

IMMIGRATION AND NATURALIZATION SERVICE

WASHINGTON, D.C. 20536

PLEASE ADDRESS REPLY TO

OFFICE OF THE COMMISSIONER

AND REFER TO THIS FILE NO

SEP 20 1974

CO 243.129-C

(b)(6)

Your letter of August 14, 1974 addressed to the President, concerning Mr. John Lennon, has been referred to this Service for reply.

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

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

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

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

Thank you for your interest in this matter.

Sincerely,



Carl J. Wack, Jr.
Acting Deputy Commissioner

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John's Legal Case: Few Options Left

NEW YORK—On July 18th, the Justice Department announced that it had ordered John Lennon to leave the country by September 10th, after the Immigration Service denied Lennon an extension of his non-immigrant visa because of his guilty plea in England to a 1968 marijuana possession charge.

On the same day, a California state senate committee urged decriminalization of marijuana possession in the state, calling it "no threat to public health, safety or morals."

Four days later the *New York Post* in an editorial said, "The crime for which John Lennon was convicted in London in 1968 would not even land him in a New York jail."

On that day also, FBI statistics on marijuana arrests in the U.S. were released: 420,700 in 1973, 292,179 in 1972; and Keith Stroup, director of the National Organization for the Reform of Marijuana Laws, estimated that 26 million Americans occasionally smoke marijuana.

The dry statistics and public statements of support — including many from within the show business community—nonetheless left Lennon riding a lonely horse. According to one of his attorneys, Steven Weinberg, his next step is the federal courts. "Unless there are orders by the court to stay that decision, Lennon is going to have to leave the country," Weinberg said. "But wherever there is an administrative decision that you feel is against the weight of evidence, you can always petition the federal courts to review that decision."

A Senate staff member (the Senate immigration and naturalization subcommittee, along with its House counterpart, oversees the Immigration Service) said, "He can try to get the charge appealed or whatever the procedure is in England, or something can be passed through Congress which gives the attorney general the authority to judge whether John Lennon or others can establish permanent residence in a specific case—something that allows these exclusionary provisions to be waived."

Prospects in both of those areas are slim, however, since Lennon has tried before, unsuccessfully, to have the English charge dropped, and since there is no expectation of a special bill getting through Congress.

"I think there should be some revision of the law if small amounts of marijuana are involved," said Rep. Joshua Eilberg (D-Pa.), chairman of the House subcommittee. But he suggested that no action has been taken because "for the past two years we have been totally occupied by the confirmation of the vice-president and the impeachment inquiry." The subcommittees are under their respective houses' judiciary committees.

A Senate subcommittee staff member said, "The reason exclusionary bills have not gotten out of committee in the Senate is because of the objections of the chairman." The chairman, Sen. James O. Eastland (D-Miss.), said, when asked about the Lennon case, "Who? What? I don't know what you are talking about."

The majority of staffers contacted believe that their employers (the com-

'Mama



LONDON—She was the queen of L.A. pop society in the mid-Sixties. Her voice helped make the harmony that made the Mamas and the Papas; her house in Laurel Canyon was a gathering place for musician friends like David Crosby, Stephen Stills, Joni Mitchell, Eric Clapton and Buddy Miles. Crosby, Stills and Nash, in fact, first joined their voices at Cass's; from there they decided to work together formally. On stage, she was "Mama Cass," the comic presence. And, as her former manager, Bobby Roberts, said: "She was overweight, but she carried it off like she was a beauty queen."

Cass Elliot, 32, died in the early morning of July 29th in the London flat of Harry Nilsson, where she was living with her friend and road manager, George Caldwell, during her stay in England. Death was ruled accidental at a coroner's hearing the next day; the post-mortem showed that she died as a result of choking on a sandwich while in bed and from inhaling her own vomit. She had complained to friends recently of frequent vomiting, possibly the result of dieting.

That evening, when her secretary, Dot MacLeoud, failed to reach Elliot by phone, she went to the flat and found the body. Several persons, according to manager Alan Carr, had been in her apartment the morning and afternoon of her death, but thought she was asleep.

Elliot is survived by a daughter, Owen, seven, from her first marriage to songwriter James Hendricks. She was also married for a short time to Donald von Wiedenman last year.

Cass had just completed a successful two-week engagement at the Palladium Saturday, July 27th. To play the Palla-

Lennon's Options

Continued from page 19

mittee members) oppose any change in the laws affecting drug offenders who seek resident status, although those same committee members would never say so publicly.

Whether any legal prospect is open to Lennon, though, is questionable. Two Senate staff members spoke of the Byzantine workings of the Washington mind. "Lennon has got enough money to keep appealing this thing forever," one said, "and that's what they'll let him do." The other: "If he'd just hire Edward Bennett Williams then he could do whatever he wants."

Comments: Let Him Be

RINGO STARR: Don't you think it's time to end all this silliness and give John his visa? Because he's one of the greatest of our time and your time. America should be proud that John wants to live here.

LOU ADLER: History will reflect on the life of the incredibly talented John Lennon. His contributions will be remembered, and felt, long after the rule and rule makers that cause us to defend his right to choose where he wished to live and create, will have disappeared and been forgotten.

DAVID GEFEN: I think it's so moronic. He's certainly not undesirable. To me, it makes no sense; it's sad and tragic. The political system in America is in such complete disarray, this is just another kind of ridiculousness. Lennon is certainly more desirable than Nixon.

RICHARD FERRY: The times are strange indeed when an antiquated law can force a man to leave this country, particularly when that man has contributed so vitally to our culture. It is to our credit that John Lennon has chosen to live in this country. Most important, he's one of the few people who really understands and loves the essence of rock & roll.

CLIVE DAVIS: This country was founded by free-thinking great minds, but the breed is a diminishing one. We should be thankful that Lennon wants to make these shores his home. Since his spirit will always live with us, it's really pointless to banish its physical manifestation.

ART GARFUNKEL: If John Lennon is deported, I'm leaving too . . . with my musicians . . . and my marijuana . . .

YOKO ONO: I'm very saddened by the news. John's lawyer is now preparing to appeal to a higher court and I hope that will work. John is a very fine person as well as a very talented musician and a songwriter. His music has given joy to many people in this country. I still believe in the American justice and hope that he will be allowed to stay in the country he loves so much. We should pray and think positively. I personally think John should buy a house here with an anchor.

Machine (

By TOM MURTHA

NEW YORK — In the fall, 1969, arrived in Minneapolis from St. Cloud Minnesota. I hung around outside the crumbling dives and coffeeshouses of the West Bank hoping to catch a phantom strain of Koerner, Ray or Glover or maybe Dylan, not yet faded from the chill north wind.

But John Koerner was in Denmark, Dave Ray was in hiding and Tony Glover was writing, resisting pressure to compose his memoirs, and doing late night radio. Dylan was long gone, except from late night smoky conversations.

Guitarist Leo Kottke had preceded me—he'd been thrown out of St. Cloud State a year or two earlier. Except he was old enough to get into the bars. It was left to the thousand copies of his first local release on Oblivion, *12-String Blues* (1969), and his weekend presence at the Scholar Coffeehouse to fill the myth gap in Minneapolis's sentimental night life.

Kottke, though self-conscious, was not self-centered. Still isn't. He sought what he provided. "I sometimes had the feeling I was hanging around a dead person," he said to me in New York one afternoon last May.

In 1974, he is riding *Ice Water*, his best seller at 185,000 copies. It is his seventh album not counting the Oblivion re-release two years ago. *6- and 12-string Guitar* is on John Fahey's Takoma label (1970), and a 1970 remake of the Oblivion *Circle 'round the Sun* is on Minneapolis's Symposium, now nationally distributed by Takoma. Sounds like it was recorded in a bathroom—it may have been.

The last four, *Mudlark*, *Greenhouse*, *My Feet Are Smiling* and *Ice Water*, are on Capitol. Leo has become what is known in the biz as "solid product." That means his recordings will never lose money, because he is not a "pop star" but a "virtuoso" by prevailing critical classification.

Or, if you like classifications, here's a new one: pop virtuoso. That means people are beginning to realize he is not only a definitive 12-string guitar stylist but also, "hey, pretty fast." Presumably, this will soon free him to add a gold record to his wall every few months, with cutouts and finally reissues bringing up the rear, until at last he is consigned to the ethnomusicologists for the final eulogy and copyright battles.

This bothered Leo for a while. "When I was in a blue mood, I used to think, 'Is that all people are really interested in is all that? . . .'" He spattered his tongue against his front teeth like a child playing a toy machine gun. It made Leo feel guilty, like it was his fault or something. Bad enough that John Fahey told him his voice sounded like "geese farts on a muggy day." Between all that and Holiday Inns, Leo went into a decline, stopped writing and started crooning—as best he could. His third Capitol album, live from his annual gig at Minneapolis's Tyrone Guthrie Theater, is the best example of that stage. He played through all those Vaseline machine-gun tunes as fast as he could, to get them out of the way and get back to the business of proving to himself he could still tug those long, hanging melody lines, like the early "Easter in the Sargasso Sea," from within himself.

Hang On to John

This is the first letter I've ever written to any publication, but your article re John Lennon's deportation really stirred something in me.

While the mass media is busy extolling the true powers of the people (example: Nixon's trip), how about The People, the *real* majority who believe that John Lennon's deportation is absurd, speaking up en masse. If every single one of your readers and every one of their friends and relatives were to spend just five minutes (a small amount of energy to say thanks for all the joy John's music has given us) to write a letter to their congressmen and senators about how they feel, it just might help.

ANGELA COPPOLA
San Francisco, Calif.

You can help in particular if your congressman is on the Immigration and Naturalization Subcommittee of either the House or Senate. Representatives: Joshua Eilberg, Penn.; Jerome R. Waldie, Calif.; Walter Flowers, Ala.; John Seiberling, Ohio; Elizabeth Holtzman, N.Y.; Hamilton Fish, N.Y.; Tom Railsback, Ill.; Charles Wiggins, Calif.; Lawrence Hogan, Md. Senators: James Eastland, Miss.; John McClellan, Ark.; Sam Ervin, N.C.; Edward Kennedy, Mass.; Phillip Hart, Mich.; Hiram Fong, Hawaii; Strom Thurmond, S.C. and Marlowe Cook, Ky. Address c/o the respective Judiciary Committee, Washington, D.C. 20015.—Ed.

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BY ALLEN

Lennon: Back in the U.S.S.A.

BY JOEL SIEGEL

NEW YORK—The Board of Immigration Appeals ordered John Lennon to leave the United States voluntarily by September 8th, 1974, or be deported. Of course Lennon chose the third alternative: His case is now at the Court of Appeals where it may stay a full year before going on to the Supreme Court. Meanwhile Lennon has launched a counteroffensive: *John Lennon vs. the United States*. Still in its pre-trial stages at the Federal District Court in New York City, Lennon's countersuit cries *Watergate*.

Late in February 1972, the scenario runs. South Carolina Republican Senator Strom Thurmond sent a note to then Attorney General John Mitchell. John Lennon, Mitchell was informed, was planning a massive peace demonstration at the 1972 Republican convention, then planned for San Diego. Columnist Jack Anderson has reported that Thurmond admitted the communication with Mitchell but denied suggesting any action. Regardless, Lennon's immigration problems began virtually within the week.

(Les Whitten, Anderson's assistant who prepared the column on Lennon, told ROLLING STONE, "I was astonished that Thurmond would confirm that communication." He began pursuing the story. Whitten said, when an immigration lawyer in Washington told him about the case. "I thought Lennon was getting royally screwed. He seems to care about the country . . . seems to think we've got something going. We should be proud that he wants to stay. We thought—we're considered pretty straight; Jack doesn't even drink tea—that our saying something might help.")

March 1st, 1972, the Immigration and Naturalization Service granted Lennon a very standard 15-day extension on his visa, pending more very standard paperwork. Then on March 6th and again on March 7th, Lennon's attorney, Leon Wildes, explained, "they revoked it and labeled him an 'overstay' because he'd stayed past February 29th. And they told him to get out."

Hearings and appeals followed, as did a series of petitions and protests. The latter took attorney Wildes to the office of New York Senator James Buckley. "I spoke with Tom Cole of Senator Buckley's office. He told me that my clients were considered to be

security risks." (Wildes represented both John and Yoko. Yoko has since been granted "Permanent Alien" status.)

The government's case against Lennon is based on a 1968 British marijuana conviction; Marijuana possession is specifically spelled out on the list of illnesses and illegalities that can keep a foreigner from becoming a United States resident, although Wildes is quick to point out the conviction was for hash—an illegality *not* listed—and that the legal definition of "possession" changes as you cross the Atlantic. In the United States you have to *know* it's to be there. By the U.S. definition, Lennon is guilty of no crime at all, a definition Lennon himself would expand. "I was planted by a headhunting English cop who's now in jail for planting people," he told me. Why the guilty plea? "I was living with Yoko, who was pregnant. We weren't married. She was foreign and I thought they'd get her and they said they'd let her off if I pleaded guilty. I made a deal."

Wildes's research has netted 118 cases of aliens allowed resident status "even though they have convictions at least as serious as my client's," including one convicted murderer and one "with six convictions including rape, burglary and impairing the morals of children."

"There are narcotics dealers that've been allowed to stay," Lennon said. "Murderers, rapists, multiple convictions for dope, heroin, cocaine. What the hell. I'll fit right in."

Wildes couldn't figure it out. "I've been doing deportation for 15 years," he said, "and no case has been handled by the government like this one." Why the government pressure? Why the catch-22 on the overstay status? Why John Lennon, of all people? Then, last September, Lennon acquired a document through a former New York City narcotics officer. It was a typed copy with errors and misspellings, undated and unidentified.

"FROM: Supervisor, Intelligence Division, Unit 2.

"TO: Regional Director, Group 3.

"SUBJECT: The Supervision of the Activities of Both John and Yoko Lennon

"It has come to the further attention of this office that John Ono Lennon, formerly of the Beatles and Yoko Ono Lennon, wife of John Lennon,

have intentions of remaining in this country and seeking permanent residence therein, as set forth in a previous communication this has been judged to be inadvisable and it was recommended that all applications are to be denied.

"Their relationships with one (6521) Jerry Rubin, and one John Sinclair (4536), also their many commitments which are judged to be highly political and unfavorable to the present administration. This was set forth to your office in a previous report. Because of this and their contrivance behaviour, they are to be judged as both undesirable.

"Because of the delicate and explosive nature of this matter the whole affair has been handed over to the Immigration and Naturalization Service, to handle. Your office is to maintain a constant surveillance of their residence and a periodic report is to be sent this office. All cooperation is to be given to the INS and all reports are to be directed by this office."

In September 1973 it was just short of ridiculous but, says Wildes, in September 1974 it makes sense. "When I first saw it I didn't believe it, I thought it was a prank. But now the pieces are falling into place."

Lennon's countersuit is based on three major points: illegal government surveillance; prejudice on the part of INS officials who were "ordered" to get him out of the country; and Lennon's being denied constitutional rights guaranteed under the First, Fourth and Fifth Amendments.

Asked if he'd been singled out by the Nixon administration, Lennon replied, "I think somebody just thought, 'Oh, there's one of them, let's get him.'" His attorney is not so humble. He told the court, "The government has conspired to get him out under any circumstances . . . as a result of a communication from Strom Thurmond to his friend John Mitchell . . . this action was brought regardless of the circumstances and under orders from higher authorities."

The Justice Department labeled Lennon's document "fraudulent and a counterfeit" and denied any illegal surveillance. INS has denied any prejudice. And the government has asked the court to dismiss Lennon's countersuit on those statements. Right now, that is the limbo wherein John Lennon's future lies.



Moody Blues: Now It's Separat

BY ANDREW BAILEY

LONDON—"I suppose," said Graeme Edge, "that we've created something of a Frankenstein. This thing has grown bigger than all of us." The monster being talked about is the Moody Blues, which its five creators are now giving an enforced rest.

After their last seven albums sailed past the million mark, the Moodys have found that their creative juices are not flowing so freely. But they insist it's only a temporary state. It's been two years since the group cut an LP and two recent attempts in the studio ended in frustration. "After recording 80 songs over an eight-year period, adding up to 12 hours of music, it got to the point where we'd be halfway through a new number, and then, wallop, we'd suddenly realize that it was beginning to sound like something we had done before. Obviously it was time for a break."

The Moodys are not splitting up, that is clear. But the band, which has always worked out its decisions by committee, has decided to clear the blockages by working on solo projects.

Mike Pinder, keyboard player and technical whiz, now lives in L.A. where he is working on an album. As a foreign resident, Pinder can escape Britain's new punitive tax ratings

which are hitting hard at rock musicians, sending into exile, among others, Keith Moon. It means that Pinder is allowed only 60 days each year in Britain, and the Moodys' office is aware that in the future this could cause logistical problems for the group. John Lodge and Justin Hayward are cooperating on a joint album and calculate that the results should be in the shop by Christmas. Edge is also part way through an album, with Adrian Ben Gurvitz, and is hoping for a release in December. Flautist Ray Thomas is the late starter. So far he is still at the writing stage.

As Edge explained, the Moody Blues made a conscious decision several years ago to hide behind the group image. It was a tactic, Edge said, to avoid much of the pressure. "The group was always to be the star, not the members." The strategy has afforded the five of them a rare degree of anonymity. With the exception of Hayward, the Moodys are all in their 30s and yet still not household faces.

The group's calm lifestyle has been one of the factors behind staying together for ten years, putting the band on a par with the Who and the Stones,

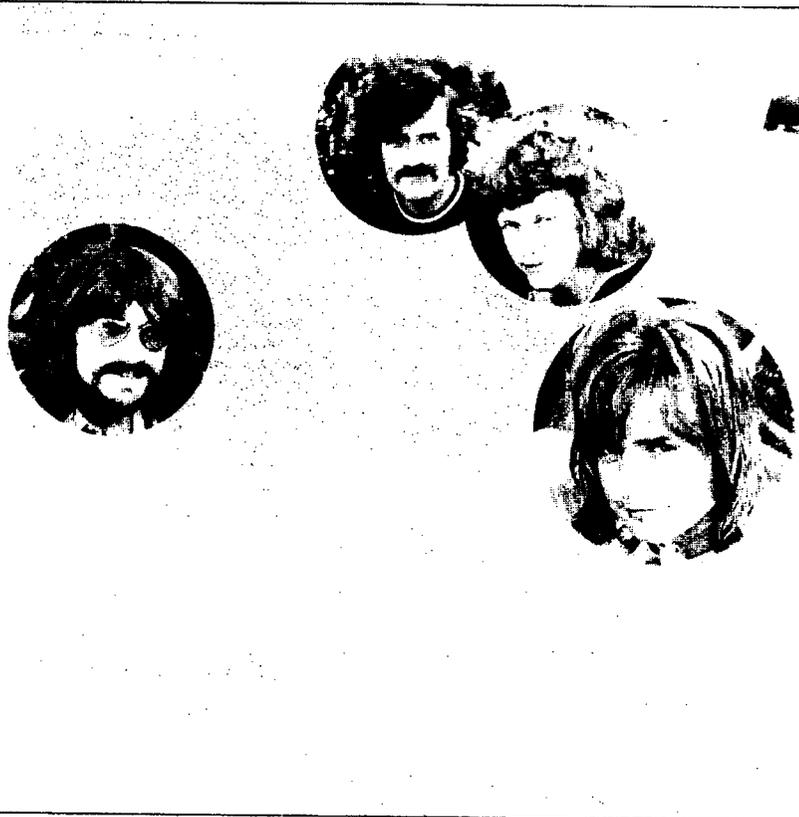
not only in sales but in togetherness terms. The group, with its careful corporate setup, manages itself and promotes its own tours. Major decisions are made in the unagitated conditions of a board room, situated above the Cobham record shop which bears the name Threshold, also the title of the group's own label.

But, as Edge admitted, living the sheltered life and deliberately creating a group mystique have left them with a double-edged legacy. "We all know per-

double LP due for release in a few weeks—to keep the fans happy and th cash flow healthy.

"I always think of the group as being the overlapping part of five circles, and to suddenly say let's radically alter th style would naturally alienate at least one of the five. What I hope is th people will see through the solo stuff t what else is possible and then give t room to do different things when we g back together."

The Moodys have always staye



Alone together: Graeme Edge, Ray Thomas, John Lodge, Justin Hayward and Mike Pinder.

fectly well that our followers expect a particular thing from the Moodys and it does inevitably restrict what we do, what we are allowed to do. I don't think that people look at us as individuals. I mean we're thought of as a heavy band, strange ethereal creatures who deliver pearls of wisdom.

"If we put out this record," Edge said, holding a copy of his first solo single, "We Like To Do It," "the reaction would vary from suicide to threats of assassination, because it's really nothing more than a piece of good time, summery nonsense. I'm what you could call a mongrel intellectual, but I do have my happy, flippant side. You know, it's been a long time since we did a Moodys LP, and you start to wonder if you are a plumber or a drummer.

"I have to say that the thrill of the Moodys has gone. Now with my single out I'm listening to the radio and checking on the plays and reading the charts to see what's happening. With the Moodys it was presold success all the time. It didn't give me a thrill to watch one of our albums go up the chart."

Edge reckons that it will be at least a year before the band records together again, though there is a "best of"

away from session gigs with other bands, so was it strange for Edge to be working with unfamiliar musicians? "was like . . . uhh . . ." As Edge searches for the analogy his recording partner Gurvitz, chipped in: "like going out with one chick for eight years and the screwing another?" Edge laughed and said, "There's something in that; it made me wonder if I'm any good."

To Edge, the fascination of the solo project is that nobody is quite sure what's going to come out. "For the first time in ages I've not been in there with the others, going through the hangover and headaches, letting the songs filter through our tapes and playing style; so I really don't know what to expect from the rest. I, for instance, never write love songs because within the Moodys framework Justin is so much better, but for my album I've written couple. They are pretty good, if not up to Jacques Brel. . . 'If I Go Away,' jeez, I wish I'd written that. Did you see him on the television the other night with Minnelli? Monsters, I love them.

Edge, a sci-fi expert and poetry addict, a devourer of books on war and topics like black magic and gnosticism, is already ahead of himself an

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UNITED STATES DEPARTMENT OF JUSTICE
Immigration and Naturalization Service

petitioner:

In connection with the hearing to be held on your petition for naturalization, answer each of the questions below "Yes" or "No" without giving any further explanation.

The questions refer only to what has happened after the date you appeared with your witnesses and filed your petition for naturalization. They do not refer to anything that happened before that date.

After you have answered every question, sign your name, give your address, and fill in the date and place of filing.

You must BRING THIS COMPLETED LETTER WITH YOU to the hearing and give it to the naturalization examiner, who will question you further on your answers.

State the date you filed your petition:

Have you ever been married, or been widowed, separated, or divorced?

(1) Answer _____

Have you ever been absent from the United States?

(2) Answer _____

Have you ever knowingly committed any crime or offense, for which you have not been arrested; or have you been arrested, charged, indicted, convicted, fined, imprisoned for breaking or violating any law or ordinance, including traffic regulations?

(3) Answer _____

Have you ever joined any organization, including the Communist Party, or become associated or connected therewith in any way?

(4) Answer _____

Have you ever claimed exemption from military service?

(5) Answer _____

Has there ever been any change in your willingness to bear arms on behalf of the United States; to perform non-combatant service in the armed forces of the United States; to perform work of national importance under civilian direction, when the law requires it?

(6) Answer _____

The law provides that a petitioner for naturalization shall not be regarded as a person of good moral character who, at any time after the filing of the petition for naturalization, has believed in polygamy or been a polygamist; received income mostly from illegal gambling; committed adultery; been a prostitute or procured anyone for prostitution; knowingly and for gain encouraged or helped an alien to enter the United States illegally; been an illicit trafficker in drugs or marihuana; or has been a habitual drunkard. Have you ever been such a person or committed any of these acts?

(7) Answer _____

I hereby certify that each of the answers shown above were made by me or at my direction, and that they are true and correct.

Witness my hand and seal at _____, on _____.

(City and State)

(Date)

(Full Signature)

(Full Address and ZIP Code)

September 25, 1974

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CO 243.129-C

United States Senate

CC: CO 703.724

(b)(6)



Respectfully referred to

INS

for such consideration as the communication herewith submitted may warrant.

Please reply directly to the constituent and forward a duplicate report to this office with the original correspondence.

By direction of

Edward M. Kennedy
U.S.S.

John reply sent - OCT 16 1974

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OCT 17 1974

CG 1011-C

United States Attorney
Southern District of New York
United States Courthouse
Foley Square
New York, New York 10007

Attention: Joseph P. Marro, Assistant United States Attorney

Re: John Winston Oso Lennon v. Elliot Richardson, et al
Civil Action 73-4476 (R.O.)

Dear Mr. Marro:

The following information is furnished in response to the questions propounded by counsel for Mr. Lennon on July 12, 1974:

1. See attached affidavit of Willard M. Wilson, Chief, Records Administration and Information Branch.
2. The following laws and policies in addition to nonpriority exist within the functions of the Immigration and Naturalization Service.

Laws

Section 243. Immigration and Nationality Act

Adjustment of status to permanent resident may be granted in cases of eligible aliens in United States (regardless of whether presence is legal or illegal) if immigrant visa is immediately available. Greenmen, aliens who entered without inspection and Western Hemisphere natives are ineligible. Under regulations aliens who entered in transit without visa also ineligible.

Section 203(a)(7). Immigration and Nationality Act

Eligible refugees who have been continuously physically present in United States for at least two years may be granted

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- 2 -

adjustment of status to permanent resident. Only aliens chargeable to Eastern Hemisphere are eligible. Applicants must meet requirements of Section 245 of the Act. Adjustments may not exceed 3100 per fiscal year.

Section 249. Immigration and Nationality Act

Record of lawful admission for permanent residence may be created in cases of eligible aliens who have resided in United States continuously since prior to June 30, 1948, (regardless of whether presence is legal or illegal). Criminals, immoral persons, subversives, violators of narcotics laws, smugglers of aliens, persons of bad moral character and persons ineligible for citizenship are not qualified. Numerical limitation on immigration not applicable.

Section 1. Act of November 2, 1946

Adjustment of status to permanent resident may be granted in cases of eligible natives or citizens of Cuba who have been physically present in United States at least two years (regardless of whether presence is legal or illegal). Spouse and children also eligible. Aliens who entered United States without inspection are ineligible. Numerical limitation on immigration is applicable.

Section 13. Act of September 11, 1957

Adjustment of status to permanent resident may be granted in cases of certain aliens who entered United States as foreign officials. Each case must be reported to the Congress and adjustment of status cannot be recorded until the Congress has had at least one full session to consider the report. Adjustments may not exceed 50 per year and are charged against numerical limitation on immigration.

Section 214(d). Immigration and Nationality Act

Aliens admitted to United States temporarily as fiancés or fiancées of United States citizens may be granted adjustment of status to permanent resident if the marriage to the United States citizen occurs within 90 days of admission.

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- 3 -

Section 244. Immigration and Nationality Act

Eligible aliens unlawfully in United States may be granted suspension of deportation and adjustment of status to lawful permanent resident. Physical presence in United States of at least 7 or 10 years (depending on ground of deportation) is required and alien must be of good moral character during such period. Attorney General must be satisfied that deportation would result in specified degree of hardship to alien or his spouse or child who is a United States citizen or lawful permanent resident alien. Each suspended case must be reported to the Congress. With certain exceptions crewmen, exchange aliens and natives of contiguous territory or adjacent islands are ineligible. Numerical limitation on immigration is applicable.

Section 241(b). Immigration and Nationality Act

Conviction of a crime involving moral turpitude shall not be a basis for deportation of an alien who was granted a full and unconditional pardon of such crime by the President of the United States or by the Governor of any of the States, or if the court sentencing an alien for such crime recommends to the Attorney General within thirty days of sentencing that the alien not be deported. Aliens deportable on grounds relating to illicit possession or trafficking in narcotics or addiction are not saved by this provision.

Section 241(c). Immigration and Nationality Act

In cases of otherwise admissible aliens in United States who sought to procure or procured visas by fraud or gained entry by fraud deportation provisions on those grounds shall not be applicable. Alien must be spouse, parent or child of United States citizen or lawful permanent resident alien.

None. See None. Waivers of Inadmissibility Under Sections 211(b), 212(a), 212(a), (b), (3) of Immigration and Nationality Act

None pro tunc waivers of inadmissibility may be granted under the following provisions of law to eligible aliens who illegally entered United States, thus saving them from deportation.

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- 4 -

- Section 211(b)** Lawful permanent resident alien who reentered without proper documents
- Section 212(c)** Inadmissible alien who returned to lawful unrelinquished domicile of seven consecutive years
- 212(g), (h), (i)** Alien who at time of entry was inadmissible because of mental retardation, tuberculosis, crime, prostitution, visa fraud, if at time of entry alien had specified relationship to United States citizen or lawful permanent resident alien. In case of mental retardation or tuberculosis relationship could be to alien issued an immigrant visa.

Section 243(h). Immigration and Nationality Act

The Attorney General is authorized to withhold deportation of any alien to any country in which, in the opinion of the Attorney General, the alien would be subject to deportation on account of race, religion, or political opinion.

U.N. Convention Relating to the Status of Refugees

Under the U.N. Convention Relating to the Status of Refugees, a refugee lawfully in the United States may not be expelled except on grounds of national security or public order. (Article 32) Also with certain exceptions a refugee may not be expelled to the frontiers or territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion. (Article 33)

Religious

Asylum

Any alien in United States who requests asylum is interviewed and given opportunity to establish eligibility. If it is determined that alien on return to his home country will be subject to persecution, he is granted voluntary departure privilege for period of one year and his case is reviewed annually. If alien is eligible to apply for adjustment of status to permanent resident he is advised of the appropriate procedure.

Cuban Refugees

A Cuban refugee who entered United States from Canada or Mexico and who is the parent, spouse or child of a United States citizen, or lawful permanent resident alien or of Cuban refugees already in United States is granted voluntary departure for indefinite period. Alien must not be deportable on any ground other than entry without required documents.

Immigrant Visa Available

Voluntary departure may be granted to immediate relatives of United States citizens or other aliens exempt from the numerical limitation on visa issuance, and to aliens who will be reached on the visa waiting list within 60 days, if the alien has applied for an immigrant visa at a United States Consulate which has accepted jurisdiction over the application. Voluntary departure may be granted until the Consul is ready to issue an immigrant visa provided the alien diligently pursues efforts to obtain the visa. Natives of contiguous territory are ineligible.

Western Hemisphere Natives

Voluntary departure may be granted in increments of one year to natives of independent countries of the Western Hemisphere or the Canal Zone who have been in the United States since a date prior to April 11, 1973 and who on April 10, 1973 were and continue to be immediate relatives of United States citizens, or the unmarried sons or unmarried daughters of United States citizens, or the spouses or unmarried sons or daughters of lawful permanent resident aliens.

- 6 -

Members of the Professions

Voluntary departure may be granted to members of the professions who were in the United States on July 31, 1972 if an approved third or sixth preference petition was filed in the alien's behalf on or before that date. Voluntary departure may also be granted to members of the professions born in an independent Western Hemisphere country or the Canal Zone who were in the United States on July 31, 1972 and had applied for an immigrant visa at an American Consulate on or before that date. The voluntary departure privilege continues for the period the related visa petition or immigrant visa application remains valid and the alien retains his professional qualifications.

3. - 7. In any case where it has been determined, upon review or denial of an application for benefit under the Immigration and Nationality Act, that humanitarian factors are present which would warrant that no action be taken to enforce the alien's departure, Form G-312, Non-Priority Case Summary, is prepared and forwarded to the District Director recommending that the alien be placed in non-priority status.

The District Director exercises his discretion in recommending or not recommending the alien for non-priority status. The District Director forwards the case to the Regional Commissioner, who reviews the matter and then adds his recommendation. The case then is forwarded to the Central Office Non-Priority Committee. The Committee presently consists of the following members: The Assistant Commissioners for Adjudications, Detention and Deportation, and Investigations. The Chairmanship of the Committee is rotated, usually on a monthly basis. The Central Office Non-Priority Committee reviews the cases submitted, each member does so individually and independently of the other members. The cases to be reviewed are circulated by the Chairman of the Month and each member either approves or disapproves the decision rendered by the District and Regional

- 7 -

officials. The Form G-312 is noted. When a member feels that a case should be rejected or additional information is necessary, he will present the case for discussion at a meeting of the Committee. Decisions on cases by the Committee are arrived at by a majority vote of the members.

After completing its deliberations, the Committee records the number of recommendations approved and the number denied. The Committee notifies Regional and District officials of its decisions by use of Form G-312(b), Non-Priority Case Letter. Records of rejected cases are retained for six months by the Central Office Committee. If, by that time, the additional information requested has not been forwarded, those records are destroyed. Records of deceased persons, persons whose status has been adjusted, etc., are destroyed immediately upon removal from the non-priority program.

In those cases where an alien has been granted asylum the District Director is authorized to grant voluntary departure in increments of time not to exceed one year, as determined by the District Director to be appropriate in the case. Also, in those cases where the District Director has determined that there are compelling humanitarian factors warranting a grant of extended voluntary departure, he may grant voluntary departure in increments of time, not to exceed one year.

I trust that the foregoing responses will suffice. If there is any further information which you believe should be furnished to Mr. Lamm's counsel, please contact Mr. Isenstein.

Sincerely,



Sam Rosen
General Counsel

Attachment

CC: Assistant Commissioner, Detention and Deportation



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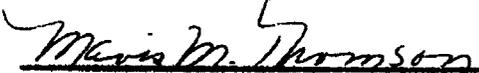
- 2 -

- 4) Copies of all decisions of approved nonpriority cases have been furnished to the plaintiff and the records furnished are accurate.



Chief, Records Administration
and Information Branch

Subscribed and sworn to before me, a notary public in and for the
District of Columbia, this 2nd day of October, 1974.



Notary Public

My Commission expires October 31, 1977

CO 243.129-C

HOUSE OF REPRESENTATIVES, U.S.
WASHINGTON, D. C.

October 2, 1974

Director
Congressional Liaison
Immigration and Naturalization Ser.
Justice Department
Washington, D.C. 20537

The attached communication is submitted for your consideration, and to ask that the request made therein be complied with, if possible.

If you will advise me of your action in this matter and have the letter returned to me with your reply, I will appreciate it.

OCT - 6 PM 12:54

Very truly yours,

Tom Rallsback
TOM RALLSBACK

M.C.

ILLINOIS

19th District.

CMU 703.938

Form Reply Sent.

OCT 18 1974

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

PLEASE ADDRESS REPLY TO

OFFICE OF THE COMMISSIONER

AND REFER TO THIS FILE NO.

OCT 21 1974

CO 703.220

Dear Mr. Reuss:

This is with reference to the telephonic request of October 16, 1974, from your office for information concerning the deportation matter of John Lennon.

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

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

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

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

Thank you for your interest in this matter.

Sincerely,

Commissioner

Honorable Henry S. Reuss
House of Representatives
Room 2186, Rayburn Building
Washington, D. C. 20515

CC: CO 243.129-C

ENF:HB:me

SIGNED AND MAILED

✓ CO 243.129-C

NOV 13 1974

CO 703.671

Dear Senator Dominick:

I have your letter of October 22, 1974, with enclosed correspondence from [redacted] concerning Mr. John Lennon.

Mr. Lennon, in 1971, applied for a nonimmigrant visa and was found by a Consular officer to be ineligible for such a visa under Section 212(a)(23) of the Immigration and Nationality Act because he had been convicted of possession of narcotics. However, he applied for and received a waiver of inadmissibility under Section 212(d)(3)(A) of the Act, which permitted him to be temporarily admitted to the United States as a nonimmigrant.

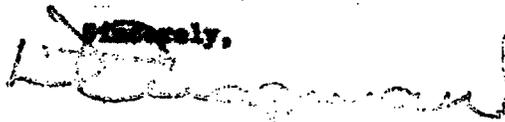
As previously related, Mr. Lennon subsequently entered the United States as a visitor in August, 1971, and was authorized to remain temporarily until February 29, 1972. He failed to honor the February departure date, was informed that he was expected to depart by March 15, 1972, and that failure to comply would result in the institution of deportation proceedings. Upon Mr. Lennon's failure to depart, a deportation hearing was held and the immigration judge found him deportable in that he had remained in the United States for a longer time than permitted. Mr. Lennon then applied to adjust his status to that of an immigrant under Section 245 of the Immigration and Nationality Act. His application was denied as he was statutorily ineligible for adjustment of status to that of an immigrant because he was inadmissible to the United States under Section 212(a)(23) of the Act.

In response to Mr. Hansen's comparison of Mr. Lennon's case to Mr. Rudolph Nureyev's case, please be advised that this Service has no record of Mr. Nureyev ever having been convicted for the offense of possession of narcotics, which would also render Mr. Nureyev inadmissible to the United States.

(b)(6)

In Fiscal Year 1974, this Service deported 18,824 aliens to all parts of the world, while another 718,740 were required to depart without the issuance of formal deportation orders. I think that Mr. Hanson will agree, from the number of illegal aliens removed, as indicated above, that this Service has little time or inclination to single out any alien, be he John Lennon or plain John Smith, for arbitrary treatment as alleged by Mr. Hanson.

Thank you for your interest in this matter.

Sincerely,


L. F. Chapman, Jr.
Commissioner

Honorable Peter H. Dominick
United States Senate
Washington, D. C. 20510

CC: CO 243.129-C

CC: Commissioner's Reading File

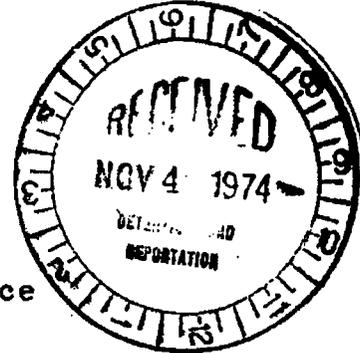
ENF:CAB:me

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United States Senate
COMMITTEE ON ARMED SERVICES
WASHINGTON, D.C. 20510

October 22, 1974

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CONGRESSIONAL
MAIL DESK



Honorable Leonard F. Chapman, Jr.
Commissioner
Immigration and Naturalization Service
425 I Street, N. W.
Washington, D. C. 20536

Dear Commissioner Chapman:

This will refer to my previous inquiry of August 23, 1974 and your reply of September 4, 1974 (CO 703.671) concerning Mr. John Lennon.

I am enclosing a copy of a further letter I received from my constituent, [redacted] Jr., on Mr. Lennon's behalf.

I would appreciate your response to the questions Mr. Hanson has raised.

Best regards.

Sincerely,

Peter H. Dominick
United States Senator

PHD:bg
Enclosure

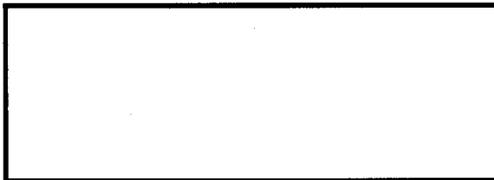
CO 703.671

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File
CO 243.129-C

(b)(6)



I have your letter regarding the deportation matter of Mr. John Lennon.

For your information, a petition to review Mr. Lennon's deportation order was filed on September 6, 1974, in the United States Court of Appeals in New York. The petition for review stays Mr. Lennon's deportation pending determination of the petition by that Court.

Thank you for your interest in this matter.

Sincerely,

James F. Greene /wps

James F. Greene
Deputy Commissioner

CC: Commissioner's Reading File

ENF:HB:me

FB

WFO

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