

with the rights of the public, nor with the public's interest, and that §212(a)(23) is unconstitutional insofar as it excludes from the United States persons convicted of simple possession of marijuana.

CONCLUSION

In the tradition of the Immigration Service to classify cases as "nonpriority" and to decline prosecution, and by virtue of the unvaried practice to defer commencement of deportation proceedings in third-preference cases, these proceedings should not have been instituted. The Special Inquiry Officer should not defer to the Immigration Service's unauthorized commencement of these proceedings, but should terminate them completely. In the alternative, the proceedings should be terminated because the Government has not sustained its burden of proof as to deportability by the standards required under the decisional law and regulations. The Service should not be permitted to place the respondents in illegal status by its own act and make unauthorized use of such illegal status to remove the respondents, upon the pretext that it acts only to carry out the law.

The Special Inquiry Officer is called upon to interpret and apply three terms nowhere

defined in the Immigration and Nationality Act, namely, the "illicit" "possession" of "marijuana." It is clear that he is required to construe these terms in their narrowest possible meaning and that such a construction must resolve any doubt in favor of the alien. The use of the British conviction, one which lacks an essential due process element, to exclude the respondent, would violate established principles of statutory construction, broaden the applicability of a statute too vague and undefined for such application and would contravene the apparent intent of Congress, causing a severe and cruel forfeiture of a dearly held right. The statute itself raises serious constitutional issues, but was obviously aimed at excluding narcotics traffickers with serious convictions in our own courts; its use in this case would flagrantly expand its application beyond its necessary scope.

The Special Inquiry Officer is respectfully called upon in these proceedings to limit the application of the exclusionary provision in accordance with the mandates of statutory construction and the humanitarian tradition of a system

whose best institutions were contributed by gifted
immigrants.

Respectfully submitted,



LEON WILDES

UNITED STATES DEPARTMENT OF
IMMIGRATION AND NATURALIZATION

In Re :
: Deposition Proceedings Against :
: TOMO ONO and JOHN LEMMON :
: :
: :
: :

ASSOCIATION OF LAW OF
AMICUS CURIAE

Eve Cary
Burt Neuborne
Attorneys for the New York
Civil Liberties Union
Amicus Curiae
64 Fifth Avenue
New York, N.Y. 10011

I. THE FIRST AMENDMENT INTERESTS OF
THE AMERICAN PEOPLE REQUIRE THE
GOVERNMENT TO SHOW A COMPELLING
STATE INTEREST IN EXCLUDING JOHN
LENNON AND YOKO ONO FROM THE UNITED
STATES

In a series of opinions the Supreme Court has ruled that the First Amendment guarantees the American citizens the inalienable right to receive as well as to disseminate artistic communications free from governmental interference. E.g., Martin v. Struthers, 319 U.S. 141, 143 (1943); Lamont v. Postmaster General, 381 U.S. 301 (1965); Stanley v. Georgia, 394 U.S. 557; United States v. Dellapia, 433 F.2d 1252, 1258 n. 25 (2nd Cir. 1970); Caldwell v. United States, 434 F.2d 1081, 1089 (9th Cir. 1970); Hiatt v. United States, 415 F.2d 664, 671 (5th Cir. 1968); Brooks v. Auburn University, 412 F.2d 1171, 1172 (5th Cir. 1969); Fortune Society v. McGinnis, 319 F.Supp. 901, 904 (S.D.N.Y. 1970); United States v. B & H Dist. Corp., 319 F.Supp. 1231 (W.D. Wisc. 1970); ACLU v. Radford College, 315 F.Supp. 893 (W.D. Va. 1970); Williams v. Blount, 314 F.Supp. 1356 (D.D.C. 1970); Smith v. University of Tennessee, 300 F.Supp. 77 (E.D. Tenn. 1969).

In Mandel v. Mitchell, 325 F.Supp. 620 (E.D. N.Y. 1971), cert. granted ___U.S.___(1971), a case involving the exclusion from the United States of an eminent Belgian Marxist scholar by Immigration authorities. Judge Dooling stated:

"The concern of the First Amendment is not with a non-resident alien's individual and personal interest in entering and being heard, but with the rights of the citizens of the country to have the alien enter and to hear him explain and seek to defend his views," at 631.

John Lennon is one of the best known musicians and composers in the world. Yoko Ono is a highly respected avant garde artist. The American people have a right under the First Amendment to enjoy their artistic influence and presence in the United States. Before the Immigration authorities can exclude John Lennon and Yoko Ono they must show that a compelling state interest will be served by so doing and that no less drastic alternative to deportation exists. Shelton v. Tucker, 364 U.S. 479 (1960).

Clearly this is not the case. No conceivable benefit can be derived from excluding people of great artistic stature from our country. On the contrary, as the sad story of the exclusion of Charlie Chaplin by Immigration officials in 1953 demonstrates,

this nation is impoverished when it banishes people with life styles differing from the norm, for it is often just those people who add most to our cultural and intellectual life. To bar artists from this country forever on the basis that years in the past they were found guilty of a minor offense which American citizens commit daily without dire punishment is a drastic over-reaction and it should not be permitted to deny citizens their valuable constitutional rights.

If Immigration authorities believe that John Lennon might in the future repeat his offense, they have the alternative of deporting him at that time rather than punishing him before the fact and depriving citizens of their right to benefit from his presence.

II. SUBSECTIONS 9 AND 23 OF 8 USCA § 1182 READ TOGETHER ARE AMBIGUOUS AND THEREFORE MUST BE RESOLVED IN FAVOR OF LENNON AND ONO

Immigration law is clear that ambiguities in statutory language must be resolved in favor of the alien about to be deported. As the Supreme Court stated in Tan v. Phelan, 333 U.S. 610 (1948):

"deportation is a drastic measure and at times the equivalent of banishment or exile. It is the forfeiture for misconduct of a resident in this country. Such a forfeiture is a penalty. To construe this statutory penalty less generously to the alien might find support in logic. But since the stakes are considerable for the individual we will not assume that Congress meant to trench on his freedom beyond that which is required by the narrowest of several possible meanings."

See also Petition of Catalanotte, 236 F.2d 955 (6 Cir. 1956); Immigration Service v. Errico, 385 U.S. 214 (1966).

Subsection 9 of 8 USCA §1182 provides for the exclusion of aliens who have committed crimes of moral turpitude. It grants an exception, however to "[a]ny alien who would be excludable because of the conviction of a misdemeanor classifiable as a petty offense under the provisions of section 1(3) of Title 18, by reason of the punishment actually imposed, or who would be excludable as one who admits the commission of an offense that is classifiable as a misdemeanor under the provisions of section 1(2) of Title 18, by reason of the punishment which might have been imposed upon him. . .: Provided, that the alien has committed only one such offense, or admits the com-

mission of acts which constitute the essential elements of only one such offense." The statute provides that any such alien may be granted a visa and admitted to the United States if he is otherwise admissible. Under this provision of the statute John Lennon is not excludable, since he was convicted of only one petty offense for which he was sentenced to a fine.

Subsection 23 of §1182, however provides for the exclusion of "Any alien who has been convicted of a violation of, or a conspiracy to violate, any law or regulation relating to the illicit possession of or traffic in narcotic drugs or marijuana. . ."

The statute is unclear, therefore, as to whether any alien who has been convicted of any drug-related offense may be excluded or whether an alien who has been convicted of only one petty drug offense has the right under sub-section 9 to be admitted. In other words, it is unclear whether the framers of the statute intended the exception granted to one time petty offenders under subsection 9 to apply as well to one time petty drug offenders under subsection 23.

The rule that ambiguities must be resolved in favor of the alien commands that the subsection 9 exception apply to petty drug offenses. The correctness of this interpretation is further supported by the fact that it reflects the repeated instances of leniency in Immigration law toward people who have committed a single offense and the attempt to give them a second chance. Nason v. Immigration and Naturalization Service, 394 F.2d 223 (2d Cir. 1968).

III. THE INTENT OF THE FRAMERS OF
SUBSECTION 23 OF 8 U.S.C.A.
1182 WAS TO DEAL WITH TRAFFI-
KERS IN DRUGS RATHER THAN
POSSESSORS

Varga v. Rosenberg, 237 F.Supp. 282 (S.D. Cal. 1964) held that an alien who had been convicted of being under the influence of narcotics was not subject to deportation under a section of the Immigration Law identical to §1182 (23). The Court stated that Congress undoubtedly had aimed its attack upon possession which would give the possessor such dominion and control of the narcotics as would have given him the power of disposal.

John Lennon's case is similar to this situation in that he did not know that he was in possession of cannabis resin and therefore could hardly have "trafficked" in it. The substance was found in a binoculars case in his house and he was not aware of its presence in the case; unlike American law, the British statute under which Lennon was convicted did not require scienter for conviction of possession.

A recent case reported at 40 LW 2687-88 holds that an alien's conviction for knowingly being in a place where narcotics were being used is not conviction under the Immigration law relating to illicit traffic in narcotics that would render him deportable. The court held that the statute (Immigration and Nationality Act §241 (a) (11), identical to §1182(23)) was aimed at trafficking in narcotics rather than mere proximity to them and should not be interpreted as meaning to exclude someone who had such a slight connection with drugs.

The Narcotic Control Act of 1956, of which subsection 23 U.S.C.A. §1182 is a part, is clearly aimed at traffickers rather than possessors of drugs. The legislative history specifically states that the Act "has as its objective the eradication of one of the most serious problems confronting the American

people today; viz: the illicit trafficking in narcotic drugs and marijuana and their illegal use." It goes on to say that there are few criminal acts more reprehensible than engaging in the illicit traffic in narcotics and that the drug trafficker must be severely punished. Throughout the legislative history the possessor is mentioned only occasionally and is distinguished from the trafficker. The unknowing possessor of a small amount of marijuana should not come under subsection 23 which was aimed at a very different kind of offender. Rather, he should come under subsection 9 which was created specifically to deal with minor offenders.

CONCLUSION

For the foregoing reasons Yoko Ono and John Lennon
should not be deported or excluded from the United States.

Respectfully submitted,



Eve Cary
Burt Neuborne
Attorneys for the New York
Civil Liberties Union
Amicus Curiae

Dated: 12 May 1972

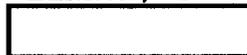
LEON WILDES
ATTORNEY AT LAW
515 Madison Avenue
New York, N.Y. 10022
PLAZA 3-3468

CABLE ADDRESS
"LEONWILDES," N. Y.

July 3, 1972

Hon. Ira Fieldsteel, Special Inquiry Officer
Immigration and Naturalization Service
20 West Broadway
New York, N.Y. 10007

Re: LENNON, John Winston Ono
A17 597 321
LENNON, Yoko Ono



(b)(6)

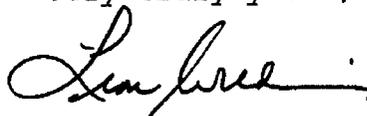
Dear Sir:

I am pleased to submit herewith my brief in support of the respondents' position in the above-captioned proceedings. A copy is attached for the government's Trial Attorney.

In view of the fact that the Special Inquiry Officer has accorded the government the opportunity of submitting a brief, if it desires, after reading the enclosed brief, it is respectfully requested that the undersigned be permitted to file a rebuttal brief as to any matters raised by the government, should it determine to submit a brief. It is suggested that the essential fairness of these proceedings would require that we be accorded such an opportunity.

Should you wish any further elaboration on any point raised in the brief, please feel free to contact the undersigned.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Leon Wildes".

LEON WILDES

LW:ba
Encl.

P.S. The New York Civil Liberties Union has asked me to submit its brief amicus curiae. It is likewise enclosed.

June 28, 1972

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

Re: LENNON, John Winston Ono
A17 597 321
LENNON, Yoko Ono



(b)(6)

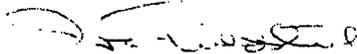
Dear Sir:

This is to advise you in accordance with my telephone conversation with you of this date that your request of June 27, 1972 for the issuance of subpoenas for the attendance of government witnesses is denied.

The reasons for such denial will be set forth in my decision on the merits of the case.

This is to advise you also that in view of the fact that July 1st falls on a Saturday, you will have until the close of business July 3, 1972 and no further to file your brief in this matter, on all issues.

Very truly yours,

A handwritten signature in ink, appearing to read "Ira Fieldsteel", written over a horizontal line.

IRA FIELDSTEEL
Special Inquiry Officer

CC: Vincent A. Schiano
Chief Trial Attorney

IF:sk

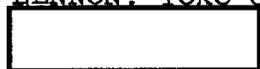
LEON WILDES
ATTORNEY AT LAW
515 Madison Avenue
New York, N.Y. 10022
PLAZA 3-3468

CABLE ADDRESS
"LEONWILDES," N. Y.

June 27, 1972

Hon. Ira Fieldsteel
Special Inquiry Officer
U.S. Immigration and Naturalization Service
20 West Broadway
New York, New York 10007

Re: LENNON, John Winston Ono
A17 597 321
LENNON, Yoko Ono



MOTION TO TAKE TESTIMONY OF GOVERNMENT WITNESS

Dear Sir:

It is respectfully moved, pursuant to 8 C.F.R. 287.4 (a) (2) that the Special Inquiry Officer issue subpoenas requiring the attendance of government witnesses and the production of books, papers and other documentary evidence, in support of the respondents' motion to terminate these deportation proceedings.

A motion to terminate these proceedings was made to the District Director on March 15, 1972 under 8 C.F.R. 242.7 and thereafter the motion was renewed before the Special Inquiry Officer in these proceedings. The motion was further renewed at the termination of the government's case and following the filing of applications for adjustment of status under section 245 of the Immigration and Nationality Act, as amended.

One of the bases for the motion was the fact that the Service had violated its own established practice and policy in commencing and maintaining deportation proceedings against these aliens. It is claimed that the Service has an invariable policy which was not followed in the instant case, and that the failure to follow this established

policy denies these aliens their due process rights under the U.S. Constitution and causes them irreparable harm. The Special Inquiry Officer granted the respondents' counsel until July 1, 1972 to file a brief in support of this proposition.

In order to secure the material necessary to brief the issue, respondents' counsel filed with the District Director on May 1, 1972 a request for the necessary information, specifying in detail the information required. A copy of this request is attached as Exhibit 1.

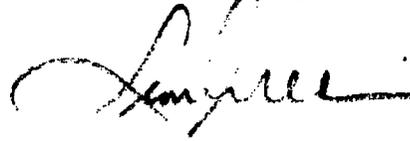
On May 23, 1972 the respondents' counsel telephoned the government's Trial Attorney, further requesting the said information. The government's Trial Attorney refused to comply with the request and further stated that the information would not be furnished. A further request dated June 5, 1972 was presented to the District Director, a copy of which is attached as Exhibit 2. The reply of the District Director dated June 14, 1972 is attached as Exhibit 3, inviting that all further questions with respect to "Service policy or instructions ... must be addressed to the Central Office".

It is apparent that the information contained in the reading room of the New York District Office of the Immigration and Naturalization Service does not contain the information requested by respondents, and that the evidence must be obtained from the Central Office of the Immigration and Naturalization Service in Washington D.C. Accordingly, it is respectfully requested that the Special Inquiry Officer issue a subpoena to the Commissioner of the Immigration and Naturalization Service or such other designated representative who may have custody of the information needed by respondents. It is further requested that the Special Inquiry Officer defer the consideration of this point in the respondents' brief until after any available information has been secured from the Central Office of the Immigration Service.

WHEREFORE respondents respectfully request that the Special Inquiry Officer enter an order issuing a subpoena to the Central Office of the Immigration and Naturalization

Service to appear, together with relevant books, records and other data, at an appropriate office of the Immigration and Naturalization Service to give testimony with respect to the matters stated in the request for information dated May 1, 1972, deferring consideration of the pertinent point in respondents' brief, and granting such other and further relief as may be just in the premises.

Respectfully submitted,



LEON WILDES
Attorney for the Respondents
515 Madison Avenue
New York, New York 10022

LW:ba
ENCLS.

WSP

May 1, 1972

Sol Marks, District Director
Immigration & Naturalization Service
20 West Broadway
New York, N.Y. 10007

Dear Mr. Marks:

Pursuant to Title 5, U.S.C., Para. 552, the undersigned hereby demands that you make the attached information available to him forthwith. This information is an absolute necessity in connection with preparing defenses to the government's action against my clients, John Winston Ono Lennon and Yoko Ono Lennon.

In view of the fact that the Service has decided to press deportation proceedings against Mr. and Mrs. John Lennon, the undersigned hereby demands that you supply the answers to the attached questions in order for the Lennons to properly defend the deportation proceedings.

Very truly yours,

LEON WILDES

lw:rs

By hand

657
EXHIBIT 1

187
2733

Pursuant to Title 5, U.S.C., §552, the undersigned hereby demands that you make the following information available forthwith to the undersigned:

(I) State the following separately, nationally and for the geographic area covered by the New York District Office of the Immigration and Nationalization Service, for specific annual periods during each of the past (five) 5 years:

(a) The number of aliens apprehended who are statutorily excludible or deportable and a breakdown as to the grounds for their deportability, and specifically governing, inter alia, excludibility under §212(a)(23) of the I.N.A., and deportability under I.N.A. §§241(a)(2) and 241(a)(9), and 241(a)(11).

(b) For same time periods and geographic areas and with the same breakdown as to each ground for excludibility and deportability as in (I)(a) above, state:

- (i) The number of such aliens in whose cases formal deportation proceedings were actually instituted;
- (ii) The number of such cases in which proceedings were not instituted because of humanitarian reasons, including age, illness, close family relationships, etc., stating the number under each separate category of humanitarian classification, including, but not limited to age, infirmity, relationship to U.S. citizen child, relationship to U.S. resident spouse, compelling national interest, pendency of third preference petitions or because aliens were professionals or members of the arts or sciences of third preference level;
- (iii) The number of such cases administratively considered "non-priority" cases in each such category and for each such period; the specific criterion or standards for such classification, and the range of periods of time for which such classification exists.
- (iv) The number of such cases in each category and for each such period for which proceedings were administratively deferred for temporary periods of time or delayed during the temporary pendency of such factors as are stated in I(b)(ii) above.
- (v) The number of cases for each time period and geographic area specified in which the removal

of aliens was stayed during the pendency of private immigration legislation in the Congress and, with respect to any case not stayed, if any, the reasons specified for nondeferral of all such cases.

(c) State the standards applied for classification of a case as "non priority" or other classification by reason of which an alien statutorily deportable is

(i) not made the subject of deportation proceedings; or

(ii) if processed for deportation, granted indefinite voluntary departure; or

(iii) extended periods of voluntary departure.

If separate standards exist for each such category, please state them; state whether they are embodied in written instructions, regulations, or operating manuals, and if so, furnish a copy of all such standards stating their respective effective dates and geographic jurisdictional areas of applicability.

Yours, etc.

LEON WILDES,
515 Madison Avenue
New York, N.Y. 10022
212-753-3468

Attorney for John Winston Ono Lennon
and Yoko Ono Lennon

654

LEON WILDES
ATTORNEY AT LAW
515 MADISON AVENUE
NEW YORK, NEW YORK 10022
(212) 753-3468

CABLE ADDRESS
"LEONWILDES," N.Y.

STEVEN L. WEINBERG

June 5, 1972

Hon. Sol Marks, District Director
Immigration & Naturalization Service
20 West Broadway
New York, New York 10007

Re: LENNON, John Winston One
LENNON, Yoko One
A17 597 321



(b)(6)

Dear Mr. Marks:

As you know, I presented a request to you by hand on May 1, 1972 for certain information under the Freedom of Information Act, Title 5, U.S.C., Para. 552. No reply has been received with respect to this request.

On May 23, 1972, I telephoned and spoke with Mr. Vincent A. Schiano, the Trial Attorney in the above proceedings, who informed me that your office would not reply to the request made. My further request that the refusal to comply with my request be stated in writing was likewise refused.

Under the circumstances, and in view of the fact that over a month has passed since the presentation of my request, unless I receive your immediate communication to the contrary, I shall consider Mr. Schiano's reply to be the official policy of the New York District Office of the Immigration & Naturalization Service.

The refusal to comply with my request is prejudicial to my motion, made in the deportation proceedings in the above matters, to terminate the proceedings on the basis of discriminatory prosecution in these cases. As you know, the Special Inquiry Officer has granted me to July 1, 1972

EXHIBIT 2

2736

within which to file my brief in support of my motion. Unless I receive the information requested, I will not be in a position to file the brief on time.

I respectfully appreciate your immediate attention to this request.

Very truly yours,

LEON WILDES

LW/ba
delivered by hand

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
20 WEST BROADWAY
NEW YORK, NEW YORK 10007

June 14, 1972

A17 597 321

(b)(6)

Leon Wildes
Attorney at Law
515 Madison Avenue
New York, New York 10022

Dear Sir:

Reference is made to your letters of May 1 and June 5, 1972, in which you demand that certain statistical data be made available to you pursuant to Title 5, U.S.C., Para. 552, for use in preparing your defense of clients in deportation proceedings.

You are advised that this office maintains a public reading room on the twelfth floor where the following materials are available for your use:

1. Copies of the Annual Reports of the Immigration and Naturalization Service for the years 1965 through 1971.
2. Administrative Decisions under the Immigration and Nationality Laws of the United States, with cumulative indices.
3. Unpublished Service and Board decisions relating to proceedings in which the initial decision was made in the New York District office.
4. Statements of policy, interpretations, and those manuals and instructions to staff (or portions thereof) affecting the public, with an accompanying index of any material issued after July 4, 1967.
5. Copies of Immigration and Nationality Laws, of Title 8 of the United States Code Annotated, Title 8 of the Code of Federal Regulations--Chapter 1, and the Department of State Foreign Affairs Manual, Volume 9 - Visas.

You are invited to research these materials and to obtain copies of any of the statistical tables which you find useful. If you desire statistics which are not covered in the annual reports of the Service, you may communicate with the Statistical Branch, Central Office, Washington, D. C. to ascertain the availability and cost of special statistical tabulations. Any question concerning Service policy or instructions which are not within the purview of 8 C.F.R. 103.9 (d) must be addressed to the Central Office.

Sincerely,

Sol Marks

SOL MARKS
District Director
New York District

453
EXHIBIT 3

192
2738

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

CABLE ADDRESS
"LEONWILDES," N. Y.

May 31, 1972

Hon. Ira Fieldsteel, Special Inquiry Officer
Immigration & Naturalization Service
20 West Broadway
New York, New York 10007

Re: LENNON, Mr. & Mrs. John & Yoko
A17 597 321

(b)(6)

Dear Sir:

In accordance with the stipulation of counsel,
there are enclosed herewith photostatic copies of the
following documents for inclusion in the record file:

1. Divorce decree of Mrs. Yoko Ono Lennon dated
January 30, 1969, dissolving the marriage to Anthony D. Cox
entered into on June 11, 1963 and leaving open for the
future determination of a court of competent jurisdiction
the questions of the care, custody, and control of the minor
child, Kyoko.
2. Divorce decree of John Winston Lennon dissolving
the marriage to Cynthia Lennon, as of December 20, 1968.
3. Marriage certificate of Mr. & Mrs. Lennon, dated
March 20, 1969 at Gibraltar.
4. Birth certificate of Yoko Ono Lennon - counsel
have stipulated that the copy, together with translation, which
appeared in Mrs. Lennon's earlier file (containing her original
application for adjustment of status under Section 245) would
be submitted in the record file by the government.

I trust that the above are satisfactory.

Very truly yours,

LEON WILDES

LW:de
encls.



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

CABLE ADDRESS
"LEONWILDES," N. Y.

May 1, 1972

Hon. Ira Fieldsteel, Esq.,
Special Inquiry Officer
Immigration and Naturalization Service
New York, New York

Re: LENNON, John A17 597 321
LENNON, Yoko

Dear Sir:

(b)(6)

In accordance with the provisions of 8 C.F.R. 287.4, I respectfully request, in behalf of my clients, the above named respondents, that subpoenas requiring the attendance of witnesses issue to the persons listed below.

I intend to submit the testimony of the witnesses on the attached list in support of the applications for adjustment of status under section 245 of the Immigration and Nationality Act, in support of the alternative application for permission to depart voluntarily, and further in support of any relevant issue upon which the exercise of the discretion of the Special Inquiry Officer is properly invoked, including the renewal of my motion to terminate the deportation proceedings in either or both cases.

My clients have made diligent effort without success to produce the said witnesses but have been unsuccessful. In the cases of the first 3 witnesses, who are overseas, it would suffice that the subpoena shall provide for the witnesses' appearance to respond to oral or written interrogatories, if the Service objects to their personal appearance in the United States.

Thank you for your courtesy herein.

Very truly yours,



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

LW/ba
enc.
Delivered by hand

6.0

PAGE WITHHELD PURSUANT TO
(b)(6)



INDUSTRIES, INC.

1700 BROADWAY, NEW YORK, N.Y. 10019/TEL. (212) 582-5533

June 15, 1972

TO WHOM IT MAY CONCERN:

I am a Certified Public Accountant and chief financial officer of ABKCO Industries, Inc., the Manager of all companies owned in full or in part by John Lennon and/or Yoko Ono Lennon.

I have reviewed the tax status of all such U.S. companies and have supervised the preparation and filing of tax returns on their behalf for all years as due.

I have also been asked to review the tax status of Mr. and Mrs. Lennon as individuals.

From the information available to me, it is my opinion that they were not conducting in a trade or business within the U.S., and any income they might have received had the non-resident alien income tax withheld at the source or, was exempt from United States taxation under the Income Tax Convention with the United Kingdom.

The instructions issued by the Department of the Treasury for the Form 1040-NR U.S. Nonresident Alien Income Tax Return states that one is not required to file a return under those circumstances.

Their status for the 1972 calendar year will be reviewed at the end of the year and a determination made at that time as to whether or not they are required to file a 1972 individual income tax return.

Very truly yours,

HENRY L. NEWFELD
CERTIFIED PUBLIC ACCOUNTANT

HLN:nf

LEON WILDES
ATTORNEY AT LAW
515 Madison Avenue
New York, N.Y. 10022

PLAZA 3-3468

CABLE ADDRESS
"LEONWILDES," N. Y.

June 20, 1972

Hon. Ira Fieldsteel, Special Inquiry Officer
Immigration & Naturalization Service
20 West Broadway
New York, New York 10007

Re: LENNON, John Winston Ono
A17 597 321
LENNON, Yoko Ono

(b)(6)



Dear Sir:

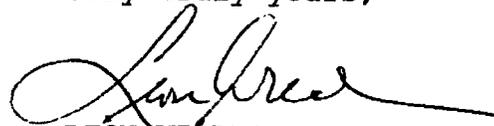
My clients, the above named, respectfully decline to designate a country of deportation under section 243(a) of the Immigration and Nationality Act, as amended, at this time. They have requested permission to designate a country at a later date, should the matter become anything more than academic.

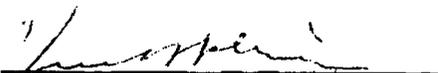
There is no claim of persecution in England or Japan by either respondent at this time.

It is agreed that my clients would have so testified, had they been requested to do so at the hearing.

The endorsement of this letter by the government's Trial Attorney, Vincent A. Schiano, shall constitute the acceptance by the government of the above.

Very truly yours,


LEON WILDES

AGREED: 

Vincent A. Schiano, Esq., Trial Attorney
Immigration & Naturalization Service

LW:ba

2744

A 20007

CERTIFIED COPY of an ENTRY OF MARRIAGE Pursuant to the Marriage Ordinance

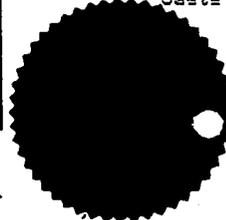


1969 Marriage contracted at the Registrar's Office in the City of Gibraltar.

No.	When Married.	Name and Surname.	Age.	Condition.	Rank or Profession.	Residence at the time of Marriage.	Father's Name and Surname.	Rank or Profession of Father.
308	Twentieth March, 1969.	JOHN WINSTON LENNON (b)(6) YOKO ONO COX	28	Previous marriage dissolved	Musician Composer	Kerwood, Cavendish Drive, Weybridge, Surrey	Alfred Lemon	Seaman (retired)

Insert in this Margin any Note, which appear in the original entry.

CAUTION—Any person who falsifies any of the particulars on this Certificate, or who is guilty of any offence in relation to the same, is liable to prosecution.



Married in the Registrar's Office, by Governor's Special Licence, before me: C. J. Wheeler, Marriage Registrar.

This Marriage was contracted between us, John Winston Lennon, Yoko Ono Cox, in the presence of us, Peter Brown, D. Nutter.

I, ARTHUR PARDC - - - - , Marriage Registrar of Gibraltar, do hereby certify that this is a true copy of the Entry No. 308 in Volume XVI of the Marriage Register Book of this City. Witness my hand and Seal this 21st day of April, 1972.

Signature of Arthur Pardec, Marriage Registrar.



PAGE WITHHELD PURSUANT TO
(b)(6)

PAGE WITHHELD PURSUANT TO
(b)(6)