LOUGHRAN disclosed some, and did not disclose other, information requested in behalf of the Plaintiff, on May 1, 1972, almost fifteen (15) months earlier; however, by his letter, defendant LOUGHRAN advised that: (a) statistics were not compiled on the number of cases in which proceedings were not commenced because of humanitarian reasons; (b) data is not compiled on "non-priority cases," (cases which the government decides not to commence deportation proceedings); (c) data is not compiled on cases administratively "deferred" for temporary periods or "delayed" for humanitarian reasons; however, defendant did define what a "non-priority" case was, in that it "is one in which the Service in the exercise of discretion determines that adverse action would be unconscionable because of appealing humanitarian factors," such cases being "identified at an early stage in Service processing and are not put under deportation proceedings;" the factors considered, as explained by defendant LOUGHRAN, were (1) significantly adverse impact on subsisting and close family relationships; (2) age of the alien; (3) length of residence in the United States; (4) physical and mental health of the alien. [See Exhibit "L" attached hereto.]

30. By letter dated August 1, 1973, Plaintiff's attorney on behalf of the Plaintiff advised defendant LOUGHRAN that the essence of the request was for the information which defendant LOUGHRAN stated that "data was not compiled." [See Exhibit "M"] and that although data may not be "compiled," clearly records were kept of such decisions not to commence non-priority deportation proceedings, that these records were or should be available to Plaintiff pursuant to the Freedom of Information Act and again demanding information as to said records, since, upon information and belief, district directors of the Service are required by internal operating practice to prepare a written report on every non-priority case stating the grounds and facts upon which the decision is made to delay deportation proceedings in each case, and file copies of same with the appropriate Regional Commissioner and with the office of the defendant LOUGHRAN.

31. Plaintiff has, by his attorney, exhausted whatever administrative remedies were provided and whatever administrative remedies defendants advised Plaintiff that he had, and there has been no response whatsoever to the last request dated August 1, 1973, a period of over two and one-half months.

32. The records requested are not exempt from public disclosure, either by the Freedom of Information Act, or by any other appropriate statute.

33. The procedures and criteria for determinations as to whether cases are to be considered in the "non-priority" category are of general applicability and should be available to the public.

34. Defendants, jointly or severally, are obligated to furnish the Plaintiff with the records requested, promptly, which they have failed or neglected to do and which they continue to fail or neglect to disclose.

WHEREFORE, Plaintiff prays that this Court:

1. Issue a preliminary and final injunction directing defendants to cease from withholding from plaintiff the records kept by defendants as to the cases in which the defendants decide not to commence deportation proceedings or decide to defer commencement of deportation proceedings (records as to "non-priority cases" and "special deferred cases"), together with any evidence, criteria and standards considered by the defendants in making such decisions and determinations;
2. Order defendants to make available to plaintiff the records described in paragraph #1 of this prayer for relief, and more fully described in the complaint herein;
3. In lieu thereof, supply to plaintiff a statement of the reasons for the decision and determination of all "non-priority" and "special deferred" cases and a summary of the evidence which was before the defendants when they so decided in each of the cases; and
4. Grant such other and further relief as to the Court seems just and proper under the circumstances.

DATED: OCTOBER 17, 1973  
NEW YORK, NEW YORK

*Leon Wildes*

LEON WILDES  
Attorney for Plaintiff  
Office and PO. Address  
515 Madison Avenue  
New York, N.Y. 10022  
(212) 753-3468

Pursuant to Title 5, U.S.C., 552, the undersigned hereby demands that you make the following information available forthwith to the undersigned:

(1) State the following separately, nationally and for the geographic area covered by the May 1, 1972 Office of the Immigration and Naturalization Service, for Sol Marks, District Director during each of the past (Five) Immigration & Naturalization Service 20 West Broadway, New York, N.Y. 10007

Dear Mr. Marks:

Pursuant to Title 5, U.S.C., Para. 552, the undersigned hereby demands that you make the attached information available to him forthwith. This information is an absolute necessity in connection with preparing defenses to the government's action against my clients, John Winston Ono Lennon and Yoko Ono Lennon.

In view of the fact that the Service has decided to press deportation proceedings against Mr. and Mrs. John Lennon, the undersigned hereby demands that you supply the answers to the attached questions in order for the Lennons to properly defend the deportation proceedings.

Very truly yours,  
LEON WILDES

lw:rs

- (12) The number of such cases administratively considered "non-priority" cases in each such category and for each such year and the specific criterion or criteria for such classification.
- (13) The number of such cases in each category for each such year which were administratively deferred for a period of time or delayed during the processing of such cases.
- (14) The number of such cases for each such year which were administratively deferred for a period of time or delayed during the processing of such cases.

Pursuant to Title 5, U.S.C., §552, the undersigned hereby demands that you make the following information available forthwith to the undersigned:

(I) State the following separately, nationally and for the geographic area covered by the New York District Office of the Immigration and Nationalization Service, for specific annual periods during each of the past (five) 5 years:

(a) The number of aliens apprehended who are statutorily excludible or deportable and a breakdown as to the grounds for their deportability, and specifically governing, inter alia, excludibility under §212(a)(23) of the I.N.A., and deportability under I.N.A. §§241(a)(2) and 241(a)(9), and 241(a)(11).

(b) For same time periods and geographic areas and with the same breakdown as to each ground for excludibility and deportability as in (I)(a) above, state:

- (i) The number of such aliens in whose cases formal deportation proceedings were actually instituted;
- (ii) The number of such cases in which proceedings were not instituted because of humanitarian reasons, including age, illness, close family relationships, etc., stating the number under each separate category of humanitarian classification, including, but not limited to age, infirmity, relationship to U.S. citizen child, relationship to U.S. resident spouse, compelling national interest, pendency of third preference petitions or because aliens were professionals or members of the arts or sciences of third preference level;
- (iii) The number of such cases administratively considered "non-priority" cases in each such category and for each such period; the specific criterion or standards for such classification, and the range of periods of time for which such classification exists.
- (iv) The number of such cases in each category and for each such period for which proceedings were administratively deferred for temporary periods of time or delayed during the temporary pendency of such factors as are stated in I(b)(ii) above.
- (v) The number of cases for each time period and geographic area specified in which the removal

of aliens was stayed during the pendency of private immigration legislation in the Congress and, with respect to any case not stayed, if any, the reasons specified for nondeferral of all such cases.

(c) State the standards applied for classification of a case as "non priority" or other classification by reason of which an alien statutorily deportable is

(i) not made the subject of deportation proceedings; or

(ii) if processed for deportation, granted indefinite voluntary departure; or

(iii) extended periods of voluntary departure.

If separate standards exist for each such category, please state them; state whether they are embodied in written instructions, regulations, or operating manuals, and if so, furnish a copy of all such standards stating their respective effective dates and geographic jurisdictional areas of applicability.

Yours, etc.

LEON WILDES,  
515 Madison Avenue  
New York, N.Y. 10022  
212-753-3468

Attorney for John Winston Ono Lennon  
and Yoko Ono Lennon

LEON WILDES  
ATTORNEY AT LAW  
815 MADISON AVENUE  
NEW YORK, NEW YORK 10022  
—  
(212) 783-3461

CABLE ADDRESS  
"LEONWILDES," N.Y.

STEVEN L. WEINBERG

June 5, 1972

Hon. Sol Marks, District Director  
Immigration & Naturalization Service  
20 West Broadway  
New York, New York 10007

Re: LENNON, John Winston Ono  
LENNON, Yoko Ono  
A17 597 321



(b)(6)

Dear Mr. Marks:

As you know, I presented a request to you by hand on May 1, 1972 for certain information under the Freedom of Information Act, Title 5, U.S.C., Para. 552. No reply has been received with respect to this request.

On May 23, 1972, I telephoned and spoke with Mr. Vincent A. Schiano, the Trial Attorney in the above proceedings, who informed me that your office would not reply to the request made. My further request that the refusal to comply with my request be stated in writing was likewise refused.

Under the circumstances, and in view of the fact that over a month has passed since the presentation of my request, unless I receive your immediate communication to the contrary, I shall consider Mr. Schiano's reply to be the official policy of the New York District Office of the Immigration & Naturalization Service.

The refusal to comply with my request is prejudicial to my motion, made in the deportation proceedings in the above matters, to terminate the proceedings on the basis of discriminatory prosecution in these cases. As you know, the Special Inquiry Officer has granted me to July 1, 1972

LEON WILDES

ATTORNEY AT LAW

815 MADISON AVENUE

NEW YORK, NEW YORK 10022

within which to file my brief in support of my motion.  
Unless I receive the information requested, I will not  
be in a position to file the brief on time.

CABLE ADDRESS  
"LEONWILDES," N.Y.

STEVEN L. WEINBERG

I respectfully appreciate your immediate attention  
to this request.

Very truly yours,

LEON WILDES

LW/ba  
delivered by hand



UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE  
20 WEST BROADWAY  
NEW YORK, NEW YORK 10007

June 14, 1972

A17 597 321

(b)(6)

Leon Wildes  
Attorney at Law  
515 Madison Avenue  
New York, New York 10022

Dear Sir:

Reference is made to your letters of May 1 and June 5, 1972, in which you demand that certain statistical data be made available to you pursuant to Title 5, U.S.C., Para. 552, for use in preparing your defense of clients in deportation proceedings.

You are advised that this office maintains a public reading room on the twelfth floor where the following materials are available for your use:

1. Copies of the Annual Reports of the Immigration and Naturalization Service for the years 1965 through 1971.
2. Administrative Decisions under the Immigration and Nationality Laws of the United States, with cumulative indices.
3. Unpublished Service and Board decisions relating to proceedings in which the initial decision was made in the New York District office.
4. Statements of policy, interpretations, and those manuals and instructions to staff (or portions thereof) affecting the public, with an accompanying index of any material issued after July 4, 1967.
5. Copies of Immigration and Nationality Laws, of Title 8 of the United States Code Annotated, Title 8 of the Code of Federal Regulations--Chapter I, and the Department of State Foreign Affairs Manual, Volume 9 - Visas.

You are invited to research these materials and to obtain copies of any of the statistical tables which you find useful. If you desire statistics which are not covered in the annual reports of the Service, you may communicate with the Statistical Branch, Central Office, Washington, D. C. to ascertain the availability and cost of special statistical tabulations. Any question concerning Service policy or instructions which are not within the purview of 8 C.F.R. 103.9 (d) must be addressed to the Central Office.

Sincerely,

*Sol Marks*

SOL MARKS  
District Director  
New York District

1031

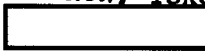
LEON WILDES  
ATTORNEY AT LAW  
515 MADISON AVENUE  
NEW YORK, NEW YORK 10022  
(212) 753-3400

STEVEN L. WEINBERG

CABLE ADDRESS  
"LEONWILDES," N.Y.

June 27, 1972

Hon. Ira Fieldsteel  
Special Inquiry Officer  
U.S. Immigration and Naturalization Service  
20 West Broadway  
New York, New York 10007

Re: LENNON, John Winston Cno  
A17 597 321  
LENNON, Yoko Cno  


(b)(6)

MOTION TO TAKE TESTIMONY OF GOVERNMENT WITNESSES

Dear Sir:

It is respectfully moved, pursuant to 8 C.F.R. 287.4 (a)(2) that the Special Inquiry Officer issue subpoenas requiring the attendance of government witnesses and the production of books, papers and other documentary evidence, in support of the respondents' motion to terminate these deportation proceedings.

A motion to terminate these proceedings was made to the District Director on March 15, 1972 under 8 C.F.R. 242.7 and thereafter the motion was renewed before the Special Inquiry Officer in these proceedings. The motion was further renewed at the termination of the government's case and following the filing of applications for adjustment of status under section 243 of the Immigration and Nationality Act, as amended.

One of the bases for the motion was the fact that the Service had violated its own established practice and policy in commencing and maintaining deportation proceedings against these aliens. It is claimed that the Service has an invariable policy which was not followed in the instant case, and that the failure to follow this established

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policy denies these aliens their due process rights under the U.S. Constitution and causes them irreparable harm. The Special Inquiry Officer granted respondents' counsel until July 1, 1972 to file a brief in support of this proposition.

In order to secure the material necessary to brief the issue, respondents' counsel filed with the District Director on May 1, 1972 a request for the necessary information, specifying in detail the information required. A copy of this request is attached as Exhibit 1.

On May 23, 1972 the respondents' counsel telephoned the government's Trial Attorney, further requesting the said information. The government's Trial Attorney refused to comply with the request and further stated that the information would not be furnished. A further request dated June 5, 1972 was presented to the District Director, a copy of which is attached as Exhibit 2. The reply of the District Director dated June 14, 1972 is attached as Exhibit 3, inviting that all further questions with respect to "Service policy or instructions ... must be addressed to the Central Office".

It is apparent that the information contained in the reading room of the New York District Office of the Immigration and Naturalization Service does not contain the information requested by respondents, and that the evidence must be obtained from the Central Office of the Immigration and Naturalization Service in Washington D.C. Accordingly, it is respectfully requested that the Special Inquiry Officer issue a subpoena to the Commissioner of the Immigration and Naturalization Service or such other designated representative who may have custody of the information needed by respondents. It is further requested that the Special Inquiry Officer defer the consideration of this point in the respondents' brief until after any available information has been secured from the Central Office of the Immigration Service.

WHEREFORE respondents respectfully request that the Special Inquiry Officer enter an order issuing a subpoena to the Central Office of the Immigration and Naturalization

-3-

Service to appear, together with relevant books, records and other data, at an appropriate office of the Immigration and Naturalization Service to give testimony with respect to the matters stated in the request for information dated May 1, 1972, deferring consideration of the pertinent point in respondents' brief, and granting such other and further relief as may be just in the premises.

Respectfully submitted,

LEON WILDES  
Attorney for the respondents  
515 Madison Avenue  
New York, New York 10022

LW:ba  
ENCLS.

LEON WILDES  
ATTORNEY AT LAW  
*515 Madison Avenue*  
*New York, N.Y. 10022*  
PLaza 3-3468

CALL ADDRESS  
"LEON WILDES," N.Y.

April 13, 1973

U.S. Department of Justice  
Immigration & Naturalization Service  
Central Office  
119 D. Street, N.E.  
Washington, D.C. 20536

Attn: Charles Gordon, Esquire

Dear Sir:

Pursuant to Title 5, U.S.C., Para. 552, the undersigned hereby demands that you make the attached information available to him forthwith. This information is of special and urgent necessity in connection with preparation of an appeal brief as to the government's action against my client, John Winston Ono Lennon.

Thank you in advance for your prompt attention.

Very truly yours,

  
LEON WILDES

IW:ba

Certified Mail: Return Receipt Requested

Pursuant to Title 5, U.S.C., Para. 552, the undersigned hereby demands that you make the following information available forthwith to the undersigned:

(I) State the following separately, nationally, and for the geographic area covered by the New York District Office of the Immigration and Nationalization Service, for specific annual periods during each of the past (five) 5 years:

(a) The number of aliens apprehended who are statutorily excludible or deportable and a breakdown as to the grounds for their deportability, and specifically governing, inter alia, excludibility under Para. 212(a)(23) of the I.N.A., and deportibility under I.N.A. Section 241(a)(2) and 241(a)(9), and 241(a)(11).

(b) For same time periods and geographic areas and with the same breakdown as to each ground for excludibility and deportibility as in (I)(a) above, state:

- (i) The number of such aliens in whose cases formal deportation proceedings were actually instituted;
- (ii) The number of such cases in which proceedings were not instituted because of humanitarian reasons, including age, illness, close family relationships, etc., stating the number under each separate category of humanitarian classification, including, but not limited to age, infirmity, relationship to U.S. citizen child, relationship to U.S. resident spouse, compelling national interest, pendency of third preference petitions or because aliens were professionals or members of the arts or sciences of third preference level;
- (iii) The number of such cases administratively considered "non-priority" cases in each such category and for each such period; the

specific criterion or standards for such classification, and the range of periods of time for which such classification exists.

- (iv) The number of such cases in each category and for each such period for which proceedings were administratively deferred for temporary periods of time or delayed during the temporary pendency of such factors as stated in I(b)(ii) above.
- (v) The number of cases for each time period and geographic area specified in which the removal of aliens was stayed during the pendency of private immigration legislations in the Congress and, with respect to any case not stayed, if any, the reasons specified for nondeferral of all such cases.

(c) State the standards applied for classification of a case as "non-priority" or other classification by reason of which an alien statutorily deportable is

- (i) not made the subject of deportation proceedings; or
- (ii) if processed for deportation, granted indefinite voluntary departure; or
- (iii) extended periods of voluntary departure.

If separate standards exist for each such category, please state them; state whether they are embodied in written instructions, regulations or operating manuals, and if so, furnish a copy of all such standards stating their respective effective dates and geographic jurisdictional area of applicability.

Yours, etc.

LEON WILDES,  
515 Madison Avenue  
New York, N.Y. 10022  
212-753-3468  
Attorney for John Winston Ono Lemon

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE  
WASHINGTON, D.C. 20536

PLEASE ADDRESS REPLY TO

AND REFER TO THIS FILE NO.

CO 2.12-C

1973

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

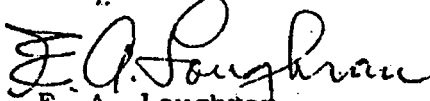
Dear Mr. Wildes,

Reference is made to your letter of April 13, 1973, asking the Service to make available certain information for use in preparing the appeal brief for your client, John Lennon.

Shortly following receipt of your letter, this office asked District Director Sol Marks to meet with you to discuss the matter and, in particular, to ascertain whether your demands for information could be presented to the Service in less expansive and more manageable categories. I understand that Mr. Marks has talked to you on the telephone and it was agreed you would stop by his office for a meeting.

You may be assured that renewed attention will be given to your request when further word is received from you or Mr. Marks.

Sincerely,



E. A. Loughran  
Associate Commissioner  
Management



LEON WILDES  
ATTORNEY AT LAW  
*515 Madison Avenue*  
*New York, N.Y. 10022*  
PLAZA 5-3-160

CABLE ADDRESS  
"LEONWILDES," N. Y.

May 21, 1973

U.S. Department of Justice  
Immigration and Naturalization Service  
Central Office 119 D Street, N.E.  
Washington, D.C. 20536  
Attention: E.A. Loughran, Associate Commissioner, Management

Re: Your file: CO 2.12-C  
John Winston Ono Lennon

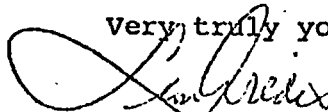
Dear Mr. Loughran:

I refer to your letter of May 16, 1973 concerning my most recent request for certain information for use in preparing my appeal brief in behalf of my client, the above-named alien.

As you know, my request for the same information was filed with Mr. Marks in exactly the same form on May 1, 1972, over a year ago. The information was not furnished. On June 5, 1972 I again repeated my request for the same information. On this occasion Mr. Marks replied, on June 14, 1972, advising me that his office maintains a public reading room on the twelfth floor for certain information, not relevant to these proceedings, was available for my use, including copies of the Immigration and Nationality Act. I considered this reply, to say the least, unresponsive. The preparation of a proper defense in my client's case required, and the preparation of an appropriate appeal likewise requires, all of the information requested. I have informed Mr. Marks accordingly by telephone.

Please take notice that unless the information requested is made available within thirty (30) days from the date of this letter I shall have no alternative other than to institute appropriate legal proceedings to secure the necessary information in writing and to examine knowledgeable parties as to the information requested.

Very truly yours,

  
LEON WILDES

LW/ts  
Certified Mail: Return Receipt Requested

1039

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE  
WASHINGTON, D.C. 20536

PLEASE ADDRESS REPLY TO

MAY 31 1973

AND REFER TO THIS FILE NO.

CO 2.12-C

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

Dear Mr. Wildes:

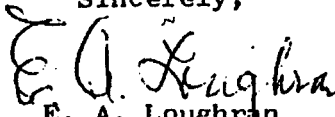
This is in further response to your letter of April 13, 1973 requesting information from the records of this Service for your use in preparing an appeal brief in the deportation proceedings brought by this Service against John Lennon. District Director Marks has informed me that you do not desire to modify the scope of your request.

Although you have not submitted a request for records on Form N-585 as prescribed by 8 CFR 103.10(a)(2), I am glad to send you a copy of the Annual Report of this Service for fiscal year 1972 which contains some of the information which you seek. See particularly Tables 21 - 26.

With respect to information which you still desire which may not be contained in the Annual Report, you are requested to file attached Form N-585 and a determination will be made as to whether the request will be granted or denied.

Some of the information which you seek may not exist. Some may exist but cannot be searched, collected and produced without unduly burdening or interfering with Service operations. 8 CFR 103.10(a)(2). If after your request is filed it appears that the fees chargeable will exceed \$25.00, it may be necessary to notify you of the amount of the anticipated fees. 8 CFR 103.7(b)(2).

Sincerely,

  
E. A. Loughran  
Associate Commissioner  
Management

Attachments

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

PLAZA 3-3-16B

CABLE ADDRESS  
"LEONWILDES," N. Y.

June 5, 1973

Mr. E.A. Loughran, Associate Commissioner, Management  
U.S. Department of Justice  
Immigration and Naturalization Service  
Washington, D.C. 20536

Re: Your file CO2.12-C

Dear Mr. Loughran:

Your letter of May 31, 1973 has just arrived and I return herewith form N-585 which I have completed and filed. The form, as you know, does not lend itself to this type of application, as it is basically a request for data concerning an individual case in which the applicant is required to supply most of the identifying information. As you know, we are not aware of the names or other identifying data concerning the cases as to which we have inquired. This information is known only by your office and, I am quite certain, is consulted in the preparation of your annual reports. Other information not consulted in preparing your annual reports is, I understand, included in your records of "non-priority" cases furnished to you by the various district directors throughout the United States.

In view of the fact that the Board of Immigration Appeals has required that we file a brief on or before August 6, 1973, your earliest determination will be appreciated.

Very truly yours,

LEON WILDES

LW/ts

Encl.: Form N-585

Certified Mail: Return Receipt Requested

IMPORTANT - SEE INSTRUCTIONS ON REVERSE. PLEASE FILL IN WITH TYPEWRITER OR PRINT IN BLOCK LETTERS IN INK.

UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service

Form approved  
GMB No. 43-16104

APPLICATION FOR A SEARCH OF THE RECORDS OF  
THE IMMIGRATION AND NATURALIZATION SERVICE

TAKE OR MAIL TO -  
Immigration and Naturalization Service

Fee Stamp

TYPE OR PRINT THE NAME AND MAILING ADDRESS OF THE PERSON TO WHOM  
INFORMATION OR COPIES OF RECORD SHOULD BE RETURNED UNDER THE LINE BELOW.

(See instruction 3 on reverse)

PERSON CONCERNING

NAME AND ADDRESS

SIGNATURE OF PERSON CONCERNING

1. SPECIFIC INFORMATION DESIRED

See Attached List

2. STATE PURPOSE FOR WHICH DESIRED

To prepare brief on appeal to Board of Immigration Appeals in behalf of  
John LENKON

IF INFORMATION IS FOR SOCIAL SECURITY BENEFITS, SHOW SOCIAL SECURITY NO.:

DATA FOR IDENTIFICATION OF THE RECORD

3. FAMILY NAME		GIVEN NAME		MIDDLE NAME	4. ALIEN REGISTRATION NUMBER
Kindly refer to attached list of data previously requested. This list was					
5. OTHER NAMES USED, IF ANY			6. NAME USED AT TIME OF ENTRY		
submitted to the New York District Office and to the Central Office					
7. PLACE OF BIRTH		8. DATE OF BIRTH		9. PORT ABROAD FROM WHICH LEFT FOR UNITED STATES	
10. PORT OF ENTRY		11. DATE OF ENTRY		12. NAME OF VESSEL OR OTHER MEANS OF ENTRY	

GIVE THE FOLLOWING INFORMATION IF THE PERSON WAS NATURALIZED

13. NAME ON NATURALIZATION CERTIFICATE		14. CERTIFICATE NUMBER		15. NATURALIZATION DATE	
16. ADDRESS AT TIME OF NATURALIZATION			17. NAME AND LOCATION OF NATURALIZATION COURT		

18. SIGNATURE OF APPLICANT

DO NOT COMPLETE THIS BLOCK -  
RESERVED FOR GOVERNMENT USE ONLY

INS OFFICE:

DATE:

THE RECORDS OF THE IMMIGRATION AND NATURALIZATION SERVICE REFLECT THE FOLLOWING:

- LAWFUL ADMISSION FOR PERMANENT RESIDENCE ON \_\_\_\_\_ AT \_\_\_\_\_
- NATURALIZATION INFORMATION AS SHOWN ABOVE IS CORRECT.
- NATURALIZATION IN (COURT) \_\_\_\_\_ ON (DATE) \_\_\_\_\_
- AT (LOCATION) \_\_\_\_\_
- DATE OF BIRTH \_\_\_\_\_
- ARRIVAL RECORD DATED \_\_\_\_\_ SHOWED SUBJECT'S AGE AT TIME TO BE \_\_\_\_\_
- COPIES ATTACHED AS REQUESTED \_\_\_\_\_

SIGNATURE \_\_\_\_\_

TITLE \_\_\_\_\_

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE  
WASHINGTON, D.C. 20536

PLEASE ADDRESS REPLY TO

AND REFER TO THIS FILE NO.

CO 2.12-C

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

Dear Mr. Wildes:

This is in reference to your letter and enclosed application of June 5, 1973.

A fee in the amount of \$3.00 is required for the filing of this application. Please return the fee to this office along with your application. Checks and money orders should be made payable to the U. S. Immigration and Naturalization Service, Department of Justice.

Sincerely,

*E. A. Loughran*  
E. A. Loughran  
Associate Commissioner  
Management

Enclosure

June 19, 1973

U.S. Department of Justice  
Immigration and Naturalization Service  
Washington, D.C. 20536  
Attention: E.A. Loughran,  
Associate Commissioner

Re: Form N-585

Dear Sir:

As per your instructions of your undated letter received today, enclosed herewith please find our check in the sum of \$3.00, the fee for filing our application, form N-585, originally submitted to you on June 5, 1973, and enclosed herewith.

Your prompt action in this matter would be greatly appreciated.

Very truly yours,

LEON WILDES

LW/ts  
#incls.

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE  
WASHINGTON, D.C. 20536

PLEASE ADDRESS REPLY TO

July 16, 1973

AND REFER TO THIS FILE NO.  
CO 979-C

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

Dear Mr. Wildes:

We are furnishing the following information in response to your letter of June 19, 1973. The numbers below correspond to your inquiry.

- I.a. Data on the grounds for deportability of all aliens apprehended in violation of the immigration and nationality laws is not maintained by this Service. However, tables showing aliens deported and aliens required to depart, by charge, for fiscal years 1968 through 1972 and the July through December 1972 period are enclosed. Similar data, specially tabulated by computer for the New York District, is enclosed for fiscal year 1972 and for the July through December 1972 period. Statistics by district are not available prior to fiscal year 1972. These tables reflect the charges against aliens who were apprehended and subsequently left the United States, and not all aliens apprehended. Aliens deported or required to depart who were statutorily excludable under Section 212(a)(23) of the I and N Act and those deportable under Sections 241(a)(2), 241(a)(9), and 241(a)(11) are included in these tables.
- b.i. Deportation proceedings were instituted in the cases of all aliens who were deported as reported in response to question I.a. It is not possible to determine the number of cases in which deportation proceedings were instituted in the cases of aliens who departed voluntarily. Not only may an alien apply for

voluntary departure in lieu of instituting deportation proceedings, but he may also apply for voluntary departure any time between the initiation of proceedings and the time his actual hearing begins. Also, in some cases, after the conclusion of a deportation hearing an alien may be permitted to depart voluntarily rather than be deported. Because of these factors, the number of persons against whom deportation proceedings were instituted who are included in the tables showing aliens required to depart cannot be determined.

Deportation hearings completed by the Service's Special Inquiry Officers, by district, during the past 5 fiscal years are shown on Table 20A of the 1972 Annual Report of the Immigration and Naturalization Service, which was forwarded to you on May 31, 1973. This data, however, includes all hearings completed, including those closed by death, departure, naturalization, adjustment of status, transfer of the case to another office, and cases received where required departure was granted prior to hearing. Data on the grounds for deportation for persons involved in these proceedings is not maintained by this Service.

- X b.ii. Statistics are not compiled on the number of cases in which proceedings are not instituted because of humanitarian reasons.
- X b.iii. Data is not compiled on non-priority cases.
- X b.iv. Data is not maintained on cases administratively deferred for temporary periods or delayed during the temporary pendency for humanitarian reasons.
- b.v. Statistics are not collected on the number of cases in which removal of aliens was stayed pending private legislation in the Congress. Table 56 of the annual report shows the total number of private bills introduced in the 75th through the 92nd Congresses.
- c. A "non-priority" case is one in which the Service in the exercise of discretion determines that adverse action would be unconscionable because of appealing humanitarian factors. Each case is handled on its individual merits. Generally, these cases are identified at an early stage in Service processing and



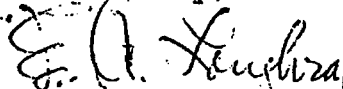
are not put under deportation proceedings. However, in a number of cases the appealing humanitarian factors may occur or be recognized after proceedings have been started. In the latter cases, extended voluntary departure or stays of deportation may be granted, as appropriate.

The factors which are considered in these situations include - but are not limited to - the following: (1) Significantly adverse impact on subsisting and close family relationships; (2) Age of the alien; (3) Length of residence in the United States; (4) Physical and mental health of the alien.

In addition to "non-priority" situations, District Directors have the authority to grant extensions of voluntary departure time or stays of deportation when "compelling factors" are present. Extensions or stays under these situations are usually limited to much shorter periods of time than "non-priority" cases. They are usually self-executing arrangements whereby a form of relief becomes available, a temporary illness is cured, or a workmen's compensation case is completed, etc.

Pertinent operations instructions are O.I. 242.10(a) for voluntary departure cases and O.I. 243.3 for deportation cases. These pages are contained in the volumes of "Current Laws: Title 8, Code of Federal Regulations; Operations Instructions; and Interpretations", which are available in the reading room of the New York District Office.

Sincerely,



E. A. Loughran

Associate Commissioner, Management

Enclosures