

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

PLEASE ADDRESS REPLY TO

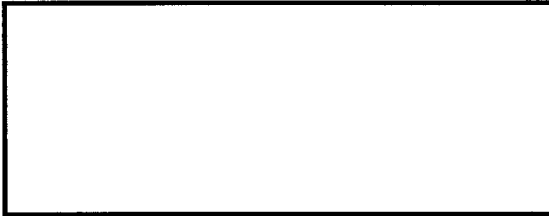
OFFICE OF THE COMMISSIONER

JAN 10 1975

AND REFER TO THIS FILE NO.

CO 243.129-C

(b)(6)



I have your letter of November 23, 1974, regarding the deportation matter of John Lennon.

In Fiscal Year 1974, this Service deported 18,824 aliens to all parts of the world, while another 718,740 were required to depart without the issuance of deportation orders.

Admittedly, few, if any, of these aliens were as well known as Mr. Lennon. However, I think you will agree, from the number of illegal aliens expelled, as indicated above, that this Service has little time or inclination to single out any alien, be he John Lennon or plain John Smith, for arbitrary treatment as alleged in your letter.

you have singled him out in your persistence

to have you way, all though John has every right

to stay, your dept. continues to harass him, without his chance of going thru procedures

to become a "lawful" citizen in your cryptic discriminating terms.

All individuals of any status deserve the rights of confidential and personal treatment.

don't understand your use of statistics, lines are not data numbers.

Thank you for your interest in this matter.

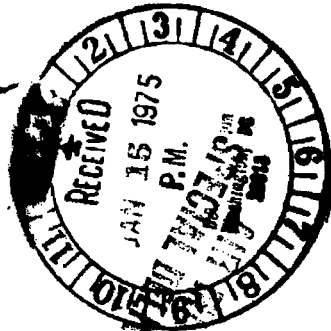
Sincerely,

James F. Greene
Deputy Commissioner

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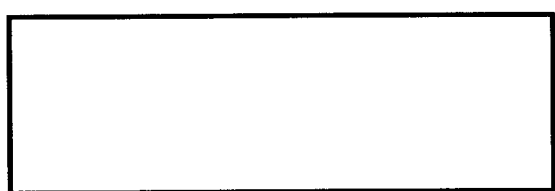
MAIL ROOM
SPECIAL DELIVERY



File
CO 243.129-C

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Thank you for your interest in this matter.

Sincerely,

James F. Greene

James F. Greene
Deputy Commissioner

NON-RECORD MATERIAL

CC: Commissioner's Reading File

ENF:HB:me

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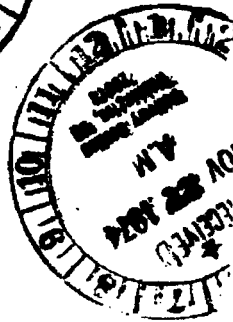
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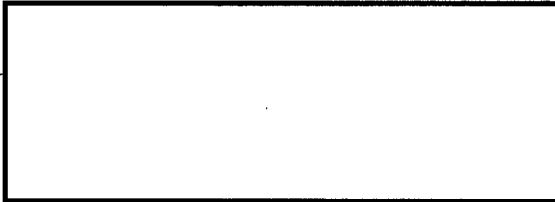
VIA MAIL



John Lennon (WF)

FEB 12 1975

(b)(6)



I have your letter of January 22, 1975, conveying a recent newspaper article about Mr. Antelja Artukovic and expressing your displeasure that he is being allowed to remain in this country while Mr. John One Lennon is not.

Relative to Mr. Artukovic's case, I find that he has been under a final order of deportation since April 1951, when the Board of Immigration Appeals dismissed his appeal of the special inquiry officer's deportation order. However, his deportation was necessarily deferred as extradition proceedings were pending against him in the United States District Court, Southern District of California. In January 1959, the United States Commissioner for that Court found that Mr. Artukovic's crimes were of a political nature, and he was not extraditable to Yugoslavia. Shortly thereafter, his deportation was ordered withheld under the provisions of Section 243(h) of the Immigration and Nationality Act in that he claimed political persecution if returned to Yugoslavia. Although he refused to designate another country to which he wished to be deported, Ireland, Switzerland and West Germany have been requested to accept him as a deportee, but all have declined. At this Service's request, the United States Department of State recently furnished an advisory opinion that the material facts of the case have not been affected by the passage of time, and there is no reason at present to alter the 1959 decision withholding deportation to Yugoslavia.

Mr. Lennon entered the United States as a visitor in August 1971, and was authorized to remain until February 29, 1972. When he failed to honor that departure date, he was informed that he was expected to depart by March 15, 1972, and that failure to comply would result in the institution of deportation proceedings. He did not depart and after

a hearing before an immigration judge he was found deportable; having remained in the United States for a longer time than permitted. His appeal of this decision was dismissed by the Board of Immigration Appeals; however, on September 6, 1974, a petition to review the order of deportation was filed in a United States Court of Appeals in New York. This stays Mr. Lennon's deportation pending a determination by that Court.

While these proceedings involve very different individuals, they are both guaranteed the same constitutional rights of "due process" and "equal protection under the law." Any other alien or citizen of this country enjoys the same guarantee. From the foregoing resume of their cases, I trust that you will agree that these constitutional rights have indeed been respected.

Sincerely,

James F. Greene
Deputy Commissioner

CC: A. Artukovic (WF)

~~CC: John Lennon (WF)~~

CC: Private Bill WF 87/H. R. 2185

CC: Commissioner's Reading File

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War Crimes Suspect Winning Deportation Fight

Special to The New York Times
SURFSIDE, Calif., Jan. 19— Andrija Artukovic is described by residents here as a friendly and cheerful old man who always has a word of greeting for his neighbors.

For the third and probably last time in 22 years, Mr. Artukovic has apparently survived an attempt by the United States Government to deport him.

Mr. Artukovic, 75 years old and in poor health, is among a group of Nazi-era war crimes suspects who has found refuge in this country.

Yugoslavia sought his extradition in 1959, but the United States said the charges were "political" and the evidence was insufficient. The State Department has since refused to allow his deportation to Yugoslavia because of possible "physical persecution."

Called Deportable

The authorities say that while there is no question that Mr. Artukovic, who entered the United States on a temporary visa and under an assumed name, is deportable, it is unlikely he will ever leave the country.

"I don't know what other country would want a man of this type," said Henry Wagner, the assistant director of the New York Immigration and Naturalization Service.

When the I.N.S. announced in 1973 a new drive to resolve the cases of 35 suspected Nazi-era war criminals here, the case of



Associated Press
 Andrija Artukovich in a photo made in the 40's.

Andrija Artukovic, former Minister of Justice and Internal Affairs in the Nazi-controlled Croatian regime of Ante Pavelic, was considered the most prominent.

File Goes West

In a lengthy indictment of Mr. Artukovic, Yugoslavia had accused him of having ordered between 1941 and 1945 the deaths "of thousands of men, women and children—Serbs, Croats, Jewish people, gypsies and other citizens of Yugoslavia, who were often cruelly

tortured and deprived of their property."

But late last year, the investigation appeared to have been quietly closed. The file, which had been in New York, headquarters for the nationwide investigation of suspected Nazis, was returned to Los Angeles.

Although Mr. Wagner said in a recent telephone interview that the case "cannot be considered closed," the head of the I.N.S. office in Los Angeles, Joseph Surreck, has said that the chances of deporting Mr. Artukovic are "almost nil."

"As far as seeking places to deport him, we believe we have exhausted our efforts," Mr. Surreck said. "We cannot send him to Yugoslavia."

One problem that appeared to have encumbered efforts at deporting Mr. Artukovic was the agency's interpretation of the immigration law.

Lawyers say that Mr. Artukovic is deportable to any third country that will take him.

Interpretation of Law

But the Los Angeles office of the I.N.S., which is now in charge of the case, has maintained that only countries where he has resided or with which he has had "some relationship" are acceptable. Mr. Artukovic sought refuge in Ireland and Switzerland before coming to the United States, but both countries refused to accept him.

The I.N.S. ordered Mr. Artukovic deported in 1953, but according to immigration authorities, nothing was done because

extradition hearings were pending.

In 1959, the United States determined that he was not extraditable to Yugoslavia.

The extradition file, maintained in court records in a Los Angeles suburb, has since disappeared. Meanwhile, between 1949 and 1961, three Congressmen introduced private bills to give Mr. Artukovic permanent residence in the United States.

Mr. Artukovic has ignored requests for interviews, but a spokesman for him, while denying the charges leveled at Mr. Artukovic by the Yugoslav Government, said: "Sure, things happen. It was war. We were just defending our homes."

Croatians who settled in this Southern California harbor area in the postwar period say that some in of the community of 17,000 revere Mr. Artukovic as a Croatian hero. But associates say Mr. Artukovic fears for his life.

The Jewish Defense League demonstrated outside his home last summer, and last month his brother's home in Los Angeles was fired upon. A special security guard has since been hired to guard the Surfside home.

Research Vehicle Launched

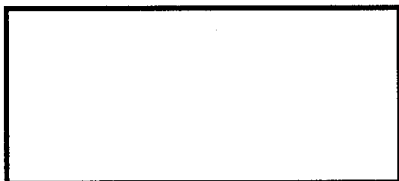
VANDENBERG AIR FORCE BASE, Calif., Jan. 19 (UPI)— The Air Force launched a research and development reentry vehicles from this coastal space and missile center early today.

REMEMBER THE NEEDIEST!

JAN 8 1975

File
✓ CO 243.129-C

(b)(6)



This refers to your letter concerning the deportation matter of Mr. John Lennon.

In Fiscal Year 1974, this Service deported 18,824 aliens to all parts of the world, while another 718,740 were required to depart without the issuance of deportation orders. Admittedly, few, if any, of these aliens were as well known as Mr. Lennon. However, I think you will agree, from the number of illegal aliens expelled, as indicated above, that this Service has little time or inclination to single out any alien, be he John Lennon or plain John Smith, for arbitrary treatment as alleged in your letter.

Thank you for your interest in this matter.

Sincerely,

A handwritten signature in cursive script that reads "James F. Greene".

James F. Greene
Deputy Commissioner

CC: Commissioner's Reading File

ENF:HB:me

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

ROUTE SLIP

Date 1/6 '74

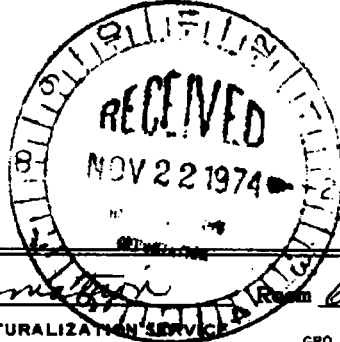
To DAD Room 7017

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| <input type="checkbox"/> Approval | <input type="checkbox"/> Note & Return | <input type="checkbox"/> See me |
| <input type="checkbox"/> Comment | <input type="checkbox"/> Note & File | <input type="checkbox"/> As requested |
| <input type="checkbox"/> Necessary action | <input type="checkbox"/> Signature | <input type="checkbox"/> For your information |
| <input type="checkbox"/> Per telephone conversation | <input type="checkbox"/> Call me Ext. _____ | |

Remarks

Attached correspondence forwarded to your office for reply as they require more than a stock letter.

11/25/74
No reply
Necessary
BDD



From Information Room 6205

IMMIGRATION AND NATURALIZATION SERVICE GPO 922-615

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GENERAL OFFICE
MAIL UNIT

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LENNON

November 5, 1974

~~CO 892.71-C~~

(b)(6)



Reference is made to your recent letter concerning John Lennon.

Mr. Lennon entered the United States as a visitor in August 1971 and was authorized to remain until February 29, 1972. As a result of his failure to honor that departure date, he was informed that he was expected to depart by March 15, 1972, and that failure to comply would result in the institution of deportation proceedings.

Upon his failure to depart, a deportation hearing was held and the immigration judge found that Mr. Lennon was deportable in that he had remained in the United States for longer time than permitted. The immigration judge granted Mr. Lennon 60 days in which to depart voluntarily from the United States in lieu of deportation. He appealed the immigration judge's decision to the Board of Immigration Appeals.

On July 10, 1974, the Board of Immigration Appeals dismissed Mr. Lennon's appeal and granted him 60 days from the date of that decision in which to depart voluntarily from the United States. However, on September 6, 1974, a petition to review Mr. Lennon's deportation order was filed in the United States Court of Appeals in New York. The petition for review stays Mr. Lennon's deportation pending determination of the petition by that court.

Mr. Lennon is guaranteed and indeed has received the same constitutional rights of "due process" and "equal protection under the law" as would any other alien or citizen of this country, and you may be assured that he received a fair and impartial deportation hearing.

Thank you for your interest in this matter.

Sincerely,

James F. Greene
Deputy Commissioner

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1975

UNITED STATES GOVERNMENT

Memorandum

Personal Attention:

TO : Regional Commissioner,
Burlington, Vermont

A17 597 321

DATE: September 16, 1975

FROM : Joe D. Howerton,
Acting District Director

SUBJECT: John Winston Ono Lennon - Non-Priority Recommendation

Attached are executed Forms G-312, Non-Priority Case Summary, and relating material furnished by subject's attorney.

As noted on Form G-312, non-priority status has been recommended based upon information contained in the subject's affidavit.

Joe D. Howerton

Att.



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SEP 18 1975
REGIONAL COMMISSIONER
INVESTIGATIVE SERVICE
BIRMINGHAM, AL

LEON WILDES

ATTORNEY AT LAW

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

PLAZA 3-3468

CABLE ADDRESS
"LEONWILDES," N. Y.

August 26, 1975

Joe D. Howerton, Deputy
District Director
Immigration and Naturalization Service
20 West Broadway
New York, N.Y. 10007

Re: LENNON, John Winston Ono
A17 597 321

Dear Mr. Howerton:

I am pleased to enclose herewith the affidavit of my client, Mr. John Lennon, filed in response to the letter of the District Director dated July 25, 1975, in support of our request for the granting of non-priority status in this case. Because of Mrs. Lennon's medical condition and the necessity of obtaining statements from the Lennons' accountant and Mrs. Lennon's obstetrician and management consultant, the affidavit could not be submitted earlier. It is hoped, nevertheless, that a determination as to non-priority status can be reached prior to the pre-trial conference scheduled to take place before Judge Richard Owen of the United States District Court on September 4, 1975.

The affidavit sets forth in response to each numbered question, the response of my client, and further sets forth the humanitarian factors which, we submit, establish clearly that adverse action on this application would be unconscionable. As you know, the relevant Operations Instruction, Section 103.1 (a) (1) provides that the District Director "shall recommend consideration for non-priority" "in every case where adverse action would be unconscionable because of the existence of appealing humanitarian factors".

.../.

John Lennon
page two

Our litigation in Lennon versus Richardson et al. has permitted us to review first hand all of the approved non-priority cases in existence. This information, to our best knowledge, has never been previously available to the public or the Bar. My office has analyzed the 1843 cases in which non-priority status has been granted by the Immigration and Naturalization Service. My analysis of these cases convinces me that non-priority status should be granted in this case if the humanitarian policies of the non-priority cases are to be carried out.

Before proceeding to an analysis of the cases and an analysis as to why it is submitted that the standard established in these cases requires the granting of non-priority status to Mr. Lennon, I would first review the history of the Lennon case insofar as non-priority status is concerned. Former District Director Sol Marks, who originally considered the case, testified in pre-trial proceedings that he never considered the question of whether Mr. Lennon ought to have been granted non-priority status. He testified that there would have been no need to grant non-priority status early in the case because the Lennons were seeking only additional time to continue the search for Mrs. Lennon's child, Kyoko, and that he personally would have granted such extensions of time were it not for instructions which he received from Washington ordering him not to do so. In answer to a question as to whether he would have recommended non-priority status if Mrs. Lennon were granted residence, he answered, without equivocation, that he certainly would have done so.

"Q: If thereafter Mrs. Lennon had been found eligible to remain in the United States, as she was, would that have been a case for voluntary departure?

A: It would have altered the circumstances. If we then had a legally resident alien and a citizen child, and Mr. Lennon whether

.../.

John Lennon
page three

he was a distinguished person or not, I certainly would have submitted for non-priority consideration." (Transcript of deposition of Sol Marks, pages 68-69)

District Director Kiley, however, at a time when all of the files in the Lennon case were with the United States attorney and presumably not available for his thorough review, in answer to a previous inquiry made by my office, indicated that he would not recommend for non-priority status in this case. It is unknown what considerations led him to this conclusion, as he did not to my knowledge have the file available at the time, nor did he call upon Mr. Lennon to submit oral or written evidence as to his qualifications for such status. This is, to my knowledge, the first time that the question is actually being considered upon a full record. Mr. Marks, it will be noted, was testifying based upon some 35 years experience with the Immigration and Naturalization Service, and based upon what he would have presumably done then had he remained District Director.

An analysis of all of the non-priority cases follows. Of the 1843 cases granted such status, 138 involved aliens with previous drug convictions ranging from simple possession of marijuana, the lightest offence, to heavy trafficking in heroin and cocaine, the more serious offences. Many involve multiple offenders.

Although there are many cases with highly individualized circumstances, there are several discernable categories with drug convictions who are characteristically placed in non-priority status. Elderly aliens, particularly those who have been in the United States for a long time and/or would be separated from U.S. citizen or permanent resident families, constitute one such category. Similarly treated are the young, the mentally deficient, the ill or economically dependent. The major consideration, common to all these categories, is the hardship caused by the separation of the family unit.

.../.

Although the cases usually contain factors beyond the separation of a family unit, there are some cases in which the separation appears to be the only humanitarian factor involved. Case 9-8, a copy of which is attached, is the case of a young man who was recommended for non-priority status because expulsion "would separate subject from his LPF wife and USC child. It would be a hardship on all of them to be separated as they are a well-adjusted family and devoted to each other." The alien was convicted of transporting marijuana when he was 24 years old; Lennon was convicted of possessing marijuana when he was 28 years old. Not unlike Lennon, the alien was reported to be "a person of high calibre in spite of his conviction for transporting marijuana. He is respected by people that know him and his employers hold him in high regard. He is a good husband and a good father." No other humanitarian factors appear in the record of this case. It appears to be a case with fewer equities than Lennon's and a conviction of equal seriousness.

On the other hand, non-priority status was granted in the attached narcotics cases where the aliens were also convicted of other offenses which were much more serious, e.g. murder (case 24-14), where an alien was described as "the largest supplier of marijuana and narcotics in the area" and an admitted heroin addict "using approximately 18 grams of heroin a day" (case 9-9) convicted of selling and possession of cocaine (case 5-19); and in case 12-3 where an alien was convicted of auto theft, contributing to the delinquency of a minor, vagrancy (pimp), rape, burglary second degree, disorderly conduct, robbery, suspected robbery, narcotics and other offenses. This case is not only significant because non-priority status was granted to a man with a long criminal record, but also because the reason stated for granting such status applies in the instant case: "Non-priority is considered in order to avoid separation of the family. While it is not evident that subject's wife and children are dependent upon him for support, it appears that in the event of his deportation a hardship would result to them, particularly the children who are of tender years."

.../.