

Pronounced in Open Court
therefore open record

dictated but not typed
must await Judge (F. [unclear])
Sign & approve.

per Shaker

8/31/76

Change 9/23/76
9/8/76 - Judge [unclear]

Individual Register Receipt

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

FEE PAID NUMBER NYC 182606					
APPLICANT <i>ROSA CARABELLO</i>					DATE <i>9/30/74</i>
REMITTER - IF OTHER THAN APPLICANT <i>A17-597321</i>					
APPLICATION FORM NUMBER (CIRCLE)					
G-639	I-129 B	I-192	I-290 A	I-600	N-577
G-641	I-129 F	I-193	I-290 B	I-601	N-580
G-657	I-130	I-196	I-485	I-612	N-600
I-17	I-131	I-212	I-506	N-455	
I-90	I-140	I-246	I-539	N-470	
I-102	I-191	I-256 A	I-550	N-565	
OTHER <i>Lawyer fee</i>					
TYPE OF REMITTANCE (CIRCLE)	<input checked="" type="radio"/> PC	<input type="radio"/> BC	<input type="radio"/> MO	<input type="radio"/> IMO	<input type="radio"/> C
ISSUING SECTION (CIRCLE)	<input type="radio"/> INF	<input type="radio"/> TC	<input checked="" type="radio"/> M & F	<input type="radio"/> OTHER (ABBR.)	
REC'D BY (INITIALS)	<i>MD</i>			AMOUNT	<i>\$ 28.00</i>

STAPLE TO TOP RIGHT EDGE OF APPLICATION

INFO FOI

A17 597 321

IMMIGRATION SERVICE
NEW YORK OFFICE
1976 SEP 21 AM 10:43

September 9, 1976

PK 182608

Natale F. Carabello, Jr., Esq.
Suite 615 Robinson Building
42 South 15th Street
Philadelphia, Pa. 19103

Dear Sir:

Reference is made to your request for a copy of the decision rendered on behalf of John Lennon by Judge Ira Fieldsteel, entered on July 27, 1976.

This Service is prepared to furnish a copy of the decision. The charges assessed for same are as follows:

20 pages @ 10¢ per page	- \$2.00
Personnel time - 6 hrs. 45 mins. at the rate of \$1.00 per quarter hour in excess of the first quarter hour.	- \$26.00
TOTAL	- \$28.00

Please remit a check or money order, payable to the Immigration and Naturalization Service, Department of Justice, with a copy of this letter attached.

Sincerely,
Maurice F. Kiley
MAURICE F. KILEY
District Director
New York District

9/30/76
jud oral decision dtd 7/27/76
and record of transcript (20 pgs)
Alburnett

UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

File: A17 597 321 - New York

In the Matter of)

JOHN WINSTON ORO LENOVA)

IN DEPORTATION PROCEEDINGS

-Respondent)

CHARGES:

Section 241(a)(9), I&N Act (8 USC 1251(a)(9)) -
nonimmigrant visitor failed to comply with
conditions of such status

Section 241(a)(2), I&N Act (8 USC 1251(a)(2))
nonimmigrant, remained longer than permitted

APPLICATION:

Adjustment of status under Section 245 of the
Immigration and Nationality Act (8 USC 1255)

IN BEHALF OF RESPONDENT

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

IN BEHALF OF SERVICE

William Dunlop, Esq.
Trial Attorney
New York, N.Y. 10007

ORAL DECISION OF THE IMMIGRATION JUDGE ENTERED ON JULY 27, 1976

The respondent is a 35 year old married male alien, a native and citizen of England, who last entered the United States on August 13, 1971 and was authorized to remain until February 29, 1972 as a visitor for pleasure.

He was placed under deportation proceedings and in the course of such proceedings applied for adjustment of status to that of a permanent resident of the United States under Section 245 of the Immigration and Nationality Act. In the consideration of that application it developed that there was one serious possible obstacle to his eligibility for such relief, which

arose from a conviction in England in 1968 for possession of hashish. I gave consideration to the effect of that conviction as making him ineligible for admission to the United States under Section 212(a)(23) of the Immigration and Nationality Act and in my decision of March 23, 1973 found him ineligible for that relief. My decision was appealed to the Board of Immigration Appeals and that body, under date of July 10, 1974, affirmed my decision. Thereafter, the matter was taken to the United States Court of Appeals and by a Court decision of October 7, 1975 that Court reached a different conclusion and remanded the matter for a further hearing on the merits distinct from the element of statutory ineligibility arising from the conviction which has been considered before. The Board of Immigration Appeals remanded it to me on February 20, 1976 for that purpose and the hearing today was in furtherance of that remand.

As the record indicates, the respondent is the beneficiary of a third preference visa petition under the quota for Great Britain and a number has been assigned for his use under that portion of the quota.

He has been examined by the appropriate medical authorities and found to be medically admissible to the United States. There is no record of any criminal record other than what has already been referred to above. He appears to have complied with the necessary tax obligations in this country and appears to be otherwise statutorily eligible for the relief he has requested.

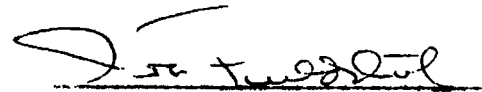
It may be pointed out parenthetically that he is married to a lawful permanent resident of the United States and now has a United States citizen child resulting from that marriage. No issue has been raised by the Immigration

and Naturalization Service as to his eligibility in any other fashion.

Witnesses have been introduced who have testified to his good character and potential value, both artistically and economically, to the interests of the United States.

Accordingly I find him statutorily, and from the point of view of discretion, eligible for permanent residence.

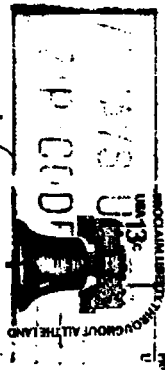
ORDER: IT IS ORDERED that the application for adjustment of status under Section 245 of the Immigration and Nationality Act be granted.


IRA FIELDSTEEL
Immigration Judge

EXPEDITE
FREEDOM OF
INFORMATION
REQUEST

FORM DAG-22
8-13-75 DOJ

PAGE WITHHELD PURSUANT TO
(b)(6)



7104

Commissioner James F. Greene
Commissioner E. A. Loughran
U. S. Dept. of Justice
Immigration and Naturalization Service
Washington, D. C. 20536

PAGE WITHHELD PURSUANT TO
(b)(6)

1. REQUESTED BY <i>John</i> (Office or Person)		2. (Office or Unit)	
3. NAME (Last in CAPS) <i>Lenon John</i>		4. FILE NUMBER <i>A17597321</i>	
5. DATE OF BIRTH Mo. Day Year		6. DATE OF NATURALIZATION Mo. Day Year	
7. DATE OF REQUEST Mo. Day Year <i>9 24 76</i>		FILL IN ITEMS 8 THRU 12 IF FILE NO. IS NOT SHOWN ABOVE	
8. COUNTRY OF BIRTH		9. ARRIVAL (Date) (Place) (Class)	
10. PLACE OF NATURALIZATION		11. CERTIFICATE NO.	
12. REMARKS <i>See Hamilton</i>			
13. TRY NUMBERS <i>CPK</i>		14. DATE FORWARDED:	
REQUEST FOR FILE ON LOAN		CHARGE COPY	

Form G-100 (Rev. 12-1-58)

(Office) FBI	(Unit or Person)
Lavinia Houston CBR	A17597321 9 24 76
REQUEST FOR FILE ON LOAN <small>Form G-100 (Rev. 12-1-68)</small>	GPO 90-168 FILE ROUTE SLIP

John

9/23/76
6

WORKSHEET FOR FREEDOM OF INFORMATION ACT REQUESTS

Date Applicant Advised re
Extension on G-639A:

Date: *9/23/76*
File No. *A 17597321*

Requester: *ARNOLD, Fred* Subject of Record: *LENNON, John A*

ACTIONS	DATES	INITIALS
Freedom of Information Act Request Received-----		
Local Search Completed-----		
Index-----		
File Shelf-----		
Federal Record Center Docket -----		
Requested from Federal Record Center-----		
Received from Federal Record Center-----		
Special Search Started-----		
Special Search Completed-----		
Telephone to C.O. for Index Search-----		
Response from C.O. Index Search-----		
Record located at: (Location _____)-----		
Telephonically requested-----		
Information Obtained-----		
File Received-----		
Final Response Made-----		
Forwarded to D.D. for decision, when applicable-----		
Placed on wire circular, if necessary-----		
Response on circular-----		
EOIA request transferred to office having jurisdiction, when applicable-----		
Received by Office having jurisdiction-----		

COMMENTS:

IMM. & NAT. SERVICE
N.Y.C. MAIL UNIT

AUG 25 9 48 AM '76

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

(212) 753-3468

STEVEN L. WEINBERG
HOWARD D. DEUTSCH
TOBIN KOHANE

CABLE ADDRESS
"LEONWILDES," N.Y.

July 29, 1976

Immigration & Naturalization Service
20 West Broadway
New York, N.Y. 10007

Att: Immigration Judge Fieldsteel

RE: LENNON, John
AI7 597 321

Dear Sir:

I would appreciate receiving a copy of your oral decision and, if available, a copy of the transcript of the proceedings. If there is any charge for the service, please feel free to bill me.

Many thanks for your past courtesies in this matter.

Very truly yours,


LEON WILDES

LW:tb

7-28-76

G

Dunlap 7/12

WORKSHEET FOR FREEDOM OF INFORMATION ACT REQUESTS

Date Applicant Advised re Extension on G-639A:

Date: 8/24/76

File No. A17 59732 ✓

Requester: CARABELLO, Natale

Subject of Record: LENNON, John L-550

ACTIONS	DATES	INITIALS
Freedom of Information Act Request Received-----	8/24/76	elh
Local Search Completed-----		
Index-----		
File Shelf-----		
Federal Record Center Docket -----		
Requested from Federal Record Center-----		
Received from Federal Record Center-----		
Special Search Started-----		
Special Search Completed-----		
Telephone to C.O. for Index Search-----		
Response from C.O. Index Search-----		
Record located at: (Location _____)-----		
Telephonically requested-----		
Information Obtained-----		
File Received-----		
Final Response Made-----		
Forwarded to D.D. for decision, when applicable-----		
Placed on wire circular, if necessary-----		
Response on circular-----		
FOIA request transferred to office having jurisdiction, when applicable-----		
Received by Office having jurisdiction-----		

COMMENTS:

(ALL INFORMATION ENTERED ON THIS FORM AS TO THE DATE OF ACTION TAKEN WILL BE INITIALED BY THE INDIVIDUAL TAKING SUCH ACTION)

PAGE WITHHELD PURSUANT TO
(b)(6)

NATALE F. CARABELLO, JR.
ATTORNEY AT LAW
SUITE 615 ROBINSON BUILDING
42 SOUTH 15TH STREET
PHILADELPHIA, PENNSYLVANIA, 19102

IMM. & NAT. SERVICE
N.Y.C. MAIL UNIT

1976 AUG 18 PM 3: 23

ATTN: DISTRICT DIRECTOR OF
IMMIGRATION AND NATURALIZATION

U. S. Department Of Justice
Immigration and Naturalization Service
20 West Broadway
New York City, New York



7-21-76

UNITED STATES DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

MATTER OF

FILE A- 17 597 321 - New York

JOHN WINSTON (AND LENNON

IN REOPENED DEPORTATION PROCEEDINGS

-Respondent-

TRANSCRIPT OF HEARING

Before: Ira Fieldsteel, Immigration Judge

Date: July 27, 1976 Place: 30 West Broadway, New York, N.Y.

Transcribed by Gwynne MacPherson Recorded by IDM

Official Interpreter _____

Language English

APPEARANCES:

For the Service:

William Dunlop, Esq.
Trial Attorney
New York, N.Y. 10007

Station

For the Respondent:

Leon Wildes, Esq.

515 Madison Avenue

New York, N.Y. 10022

1 IMMIGRATION JUDGE: For the purpose of those of you who are present who are
2 not familiar with the posture of the case, I might give you some back-
3 ground so that you know what the case is about. This was an application,
4 originally, for permanent residence under Section 245 of the Immigration
5 and Nationality Act and it came before me sometime in 1972. I entered
6 a decision in March of 1973 in which I found that Mr. Lennon was not
7 eligible for permanent residence on the basis of the law as I construed
8 it. There was an appeal taken from that to the Board of Immigration
9 Appeals and the Board of Immigration Appeals sustained my position. It
10 then went to the Court of Appeals for this district and the Court of
11 Appeals reached an opposite conclusion and the case was remanded for
12 completion. So the posture of the case now is an application for perma-
13 nent residence from which the one impediment considered by the Court of
14 Appeals has been removed. Now, I think since two years have elapsed, more
15 than two, approximately three or four years have elapsed since the
16 original application, I think that the original application should be
17 brought up to date. Mr. Wildes, as I understand it Mr. Lennon no longer
18 lives at his 105 Bank Street address. Would you correct the application
19 and put in the appropriate address and any other change that may have
20 taken place since this application.

21 MR. WILDES: I'll be pleased to. If I may add to your Honor's review, I
22 would like to point out for the record that your Honor granted residence
23 in the original decision to Yoko Ono, Mr. Lennon's wife.

24 IMMIGRATION JUDGE: Correct. And that case is no longer before us. When
25 you've made the amendments, Mr. Wildes, would you have Mr. Lennon re-
26 execute it please.

R-1

TRANSCRIPT OF HEARING

United States Department of Justice — Immigration and Naturalization Service

1 MR. WILDES: I have indicated the new address, which I will not call out,
2 and I have added the happy circumstance of the birth of Sean Ono Lennon
3 on October 9, 1975, who resides with the parents at the same address.
4 There are no further changes in the application.

5 IMMIGRATION JUDGE TO RESPONDENT

6 Q The application as it now is, Mr. Lennon, is all true and correct?

7 A Yes.

8 IMMIGRATION JUDGE: Now, with regard to the general merits of the applica-
9 tion, there are certain prerequisites which are common to all such
10 applications. The government has taken the liberty of doing some of
11 these and completing some of these prior to this hearing today and we
12 have a quota number assigned under the third preference portion of the
13 quota for Great Britain. I assume that still stands, Mr. Dunlop?

14 MR. DUNLOP: Yes your Honor.

15 IMMIGRATION JUDGE: And Mr. Lennon has been physically and medically
16 examined and found to be medically admissible to the United States.
17 The government has checked the records of the Federal Bureau of Investi-
18 gation and finds nothing adverse there. Is that correct?

19 MR. DUNLOP: That's right your Honor.

20 IMMIGRATION JUDGE: You've also checked the records of the American Consul
21 in London and find nothing more adverse than what we already know?

22 MR. DUNLOP: That's correct your Honor.

23 IMMIGRATION JUDGE: At the time of the last hearing I raised an issue as to
24 tax liability, which was unresolved at that point but which we did not
25 pursue because of the fact that the case seemed to be disposable on other
26 grounds.

R-2

TRANSCRIPT OF HEARING

United States Department of Justice — Immigration and Naturalization Service

1 MR. DUNLOP: We are satisfied that the...

2 IMMIGRATION JUDGE: Are you now satisfied, in behalf of the government, that
3 the tax situation has been satisfactorily met?

4 MR. DUNLOP: Yes your Honor.

5 IMMIGRATION JUDGE: One collateral issue is, of course, I am supposed to
6 be satisfied that Mr. Lennon is not likely to become a public charge.
7 Is your information from the tax report of such a nature that you are
8 satisfied that he is not likely to become a public charge?

9 MR. DUNLOP: Very much so, your Honor.

10 IMMIGRATION JUDGE: Now, do you have any further evidence, Mr. Dunlop, in
11 behalf of the government?

12 MR. DUNLOP: Well, we have a birth certificate, and we have a tax letter
13 from the respondent here. It's before you in the file there, Your Honor.

14 IMMIGRATION JUDGE: Yes, the birth certificate will be entered into evidence
15 and given a number. The tax letter which you have submitted to me,
16 apparently at the request of Mr. Wildes, is simply one which states
17 in general terms that the tax obligation has been met. You're satisfied...

18 MR. DUNLOP: I am satisfied...

19 IMMIGRATION JUDGE: on all grounds.

20 MR. DUNLOP: Yes, your Honor.

21 IMMIGRATION JUDGE: Mr. Wildes, do you have anything further for the
22 respondent?

23 MR. WILDES: No, I have no further documentation, but...

24 IMMIGRATION JUDGE: No, no, I didn't ask about documentation. Any evidence
25 of any kind?

26 MR. WILDES: I would be pleased to have the respondent sworn in and testify

R-3

TRANSCRIPT OF HEARING

United States Department of Justice — Immigration and Naturalization Service

1 with respect to this application.

2 IMMIGRATION JUDGE: Mr. Dunlop, would you administer the oath, please?

3 MR. DUNLOP TO RESPONDENT

4 Q Please rise. Do you solemnly swear the testimony that you're about to
5 give will be the truth, the whole truth and nothing but the truth, so
6 help you God?

7 A I do.

8 Q Be seated.

9 IMMIGRATION JUDGE: Go ahead.

10 MR. WILDES TO RESPONDENT

11 Q Mr. Lennon, other than the original conviction, with which all of our
12 litigation over the past five years has concerned itself, have you ever
13 been convicted of any crime or offense anywhere in the world at any time?

14 A No.

15 Q Have you ever been a member of the Communist Party or any other party
16 or organization whose purposes might be to overthrow the United States
17 government by violence or force?

18 A No.

19 Q Do you subscribe to the principles of our government?

20 A Yes.

21 Q Do you intend to make the United States your home and to reside together
22 with your wife, Yoko, and your son, Sean?

23 A I do.

24 Q Will you continue your work here? What are your plans?

25 A I hope to continue living here with my family and making music.

26 Q Is there anything further which you would like to add at this point in

R-4

TRANSCRIPT OF HEARING

United States Department of Justice — Immigration and Naturalization Service

1 connection with your request that you be granted permanent residence at
2 long last, by the Immigration and Naturalization Service?

3 A I'd like to publicly thank Yoko, my wife, for looking after me and holding
4 me together those four years, and giving birth to our son at the same time.
5 So many times I wanted to quit and she stopped me. I'd like to also
6 thank the cast of thousands, famous and unknown, who have been helping
7 me publicly and privately for the last four years and finally, last but
8 not least, thank you, my attorney, Leon Wildes, for doing a good job well
9 and I hope this is the end of it.

10 Q I won't try to add anything to that.

11 MR. WILDES: I have no further questions of the respondent. I do have a
12 number of witnesses that I...

13 IMMIGRATION JUDGE: Mr. Dunlop, do you have any questions for the respondent?

14 MR. DUNLOP: Yes.

15 MR. DUNLOP TO RESPONDENT

16 Q Have you left the United States at all since you entered on August 13,
17 '71?

18 A No.

19 MR. DUNLOP: I have no more questions Judge.

20 IMMIGRATION JUDGE: All right. Do you have any other witnesses, Mr. Wildes?

21 MR. WILDES: Yes. If you'll instruct me as to where you would wish the
22 witnesses...

23 IMMIGRATION JUDGE: Would you tell me the nature of the witnesses? What
24 are these witnesses..I'd like an offer of proof. What are you attempting
25 to establish?

26 MR. WILDES: These witnesses will testify as to their knowledge of Mr.

R-5

TRANSCRIPT OF HEARING

United States Department of Justice — Immigration and Naturalization Service

1 Lannon's character and as to his qualifications on a discretionary basis
2 for the exercise of your discretion in granting him residence. They are
3 people who have had business dealings with him, who know him socially,
4 and who can assist your Honor in the exercise of his discretion.

5 IMMIGRATION JUDGE: Well, as far as I can tell from the record so far the
6 government has not ^{Ac}pledged an issue, the issue of discretion. To a
7 certain extent, therefore, their testimony is irrelevant except perhaps
8 in terms of a, let's say, making sure that there is nothing wrong with
9 the case, so that it's a species of over trying. However, since they are
10 here, I will permit you, within limits, to utilize their testimony, but
11 I suggest that you strongly limit the time allotted to them. We ran
12 into this problem in the case in the original hearing where you had a
13 number of witnesses, whose testimony I also felt was irrelevant, and I
14 permitted it at that time, but under time restriction. So, you may
15 proceed to take the testimony of your witnesses, but please keep that in
16 mind.

17 MR. WILDES: Thank you your Honor. My first witness is Mr. Sam Truss.

18 IMMIGRATION JUDGE: Would you administer the oath, Mr. Dunlop?

19 MR. DUNLOP TO WITNESS

20 Q Do you solemnly swear the testimony you're about to give will be the
21 truth, the whole truth and nothing but the truth, so help you God?

22 A Yes I do.

23 MR. WILDES TO WITNESS

24 Q Mr. Truss, would you state for the record your name and your present and
25 past business or professional affiliations?

26 A My name is Samuel Truss. I'm the President of ATV Music Corp., which is

R-6

TRANSCRIPT OF HEARING

United States Department of Justice — Immigration and Naturalization Service

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

one of the largest music publishing companies in the world and administers the rights to John Lennon's works. I am past President of Beechwood Music Corporation, which was Capitol Records Music Publishing Company. Prior to that I was an executive for ten years with Broadcast Music, Inc. which is one of the leading licensing organizations throughout the world. Prior to that I was a member of the Cincinnati Symphony Orchestra and was a working musician and prior to that a member of the U.S. Navy Band.

Q In the past years, in your business dealings, have you had occasion to deal with Mr. Lennon in business matters?

A Yes I have, frequently.

Q Would you comment upon your impressions of his character as you derive that from your meetings with him?

A First of all, I'd have to say that anytime I would wish to locate John there was no problem. Whenever there was a meeting he was there. When a business decision was needed with his approval it was not unreasonably withheld. I believe that he treated all business matters objectively rather than subjectively, which he might have done being a writer and artist of his status.

Q I have only one further comment and that is, you're obviously an expert in the music industry. Would you care to comment upon the potential effect on the music industry of John Lennon's remaining and doing his work, as he testified he would, in the United States, rather than in some other country?

A There would be two positive major effects if John were to reside here. One, it's generally acknowledged that the United States music scene is in the doldrums right now. It's evidenced by the resurgence of Beatles

TRANSCRIPT OF HEARING

1 material, since they were probably the most powerful innovation or force
2 in music in perhaps the last 30 years. The business is somewhat in
3 the doldrums and the staying power of the copyrights that John composed
4 and participated in as a singer is back on the top of the charts and
5 selling better than anything else. I believe if we have a creative force
6 such as John on the U.S. scene we could look forward do some new type of
7 innovation in the music business or what is referred to as a new kick in
8 the music business. In addition to that, John Lennon is a revenue
9 generator. Wherever John is, he will create excitement in revenue,
10 residing in the United States. The center of the revenue generation will
11 be the United States, meaning that works of the recorders here will be
12 distributed and sold abroad and the United States will be the center for
13 the reception of revenues earned outside of it, in other words, it would
14 be a very positive financial effect for the U.S. government.

15 Q I have no further questions of the witness.

16 IMMIGRATION JUDGE: Mr. Dunlop?

17 MR. DUNLOP: I have nothing.

18 IMMIGRATION JUDGE: All right. Thank you.

19 MR. WILDES: Thank you very much Mr. Truss. I would like to call Mr. Norman
20 Mailer.

21 IMMIGRATION JUDGE: Mr. Dunlop, administer the oath, please.

22 MR. DUNLOP TO WITNESS

23 Q Do you solemnly swear the testimony you are about to give will be the
24 truth, the whole truth and nothing but the truth so help you God?

25 A I so swear.

26 MR. WILDES TO WITNESS

R-8

TRANSCRIPT OF HEARING

United States Department of Justice — Immigration and Naturalization Service

1 Q Mr. Mailer, would you state for us your profession or occupation and
2 any professional affiliations?
3 A I'm a writer and I've published about 20 books. The best known would
4 probably be the Naked and the Dead, the American Dream and the Armies of
5 the Night.
6 Q And I understand you've received some recognition for your work.
7 A Yes sir. I did receive a Pulitzer Prize in 1968.
8 Q Have you had an opportunity to evaluate the character of John Lennon,
9 and if so, would you care to give us your impression of his character
10 and particularly, the potential effect of his presence in the United
11 States on the world of arts and writers?
12 A I think John Lennon is a great artist. I would hesitate to interpret
13 his character because I think that artists often have a character that
14 is so complex that one doesn't jump in. Besides, I do not know Mr.
15 Lennon first hand. We have many friends in common and I have heard
16 splendid things about him for many years, but I come here really to
17 speak about his, what I consider his enormous contribution, not only the
18 popular concept but to art in general. I think he is one of the great
19 artists of the western world and I've long thought that it's a terrible
20 shame that we had to lose Henry James and T.S. Eliot to England, we've
21 only gotten Mr. Alden back and I think under the circumstances it would
22 be a pleasure if we could have Mr. Lennon as well.
23 MR. WILDES: I have no further questions and I want to thank you very
24 much Mr. Mailer, for coming.
25 IMMIGRATION JUDGE: Mr. Dunlop?
26 MR. DUNLOP: I have nothing.

TRANSCRIPT OF HEARING

1 IMMIGRATION JUDGE: Thank you.

2 MR. WILDES: I want to call Mr. Geraldo Rivera.

3 MR. DUNLOP TO WITNESS

4 Q Do you solemnly swear the testimony you're about to give will be the
5 truth, the whole truth and nothing but the truth so help you God?

6 A I do.

7 MR. WILDES TO WITNESS

8 Q Mr. Rivera, would you identify yourself, as if that were required, with
9 respect to your occupation and any professional or other affiliations?

10 A I'm an attorney admitted to the bar in New York State and in the
11 Southern District, I'm a correspondent for ABC News and I'm the son of
12 immigrants.

13 Q Have you had an opportunity to get to know John Lennon and form an
14 opinion with respect to his character?

15 A Yes sir, I have.

16 Q Would you care to describe for us the nature of your knowledge and
17 relationship and your impression of his character, first and foremost?

18 A Yes sir. I met Mr. and Mrs. Lennon in late 1971, it might have been
19 very early in 1972. We were drawn together by our mutual interest
20 in music and in the cultural life of this City. Sometime after that I
21 did a story on an institution for the mentally retarded called Willow-
22 brook. It was the world's largest institution for the retarded at that
23 time and certainly one of the western world's poorest institutions.
24 I did the expose and highlighted the problem but I was very frustrated
25 and very bitter because I didn't know what to do in terms of a solution.
26 The solution took money, and I wasn't very well known at that time and

R-10

TRANSCRIPT OF HEARING

United States Department of Justice — Immigration and Naturalization Service

1 we needed to raise money. I called John and Yoko, they were at that time
2 in San Francisco and John had not, up until that time, done a concert
3 in quite a number of years, if I'm not mistaken, it was at least several
4 years. He and Mrs. Lennon agreed to come back to the City of New York
5 from San Francisco and do the concert for us. As a result of two sold
6 out concerts in Madison Square Garden we raised over \$90,000. Still the
7 Lennon's did not think that that was a sufficient contribution, so out
8 of their own pockets they donated \$50,000, so the net total was \$140,000.
9 Now, to talk in abstracts, to talk in terms of money is not sufficient,
10 I believe, to truly define the character of these two people, particularly
11 the person who is before the bar today. That money liberated at least
12 60 severely and profoundly retarded children from the pits of hell, the
13 worst institution anywhere and set them up in small, clean community
14 based residences where they could be cared for on a one to one basis.
15 That was very new at that time, we're talking about 1972 now, so it had
16 a domino, a snowballing effect. Not only were those children helped
17 subjectively, but the point that was made by that effort continues today
18 and I truly believe that what was started in 1972 by John Lennon and by
19 Yoko and by other artists will continue and it will be marked in history
20 as a turning point in the care of the mentally handicapped. If ever there
21 was a person who deserves to stay in this country, it's him.

22 MR. WILDES: I have no further questions of the witness. Thank you very
23 much Mr. Rivera. I'd like to call Mr. Isamu Noguchi.

24 MR. DUNLOP TO WITNESS

25 Q Do you solemnly swear the testimony you're about to give will be the truth,
26 the whole truth and nothing but the truth so help you God?

R-11

TRANSCRIPT OF HEARING

United States Department of Justice — Immigration and Naturalization Service

1 A I do.

2 MR. WILDES TO WITNESS

3 Q Mr. Noguchi, would you state for the record your occupation and any
4 professional or other affiliations?

5 A I'm a sculptor. I have done many works all over the world, including
6 the Unesco Garden (phonetic) and a garden in Israel and many works in this
7 country, no doubt some of which you know, the Chase Manhattan Bank here,
8 garden and works which are in Washington and the Metropolitan Museum of
9 Modern Art and so on. I've occupied myself with things having to do
10 with the land and place a good deal, since I am myself half Japanese
11 and was brought up as a child in Japan, although I was born here.
12 I've known Mrs. Lennon for many, many years, at least ten years, and I
13 never had the privilege of meeting Mr. Lennon till day before yesterday.
14 But when I met him and spent the whole day with them and, you know,
15 played with the child and so forth, it brought back to me my own child-
16 hood and my own difficulties and I am convinced that for a child of
17 mixed parentage such as theirs, the United States is the one and only
18 place where they can have a real even chance of developing normally.
19 I wish Mrs. Lennon well, and I pay respect to Mr. Lennon and I think
20 that their child also deserves the privileges and bounty that comes from
21 America.

22 MR. WILDES: I have no further questions. I have one final witness and
23 I have a letter delivered to me from a witness who could not make it
24 which I would like to hand up and that is from the right Reverend Paul
25 Moore, Jr., the Bishop of New York. He has a very difficult handwriting,
26 but I might point out to your Honor the paragraph in which he concludes
that John's presence will be beneficial to our culture and his presence

R-12

TRANSCRIPT OF HEARING

United States Department of Justice — Immigration and Naturalization Service

1 in our country is a positive force, especially among our young people.
2 He notes that idealism, gentleness and integrity are rare qualities in a
3 public figure and he states I covet their influence for our country.

4 IMMIGRATION JUDGE: Have you seen it Mr. Dunlop?

5 MR. DUNLOP: No, I haven't.

6 IMMIGRATION JUDGE: While you're examining it why don't we proceed. If you
7 have any objection I'll let you voice it. If not, then we'll make it
8 part of the record.

9 MR. WILDES: My final witness is Miss Gloria Swanson.

10 IMMIGRATION JUDGE: Mr. Dunlop?

11 MR. DUNLOP TO WITNESS

12 Q Do you solemnly swear that all the testimony you're about to give will
13 be the truth, the whole truth and nothing but the truth so help you God?

14 A I do.

15 MR. WILDES TO WITNESS

16 Q Miss Swanson, would you tell us your occupation and some of your pro-
17 fessional or other affiliations?

18 A Well, for many, many, many, many years, I was in the theatrical world of
19 motion pictures and of course television, stage, etc., also during that
20 time a mother, a grandmother and now a great-grandmother and really at
21 heart a housewife. I was recently sworn in by Mayor Beame as an
22 honorary Commissioner for the youth and physical fitness of New York
23 City and I can't tell you how much this means to me because as one grows
24 older one realizes that the youth of this country have to really save
25 this planet because it seems to be in a dreadful mess and for many years
26 I have been interested in physical fitness. Of course, I have fallen

R-13

TRANSCRIPT OF HEARING

United States Department of Justice — Immigration and Naturalization Service

1 short of that many times because I don't exercise enough, but I have
2 been interested in the food situation and it so happened that a friend of
3 mine met Mr. and Mrs. Lennon at a health food store and saw a book and
4 they started to talk, she said she was carrying, and my husband had
5 written it, and they got to talking about it and he said would you
6 please give Mr. Dufty and Miss Swanson my card, Mr. Lennon said, to
7 these two people because we understand what the problem is about the
8 food. Well, soon after that we invited them to our home and, to find
9 that we were very much interested in the physical well being. My
10 feeling is that most of the crime of the youngsters today comes from
11 absolute malnutrition. There is too much junk food that they have in
12 schools and this is one of the things I'm interested in, so why I hope
13 very much that the Lennon's may be privileged to stay in America is
14 so that they can also help, because professional people, I do believe,
15 have a sense, or indebtedness to the public and I think that as you
16 get on in life you want to be able to repay them in some way and this is
17 what I hope that I can do, that I can see that youngsters can at least
18 have some good nutrition and I'm hoping that the Lennon's will also
19 help in this because many times young people won't listen to older
20 people, especially great-grandmothers, but they will to someone who is
21 more or less in their age bracket and so this is why I'm here today,
22 your Honor, because I hope that they'll be allowed to stay in this great
23 country which we must fix. Many things are wrong with it now, but I'm
24 sure the young people will do something about it.

25 MR. WILDES: Thank you very much, Miss Swanson, I have no further questions.
26 Thank you very much for being with us. Your Honor, that concludes my

R-14

TRANSCRIPT OF HEARING

United States Department of Justice — Immigration and Naturalization Service

1 witnesses and I hope that the respondent will be forgiven for what your
2 Honor may have referred to as gilding the lily in bringing witnesses
3 which may or may not be an over effort in proving the case. Our
4 experience these past few years has taught us not to leave a stone
5 unturned with respect to this particular case and we wanted to permit
6 you, in the exercise of your discretion, to have the opinion of people
7 from different walks of life, in different arts particularly, as to the
8 prospective benefit to our country of having Mr. Lennon remain here and
9 settle here.

10 IMMIGRATION JUDGE: Now, if you wish, Mr. Wildes, and Mr. Dunlop, I will
11 give each of you a short period of time to sum up, if you'd like to
12 make a presentation, but when I say short, I mean short. I would say
13 five or ten minutes. Knowing you, Mr. Wildes, from the past, I know
14 this is a very serious limitation. But do you think that you could
15 fit within it? If you wish. If you don't want to assert yourself
16 that way then just forego it. But I don't want any protracted...

17 MR. WILDES: No, I think I can restrict myself to even less than five
18 minutes.

19 IMMIGRATION JUDGE: Well then, proceed.

20 MR. WILDES: Mr. Lennon, under the Immigration Act, to my mind, has always
21 qualified and now in accordance with the ruling of the court of appeals,
22 has been certified as a matter of law to qualify statutorily for
23 adjustment of status under Section 245 of the Immigration and
24 Nationality Act. He was duly admitted to the United States in a
25 nonimmigrant status. He has a third preference petition that was
26 approved for him as an outstanding artist, which is valid, a quota

R-15

TRANSCRIPT OF HEARING

United States Department of Justice — Immigration and Naturalization Service

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

number is available to him and he does not have any disabling conviction or adherence which might present a statutory ineligibility ground. We have presented today all of the evidence which we felt was necessary in order to convince your Honor that in the exercise of his discretion and on a discretionary basis Lennon ought to be granted residence, not only because of the personal circumstances which might permit him and his wife and baby to live and settle in this country which he loves so dearly, but also because of the interests of the United States which the Immigration Act, of course, is an aspect of. The discretion in the Immigration Service has always been exercised in what we consider to be the public interest and I think that it will indeed be a happy page that we turn in the particular book of John Lennon's five year experience with the Immigration Service if he were granted residence on a discretionary basis today. That's really all I have to say.

IMMIGRATION JUDGE: Mr. Dunlop?

MR. DUNLOP: The government has very little to say. The government feels that in view of the present record there is no objection for John Lennon becoming a permanent resident of the United States.

I hereby certify that the foregoing pages R-1 through R-16 are a complete and accurate transcript of the above-described proceedings.

Myrtle MacPherson
Signature
Transcriber
Title