

The alien was 47 years old at the time non-priority status was granted and there is no reason to believe that it was granted because of advanced age.

On March 19, 1973, only several days before the Immigration Judge handed down the decision granting Mrs. Lennon the residence, District Director Sol Marks recommended for non-priority status, a 23 year old alien whose wife was a permanent resident and who had two sons, one a permanent residence and the other a citizen (case no. 7-33), upon the basis "that expulsion would separate subject from his wife and two minor children". Although the alien was charged with possession of fire arms, loitering for narcotics, grand larceny auto, possession of hyperdermics, criminal selling of dangerous drugs to a minor and criminal possession of drugs, he was recommended for non-priority status because "subject now appears to be a stable person who is eager to become a good husband, father and a useful citizen. He is making good progress in school; his job prospects are good, and his teachers, counselors and family have expressed high hopes for his progress". No other equities appear in the case record, which is likewise attached.

If the non-priority cases involving narcotics convictions are statistically broken down according to the principle reasons for granting such status, the separation of a family unit, in and of itself constitutes a substantial category:

<u>Factors</u>	<u>Number of Cases</u>
Elderly	32
Separation and economic	57
Separation	36
Youth	4
Health	4
Miscellaneous	5

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While a majority of 73 of the cases involved families of U.S. citizens, there were a substantial number of cases, totalling 46, which involved relatives of permanent residents and even some (19 in number) where the status of family members was not considered. Accordingly, my conclusion as to the requirement of being related to a resident or citizen is that the cases do not distinguish between residents and citizens for this purpose. It is clear that if the equities exist, non-priority status will be granted equally in cases of aliens with lawful permanent resident families as they will in the cases of those having families who are citizens of the United States.

Keeping in mind the above preliminary analysis of the relevant factors for deciding non-priority status, I turn now to the equities existing in Mr. Lennon's case. Mr. Lennon is the spouse of a lawful permanent resident of the United States. He is the father of her U.S. citizen child, as that term is defined by Section 101 (a) of the Immigration and Nationality Act, which includes a step child in the definition of the term "child". Moreover, the case records disclose that non-priority status has been granted based upon adopted children, illegitimate children, those over 21, etc., or others who would not technically fit within the statutory definition of "child", where equities exist. Even grandchildren have been considered as a basis for granting non-priority status. Mrs. Lennon's status as a lawful permanent resident did not begin on March 23, 1973 by act of the Immigration Judge; she was a resident of the United States as far back as 11 years ago, having being granted residence on September 13, 1974 by virtue of her marriage to Anthony Cox, a citizen of the United States. She was, moreover, a person who has resided in this country in one legal status or another for the past 25 years, who achieved her education and developed her entire career in this country. Furthermore, in my opinion, she qualifies to be naturalized as a citizen of the United States. It is our intention to study the possibility of filing a petition for her naturalization shortly. Even considering her a resident of the United States,

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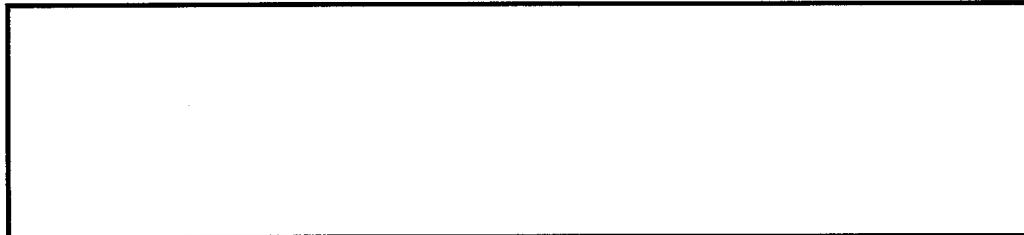
it is noted that ten per cent of the cases decided have this familial configuration. The attached cases numbered 9-8 and 7-33 are typical cases involving family separation in similar cases, although the convictions appear to be more serious than Lennon's. My client's wife has deep-rooted ties in the United States, having resided here for some 25 years. Reputed to be the best known person of Japanese ancestry, her recognition was nevertheless a result of her education and career which were fully developed in the United States. Her art and creativity have been products of American life and her professional associations have all been formed here. Her creative, business and emotional ties are likewise all in this country. In recent years they have been a product of her association with and dependence upon her husband. Forcing a separation to this couple at this time might place her in the dilemma of having to uproot herself from her true homeland where she is and continues to be a creative artist in order to avoid separation from her husband, who she dearly loves and needs for emotional, creative and financial support. Her ongoing professional endeavours are described in the attached statement of Norman J. Seaman, who has been familiar with and helped manage her career during the past 25 years. The family separation involved in this case would be a sufficient ground for granting non-priority status, under the decided cases, even without the additional factors presented by her complex medical problems and other equities.

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She has borne up well, thanks in large measure to the devoted care and attention of her extremely attentive husband, Mr. Lennon, who in the words of her doctor "has exhibited unquestioning devotion and support of his wife and their unborn son." The doctor concludes that in his medical and scientific opinion "separating this husband and wife would severely diminish this patient's chances of birthing a healthy boy". Mr. Lennon's presence at this critical period and afterbirth as well are deemed vital to her condition by the doctor. Their separation would, in his opinion, "at the very least be extremely traumatic and could cause the death of this unborn child." A further contributing factor to the emotional strain which a separation would cause is the seven year long search for Mrs. Lennon's only child, which has been a source of pain to her, [redacted]

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[redacted] Case no. 124 was decided upon considering circumstances quite similar to those which appear in the instance case. The report reads:

"His wife is in a highly nervous and emotional state since the murder of their daughter and is receiving psychiatric help for her condition. Subject's presence with family necessary. Since the incident involving the death of the child received considerable publicity in the local press, subject's enforced departure from the U.S. at this time might bring adverse criticism upon the Service." (Case recommended for non-priority by District Director Marks on March 16, 1965).

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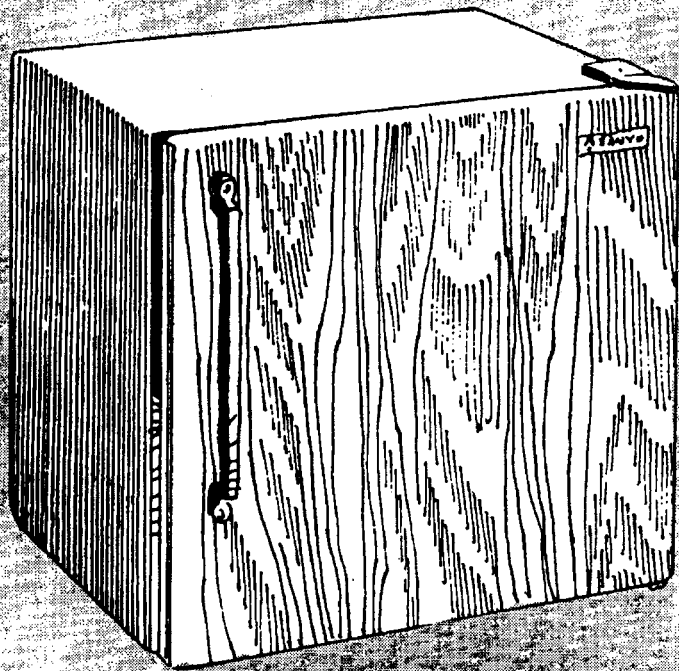
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Mr. Lennon has been fully supporting his wife financially as well. Her earnings have been substantially less than her household and medical expenses. In fact, during 1974, her major business enterprise which was operated through a corporation resulted in a substantial financial loss to the corporation involved.

It must also be noted that Mr. Lennon's ties to this country are very strong. His professional relationship with musicians in the United States which he considers to be the "Mecca" of the music industry, have developed over the years. He has transferred the financial base of his endeavours to this country from England, and his arrangements may culminate in the near future with a contract with an American company which will handle exclusively his international music and business affairs. These factors are of the type considered by the Service in granting non-priority status. (Case number 3-41).

It will be recalled that Lennon has always protested that the substance found in his possession was planted by a police officer who was subsequently charged with and convicted of similar activity in other cases. He pleaded guilty for a number of reasons, including the fact that his only witness to the police raid of their apartment was Mrs. Lennon, who was then pregnant and subsequently had a miscarriage. Rather than have her undergo the pressures of testifying in a contested criminal case, he chose to plead guilty. His major personal consideration was her health. This was documented in the press throughout the world at the time, where John's devotion to Yoko was described at the time, as he slept on the floor near her bed in the hospital when she was being treated because there were no beds available. The incident at the time was memorialized by a record published by Apple Records which included a song entitled "No bed for Beatle John" a song known as "Baby's heartbeat" and "Two minute silence" as a memorial. The record jacket, which illustrates the

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Sanjo 2.1 cu. ft. mini refrigerator

124.00

This is the perfect refrigerator for home use, dorm, camper, or weekend retreat. Offers space for full bottle storage and two ice cube trays in the freezer compartment. In walnut only. Major Appliances, 5715 Stone Canyon Avenue, and the Pentagon. To order call (800) 424-3550.

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All stores open 9:30 a.m. Monday through Saturday. Sho



Here's a gift the whole family will enjoy for years. A big 25" diagonal super-bright matrix picture tube for great color viewing matched with the timeless elegance of a beautiful Mediterranean style cabinet. This Magnavox runs cool and saves energy because it's 100% solid state; more reliable, too. For errorless color reception it features Videomatic one-button tuning. And for moving convenience it has easy roll casters. As a special Christmas bonus offer take home a 12" black and white portable reg. 99.95, now 49.95 with the purchase of any Magnavox color console from 649.95.

called the special department higher officials had anticipated.

the prosecution phase of the lawsuit was unnecessary complications. "I robbed him of his case."

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devotion of this couple to one another, and their mutual emotional support of one another is attached to Mr. Lennon's affidavit.

The circumstances which led to a conviction are taken into account by the decided non-priority cases, and if mitigating, will lead to the granting of non-priority status. Typical of this group of cases is the description in case 30-15 of a 29 year old man convicted of possession of heroin in which non-priority status was granted because:

"Investigation has disclosed Subject's arrest was made upon a police raid on a house of prostitution where he was a customer. He had not been suspected as a narcotic addict or peddler. A neighbourhood character investigation did not disclose derogatory information regarding the Subject." (Case appended).

Likewise, case number 97 involving criminal possession of marijuana was granted non-priority status because "the crime for which he was convicted was possession of less than $\frac{1}{4}$ ounce of marijuana in a car with another person who owned the car," as stated by former District Director Sol Marks on March 8, 1972, several days after he issued the order to show cause in the Lennon case. The only family members existing in the United States were the parents of the alien and the basis for the grant was the "emotional strain on aged parents". The parents were 63 years of age. (Case appended).

By no means is a person of good financial circumstances excluded from non-priority status. Case 3-41 involves a 24 year old student convicted of possession of cannabis. The factors considered were:

"Father stated that if subject were forced to depart, he and his wife would also return to Canada. He would have to abandon his medical practice in Park River, North Dakota, and start

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new in Canada. Subject would have to interrupt his education. He is presently attending the University of North Dakota."

The alien demonstrated equity although there was no economic hardship in the usual sense. The conclusion may be drawn that non-priority status will be granted where a family will be separated as a result of expulsion if the facts demonstrate the equity of granting such status.

Finally, it should be pointed out that the Service has very commendably demonstrated its sensitivity to adverse publicity and damage to the image of the Immigration Service in a number of cases. Case 3-2 is typical. There District Director Marks recommended non-priority in a case where the alien's wife is "in a highly nervous and emotional state since the murder of their daughter, and is receiving psychiatric help for her condition since the incident. involving the death of their child received considerable publicity in the local press, subject enforced departure from the U.S. at this time might bring adverse criticism upon the Service.". The Lennon case has already received considerable publicity on an international basis. It is submitted that the expulsion of this highly respected and internationally acclaimed musician would adversely affect the image of the Immigration Service. The present Commissioner is highly respected for his sensitivity to the public image of the Immigration Service. This aspect of consideration of non-priority cases has been found to be a significant factor in a number of non-priority cases (at least 25).

In summary there are at least 8 favourable humanitarian factors which are presented in this case, namely,

- (1) The separation of a family unit,
- (2) The particular ties of this alien to the United States, (effect on his career)
- (3) The special critical health problems of the applicant's wife,

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- (4) The special circumstances relating to the applicant's stepchild,
- (5) The circumstances surrounding the applicant's conviction,
- (6) The adverse affect of the publicity which might result from removing the applicant from the United States,
- (7) The financial support rendered by Mr. Lennon to his wife, and
- (8) The adverse affect upon Mrs. Lennon's career.

In view in these factors as demonstrated in the attachments, and the established humanitarian practices of the Immigration Service as amply disclosed in the non-priority program, it is respectfully requested that non-priority status be approved in this case.

Respectfully submitted,


LEON WILDES

LW: jh
Encs:

NAME JOHN WINSTON ONO LENNON		ADDRESS 1 West 72nd Street, Apt. 72 New York, New York	CITY NYC	FILE NO. A17 597 321
BIRTHDATE October 9, 1940	BIRTHPLACE Liverpool, England		NATIONALITY British	
DATE AND MANNER OF LAST ENTRY August 13, 1971 B-2			EVER LAWFULLY ADMITTED FOR PERMANENT RESIDENCE No	
PRESENT IMMIGRATION STATUS AND AVAILABILITY OF ANY ADMINISTRATIVE RELIEF. Subject is amenable to deportation under Section 241(a)(2) of the Act. Final order of deportation entered by Board of Immigration Appeals on July 10, 1974 which also denied subject's application for adjustment of status on the ground that he is excludable pursuant to Section 212(a)(23). There is no administrative relief available to subject.				
GROUNDS OF DEPORTABILITY Section 241(a)(2) - nonimmigrant - remained longer than permitted.				
ALL PERIODS OF RESIDENCE IN U.S. New York, New York August 13, 1971 date Subject made numerous entries as a B-1 or B-2 nonimmigrant during the period from 1964 to 1971.				
PHYSICAL & MENTAL CONDITION REQUIRING TREATMENT OR CARE IN U.S. none				
FAMILY SITUATION:				
1. LOCATION OF SPOUSE, SONS, DAUGHTERS, PARENTS				
NAME	AGE	RELATIONSHIP	LOCATION	IMMIGRATION STATUS
Yoko Ono Lennon				
Kyoko Cox				
(b)(6)				
2. EFFECT OF EXPULSION				
(b)(6)				
(Cont'd on reverse)				
NONPRIORITY STATUS:				
RECOMMENDED		APPROVED & ORDERED		ORDERED
<i>Joe D. Howerton 9/14/75</i>		<i>John K. ... 9/10/75</i>		
District Director (Signature and Date)		Regional Commissioner (Signature and Date)		Chairman GO Committee (Signature and Date)
NONPRIORITY CASE SUMMARY				

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CRIMINAL, IMMORAL OR SUBVERSIVE ACTIVITIES OR AFFILIATIONS IN U.S.

DISPOSITION (Include Recent Conduct)

1. CRIMINAL RECORD

Offense Possession of cannabis 11-28-68 Fined 150 pounds

DATE & PLACE London, England

2. SUBVERSIVE ACTIVITIES OR AFFILIATIONS

resin without being duly authorized

none

OTHER FACTORS

See attached letter of subject's attorney and subject's affidavit.

INSTRUCTIONS

Preparation: In Triplicate

Date and Manner of last entry: Include place if known, e.g., 1-31-58 El Paso as USC or 2-15-58 without inspection near El Paso.

Ever lawfully admitted for permanent residence: date, port, and class of admission.

Present Immigration Status: Include dates of OSC, W/A, O/D, and give briefly relevant immigration history.

Grounds of deportability: All grounds whether or not lodged as charges, together with specifications e.g. Convicted of two crimes involving moral turpitude - bigamy (1938). Perjury (1950)

Physical and Mental Condition: Set forth any pertinent information in full. If no treatment required, so state. If mental case show dates of hospitalization. Include information on both subject and dependents.

Family Situation:

1. Location of spouse, etc.: Country only if not U.S. If U.S. and living with subject, indicate LWS, not living with subject, give city and state. Indicate status of those in U.S. as USC, PRA, NI, ILLEG.

After spouse in () the date of marriage.

2. Effect of Expulsion: Explain fully economic and other pertinent effects on members of family.

Criminal, Immoral or subversive Activities:

1. Arrest record should be set out whether convicted or not.

2. Nature, extent and periods of subversive activities or affiliations should be fully covered.

Other factors to be considered: Items which should be considered both for and against recommendation. Include type of employment and character of same.

Regional Commissioner,
Burlington, Vermont

A17 597 321

September 16, 1975

Joe D. Howerton,
Acting District Director

John Winston Ono Lenson - 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.

Att.

JDH/tkb

HERMAN STEINBERG, M. D.
HOWARD GOLDIN, M. D.
P. C.
ARNOLD M. ROCHWARTER, M. D.
646 PARK AVENUE
NEW YORK, NEW YORK 10021

AREA CODE 212
AQ 9-0404

August 22, 1975

RE: John LENNON

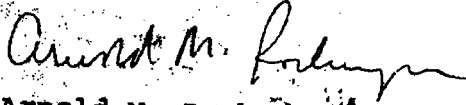
To whom it may concern:

A complete history and physical examination were done on Mr. John Lennon, as well as urinalysis, complete blood count, SMA-24, electrocardiogram, and chest x-rays.

The examination and laboratory data were within normal limits.

It is my impression that Mr. Lennon is in excellent health.

Very truly yours,


Arnold M. Rochwarter, M.D.

AMR/bh

EXHIBIT (1)

WEISSBARTH, ALTMAN & MILLER
CERTIFIED PUBLIC ACCOUNTANTS
919 THIRD AVENUE • NEW YORK, N. Y. 10022
(212) 688-8895

August 26, 1975

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

Re: John Winston Ono Lennon

Dear Mr. Wildes:

We are the United States accountants for John Lennon and prepare his federal, state and city income tax returns. Mr. & Mrs. John Lennon filed joint federal, New York State and New York City income tax returns for 1974 which reflects the following information requested by you:

- 1) John Lennon's 1974 gross income was \$1,199,295;

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If you require any further information, please contact the undersigned.

Cordially,

Howard Comart
Howard Comart

HC:GL
Enc.

JOHN LENNON

Cash Disbursements-Cash Basis

Year Ended December 31, 1974

Dakota Costs

Rent and monthly charges	\$ 19,157
Food	6,018
Sundries including gratuities	5,361
Hardware, supplies and maintenance	1,954
Publications and subscriptions	1,141
Secretarial services	892
Answering service	359
Air conditioner installation	161
Plants	738
Utilities	83
Laundry and cleaning	270
Window cleaning	318
TV repair	96
Cable TV	145
Piano tuning	115
Art supplies and music books	209
Sculpture	147
Total Dakota costs	<u>\$ 37,164</u>

JOHN LENNON

Cash Disbursements-Cash Basis

For the Six Months Ended June 30, 1975

Dakota costs

Monthly charges	\$ 10 006
Food and water	7 463
Laundry and cleaning	195
Utilities	39
Repairs and maintenance	2 369
Hardware and supplies	917
Publications and subscriptions	2 177
Cable TV	107
Storage	47
Flowers	282
Moving	499
Seamstress	2 082
Records and tapes	81
Total Dakota costs	<u>\$ 26 264</u>

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poses of a child custody proceeding over a nomad is illuminated in the record before us.¹⁶ That plight demonstrates the wisdom of a rule of law that affords continuing in personam jurisdiction in the original divorce court as a sort of home base to which, for purposes of child custody, child support and alimony, the parties may on reasonable notice be required to resort.

Thus we hold that under 16 V.I.C. §110 the district court had in personam jurisdiction over Mr. Cox for the purpose of the custody decree by virtue of the fact that he was a party to the 1969 divorce action.

16. The record discloses that following the 1969 divorce decree Mr. Cox had possession of Kyoko, residing in Spring Valley, Idaho, but that the parties had an understanding that both parties would take care of her. In the Spring of 1969 Mr. Cox left the child with Mrs. Lennon in England for a time. Thereafter Mr. Cox asked for the child for a temporary visit. He took Kyoko out of England, probably to Canada. Mrs. Lennon eventually located them in Voorst, Denmark and went there in an unsuccessful effort to have the child returned to England. While she was in Voorst, Mr. Cox moved Kyoko, so that Mrs. Lennon was unable to visit her. Mr. Cox agreed to a visit in London provided Mrs. Lennon pay transportation for the child, Mr. Cox and his girlfriend. Thereafter Mr. Cox took the child to Hawaii and Mrs. Lennon, when she learned of this location, went there. Mr. Cox permitted a one day visit on this occasion. Thereafter at Mrs. Lennon's expense Mr. Cox, the child and the new Mrs. Cox travelled from Hawaii to Los Angeles where Mr. Cox permitted a four day visit. Next he travelled to San Francisco, but by the time Mrs. Lennon learned of his San Francisco location he had left for New York. He would not permit visitation in New York. From New York he went to Montreal, and from Montreal to Voorst. From Voorst he went to the Spanish Island of Ibiza where he stayed about three months. When Mrs. Lennon learned he was in Ibiza, he went to Majorca. She eventually found out about this location and went there. She found Mr. Cox living in a Makarashi Center and the child living with the new Mrs. Cox, from whom he had separated. Mr. Cox permitted a one day visit. When Mrs. Lennon and her husband attempted a more prolonged visit by self help, Mr. Cox charged them with abduction. These charges were eventually dismissed. Mrs. Lennon later heard a rumor that the child was in New York. She tried to obtain relief in New York by a habeas corpus proceeding but succeeded only in learning that Kyoko was not in that state. Thereafter she commenced the instant proceeding.



NO...
UNFINISHED MUSIC... WITH THE LIONS
JOHN LENNON... APPLE RECORDS
MADE IN MERTON... '68







NOTICE OF ENTRY

... of the within is a (certified)
... of the clerk of the within
19

LEON WILDES

515 Madison Avenue
New York, N. Y. 10022

STATEMENT OF SERVICE

... notice that an order
... will be presented
... of the within named Court, at
day of 19
M.

Yours, etc.,
LEON WILDES

515 Madison Avenue
New York, N. Y. 10022

Index No. Year 19

U. S. Department of Justice
Immigration and Naturalization
Service, New York, New York.

RE: JOHN WINSTON OWO LENNON
A17-597-321

Application for non-priority status

LEON WILDES

Attorney for
Office and Post Office Address, Telephone
515 Madison Avenue
Borough of Manhattan New York, N. Y. 10022
(212) 753-3468

To
Attorney(s) for
Service of a copy of the within
Dated, is hereby admitted.

Attorney(s) for

STATE OF NEW YORK)
)
COUNTY OF NEW YORK)

S.S.:

AFFIDAVIT IN SUPPORT
OF REQUEST FOR
NONPRIORITY STATUS

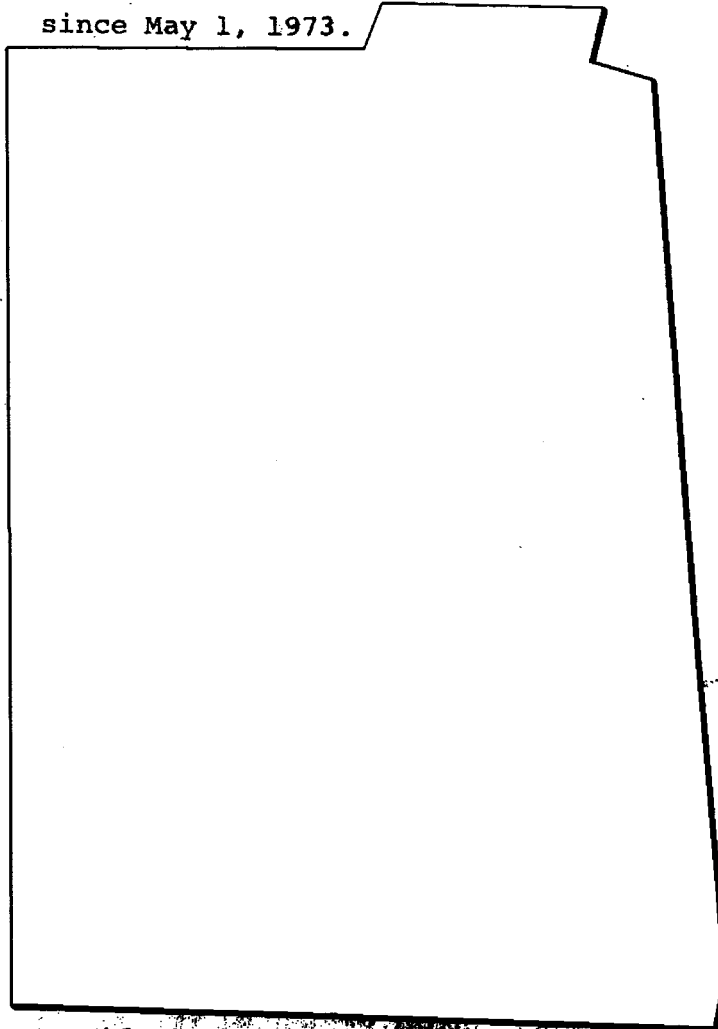
JOHN WINSTON ONO LENNON, being duly sworn, deposes and says:

This affidavit is made in response to the letter dated July 25, 1975 of the New York District Director, Immigration and Naturalization Service, in connection with the current review as to possible non-priority status in my case. In reply to the questions stated in that letter I certify that:

1. My current permanent residence address is One West 72nd Street, New York, New York, Apt. 72. This has been my permanent residence since May 1, 1973.
2. I am self-employed and maintain an office known as Lennon-Music at 1370 Avenue of the Americas, New York, New York.
3. I attach the statement of my physician Arnold M. Rathbarger as to the state of my health as Exhibit 1.
4. I am married and have been married to Yoko Ono Lennon since March 20, 1969, a period of over six years.

5. The current permanent residence address of my wife, Yoko Ono Lennon, is likewise One West 72nd Street, New York, New York, Apt. 72. My wife has resided at this address since May 1, 1973.

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6. My wife is a self-employed artist and, until recently, maintained offices at our apartment at One West 72nd Street, New York, New York, for the management of her business affairs.

However, as stated below, all
business activity at our apartment
has been discontinued because of my

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[REDACTED]

and is

temporarily being handled at Lennon-
Music, 1370 Avenue of the Americas,
New York City. We file joint tax
returns in the United States. Our
income and tax data are shown in
Exhibit 2 attached, the statement of
our accountants:

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7. [REDACTED]

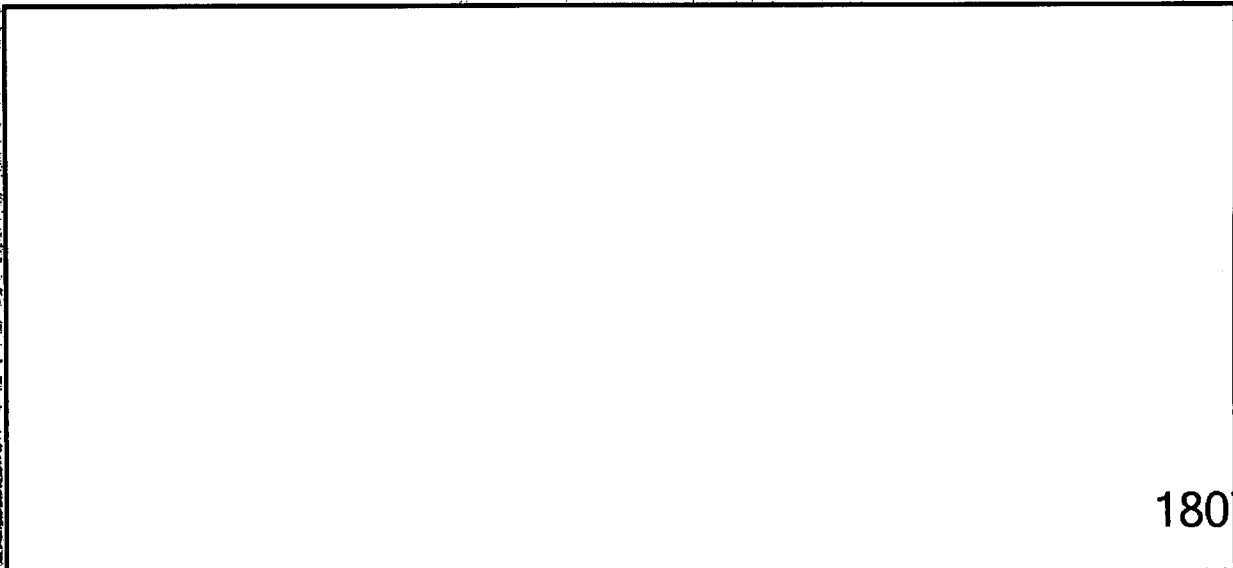
8. The residence address of Kyoko Cox, our child, is unknown to us, despite our diligent and continuous search over the past seven years.
9. I support my wife, Yoko Ono Lennon, fully in all respects. Her income is grossly inadequate to meet her living expenses, as set forth in the attached statement of our accountants. All of her maintenance and support during the period of our marriage has been furnished by me. I have likewise supported Kyoko, my stepdaughter, during all the periods of time that she resided together with us and have made it clear that I would be pleased to offer her full support at any time. Unfortunately, despite the entry of court orders granting us custody of Kyoko in the States of Texas and the U.S. Virgin Islands where her custody was contested and litigated, we have never succeeded in finding Kyoko. Her natural father has violated the court orders, prevented us from exercising the custody and visitation rights, and prevented us from supporting her.

Our efforts to locate her, which have been documented in court records, have continued for about seven years. The opinion of the U.S. Circuit Court Of Appeals for the Third Circuit, which affirmed the District Court's ruling granting us the right to Kyoko's custody (decision of March 30, 1972) reviews our early efforts to locate Kyoko, and is, in pertinent part, attached hereto as exhibit 4.

10. I respectfully submit that non-priority status should be granted in my case and submit the following facts in support of my request for such classification.

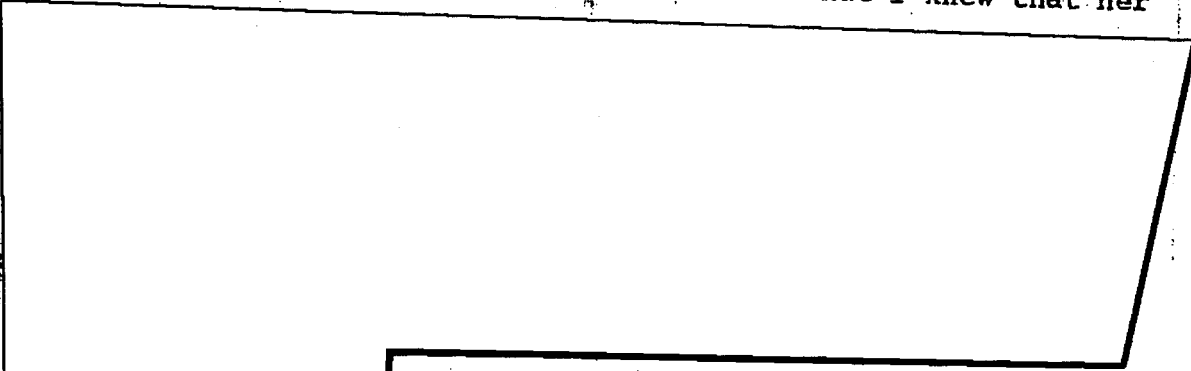
MY WIFE'S CONDITION

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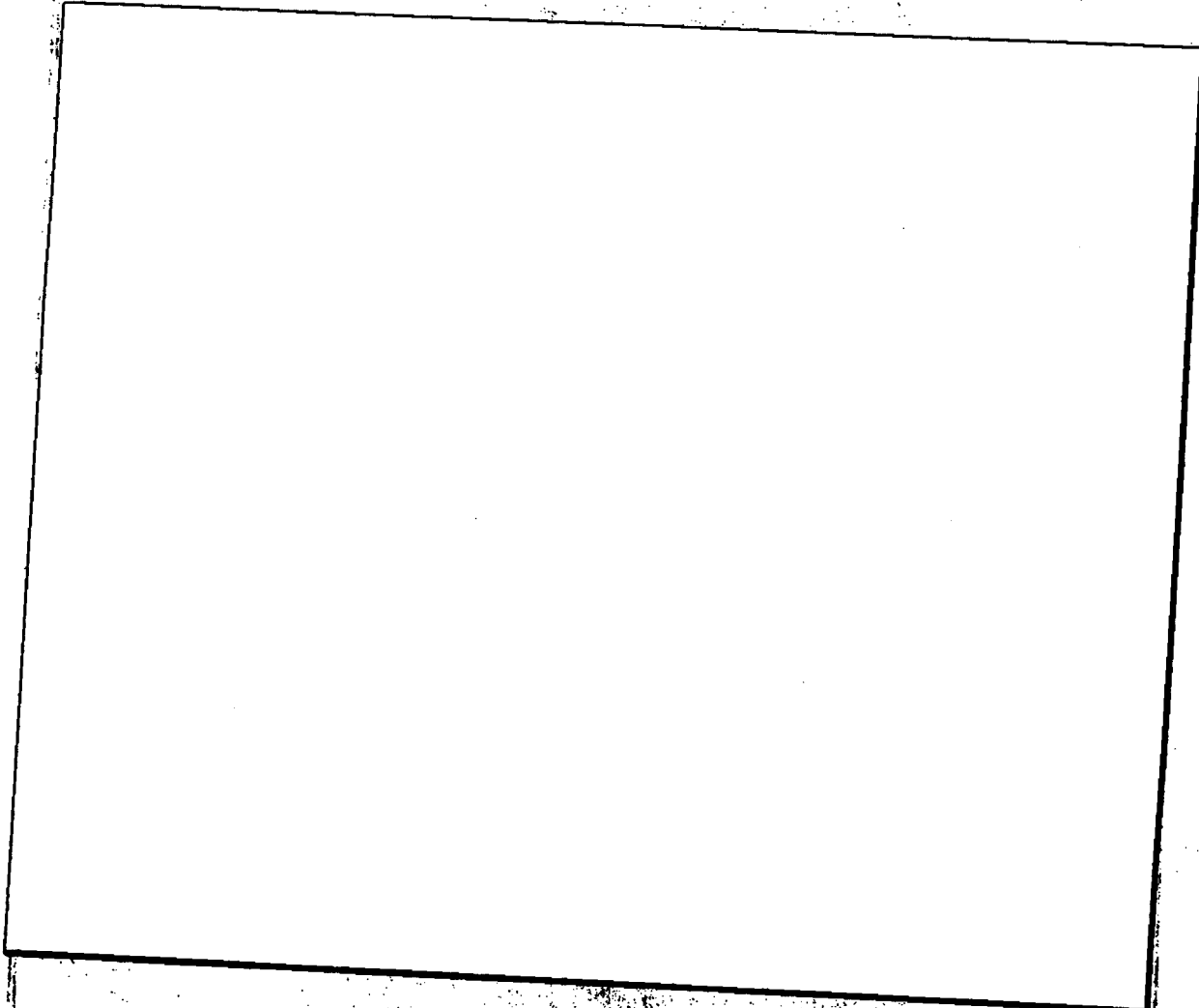
rock musicians. Yoko was the only other person with me
when our apartment was raided and the fact that I knew that her



See Exhibit 5, cover of record containing

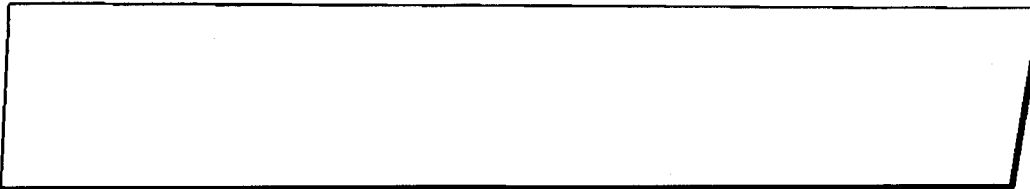
"No Bed for Beatle John" and "Baby's Heartbeat", published by
Apple Records in 1968.

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The

legal proceedings surrounding my immigration status are at this point the primary source of strain and would be alleviated if non-priority status were granted in my case. If I were required to leave the United States at this time, it would be a cruel injustice to my wife, because of her critical medical condition.

OUR SPECIAL RELATIONSHIP

The granting of residence in Yoko's case and the denial of residence in my case has affected our marriage. Ours is a very close relationship, and for the first time it was necessary for us to think about being apart from one another; of not being together on a 24-hour-a-day basis as we had always been. I rely upon Yoko heavily for my well-being and consult with her regularly as to song writing. Likewise, she consults with me as to all her artistic endeavors and there is a constant give and take which results in great interdependence. The Government's decision placed Yoko in a position where she could travel, particularly to follow up any leads as to Kyoko's whereabouts while preventing me from doing the same. Our psychological dependence upon one another and the constant support we derive

from one another in our professional and personal lives was undermined by the different decisions in our cases.

I respectfully submit that separating Yoko and me would cause us extraordinary hardship because of our special closeness and interdependence.

OUR CHILD KYOKO

Yoko and I have continuously sought to find her daughter Kyoko during all of the time that we have lived together and since 1969 when she was spirited away by her father, Tony Cox. We followed clues which took us to Spain, Denmark, Canada and France. After exhaustive efforts through private investigators, mutual friends, and well intentioned but mistaken third parties, Yoko has resorted to consulting over ten psychics in her exasperating search to locate Kyoko, even taking two along with her on her recent trip to Japan because of a clue which she wished to follow up. Hundreds of episodes in the search for Kyoko have cumulatively been physically and emotionally draining for us both. A typical episode begins with some party holding out a clue as to her whereabouts, only to result in a bitter disappointment or a possible holdup for a large sum of money with no hope of success, even on one occasion, a threat that unless such monies were paid regardless of success, the press would be notified that Yoko was not really interested in finding her child. After years of such emotional strain

we decided that the only and best method was for us both to personally follow up every likely clue, trying as much as possible to avoid publicity. Despite large expenses and great effort these past years, no clue has ever proved truly helpful.

OUR EXPECTED CHILD

The search for Kyoko has only heightened our own anticipation and hope about the expected birth of our child, and made us more and more hopeful of its healthy delivery. The fear of a possible miscarriage or other mishap often overcomes us and we seldom venture from our apartment. Knowing as we do that Yoko's own health is endangered by any emotional or physical stress which might endanger the health of our child, we are constantly in a state of fear that some mishap may occur which will shatter our hopes and cause permanent physical injury to both Yoko and the child. The constant impending threat that I may be ordered to leave the United States has thus caused us great emotional hardship and continues to do so.

In view of my wife's strong ties of over 25 years duration in this country, it is her desire to raise her expected child in this country, and she would not consider raising the child elsewhere under any circumstances. She feels, moreover, as I do, that a child of mixed racial background stands a better chance of fair and equal acceptance in the United States.

particularly in New York. Yoko and I have great hopes and expectations as well as a mutual desire to offer our child the benefits the United States has to offer including its wealth of educational and cultural opportunities. Because of Yoko's age and medical background and condition we are advised that this is her last opportunity to have a child. Under these circumstances, it is vital to us both that we raise this child in the country which we believe has the best opportunities for the child's fullest development.

EFFECT ON MY WIFE'S CAREER

As set forth in Exhibit 6, the attached statement of Mr. Norman Seaman, who has known my wife professionally through her entire career, my wife has spent the greatest part of her life in the United States, over the past 25 years. Certainly her entire professional career has been made in this country. She was educated here, began her career here as an avant garde artist and developed her art in multi-media arts in the United States. As a product of the education of this country, and having developed her artistic talents here, all of her friends, colleagues, collaborators, managers, fellow artists and artistic and business endeavours are in this country. She has no desire to live abroad and only on a limited number of occasions has she exhibited or performed abroad, usually upon the formal request of some artistic institute or museum.