

A carefully delineated distinction between marijuana and hashish appears to be a more recent product of increased legislative sophistication. In paragraph 54-5.4.101 of the Virginia Code annotated, effective April 5, 1970 the maximum punishment for the possession of marijuana is \$1000 fine and imprisonment not exceeding 12 months. However, for drugs other than marijuana the punishment can be considerably more, even for a first offender. The statute specifically defines marijuana as meaning any part of the plant cannabis sativa but not including resin extracted from any part of such plant and defines hashish as distinct from marijuana as including the resin extracted from any part of the plant cannabis sativa.

After a careful consideration of all the relevant material, I reach the conclusion that whether considered from the point of view of expressed Congressional intent as evidenced by the specific definition referred to by Congress in amending Section 212(a)(23) in 1956, or by inferring that intent of Congress with regard to the definition of marijuana which most effectively would give expression to the general intent of Congress in enacting that section, I reach the conclusion that a conviction for the possession of cannabis resin is a conviction for a crime relating to the possession of marijuana and consequently within the scope of Section 212(a)(23) of the Act.

The next contention of counsel for the respondent is one which is basically set forth in his letter of August 14, 1972 to the Wall Street Journal entitled "The Cultural Lag in Immigration Laws".

Since the letter presents the legal situation so accurately, it may be quoted verbatim, where relevant.

"If John Lennon's desirability as an artist is acknowledged by the Immigration Service itself, what at the same time makes him so undesirable an alien, allegedly unable to become a permanent resident, is a little known provision of the immigration law barring from admission any alien convicted of any offense, no matter how trivial, relating to the possession of marijuana. A similar provision exists requiring deportation of aliens who are already here.

Court decisions have held that this absolute bar applies regardless of whether any punishment was imposed, whether the offense is technically considered a crime under local law, irrespective of the amount of marijuana possessed or other circumstances of the case, or even whether the offense was actually the subject of an executive pardon. Moreover, no extenuating circumstances, such as hardship to American dependants, may be considered. . .

The Immigration and Nationality Act provision which absolutely bars from admission and mandates the deportation of persons convicted of a violation of any law or regulation relating to the illicit possession of marijuana can no longer be justified in its present form. . . . The trends of our modern scientists who treat marijuana as a less serious social and medical danger than tobacco and liquor, and the reduction in the seriousness of marijuana possession convictions in many jurisdictions demonstrate a need for a change in the immigration laws harsh attitude towards marijuana."

The answer to this plea for Congressional action is contained within the letter as well. It states:

"In the United States the authority to formulate immigration policy rests with the Congress and is derived from the constitutional power to regulate commerce with foreign states."

The government of the United States is a government of separated powers. The function of the judicial branch of government and such judicial functions of the executive as I exercise is one of interpretation and adjudication, not legislation.

As the Supreme Court of the United States said in Sinclair Refining Company v. Atkinson, 370 U.S. 195 (1962):

"The question of what change, if any, should be made in the existing law is one of legislative policy properly within the exclusive domain of Congress - it is a question for lawmakers, not law interpreters. Our task is the more limited one of interpreting the law as it now stands. In dealing with problems of interpretation and application of federal statutes, we have no power to change deliberate choices of legislative policy that Congress has made within its constitutional powers. Where Congressional intent is discernable and here it seems crystal clear, we must give effect to that intent."

See also such cases as Mugler v. Kansas, 123 US 623 (1887) which involved a conviction for selling of beer in violation of law where Justice Harlan stated as follows:

"There is no justification for holding that the state, under the guise merely of police regulations, is here aiming to deprive a citizen of his constitutional rights. If therefore, a state deems the absolute prohibition of the manufacture and sale within her limits, of intoxicating liquors for other than medical, scientific and manufacturing purposes, to be necessary to the peace and security of society, the courts cannot, without usurping legislative functions, override the will of the people as thus expressed by their chosen representative. They have nothing to do with the mere policy of legislation."

On the general question as related to the line of cases connected with prohibition and the general history of marijuana legislation, see the comprehensive article "The Forbidden Fruit and The Tree of Knowledge; an Inquiry Into The Legal History of American Marijuana Prohibition", Richard J. Bonnie and Charles H. Whitebread, 56 Virginia Law Review, pages 971 to 1203, October 1970.

One unusual aspect of these proceedings was the result of the activities of an organization known as the National Committee for John and Yoko, the committee organized for the purpose of soliciting public support for these respondents generally from persons of stature in various fields of artistic endeavor, but including also well known people in political and other fields. The testimony of several of such people was taken in the course of these proceedings (record page 44 to 62)

In addition a collection of over 100 letters solicited by the national committee for John and Yoko, were submitted as a single exhibit 15, all endorsing the respondents and recommending that they be permitted to remain permanently in the United States.

The position taken by the great majority of these correspondents is that the respondents are outstanding artists in their field, that they are of great value to the artistic life of the United States, and that the only reason permanent residence is being denied these respondents is because of their well-known opposition to war and violence and the participation by the United States in the war in Vietnam. The writers of the letters run the gamut from Baron Harlech of England and Mayor Lindsay of

the City of New York through every field of artistic endeavor from poet to professor, from sculptor to musician and museum director, nearly all people of outstanding artistic ability.

Although counsel for the respondent has scrupulously briefed every other aspect of this case, he has not drawn my attention to any case which would make this evidence relevant. Obviously the opinion of the witnesses and letter writers is not needed to establish the artistic qualifications of these respondents. The Immigration and Naturalization Service itself recognizes them as persons of exceptional ability in the arts who will be of substantial benefit to the national economy, cultural interests or welfare of the United States. The position of the letter writers and presumably by inference the position of the respondents appears to be that if a sufficient number of gifted artistic persons hold the respondents in high esteem, the provisions of the Immigration and Nationality Act may safely be disregarded in view of the overall benefits to the cultural life of the country as a whole.

The adjudication by artistic acclaim has of course certain serious difficulties. Is the judicial process to be reduced to a type of popularity contest? If so, would the respondents be willing to abide by the results of the statistical count? The Trial Attorney has indicated that he has received numerous letters from individuals who protest the presence of the respondents in the United States. How many more negative votes would be produced if a show of opinion was solicited generally rather than in the limited fashion engaged in by the national

committee for John and Yoko. Should the votes of creative artists count for more than the votes of automobile workers and farmers? What about the unpopular alien, the spy, the murderer, the captain of organized crime; are they to be deprived of due process of law because they are engulfed in the tide of hostile public opinion?

Whatever value such expression of public opinion might have in an area where Congress had entrusted the exercise of discretion to the judge, it is an empty academic exercise to pursue the matter further where we are concerned with the strict legality of an alien's excludability from the United States under a specific section of law. I respect the opinions of the artistic world for what they are, but find them not relevant in this particular context.

In the course of the hearings before me and in the initial brief filed by the respondent in this matter, some emphasis was placed on the then pending case of Mandel v. Attorney General, 325 F. supp. 620. It had been urged in that case that an alien who had been found ineligible for admission under Section 212(a)(28) of the Immigration and Nationality Act, as a person who advocated the economic international and governmental doctrines of world communism, has no personal right of entry but his exclusion from the United States would result in a deprivation of First Amendment rights to citizens of the United States to have him enter and to hear him.

However, on appeal to the Supreme Court of the United States it was held in Kleindienst, Attorney General v. Mandel, 408 U.S. 753, 92 S. Ct. 2576 (1972), that the power to exclude aliens is inherent in sovereignty, necessary for maintaining normal international relations and defending the country against foreign encroachments and dangers - a power to be exercised exclusively by the political branches of the government. It pointed out that the Supreme Court, without exception, has sustained Congress' plenary power to make rules for the admission of aliens and to exclude those who possess those characteristics which Congress has forbidden. The court pointed out that over no conceivable subject is the legislative power of Congress more complete than it is over the admission of aliens. The alien in that case did not, in fact, question the right of Congress to exclude. What was urged was that where a provision for waiver existed for a temporary admission (i.e. such a waiver as was granted to Mr. Lennon for his temporary admission) the refusal to grant the waiver must be limited by the First Amendment. The Supreme Court felt that the Attorney General had given Mandel a sufficient reason for refusing him a waiver and that it would refuse to interfere with the Attorney General's exercise of the plenary power which Congress had delegated to him by Section 212(a)(29) and 212(d)(3). Obviously the position of the government is completely unassailable where the statute makes no provision whatsoever for a waiver in the case of aliens excludable under Section 212(a)(23) of the Act.

One last point merits discussion. The respondents are confronted by a legitimate legal and emotional dilemma rising out of their fight for

custody of Mrs. Lennon's 9-year-old daughter by her former marriage. The record indicates that the last legal proceeding relating to this custody was an opinion by the United States Court of Appeals for the Third Circuit, (Anthony B. Cox v. Yoko Ono Cox, decided March 30, 1972 Exhibit 15(a)) in which the court affirmed the decision of the District Court of the Virgin Islands modifying the divorce decree between the parties and awarding the care, custody and control to Mrs. Lennon subject to the right of reasonable visitation by the father. There is also a court order in effect issued by the Court of Domestic Relations of Paris County, Texas on March 7, 1972 granting Mrs. Lennon the custody of the child, provided that such custody may be exercised at any place within the territorial limits of the United States of America. Obviously, in order to enjoy such custody, Mrs. Lennon is required to remain in the United States, a requirement which is now made possible of solution by the grant of permanent residence to Mrs. Lennon. On the other hand it can hardly be an entirely satisfactory solution for her if Mr. Lennon is required to depart from the United States. The situation is further compounded by the fact that the respondents have been unable to locate the child and thus although they are legally entitled to her custody the reduction of that theoretical right to practical custody has not been achieved. Thus the "Law" which is enforcing the departure of Mr. Lennon from the United States has been unable to enforce its own edict with regards to the custody of Mrs. Lennon's child.

However, as of May 1972 the situation appeared to be at an indefinite impasse. Mrs. Lennon had not seen the child for over two years, she



claimed that she was unable to locate the child and there is no indication as of now that any progress has been made in that direction. There would appear to be some question as to whether the child, in fact, wants to return to Mrs Lennon. She appears to have called her mother in 1971 and complained that she was being harrassed by detectives. As a result the detectives were replaced by people who were personal friends of the Lennons apparently to continue surveillance. (Page 98 of record). It would appear that if the child is able to telephone the respondents, and the detectives and their replacements are able to be close enough to the child so that she feels harrassed, her whereabouts are not entirely unknown. In any event although the human equities of the situation are apparent, they do not in any way alter the excludability of Mr. Lennon from the United States and his consequent ineligibility for permanent residence. It lies within the power of the enforcement authorities of the Immigration and Naturalization Service to defer enforcing Mr. Lennon's departure from the United States if it could be demonstrated that such postponement is justified by the circumstances. This would however be merely in the nature of a postponement and would not in any way grant him the right of permanent residence in the United States.

It should be noted in this context that the government has not acted without a certain degree of compassion in this matter. If the government had seen fit to lodge an additional charge of deportability based on the conviction of Mr. Lennon in England, a purely clerical detail, the same reasoning which has sustained his excludability would of necessity result

in his deportability from the United States and under the provisions of Section 244(e) of the Act would make his actual enforced deportation mandatory rather than permitting him to request voluntary departure from the United States at his own expense.

Since Mr. Lennon has failed to establish his legal eligibility for admission into the United States and an immigrant visa, the application for adjustment of status under Section 245 of the Immigration and Nationality Act will be denied.

Mr. Lennon requested the privilege of voluntary departure from the United States in lieu of deportation in the event that his application for permanent residence was denied (page 83). He is statutorily eligible for such relief. He has declined to designate any country to which he would prefer to be sent in the event deportation becomes necessary. His deportation will therefore be directed to England, the country of his citizenship.

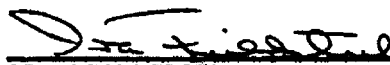
No claim of persecution has been made as to England in the event deportation to that country becomes necessary. This is contained in stipulation between counsel marked Exhibit 22.

ORDER: IT IS ORDERED that the application of Yoko Ono Lennon for adjustment of status under Section 245 of the Immigration and Nationality Act to that of a permanent resident of the United States be, and the same hereby is, granted.

IT IS FURTHER ORDERED that the application of John Winston Ono Lennon for adjustment of status under Section 245 of the Immigration and Nationality Act be, and the same hereby is, denied.

IT IS FURTHER ORDERED that in lieu of an order of deportation the respondent, John Winston Ono Lennon, be granted voluntary departure without expense to the government on or before sixty days from the date this decision becomes final or any extension beyond such date as may be granted by the District Director and under such conditions as the District Director shall direct.

IT IS FURTHER ORDERED that if the respondent, John Winston Ono Lennon, fails to depart when and as required, the privilege of voluntary departure shall be withdrawn without further notice or proceedings and the following order shall thereupon become immediately effective: the respondent shall be deported from the United States to England on the second charge contained in his Order to Show Cause, to wit: Section 241(a)(2) of the Immigration and Nationality Act.



IRA FIELDSTEEL  
Immigration Judge.

3:30-72

AFFIDAVIT IN SUPPORT OF CHANGE  
OF STATUS APPLICATION

STATE OF NEW YORK )  
COUNTY OF NEW YORK ) SS.:

MICHAEL B. KRAMER, being duly sworn, deposes and  
says:

1. I have prepared Form I-506 and I make this affidavit  
in connection with item 23 for a change of non-immigrant status  
of JOHN LENNON. I have been informed by APPLE CORPS LTD.,  
England, that the following are the facts surrounding Mr. Lennon's  
conviction, referred to in item 23.

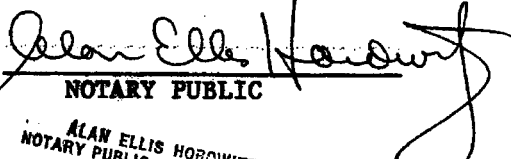
a. Mr. Lennon was tried in Marylebone, Magistrate  
Court, London.

b. He was convicted on November 28, 1968 of  
possession of cannabis, contrary to the Dangerous Drugs Act of  
1965.

c. He was fined £150 plus costs of £21.

  
MICHAEL B. KRAMER

Sworn to before me this  
15th day of December 1971.

  
NOTARY PUBLIC

ALAN ELLIS HOROWITZ  
NOTARY PUBLIC, State of New York  
No. 24-6865815  
Qualified in Kings County  
Commission Expires March 30, 1972

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IMM. & NAT. SERVICE  
LEON WILDES N.Y.C. MAIL UNIT  
ATTORNEY AT LAW  
515 Madison Avenue  
New York, N.Y. 10022  
1972 MAR 28 PM 2: 12

PLAZA 3-3468

CABLE ADDRESS  
"LEONWILDES," N. Y.

March 24, 1972

Immigration and Naturalization Service  
20 West Broadway  
New York, New York 10007

Re: LENNON, John A17 597 321  
LENNON, Yoko

(b)(6)

Attn: Hon. Sol Marks, District Director

Dear Sir:

As you know, the Special Inquiry Officer has adjourned the deportation proceedings in the above entitled actions to April 18, 1972 based upon our application for such adjournment. The primary basis for the adjournment was the pendency of the motion made to you to cancel deportation proceedings, dated March 15, 1972. I submit herewith additional evidence and argument to be considered by you in support of the motion to cancel deportation proceedings.

The alleged basis for commencing these proceedings was the apparent ineligibility of Mr. Lennon to adjust his status under Section 245 of the Immigration and Nationality Act, as amended. This ineligibility is grounded upon the existence of a narcotics' conviction for which the law presently provides no administrative waiver. I submit herewith evidence to show that Mr. Lennon is presumptively eligible for adjustment of status in the form of a letter from his British counsel showing that he has been instructed to make an application to seek a judicial expungement of the conviction (erroneously referred to as a sentence) of Mr. Lennon. It is respectfully submitted that this evidence negates the claimed basis for requiring the institution of deportation proceedings in these cases. It is further noted that the Immigration Service has not been consistent in its application of the rule, which is being applied to Mr. Lennon in a discriminatory manner. It is further noted

NEW YORK, N.Y. 10001

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INVESTIGATIONS  
R.F.

that the rule being applied by the Immigration Service in failing to accord Mr. Lennon the benefit of the deferred departure arrangements made for beneficiaries of pending or approved third preference petitions is to be found nowhere in the law or published regulations of the Immigration and Naturalization Service and that its application is not only discriminatory but unlawful.

Furthermore, even assuming the correctness of the policy, its application to Mr. Lennon's case is improper in that he is also the derivative beneficiary of his wife's third preference petition and since she is presumably eligible to adjust her status, the procedure should have been favorably exercised in Mr. Lennon's behalf.

With respect to the case of Mrs. Yoko Ono Lennon, there is no actual or claimed ground for ineligibility for adjustment of status to that of a permanent resident and the issuance of an order to show cause was therefore improvident. It was also contrary to the regulations, which prescribed that persons eligible to adjust be permitted to do so without resort to deportation proceedings. In view of the known and sympathetic elements concerning her desire to be with her American citizen child, the issuance of the order to show cause in her case is submittedly an abuse of discretion.

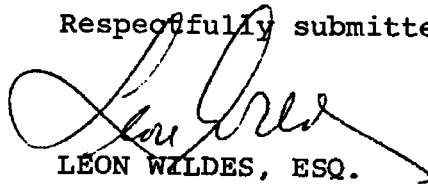
A further basis for the request to cancel these deportation proceedings is founded upon the fact that the applicants have requested additional time to complete the purpose for which they were originally admitted to the United States: to obtain the custody of their child Kyoko. Although a temporary custody order has been obtained and a copy of the order submitted with this motion, a permanent order has not yet been secured and further court appearances in Texas will be required for this special purpose. Likewise, the efforts to locate the child have not yet been met with success and will require further time. Accordingly, respondents have requested a further extension of their time and hereby reiterate that request, and submit herewith the letter of Alan Kahn, Esq. with respect to the legal proceedings and the period of time needed. The denial



of the request for additional time, whether as an extension of visitors' status or as a prolongation of deferred departure status is likewise submittedly an improper exercise of discretion, as is the purported revocation of the deferred departure originally granted to March 15, 1972 under these circumstances. In view of the fact that the aliens had continued temporary purpose in the United States for which they had originally been admitted and which was not yet completed, the denial of additional time and the revocation of time already granted were improper acts, rendering the issuance of the order to show cause improvident and submittedly improper.

WHEREFORE, respondents respectfully request that these proceedings be terminated by the District Director, Acting District Director, or Deputy District Director, as having been improvidently begun.

Respectfully submitted,



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

LW/ns

POLDEN, BISHOP & GALE

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Wellesley (01-465-2311)  
Woburn (01-875-3374/5)

102 - Boston  
Boston South Station  
01-431-3777, 431-4313

YOUR REF

OUR REF MAP/PS/3734

14th March 1972

Leon Wildes, Esq.,  
515 Maddison Avenue,  
New York 10022,  
N.Y.  
U.S.A.

Dear Sir,

Mr. John Lennon

I confirm that I acted for Mr. Lennon when he was charged in October 1968 with possessing a quantity of cannabis amounting to 14.20 grammes.

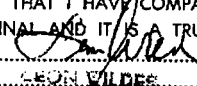
The alleged offence took place at a time when his wife was expecting a baby and was experiencing physical and emotional difficulties. The impact of the proceedings needless to say added to her burdens.

What Mr. Lennon did not want to do, at the time, was to aggravate her condition and he sought my advice as to what course he should adopt in this regard.

The facts of the case were such that I considered Mr. Lennon to have a good defence but for the presentation of the same it would be essential to call Mrs. Lennon as a witness. I was obliged to explain to him that the only course open that would obviate the need for her appearance as a witness would be for him to plead guilty.

An essential element of the defence concerned the manner in which the police conducted their investigations at the time of the arrest, and in this regard it would have been necessary to make certain allegations concerning the actions of individual policemen but a difficulty existed over lack of corroborative evidence.

Cont.d/...2

I CERTIFY THAT I HAVE COMPARED THIS COPY WITH  
ITS ORIGINAL AND IT IS A TRUE AND COMPLETE COPY.  
SIGNED:  DATE: 3/29/72  
NAME: LEON WILDES ATTORNEY AT LAW  
ADDRESS: 515 MADISON AVE., NEW YORK, N. Y. 10022  
ADMITTED TO PRACTICE IN THE STATE OF NEW YORK.

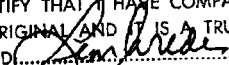
14th March 1972

Certain members of the squad, who were involved in that arrest, have since come under scrutiny themselves by police higher authority and indeed one Detective Sergeant is now having his past activities enquired into and the nature of the enquiries are such as to lend support to the assertions of Mr. Lennon, made by him subsequent to his being charged.

With his wife restored to good health and having regard to the situation concerning the police witnesses we have had instructions to put forward the necessary application for the purpose of seeking a judicial expungement of the sentence imposed upon Mr. Lennon.

Because of the procedural steps to be taken here, it could be some six to eight weeks before a decision is forthcoming or before the application is otherwise sufficiently advanced.

  
Yours faithfully  
POLDEN, BISHOP AND GALE

I CERTIFY THAT I HAVE COMPARED THIS COPY WITH ITS ORIGINAL AND IT IS A TRUE AND COMPLETE COPY.  
SIGNED  DATE: 3/24/72  
NAME: LEON WILDES, ATTORNEY AT LAW  
ADDRESS: 515 MADISON AVE., NEW YORK, N. Y. 10022  
ADMITTED TO PRACTICE IN THE STATE OF NEW YORK.

*Alan Kahn*  
*Attorney at Law*

*1700 Broadway - 41st Floor*  
*New York, New York 10019*

March 17, 1972

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

RE: Yoko Ono and John Lennon

Dear Mr. Wildes:

This letter shall confirm our many telephone conversations regarding the status of the action pending in the Court of Domestic Relations of Harris County, Texas, entitled Anthony D. Cox vs. Yoko Ono Lennon.

As you know, I have appeared in such action as attorney of record together with local Texas counsel.

On March 7, 1972, an order was made and entered in said action granting temporary custody to Yoko Ono Lennon of her daughter Kyoko, within the continental territory of the United States of America. A copy of such order has been made available to you.

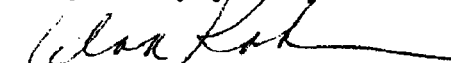
Notwithstanding such temporary order and as you, as a practicing attorney can appreciate, it would be necessary for a final order to be made so that the issue of custody can be finalized. Needless to say, such final order can only be obtained following a full and final hearing.

I am advised by local counsel that their calendar practice is such that the final hearing cannot take place until at least two months have expired from the notice of such case for final hearing.

Both Yoko Ono Lennon and John Lennon must be available to testify at such hearing if they are to substantiate their position with regard to final custody.

Accordingly, it is most imperative that you obtain, in their behalf, an extension of their stay in the U.S. so that their mammoth effort to obtain custody of the child will not be frustrated by their inability to appear at the final hearing.

Very truly yours,



Alan Kahn

AK/mh

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

CABLE ADDRESS  
"LEONWILDES," N. Y.

March 24, 1972

Immigration and Naturalization Service  
20 West Broadway  
New York, New York 10007

Re: LENNON, John A17 597 321  
LENNON, Yoko

(b)(6)

Attn: Hon. Sol Marks, District Director

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that the rule being applied by the Immigration Service in failing to accord Mr. Lennon the benefit of the deferred departure arrangements made for beneficiaries of pending or approved third preference petitions is to be found nowhere in the law or published regulations of the Immigration and Naturalization Service and that its application is not only discriminatory but unlawful.

Furthermore, even assuming the correctness of the policy, its application to Mr. Lennon's case is improper in that he is also the derivative beneficiary of his wife's third preference petition and since she is presumably eligible to adjust her status, the procedure should have been favorably exercised in Mr. Lennon's behalf.

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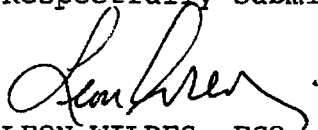
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LEON WILDES, ESQ.  
Attorney for respondents  
515 Madison Avenue  
New York, New York 10022

LW/ns

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NEW YORK, N.Y. TODAY

APR 18 1972

INVESTIGATIONS



1972 con't

TRANSCRIPTIONS  
ARE CONTAINED  
IN RECORD  
OF PROCEEDING

DICTAPHONE RECORD

File No. [redacted]

Date

5/12/72

Number of belts enclosed 26

Hearing Officers order:

Go to [redacted] 5/17/72

Transcribe decision only

845

- Detained
- Not Detained Give priority
- No priority

- Transcribe complete record
- Extra copy required - criminal
- Extra copy required - expert witness
- Exhibits enclosed
- Exhibits not enclosed
- 

[Signature]  
Hearing Officer

Completed on

(date)

7/20/72

Transcriber

[Signature]

(b)(6)

A 17 597321 ?

[Redacted]

4/18/72

Name

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Hearing (Date/Time)

6:00 p.m. 5/2/72 845

Transcribe decision only

Detained?  
Give priority  
No priority

Transcribe complete record

Extra copy required - original

Extra copy required - expert witness

Exhibits enclosed

Exhibits not enclosed

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Hearing Officer

Completed on

7/17/72  
(date)

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Transcriber

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(b)(5)

DICTAPHONE RECORD

File No. A 17597321

Date 3/16/72

Number of belts enclosed 1

Hearing Officers order: \_\_\_\_\_

Go to 4/18/72 845

Transcribe decision only

Detailed

Not Detailed  
Give Feedback

No previous

Transcribe complete record

Extra copy required - original

Extra copy required - 2 copies - witness

Exhibits enclosed

Exhibits not enclosed

\_\_\_\_\_

[Signature]  
Hearing Officer

[Signature]  
Transcriber

Completed on 3/16/72

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(b)(5)



DICTAPHONE RECORD

File No. A17597221 Date 5/17/72

Number of belts enclosed 4

Hearing Officers order: \_\_\_\_\_

Class. Record

Transcribe decision only

Transcribe complete record

Extra copy required - criminal

Extra copy required - expert witness

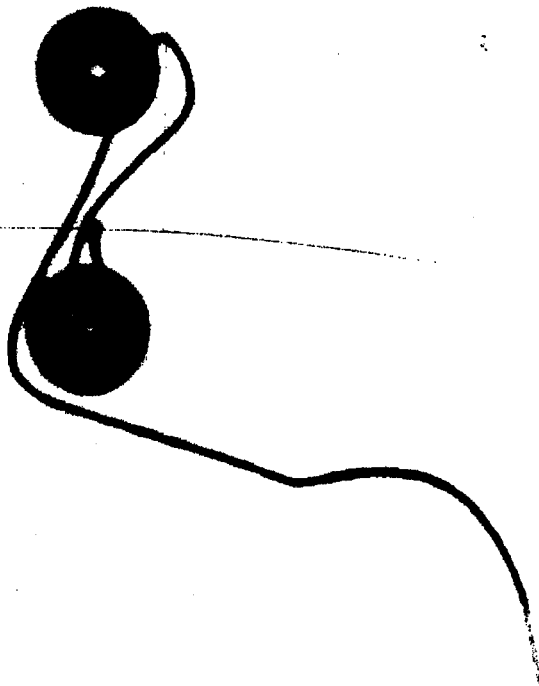
Exhibits enclosed

Exhibits not enclosed

\_\_\_\_\_

Completed on 7/21/72 (date) [Signature] Transcriber

SEARCHED  
SERIALIZED  
INDEXED  
FILED



DICTAPHONE RECORD

File No. \_\_\_\_\_ Date 3/16/73

Number of belts enclosed \_\_\_\_\_

Hearing Officers order: \_\_\_\_\_

Transcribe decision only

Transcribe complete record

Extra copy required - criminal

Extra copy required - expert witness

Exhibits enclosed

Exhibits not enclosed

\_\_\_\_\_

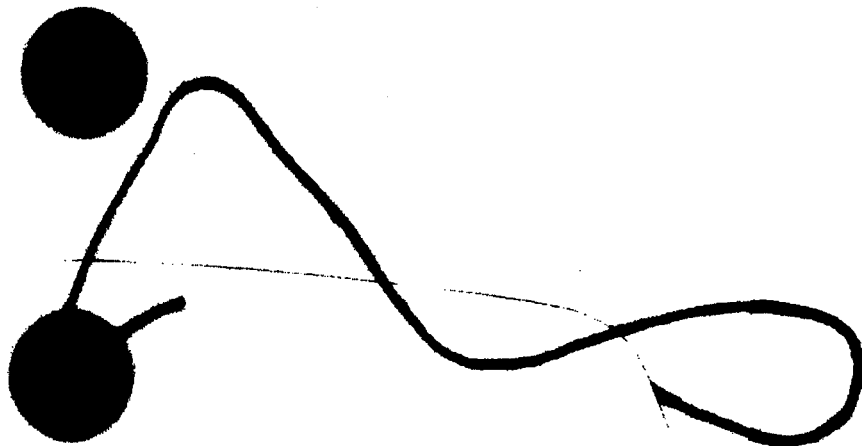
Completed on \_\_\_\_\_  
(date)

<input type="checkbox"/> Not dictated
<input type="checkbox"/> Give priority
<input type="checkbox"/> No priority

Mrs. Stolz -

Please typing the  
inserts in rough  
draft.

J.T.



*J. Lennon*

3-14-72

HOME REPORT

Date

Items enclosed

Officers order:

<input type="checkbox"/>	Detailed
<input type="checkbox"/>	Excluded
<input type="checkbox"/>	Give priority
<input type="checkbox"/>	No priority

Transcribe decision only

Transcribe complete record

Extra copy required - criminal

Extra copy required - expert witness

Exhibits enclosed

Exhibits not enclosed

Completed on

*3/14/73*  
(date)

Hearing Officer

*[Signature]*

Transcriber

1972 cont

SECRET

SECRET  
&

UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service

ORDER TO SHOW CAUSE and NOTICE OF HEARING

In Deportation Proceedings under Section 242 of the Immigration and Nationality Act

UNITED STATES OF AMERICA:

In the Matter of )  
)  
**LENNON, John Winston** )  
Respondent. )

To: John Winston Lennon  
(name)

File No. A17 597 321

105 Bank Street, New York, New York  
Address (number, street, city, state, and ZIP code)

UPON inquiry conducted by the Immigration and Naturalization Service, it is alleged that:

1. You are not a citizen or national of the United States;
2. You are a native of Great Britain  
and a citizen of United Kingdom & Colonies;
3. You entered the United States at New York, New York on  
or about August 13, 1971  
(date)
4. At that time you were admitted as a nonimmigrant visitor for  
pleasure and were authorized to remain in the United States  
until February 29, 1972.
5. You remained in the United States after February 29, 1972  
without authority.

AND on the basis of the foregoing allegations, it is charged that you are subject to deportation pursuant to the following provision(s) of law:

Section 241(a)(2) of the Immigration and Nationality Act, in that, after admission as a nonimmigrant under Sec. 101(a) (15) of said act you have remained in the United States for a longer time than permitted.

WHEREFORE, YOU ARE ORDERED to appear for hearing before a Special Inquiry Officer of the Immigration and Naturalization Service of the United States Department of Justice at 20 West Broadway, New York, N. Y. - 14th floor on March 16, 1972 at 8:45 a.m. and show cause why you should not be deported from the United States on the charge(s) set forth above.

Dated: **March 6, 1972**

Form I-221  
(Rev. 3-30-67)

Bond Review Yes  No   
T.A. Assigned Yes  No

(over)

IMMIGRATION AND NATURALIZATION SERVICE

Sol Markis  
(signature and title of issuing officer)

**DISTRICT DIRECTOR  
NEW YORK DISTRICT**

(City and State)

NOTICE TO RESPONDENT

ANY STATEMENT YOU MAKE MAY BE USED AGAINST YOU IN DEPORTATION PROCEEDINGS

THE COPY OF THIS ORDER SERVED UPON YOU IS EVIDENCE OF YOUR ALIEN REGISTRATION WHILE YOU ARE UNDER DEPORTATION PROCEEDINGS. THE LAW REQUIRES THAT IT BE CARRIED WITH YOU AT ALL TIMES

If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Immigration and Naturalization Service. You should bring with you any affidavits or other documents which you desire to have considered in connection with your case. If any document is in a foreign language, you should bring the original and certified translation thereof. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

When you appear you may, if you wish, admit that the allegations contained in the Order to Show Cause are true and that you are deportable from the United States on the charges set forth therein. Such admission may constitute a waiver of any further hearing as to your deportability. If you do not admit that the allegations and charges are true, you will be given reasonable opportunity to present evidence on your own behalf, to examine the Government's evidence, and to cross-examine any witnesses presented by the Government.

You may apply at the hearing for voluntary departure in lieu of deportation. Moreover, if you appear to be eligible to acquire lawful permanent resident status the special inquiry office will explain this to you at the hearing and give you an opportunity to apply.

You will be asked during the hearing to select a country to which you choose to be deported in the event that your deportation is required by law. The special inquiry officer will also notify you concerning any other country or countries to which your deportation may be directed pursuant to law; and upon receipt of this information, you will have an opportunity to apply during the hearing for temporary withholding of deportation if you believe you would be subject to persecution in any such country on account of race, religion, or political opinion.

Failure to attend the hearing at the time and place designated hereon may result in your arrest and detention by the Immigration and Naturalization Service without further notice, or in a determination being made by the special inquiry officer in your absence.

REQUEST FOR PROMPT HEARING

To expedite determination of my case, I request an immediate hearing, and waive any right I may have to more extended notice.

Before:

\_\_\_\_\_  
(signature of respondent)

\_\_\_\_\_  
(signature and title of witnessing officer)

\_\_\_\_\_  
(date)

CERTIFICATE OF SERVICE

This order and notice were served by me on \_\_\_\_\_ in the following manner:  
(date)

\_\_\_\_\_  
(signature and title of employee or officer)

Best "Reproducible" Copy Available

U.S. DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service

IN RE: Winston Lemon CAUSE NO.            NOTICE OF HEARING

Section 24 of the Immigration and Nationality Act

UNITED STATES OF AMERICA

In the matter of

Winston Lemon

Respondent.

(SUPERSEDING)

Winston Lemon  
(name)

File No. NY 17 597 321

105 Bank Street, New York, New York  
Address (number, street, city, state, and ZIP code)

UPON inquiry conducted by the Immigration and Naturalization Service, it is alleged that:

1. You are not a citizen or national of the United States;
2. You are a native of Great Britain and a citizen of United Kingdom and Colonies;
3. You entered the United States at New York, New York on or about August 13, 1971 (date)

See Continuation Sheet attached hereto and made a part hereof.

AND on the basis of the foregoing allegations, it is charged that you are subject to deportation pursuant to the following provision(s) of law:

See Continuation Sheet attached hereto and made a part hereof.

WHEREFORE, YOU ARE ORDERED to appear for hearing before a Special Inquiry Officer of the Immigration and Naturalization Service of the United States Department of Justice at 20 West Broadway, New York, New York 17th Floor on March 16, 1972 at 8:45 a.m. and show cause why you should not be deported from the United States on the charge(s) set forth above.

Dated: March 7, 1972

IMMIGRATION AND NATURALIZATION SERVICE

Sol Marka

(signature and title of issuing officer)

DISTRICT DIRECTOR

NEW YORK DISTRICT

(City and State)

Form I-221  
(Rev. 3-30-67)



CONTINUATION SHEET

IN THE MATTER OF

March 7, 1972

FENNON, JOHN WINSTON

AP 17 597 321

4. At that time you were admitted as a nonimmigrant visitor for pleasure and were authorized to remain in the United States until February 29, 1972.
5. On March 1, 1972 you were granted the privilege of departing the United States voluntarily on or before March 15, 1972.
6. You abandoned your intention to depart from the United States on or before March 15, 1972.
7. On March 6, 1972 the privilege of voluntary departure to March 15, 1972 was revoked.
8. You remained in the United States after February 29, 1972 without authority.

And on the basis of the foregoing allegations, it is charged that you are subject to deportation pursuant to the following provision(s) of law:

Section 241(a)(9) of the Immigration and Nationality Act, in that, after admission as a nonimmigrant under Section 101(a)(15) of said Act, you have failed to comply with the conditions of such status.

Section 241(a)(2) of the Immigration and Nationality Act, in that, after admission as a nonimmigrant under Sec. 101(a)(15) of said Act you have remained in the United States for a longer time than permitted.

# DEPORTATION CASE CHECK SHEET

ALIEN: **LENNON, John Winston**  
 ADDRESS: **105 Bank St., NY, NY**

ATTORNEY OR  
 REPRESENTATIVE:

File: A- **17 597 321**

ADDRESS:

ACTIONS TO BE COMPLETED	Completed (Date)	Initials	ACTIONS TO BE COMPLETED	Completed (Date)	Initials
I-94 Stamped I-95	3-6-72	[Signature]	<b>ARRANGING TRANSPORTATION</b>		
M-125 Docket Control Tape	3-6-72	[Signature]	I-288 Notice to Transportation Line		
I-205 Warrant of Deportation			I-380 Record of Billable Expense		
I-229 Warning of Six-month Limit - 242(e)			I-340 Demand for Surrender Under Bond		
I-217 Information-Travel I-217A Document Application			I-166 Notice to Surrender for Deportation		
I-141 Medical Certificate			G-391 Detail of Det. Off.		
I-294 Notice of Dep'n Destination and Penalty for Reentry			I-216 Record of Person & Property Transferred		
I-323 Bond Breach I-391 Cancellation			I-164 Document Envelope		
I-241 T.D. Request Country Designated by Alien			<b>CLOSING ACTIONS</b>		
T.D. Request Country of Nationality			I-157 Notice of Deportation		
Passport Noted - O.I. 242.10(g)			G-189 Statistical Punch Card		
<b>DETAINED CASES</b>			G-174 Lookout Notice Worksheet		
L-286 Notice of Detention or Release Conditions			Disposition Notice - FBI		
G-589 Property Receipt			Disposition Notice - RCMP		
G-590 Property Envelope			Deportation Expense Billed		
I-43 Statement of Detained Alien Baggage & Personal Effects			I-94 Stamped and Forwarded		
I-284 Notice re Detention and Deportation Expenses			"Closed" Tape Placed on File		
I-247 Notice of Detainer			File To Rec. Adm. Re I-151 Stamped "Statistics"		
<b>252(b) CASES</b>			I-154 Closed		
I-99 Notice of Revocation and Penalty			Disposition Information furnished the following:		
I-259 Notice to Detain and Deport					

Alien (is)(is not) detained and is ready for deportation to \_\_\_\_\_ at the expense of \_\_\_\_\_

(Name of SS Co. - Government) Alien's condition is: Able  Mental  CINS  Physically Incap.

Date \_\_\_\_\_

Deportation Officer \_\_\_\_\_

Remarks:

RECORD OF MEASURES TAKEN TO OBTAIN TRAVEL DOCUMENT & DEPORTATION

1. ALIEN'S NAME		OFFICE		FILE NUMBER
2. COUNTRY DESIGNATED BY ALIEN		DATE APPLIED FOR		DATE
3. COUNTRY OF WHICH A CITIZEN		DATE APPLIED FOR		DATE
4. COUNTRY OF WHICH A NATIONAL OR SUBJECT		DATE APPLIED FOR		DATE
5. COUNTRY OF WHICH LAST A RESIDENT BEFORE ENTERING U.S.		DATE APPLIED FOR		DATE
6. COUNTRY FROM WHICH ALIEN LAST ENTERED U.S.		DATE APPLIED FOR		DATE OF MIED
7. COUNTRY OF FOREIGN PORT FROM WHICH EMBARKED FOR U.S. OR FOREIGN		DATE APPLIED FOR		DATE DENIED
8. COUNTRY WHERE BORN		DATE APPLIED FOR		DATE DENIED
9. COUNTRY WHERE PLACE OF BIRTH NOW SITUATED		DATE APPLIED FOR		DATE DENIED
10. COUNTRY WHERE ALIEN RESIDED PRIOR TO ENTERING COUNTRY FROM WHICH HE ENTERED U.S.		DATE APPLIED FOR		DATE DENIED
11. COUNTRY WHICH HAD SOVEREIGNTY OVER BIRTHPLACE AT TIME OF BIRTH		DATE APPLIED FOR		DATE DENIED
12. OTHER COUNTRY APPLIED TO		DATE APPLIED FOR		DATE DENIED
13. OTHER COUNTRY APPLIED TO		DATE APPLIED FOR		DATE DENIED
14. STATE DEPARTMENT ASSISTANCE REQUESTED ON: RESULTS				
15. ASSISTANCE OF SERVICE OFFICER ABROAD REQUESTED DATE RESULTS				
16. TO REGIONAL COMMISSIONER REGARDING 243(f) ACTION DATE RESULTS				
17. REASONS FOR NOT APPLYING ELSEWHERE DATE				
18. FINAL DETERMINATION MADE THAT, UNDER EXISTING CONDITIONS, A TRAVEL DOC. TO EFFECT DEPORTATION IS NOT AVAILABLE		SIGNATURE		DATE
TITLE				

## Memorandum For File

Re: Mr. & Mrs. John Lennon.

On this date, the 2 copies of OSC's were given to Mrs. Grosser - secretary of Ethel Lee Wilder, 515 Madison Ave. New York, N.Y. 38<sup>th</sup> floor.

at 1051 Park St. N.Y.C. - an apartment, family house - the 2 copies of OSC for Mr. & Mrs. John Lennon was given to their cleaning girl through the mail slot. She indicated that the Subjects might be at their place of business ABKCO on Broadway. Nevertheless she added that they will return in the evening, as usual as they are going to move to a new address, unknown to her. Inst. (Roth. Wilson) was a witness.  
Inst. Frank P. Brennan

Family Name (Capital Letters)		Given Name		Middle Name	
LENNON		JOHN			
Country of Citizenship	Passport Number and Country of Issue	File Number			
Gr. Britain	England-182-035	A 17597321			
United States Address	(Residence)	(Number)	(Street)	(City)	(State)
105 Bank St. N.Y.C.					
Date, Place, Time, Manner of Last Entry					Passenger Boarded At
8-13-71 00 K 2 AIR MC T WARE # 701					
Number, Street, City, Province (State) and Country of Permanent Residence					
TITTERTON HURST PARK, BUCKINGHAMSHIRE, ENGLAND					
Birthdate	Date of Action	Location Code			
10-9-40	3-15-72	NYC			
City, Province (State) and Country of Birth	AR	Form: (Type & No.)		<input type="checkbox"/> Lifted <input checked="" type="checkbox"/> Not Lifted	
	<input checked="" type="checkbox"/>	IPY			
Visa Issued At	Social Security Account Name				
Date Visa Issued	Social Security No.			Send C.O. Rec. Check To:	

UNDER DOCKET CONTROL AIR MC

You are required to retain this permit in your possession and to surrender it to the transportation line at the time of your departure unless you depart over the land border of the United States in which case you must surrender it to a Canadian immigration officer on the Canadian border, or to a United States immigration officer on the Mexican border.

DEPARTURE RECORD

Port:

Date:

Manner:

Country

Destination

UNDER DOCKET CONTROL AT NYC  
I-154

UNDER DOCKET CONTROL AT NYC  
I-154

UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service  
Form Approved Budget Bureau No. 43-20311  
**ARRIVAL-DEPARTURE RECORD**  
FORM I-94 (REV. 5-1-68)