

NY Times
5/21/72

Law

John and Yoko:

'If There's Mercy, I'd Like It, Please'

The scene: The hearing room in the Immigration and Naturalization Service building in lower Manhattan. Yoko Ono, sitting in the witness chair in a denim pants suit, wringing a handkerchief, whispers in a choked voice: "You're asking me to choose between my child and my husband. I don't think you can ask any human being to do that." John Lennon, in the witness chair in a nearly identical suit, wringing a handkerchief, tells the

inquiry officer: "I don't know if there's any mercy to plead for because this isn't a Federal court, but if there is, I'd like it, please."

Strange words, indeed, coming from the world's best known pop couple. But last week, as the hearing phase of the Government's effort to deport John and Yoko from the United States closed, the Lennons remained enmeshed in a legal, ethical, bureaucratic and artistic controversy that some friends liken to a soap opera and others to the McCarthyite travails of Charlie Chaplin.

Even if they weren't John and Yoko, their case might warrant considerable attention as a challenge of American immigration laws. John, the former Beatle, is British; Yoko, although she has lived in New York for most of her life, is Japanese. When their visas ran out early this year they made known their intention to apply for permanent residence here, mainly so that they might continue to search for Yoko's 8-year-old daughter, Kyoko, whom her former husband, Anthony Cox, spirited away two years ago.

A Texas court granted Mrs. Lennon custody of the child recently, but only on the grounds that she be raised in the United States. Thus the Lennons feel they would be sacrificing the child if either or both of them were to be deported.

But that's only what Norman Seaman, a concert producer and friend of the Lennons, called the "Stella Dallas" side of the story.

The Government immediately moved to deport Mr. Lennon on the ground that his conviction in England in 1968 for possession of "cannabis resin" automatically makes him ineligible for permanent residency. "The law is not discretionary," explained Vincent Schiano, the Government's prosecuting attorney, whose flamboyantly patterned Hong Kong suits make him look more like a member of the rock underground than the conservatively dressed Mr. Lennon. "Even if we loved the Lennons, it wouldn't make any difference."

But supporters of John and Yoko, suspecting that they are being persecuted for their nonconformity and antiwar efforts, contend that it should make a difference. During the two months of hearings they sought to show that the Lennons are an invaluable gift to this country, to be cherished as great artists rather than banished like Mafia chieftains.

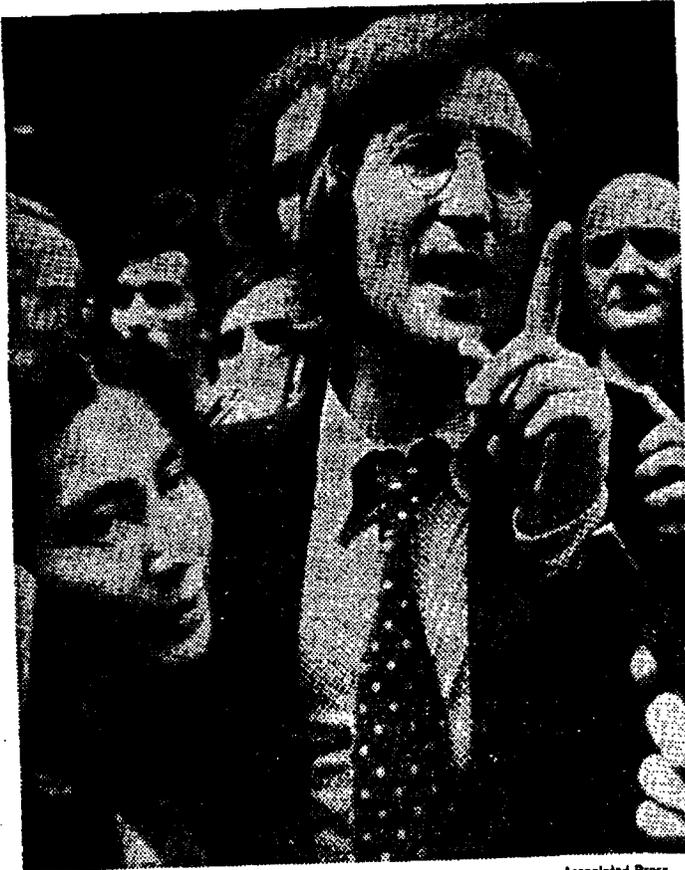
Mr. Lennon's lawyer also sought to prove that the intent of the residency law was to exclude narcotics traffickers, not a rock musician allegedly pressured into pleading guilty for having in his home a small amount of hashish that he now says was planted there.

A stellar cast of establishmentarians—Mayor John V. Lindsay; Metropolitan Museum of Art chief Thomas Hoving; talk show host Dick Cavett; the Rt. Rev. Paul Moore Jr., Episcopal bishop of New York; former British Ambassador to the United States, Lord Harlech—came forward to attest to the moral and musical worth of Mr. Lennon, whom many consider as significant an artist in 1972 as Mr. Chaplin was when he was kept out of the United States two decades ago. Mr. Hoving told the court, "If John Lennon were a painter, he would be hanging in the Metropolitan Museum."

The inquiry officer will hand down a decision sometime after July 1, when the defense is scheduled to submit a brief arguing the inapplicability of the English pot bust.

If the decision goes against Mr. Lennon, appeals could prolong the case for months, perhaps years, in which case the Lennons would ironically be forced to remain within the borders of the United States.

—GRACE LICHTENSTEIN



Associated Press

John Lennon and his wife Yoko Ono after deportation hearings in New York. "Even if we loved the Lennons," said the Government prosecutor, "it wouldn't make any difference."

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Mr. Marks

CO 837-C

May 17, 1972

File

James F. Greene
Associate Commissioner, Operations

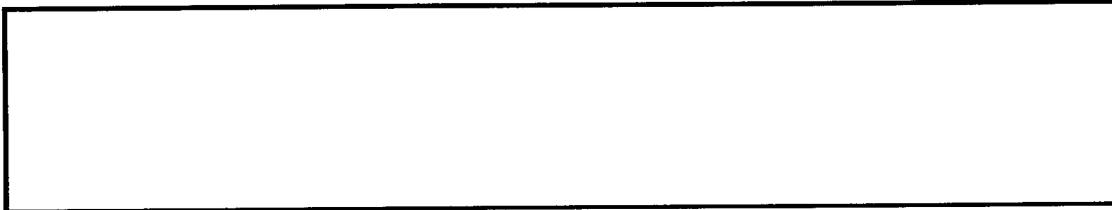
W. J. G.

JOHN LENNON and YOKO ONO LENNON

New York District Director, Sol Marks, informed me approximately 12:30 p.m. EDT today that the hearings in the Lennons' cases have been concluded.

In the case of John, the Special Inquiry Officer reserved his decision and gave the attorney until July 1, 1972 to file a brief. The Trial Attorney objected, but was overruled. Mr. Marks further advised that the attorney is pressing for a favorable action on his 245 application.

(b)(6)



After the hearing, the Lennons held a Press Conference at which nothing of any significance was developed. According to Mr. Marks, the press still has some idea that it is within our discretion to grant the Lennons' applications, and they have again tried to clarify the point that John Lennon is not eligible for adjustment because he is statutorily excluded *le*

District Director Marks further advised that the Internal Revenue Service is opening the case on the Lennons' to determine whether there is any tax liability.

✓ CC: WF - John Lennon

CC: WF - Yoko Lennon

JFG:keh

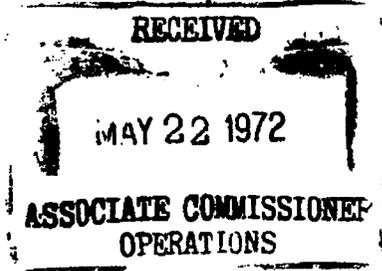
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Date, 5-18-72

To Mr. James F. Greene Operations
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Remarks



Jm

From Sol Marks, District Director Room
 IMMIGRATION AND NATURALIZATION SERVICE GPO 946-075

UNITED STATES GOVERNMENT

Memorandum

W. Flaggs 5/21/72
Substitutes
Tom Barrows

Note of 5/16/72

DATE: May 18, 1972

W. F.

TO : Sol Marks, District Director

FROM : Vincent A. Schiano, Chief Trial Attorney

SUBJECT: Washington Post - Byline Tom Zito

The comments referred to in the byline are not accurate and certainly are out of context. There was a rash of questions from the press wherein I was asked in various forms whether I was pressured or promised anything political or otherwise from the administration for the "successful" prosecution of the Lenons. I, of course, answered in the negative. There were numerous questions concerning the issuance of the OSC and whether it was necessary under the law to consult me. I said it was not necessary. Some of the questions intimated that I may have been the fair-haired boy of Washington. There were numerous statements made whether I received promotions because of successful prosecutions since I apparently had many famous cases. I said, hardly so. They wished to know about my career, how many years with the Government, what positions I held and whether or not I received Service promotions. I explained to them the role of the trial attorneys generally and that the promotions received in the past several years since my return to the Service was through reclassification and explained to them that reclassification was a claim to gain recognition in a higher grade.

In the course of these conversations, someone had mentioned various other cases in the past, including Melaxa, Lem, Buffalino, Gambino and other cases. I explained to them while I was connected with those cases, it had nothing to do with my promotions. One of the reporters recalled an involvement of Richard Nixon with the Melaxa case. I said, "I forget the details since that was back in 1955 but that a former law partner of Mr. Nixon when Mr. Nixon was not in Government had appeared as a witness in the case."

The quote in the last paragraph of the memorandum relating to the byline is incorrectly ascribed to me. It had no relation to the Lennon case and reporters were asking questions about the Mash program, other cases, the thoroughness involved in apprehending aliens and why some aliens were never caught, etc. My retort carried the general impression that there are many citizens who are not in jail because there are not enough police or there may be certain inefficiencies existing. There was no relation to the case at bar or to anything



in particular. I may have remarked something to the effect that Nazi Germany had many policemen and few criminals since most of them were in uniform. Their inefficiency of government was welcomed by the population as some guaranty of civil freedom. The quote mentioned in the byline may have come from Benjamin Franklin but I am not sure.

I realize that perhaps most of this could have been avoided if I did not have to answer questions by the press. I confess some error of judgment with regard to this. However, in the type of proceedings held they naturally would overhear conversation in the course of the proceedings which give rise to comment and also certain aspects of the case would give rise to unfavorable comment if not further explained. For instance, there is still misunderstanding by the press concerning the ineligibility of John Lennon for adjustment of status. The press appears to insist upon the existence of discretionary powers where I stated at the hearing on the record that there is no discretion on this question of eligibility where a conviction for marijuana is involved which would render Lennon inadmissible under Section 212(a)(23). I have noticed in the past that even statements made on the record and the testimony record was misconstrued or taken out of context. This, as everything else, is one of the problems of press coverage. As you know, when the New York Post man (I don't know if it was the same one) wanted to speak to me, I referred him to your office.

Robert F. Kennedy

L.S. I'm sorry I had to submit this in writing form but my anger, disappointment + frustration is to be appreciated. I can see the P.O. who has been mentioned even now as misquoting understands.

The Lennon Case

By Tom Zito

NEW YORK—The United States' government's deportation proceedings against John Lennon recessed for at least two months yesterday, with a prediction to a reporter from Special Inquiry Officer Ira Fieldsteel that "this thing could drag on for several years."

Fieldsteel closed the Immigration Department hearing following testimony from the former Beatle and his wife Yoko Ono on why they should be granted permanent American residency. They ended their testimony with pleas for mercy.

"I don't know if there's any mercy to plead for here, since we are not in a federal court," said Lennon, dressed in a blue suit, checked shirt and tie, and black and white cowboy boots. "But if there is I'd like to plea for it on behalf of her child."

The Lennons have been in the United States since last August, searching for

Yoko's 8-year-old daughter, Kyoko. They were awarded custody of the child by a Texas court, with the stipulation that she be raised in the U.S. But they have still not seen Kyoko and contend that she is being hidden by her natural father, film producer Anthony Cox.

"I only hope that you will understand my situation and my feelings for my child," said Mrs. Lennon, wiping a tear from her eye, "and not consider the legal technicality but the human circumstances surrounding this situation."

The "legal technicality" is Lennon's 1968 conviction for possession of a small quantity of hashish (cannabis-resin) by a British court.

The couple applied for American residency in March, but the Department of Immigration and Naturalization contends that the

See LENNON, C2, Col. 1

Lennon from residence. All parties in the case readily concede that Mrs. Lennon can easily obtain permanent residence status, but she points out that such an arrangement "would force me to choose between my child and my husband."

Leon Wildes, attorney for the Lennons, has contended that U.S. regulations only bar residence to those convicted of "possession of marijuana or narcotic drugs." Last week Wildes claimed in the hearing room that hashish was not technically covered by the statute. He reiterated that point yesterday, adding the following claims:

- The regulation is concerned only with possession with intent to traffic the drug;
- No request for residence has ever been denied on the grounds of a foreign conviction for possession;

- Kyoko Cox, as an interested party, has not been informed of the hearing and has thus been denied certain constitutional rights.

Wildes also introduced as evidence yesterday a charge sheet presented from former U.S. Ambassador to the United Kingdom Lord Harlech to the State Department of Lennon's application for residency.

Harlech wrote: "Leaving aside the question of whether he was in fact guilty, which seems now to be in doubt, I know personally of a number of cases in which such a conviction has not prevented the granting by the American authorities of a Visa to enter the United States. This has, of course, been so in the case of John Lennon. It may be that there is a theory that danger arises for the United States of America if one resides there for six months, but that theory does not exist."

Attorney Vincent Schiano until July 1 to file briefs. In addition, the American Civil Liberties Union plans to file a brief on behalf of the Lennons.

Wildes said that should Fieldsteel's verdict be negative, he would appeal to the Board of Immigration Appeals and later, if necessary, to federal courts for a review.

In spite of the seriousness of the case for the Lennons, the proceedings here have not been totally devoid of humor.

Yesterday Wildes offered a "monstrous pile of 15,000 signatures in support of the Lennons" as evidence. Attorney Schiano quickly countered by saying, "the government has also withheld a monstrous pile of letters, necessarily in agreement with that monstrous pile of letters."

At a press conference after the hearing, Lennon acknowledged Schiano's offer to have the FBI search for a location for Kyoko.

"I just hope they're better than Khrushchev," quipped Lennon. "We've been exploring every possible avenue — including the Champs Elysees."

But the best comment of the day came from Schiano, who said that since the day in 1966 when he began prosecuting a former law partner of Richard Nixon, "I have had to sue the government to get every pay increase I've been entitled to."

Asked by a reporter about his personal feelings in the Lennon case, Schiano commented: "The best guarantee of civil liberties in the United States is the right to a fair trial."

WASH POST
5/18/72

JL w/r - John Lennon
u
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52372

Date _____

To Mr. Gordon Room _____

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Remarks *Chas & Burrows*
for filing.

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General Counsel

J. Greene

To Mr. Burrows
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From _____ Room _____

The Lennon Case

By Tomoko 5/18-72

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The Lennon Case

LENNON, From C1

drug conviction disqualified Lennon from residency.

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But the best comment of the day came from Schiano, who said that since the day in 1936 when he began practicing a former law partner of Richard Nixon, "I have had to see the government to get every day because I've been arrested."

Asked by a reporter about his personal feelings in the Lennon case, Schiano commented: "The fact is, the government has been so..."

OUT NOW

5/1972

IN

The cold rain was as relentless as the marchers. I got there too late and stayed too long. When it was over I had a fever. I don't know what was accomplished at the corner of Sixth Av. and 40th St. on Saturday any more than I know what is being accomplished at An Loc right now, but I do know that when Yoko Ono told the 30,000, maybe 40,000, maybe 50,000 gathered there that the time had come for North Vietnam to invade America, I suddenly remembered 1941, right after Pearl Harbor.

A woman in California saw a street sweeper coming down her road one night, thought it was a Japanese tank and hysterically called the police to tell them that the enemy had landed. It's people like that woman in California who still run this country.

* * *

Whether Yoko realized it or not, the North Vietnamese have already invaded America. The battle of An Loc was being fought as much at Sixth Av. and 40th St. on Saturday as it was on South Vietnam's Route 13. As speaker after speaker told the peace march crowd, the demonstrations and the riots through all these years of war have helped whittle down the hand that our government has left to play. It was American public opinion that forced the withdrawal of our ground forces from Vietnam and now the battle has begun in the streets of America to force the withdrawal of our air and sea power. Every time the North Vietnamese mount an offensive in Indochina, there's an offensive mounted here.

* * *

SPEC

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John Lennon

In the pages of Rolling Stone, John Lennon confessed to being a pot-head, an acidhead, a juicehead and a lot of other things. He also confessed that the dream The Beatles represented was over. He said: "One has to completely humiliate oneself to be what The Beatles were, and I resent. I didn't foresee."

In a press conference here, Lennon, British subject, said he and his wife "want to be in America."

"We want to live here," he said. "Please ask us why we want to live in New York, we say, 'We love it.'"

Lennon faces deportation on the basis of a four-year-old misdemeanor conviction in England for possession of marijuana. He was charged that the proceedings against him by the Immigration and Naturalization Service were a result of his outspoken opposition to the Indochina war.

The shaggy-haired former Beatle said that if he were deported, it would be a disaster.

5-17-72

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SPECIAL DELIVERY

Investigation & Naturalization Service
~~Commissioner~~ Raymond F. Farrell
Washington, D. C.

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Very important
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D. P. JASON
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NEW YORK, N.Y.



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CO 837-C
May 12, 1972

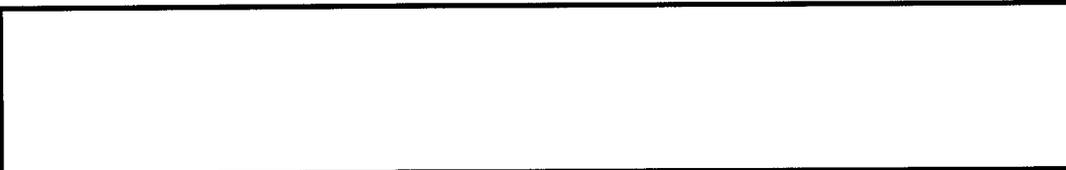
Memorandum for File

James F. Greene
Associate Commissioner, Operations

John Lennon and Yoko Ono

Mr. Marks informed me that the hearing in the subjects' cases has been adjourned until next Wednesday, May 17, 1972. At that time they are expected to pursue their applications for adjustment under section 245. Lennon, according to Mr. Marks, finally conceded deportability. A physician who was a witness for Lennon testified that cannabis resin, a substance which Lennon had in his possession at the time he was arrested in England is not marijuana. This, of course, is contrary to every legal finding in this regard. New York has a doctor from KIDD who has stated that it is marijuana and is prepared to so testify.

(b)(6)



A Mr. Thomas Hovney(?), a renowned art expert and Mr. Dick Cavett appeared as character witnesses. Subjects' business manager, Allen Klein, also appeared as a witness and during his testimony stated that Lennon's net worth was approximately fifty million dollars. At this juncture he was asked whether Lennon had ever paid any income taxes and he stated he had not. The SIO has requested at the re-opening next Wednesday that they produce a statement as to his earnings in the United States and the basis for exemption from any tax liability.

Messrs. Farrell, Lehmann and Cull were informed of the foregoing.

CC: W/F Lennon, John and Yoko Ono

JFG: iwh

FRIDAY, MAY 12, 1972

Ballad of John and Yoko: They'll Hear the News

By Stephen Isaacs

NEW YORK—John Winston Lennon, who describes himself on his application to remain in the United States as "composer, musician, artist, filmmaker, author and actor," will likely be ordered deported from the United States today.

Lennon, the longtime Beatle, will appear here as immigration case No. A17 597 321 before Ipa Fieldsteel, a special inquiry officer of the Immigration and Naturalization Service.

According to top officials of the service, the Lennon Case is cut and dry: He overstayed his visa, so he will have to leave.

The case of Lennon and his wife, Yoko Ono Lennon, has received wide publicity over the last several months as they have tried to stave the government's attempts to deport him.

Government officials say

the law prevents them from renewing Lennon's visa because he was convicted of a marijuana offense in Britain four years ago.

The Lennons maintain that the drug charge was not justified in the first place and that the government is really trying to deport them because of their pacifistic leanings and association with such outspoken critics of the Vietnam war as Abbie Hoffman, Jerry Rubin and John Sinclair.

In deporting Lennon, John and Yoko say, the U.S. government will be splitting up a family. In March, they were awarded custody of Mrs. Lennon's 8-year-old daughter by an earlier marriage. But only on the condition that they live in the United States.

The Lennons' visa to enter the United States in August was granted so they could seek the court edict of custody.

But they do not have the child. Mrs. Lennon's former husband and the girl's father, filmmaker Anthony Cox, has her and the Lennons cannot find either of them. Meanwhile, they have been living in a Greenwich Village brownstone.

"They can't very well go home and mother a couple of court orders. Our government would like them to do that," said their attorney, Leon Wildes.

Wildes cites a number of what he considers to be irregularities in the way the government has sought to remove the Lennons from the U.S., including having three immigration officers go to their apartment to serve them with their notice to leave.

"I've never seen a case handled this way before," Wildes said.

He said that when the

Lennons hired him he went to Sol Marks, New York director of the Immigration Service.

"I go to him and I say, 'Sol, what do you want from these people?' Suffice it to say that he said, 'Leon, I can't do you anything in this case. You're gonna get trouble no matter what you do in this case,'" Wildes reported.

When he asked Marks why, Wildes said, "he says that he can't go into it, that I wouldn't want to press him beyond that, and I said, 'You're right and I wouldn't press you beyond that if that's the way it is,' but it was pretty clear to me that the shots were being called in Washington."

"I don't ever remember him talking to me like that," said Marks. "I told him that things might be tough in this case because of the marijuana conviction."

"You can't do anything," said you can't do anything offense.

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Yoko Ono Lennon

John and Yoko: They'll Hear the News Today

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"I go to him and I say, 'Sol, what do you want to do with these people?' Suffice it to say that he said, 'Lennon can't do you anything in this case. You're gonna get deported no matter what you do in this case,'" Wildes reported.
When he asked why, Wildes said, "I told him that he can't go into the country. I wouldn't want to press beyond that, and I said, 'You're right and I press you beyond that.' That's the way it was pretty clear that the shots were being ported in Washington."
"I don't ever see him talking to me," said Marks. "I told him things might be different in this case because of his marijuana conviction."

"You can waive some things," said Marks, "but you can't waive a narcotics offense . . . there's absolutely no doubt in this case."
John Hendricks, an artist and friend of the Lennons, has been trying to help them. He said: "What this case really is, is a threat to artistic freedom. It's pretty clear they're being persecuted for their views and not something they've done or might have done. It fits a very dangerous pattern all across the country."
Wildes added: "Somebody might say, in my opinion, a disposition of what is a dangerous or undesirable person. There's no question in my mind that somebody's opinion of what's undesirable which is highly subjective and confused."
Wildes said further that he had dealings with immigration officials.
LENNON, BS, Col. 1



John Lennon

PEOPLE

Caring for the People

By Angela Terrell

Victor Borge, the witty piano player who never finishes a tune, says this is because "I don't know the endings."

"But lately," he adds in his usual dry manner, "I've been studying some endings."

At a dinner-dance to celebrate CARE-Medico's 26th anniversary, last night at the Mayflower Hotel, Borge was honored by CARE's board of directors. He has served for 15 years as chairman of the organization's international public service committee.

Borge and his wife, Sona, avoided a reception given before the dinner in the hotel's Chinese Room. He said he "hates receptions." But from a suite in the hotel,

he expressed his love for people in spite of that.

He said he likes the work CARE is doing. "They are helping people who are homeless and hungry . . . And more and more people are being made homeless."

In 15 minutes, Borge managed to make quips about half-a-dozen subjects, including:

Women's lib: Mrs. Borge said that even though Borge has said he's all for equal pay and jobs for women or anyone, he's been attacked by some radical women's lib types. "She's liberated," was all he said, pointing to his wife.

Television: "In America there are too many interruptions for commercials—but when I am overseas, I miss them—they've become a habit."

Borge was surrounded by

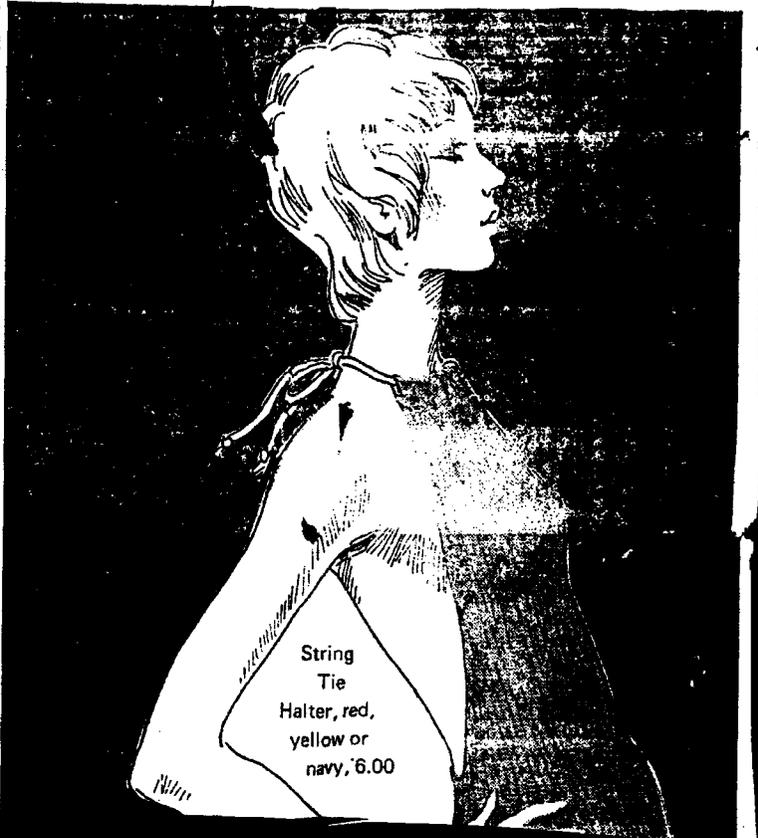
230 admiring Washingtonians who came to support the CARE-Medico programs in 34 countries. Borge said Care is able to help millions of people overseas through "begging."

"We always have to beg—the government is not able to care for the people," he said mentioning the free hospital care in his native Denmark in comparison. He said, "It's sad that an organization like CARE, which wants to help, has to compete for dollars with so many other worthy causes."

Among the guests were: Ambassador of Germany and Mrs. Rolf Pauls, Ambassador of Nicaragua and Mrs. Guillermo Sevilla - Sacasa, Mrs. Gwendolyn Cafritz, Mr. and Mrs. Belford Lawson and the Rev. and Mrs. Lowell Ditzon.

All stores open late every evening

Woolrich Hinsborn



String Tie Halter, red, yellow or navy, 6.00

Ballad of John and Yoko

By Stephen Isaacs

NEW YORK—John Winston Lennon, who describes himself on his application to remain in the United States as "composer, musician, artist, filmmaker, author and actor," will likely be ordered deported from the United States today.

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the law prevents the renewing Lennon's cause he was convicted of a marijuana offense in four years ago.

The Lennons maintain that the drug charge is not justified in the first place and that the government is really trying to deport them because of their pacifistic leanings and association with such outspoken critics of the Vietnam War as Abbie Hoffman, Martin Luther King Jr., and John Sinclair.

In deporting John and Yoko, the government will be breaking up a family. In March, Mrs. Lennon and their 8-year-old daughter were awarded custody of the children. But only on the condition that they live in the United States.

The Lennons' visa to enter the United States in August was granted as long as they could seek the court's custody.



By Ellsworth Davis—The Washington Post
Victor Borge and wife, Sonia, at last night's CARE-Medico dinner-dance.

By A

Victor Borge's piano performance finishes because of the endings.

"But last night was unusual because he has been studying."

At a dinner to celebrate the 50th anniversary of the Mayflower, the Mayor was honored by a board of directors. He served as the man of the hour at the international committee.

Borge avoided the hotel's C. said he But from

All stores open

philip



John Lennon

Ballad of John and Yoko: T

Lennon, From B1

gration cases — virtually his whole practice — he usually is able to make deals but it's never been like this.

"Everything is hush-hush secret," he said, "like I'm dealing with the mafia."

Marks said Lennon's case must be judged just like anybody else's—that he is being given no special favors and encountering no special obstacles.

"We're not singling this fellow out. The law is what it is and I can't change it. When they've changed the statute on it, maybe he can get a break," said Marks who added that at no time in his memory has an alien who has a drug conviction on his record been allowed to stay permanently.

Marks said he did discuss the Lennon case with one of his superiors in Washington. The superior was James F. Greene, associate immigration commissioner. Greene denies emphatically that anybody put any pressure on him to deport Lennon. "The time ran out under him," he said, "so we put him under proceedings."

Greene said that since marijuana possession was added to the list of prohibited-for-entry violations in 1952, no one has been

allowed to stay permanently who has had such a conviction. "There's no way," he added, "unless he can figure out some way to get (the conviction) completely off the books. A foreign pardon doesn't help him. I just don't know what the guy's gonna do. It's just a real hangup for him."

"And everybody's got some idea that this is pointed in this direction solely because he's John Lennon . . . but it's a matter of law and he run out the time so now we get it in hearing and see what they do for him."

Lennon and his wife have been making trips to Washington to plead their case with various senators and other persons who could apply pressure for them and were at a party earlier this week at which Sens. Charles Percy and Alan Cranston were told of their plight. Last week, the Rev. Paul Moore, Episcopal bishop of New York, held a party in Washington for the Lenons. A large number of newsmen were invited.

Rumors are circulating about what the government has supposedly been doing to the Lenons, a principal one being that Greene called the Drug Abuse Council to warn them not to

use the Lenons in any commercials against drugs. But a friend of Lennon's at the council, Steve Martindale, says that it just didn't happen that way—Greene did call, he says, but not to warn him, merely to find out whether the council was a government agency—it is not—and whether the Lenons had been asked to do commercials.

As Green tells it, Marks was on a talk program in New York and a caller asked why the government would deport a man who it was making a member of its own drug agency. So, said Greene, he merely called to find out what the agency was. It is a foundation-funded, fact-finding organization.

Martindale had recommended that the Advertising Council of America use the Lenons for their television commercials.

In their application for preferential treatment as artists they submitted 15 letters from such people as music critic Virgil Thomson, museum curators, cultural reporters, and actors and authors like Ella Kazan, Jack Lemmon, Fred Astaire and even one from television star Dick Cavett.

Cavett's letter to district

director Marks begins: "In case my name does not ring a bell with you, I am the host of the Dick Cavett Show . . ."

Sen. Jacob Javits was approached in behalf of the Lenons and his legislative assistant, Pat Shakow, said she has been fielding any number of calls from people trying to put pressure on the case.

"I think the impression they're trying to create is that they're victims, as if they were being punished for being antiwar or something," she said. "They're not the only people who oppose the war."

"In fact, what they are asking is quite a special privilege. They are asking to stay here, to jump all the quota lists and to be made citizens without going through the same procedure everybody else in the world has to go through.

"What the government is saying is, in effect, we're gonna treat you like everybody else."

"They're talking as if they were being deported for political reasons. In fact, their visas just expired."

"They've got a tremendous campaign going—they've asked absolutely everybody in the Senate to do something in their behalf. They're spreading the word that they're the victims of some

All stores open late every evening.

They'll Hear the News Today

right-wing plot," she added. The fact is, Mrs. Shakow said, she has been able to find no involvement in the Lennons' case by the Executive branch. She said that the Lennons approached Javits some time ago to re-

quest that he submit a private bill for them.

When she tried to find out even anti-Lennon facts on the case from the Immigration Service, she said, she was told their files were confidential and that they

"wouldn't even give us information when we asked."

"To grant (the Lennons) what they want," she said, "is to treat them in a very different way from everybody else."

However the facts evolve

at today's hearing, the fact that the Lennons have friends in America is undeniable. And it seems certain that if, as expected, today's ruling goes against them, they will appeal.

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me fabric as rest of sofa. Bolsters and sofa pillows
are shown. Enormous fabric choice. Arm sleeves
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Memorandum for File

CO 837-C
May 11, 1972

James F. Greene
Associate Commissioner, Operations

John Lennon

Sol Marks, District Director, New York, called me approximately 11:30 a.m. today at which time he informed me that he had just been interviewed by a Daniel Green of the National Observer regarding the Lennon case. Green, according to Mr. Marks, was well informed on all aspects of the case and he, Marks, presumed that he had been briefed by the subject's attorney. Green had a tape recorder and copious notes. The interview was in depth and considerable detail.

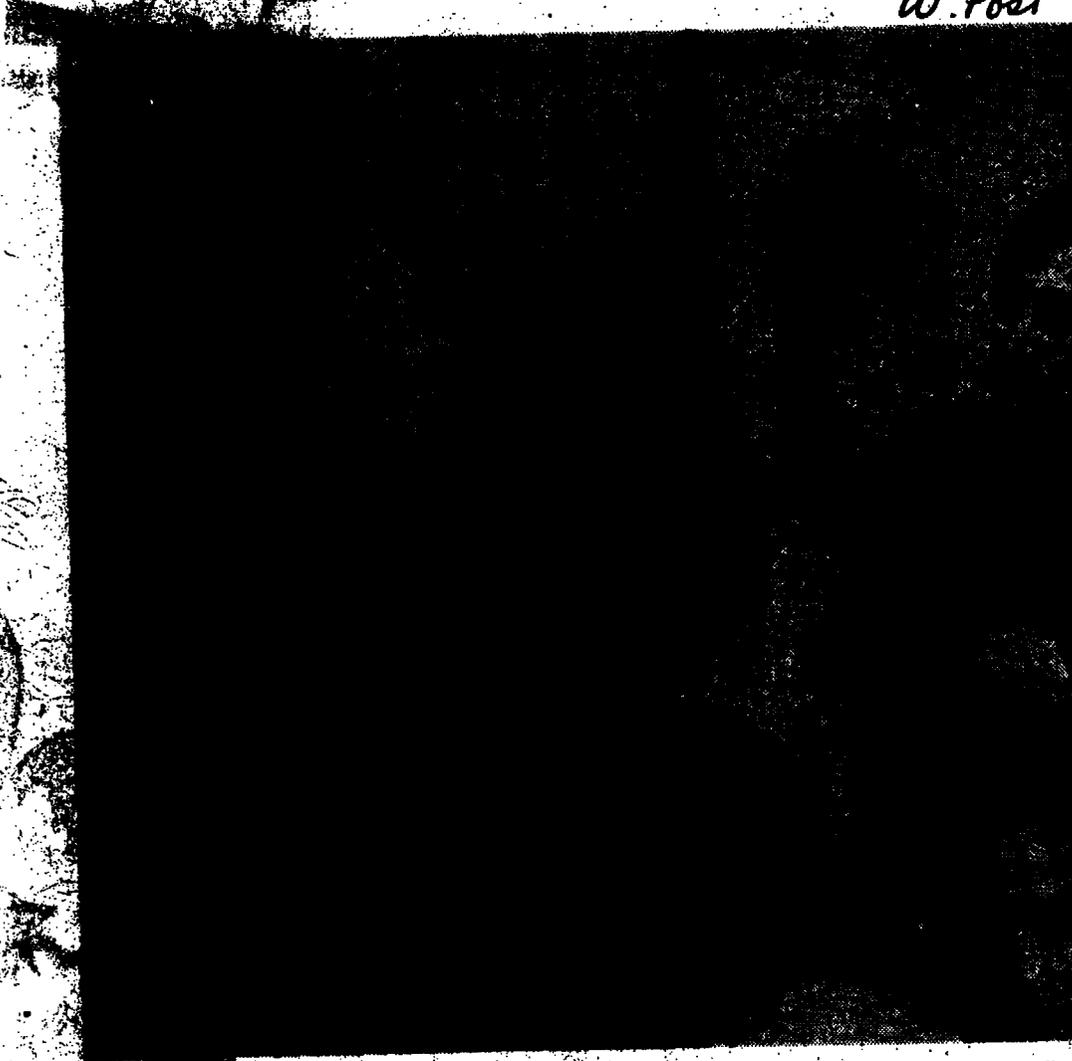
One of the points Green endeavored to develop was whether he, Marks, had received instructions from Washington concerning the manner in which this case was to be handled. He also implied there was political motivation and even went to the point of asking Marks what his politics were. Marks said he felt he had to tell him that he had consulted the Central Office. The reason he gave he said was that cases of notoriety or where the aliens are public figures he frequently consults with headquarters. He refused to divulge with whom he had been talking to in Washington. Mr. Marks feels that Green will again try to contact someone in Washington.

CC: W/F - John Lennon & Yoko Ono



JFG: lwh

W. Post



By Gerald Martineau—The

Party host Steve Mertindale, left, with his guests of honor, Yoko and John Lennon, at house last night.

file w/r John Lennon
un
5/10/72

ROUTE SLIP

Date 5/4/72

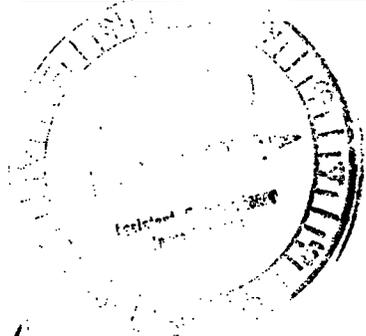
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- Signature
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- See me
- As requested
- For your information

Remarks

(b)(7)(c)

Requested by



F. G. [Signature]

From 400 - 4001 Room _____

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

CO 837-C
Date 5/9/72

To:

- Regional Commissioner
- Burlington
- Richmond
- St. Paul
- San Pedro

Attention: Assistant Regional Commissioner, Investigations
New York, New York

District Director

Attention: Assistant District Director, Investigations

RE: **John and Yoko Lennon A17 597 321;**

(b)(6)

- For your information.
- For necessary action.
- Submit report.

Attached for your information is a copy of an article which appeared in The Philadelphia Inquirer on March 31, 1972.

cc: WF - John Lennon

DC:WGN:dlw

- File
- Work Folder
- JEG Log
- Operations Log
- Investigations Log
-
-

Filed by: -----

Enclosure:

lwg
Carl G. Burrows
Assistant Commissioner, Investigations

ON-RECORD MATERIAL

Upon removal of classified enclosures, if any, this transmittal form becomes UNCLASSIFIED.

The Philadelphia Inquirer

Friday, Mar. 31, 1972

3

Court Upholds Yoko's Custody of Daughter

By RAY ROLTON

Of The Inquirer Staff

A U. S. appeals court on Thursday upheld the award of 8-year-old Kyoko Cox to Beatle wife Yoko Ono Cox Lennon.

But Yoko might have to take further action to locate and retain custody of her daughter of a former marriage to Anthony D. Cox.

"We have been informed the nomadic Mr. Cox once more removed Kyoko from Houston (Tex.) to Japan," said the ruling by a three-judge panel of the U. S. Court of

Appeals for the 3d Circuit.

THE RULING upheld a Virgin Islands District Court award of Kyoko to Mrs. Lennon last September and tagged Cox as a "nomad." Cox has remarried since his Virgin Island divorce from Yoko in 1969.

The 14-page decision detailed Cox's travels since the divorce and his subsequent court battle to retain custody of Kyoko.

His trail led from Spring Valley, Ida., where he had resided before the divorce. In the spring of 1969 Cox visited



YOKO ONO

... other fights ahead

mother and daughter in England and he took Kyoko to Canada.

"MRS. LENNON eventually located them in Voorst, Denmark, (where) Cox moved Kyoko so that Mrs. Lennon was unable to visit her," the opinion said.

"Cox agreed to a visit in London provided Mrs. Lennon paid transportation for the child, Mr. Cox and his girl friend."

Cox then took the child to Hawaii.

After a one-day visit by Yoko, "at Mrs. Lennon's expense Mr. Cox, the child and the new Mrs. Cox traveled

from Hawaii to Los Angeles," the opinion said.

"NEXT HE traveled to San Francisco, but by the time Mrs. Lennon learned of his location he had left for New York. He would not permit visitation in New York."

Then it was back to Voorst, via Montreal, and eventually the Spanish Island of Ibiza.

"When Mrs. Lennon learned he was in Ibiza; he went to Majorca (where) Mrs. Lennon eventually found Mr. Cox living in a Makarashi Center

and the child living with the new Mrs. Cox, from whom he had separated," the decision said.

"WHEN MRS. LENNON and her husband (John, the ex-Beatle) attempted a prolonged visit, Mr. Cox charged them with abduction. These charges were eventually dismissed. Mrs. Lennon later heard the child was in New York."

After she failed to obtain the child, though, she began the suit for custody.

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

CO 837-C
Date 5/8/72

To:

- Regional Commissioner
 - Burlington
 - Richmond
 - St. Paul
 - San Pedro

Attention: Assistant Regional Commissioner, Investigations

District Director New York, New York

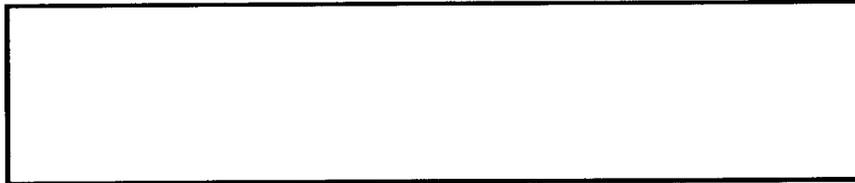
Attention: Assistant District Director, Investigations

RE: **John W. Lennon, A17 597 321 (NYC)**
Yoko Lennon,

(b)(6)

For your information. For necessary action. Submit report.

(b)(6)



- File
- Work Folder
- JFG Log
- Operations Log
- Investigations Log
- cc: WE - John Lennon - with copies of orders
- Enclosure:


Carl G. Burrows
Assistant Commissioner, Investigations

Filed by: -----

DC:WCN:1s **NOT RECORDED**

Upon removal of classified enclosures, if any, this transmittal form becomes UNCLASSIFIED.

ROUTE SLIP MAY 4 1972

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- Note & File
- Signature
- Call me Ext.
- See me
- As requested
- For your information

Remarks

[Redacted Remarks Box]

W. G. F.

J. Green

From _____ Room _____

IMMIGRATION AND NATURALIZATION SERVICE

(b)(7)(c)

UNITED STATES GOVERNMENT

Memorandum

A17 597 321

(b)(6)

TO : Mr. Greene

DATE: May 4, 1972

FROM : Mr. Isenstein

SUBJECT: John Lennon - A17 597 321

John Lennon arrived in the United States as a visitor on August 13, 1971 and overstayed. At the deportation proceeding which will be held in New York on May 12, 1972, he will apply for permanent residence under section 245 of the Immigration and Nationality Act, 8 U.S.C. 1255. At that time he will be obliged to establish that he is not inadmissible to the United States.

John Lennon was convicted in England for possession of marijuana. Under section 212(a)(23) of the Act, 8 U.S.C. 1182(a)(23), this renders him inadmissible to the United States.

It is understood that his counsel plans to bring some action in England to extinguish the marijuana conviction. It is not known what form this action will take.

Pardon. A pardon granted by a foreign government does not avert exclusion or deportation. (Weedin v. Hempel, 28 F.2d 603 (C.A. 9, 1928); Consola v. Karnuth, 108 F.2d 178 (C.A. 2, 1939); Sohaiby v. Savoretti, 195 F.2d 139 (C.A. 5, 1952).)

Expungement. The Attorney General has drawn a distinction between expungement for narcotic and marijuana offenses and crimes involving moral turpitude. In Matter of A.F., 8 I&N Dec. 429; (A.G. 1959), it was held that an expungement under California law was ineffective to relieve from exclusion or deportation. In Matter of Ibarra-Obando, 12 I&N Dec. 576, (A.G. 1967), it was held that expungement of a crime involving moral turpitude under California law did avert exclusion and deportation but the Attorney General reiterated the position expressed in Matter of A.F., that where a narcotic or marijuana conviction was involved, expungement did not extinguish the ground for exclusion or deportation. The courts have followed this position. Kelly v. INS, 349 F.2d 473, (C.A. 9, 1965), cert. den. 382 U.S. 932; Brownrigg v. INS, 356 F.2d 877, (C.A. 9, 1966); Gonzalez de Lara v. U. S., 439 F.2d 1316, (C.A. 5, 1971).



*File w/r John Lennon
5/5/72*

Coram Nobis. The expungement of a crime by a writ of coram nobis has been held to remove the conviction for the offense from consideration for exclusion and deportation. Matter of Sirhan, 13 I&N Dec. ____ (I.D. 2052 (1970)); See Sawkow v. INS, 314 F.2d 34 (C.A. 3, 1963). This has been held to be true even with respect to narcotic and marijuana convictions. Matter of O'Sullivan, 10 I&N Dec. 320 (1963); Matter of Sirhan, supra.

The position of the courts with respect to the effect of a coram nobis proceeding upon narcotic and marijuana convictions is not known. But see Cruz-Sanchez v. INS, 438 F.2d 1087.

One matter to be assessed would be whether the coram nobis proceeding was brought specifically for the purpose of averting deportation. Cf. Klonis v. Davis, 13 F.2d 630 (C.A. 2, 1926); Piperkoff v. Esperdy, 267 F.2d 72 (C.A. 2, 1959).

Another matter would be whether the foreign proceeding might be regarded in the same light as a foreign pardon. Zgodda v. Holland, 184 F.Supp. 847 (1960).

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**Lennons Win a Skirmish
In Battle to Remain in U.S.**

APR 5 5/4/72

John Lennon, the former Beatle, and his wife, Yoko Ono, won a preliminary skirmish Tuesday in their fight to remain in the United States when the Immigration and Naturalization Service ruled yesterday they were "outstanding artists," a possible ground for granting permanent residence.

They still face a deportation hearing next Tuesday to determine whether they can, in fact, stay. A major barrier is a 1968 conviction against Lennon in Britain for possession of marijuana.

*file W/F - John Lennon
wa
5/4/72*

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THE TIMES
Lennon's Win a Skirmish
In Battle to Remain in U.S.

John Lennon, the former Beatle, and his wife, Yoko Ono, won a preliminary skirmish yesterday in their fight to remain in the United States when the Immigration and Naturalization Service ruled yesterday they were "outstanding artists," a possible ground for granting permanent residence.

They still face a deportation hearing next Tuesday to determine whether they can, in fact, stay. A major barrier is a 1968 conviction against Lennon in Britain for possession of marijuana.

NY TIMES - 5/3/72

Deportation Hearing Rescheduled

By Tom Zito

NEW YORK—Whether John and Yoko Ono Lennon are going to be deported is a question that won't be considered formally for at least another week. The couple were to have appeared at a deportation hearing in New York yesterday, but the Federal District Court of New York issued a temporary restraining order against the proceedings.

Before Judge Morris Lasker in that court yesterday, the government argued that

the reason for the restraining order was the immigration department's failure to consider the Lennon's petition that they be given "third preference" for U.S. residency as "aliens of distinguished merit" (a classification granted to recognized artists and scientists). The hearing was dismissed in 10 minutes, after the government agreed to consider their request.

Sol Marks, New York's District Director of Immigration, said yesterday that the Lennons had been

granted the requested "third preference."

"What this means," Marks said, "is that Lennon can apply for permanent residency in a position of preference behind those applying who have strong family ties here. This doesn't mean that he will be granted residency. Mr. Lennon, as you know, has been convicted of possessing marijuana abroad, and this conviction disqualifies him for residency under the statutes."

Deportation proceedings against the Lennons have been rescheduled here for next Tuesday morning.

W. Post
5/3/72

File W/F John Lennon
u.c.
5/3/72

W.H.T.

CO 837-G

May 2, 1972

File

James F. Greene
Associate Commissioner, Operations

JOHN W. LENNON

Sol Marks, District Director, New York, N. Y. advised that the Service representative, U. S. Attorney's office informed the Court today that the Service was prepared to act on the subject's petition for third preference status. The Judge put the case off until May 9th to allow the Service to act on the case.

Mr. Marks further advised that the Department of Labor concurred in a labor certification and the petition has been approved.

- * The deportation hearing is now tentatively set for Thursday, May 4, 1972 providing subject's attorney can appear on that date.

✓ CC: WF - John Lennon

CC: WF - Yoko Lennon

JFG:keh

May 3, 1972

- * Information has been received that the deportation hearing is now set for Tuesday, May 9, 1972, 9:00 a.m. EDT.

MEMORANDUM FOR FILE

CO 837-C
May 2, 1972

James F. Greene
Associate Commissioner, Operations

John W. Lennon

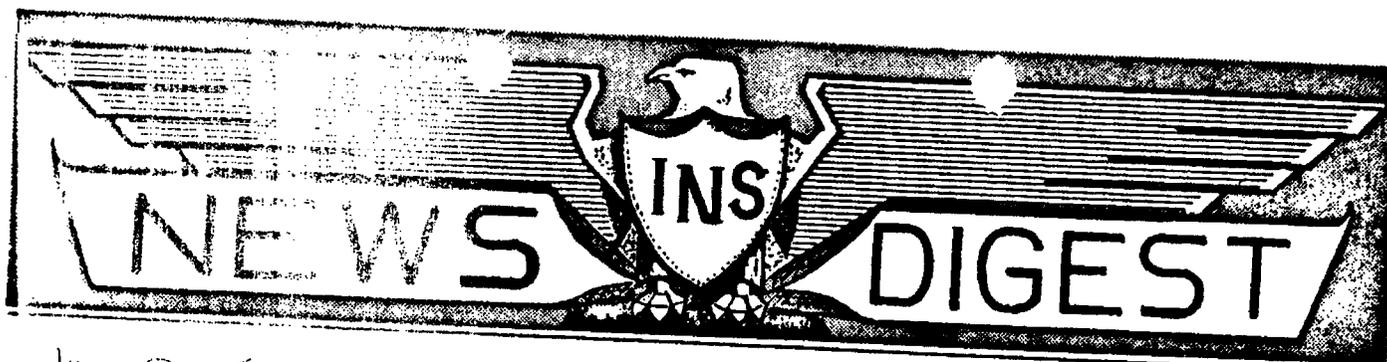
Mr. Marks, New York, called Mr. Lehmann late yesterday and called me this morning to report that litigation has been started in the U.S. District Court to force the Service to adjudicate the subject's petition for third preference. The court restrained the Service from starting the deportation hearing today.

After discussion with Mr. Farrell it was agreed Mr. Marks should proceed with adjudication of the petition if possible before the case comes up for hearing in the District Court today. The U.S. Attorney should inform the court that we are taking this action to relieve the court of any further litigation of that point. Mr. Marks was advised accordingly.

Mr. Marks raised the question as to whether the Service should acquiesce to a 90 day voluntary departure date if the SIO and the subject's attorney agreed to such an action. He was informed we should recommend standard 30 day voluntary departure period.

CC: W/F - Lennon, John ✓

JPG: iwh



NEWS DIGEST

TUESDAY, MAY 2, 1972

SEATTLE - Abdul Ghafdor, a 26-year-old native of West Pakistan, was placed under deportation proceedings and taken to the county jail Wednesday after he left the house of a university professor who hired him 10 months ago while visiting in Beirut, Lebanon. He was later released, after Jim Valentine, a retired Air Force Lieutenant Colonel, posted a \$500 bond. Ghafdor said he was paid \$63 monthly, until three months ago when his pay was raised to \$70, for working 11 to 14 hours a day, seven days a week. Dan P. Danilov, an attorney, has filed a suit on Ghafdor's behalf seeking back wages of at least \$1.60 an hour, the legal minimum, or a total of \$3,878. INS assumed custody of Ghafdor when an attorney to whom he had gone for advice declined to take custody. John P. Boyd, INS District Director, said it is not an uncommon practice to put people in jail "for safety" in such circumstances. Joel E. Haggard, attorney for Mrs. Anderson, the employer, said Ghafdor appears to be subject to deportation, but that his claim for past-due wages would be settled before any action on deportation is taken. (SEATTLE TIMES 4/29 and 4/30)

NEW YORK - More than \$1 million in cash was uncovered Saturday in and around the home of Louis Cirillo, who has been convicted as a major distributor of heroin. Cirillo also faces charges of attempting to kill key government witness Roger Priess, a 35-year-old Frenchman who was indicted with Cirillo and 21 others last January on charges of complicity in a multi-million dollar heroin smuggling operation. (MIAMI HERALD 4/30) See DIGEST 1/18/72 and 10/13/71.

DALLAS - Doctors E. Fuller Torrey and Robert L. Taylor told the annual meeting of the American Psychiatric Association on Monday that an estimated 3,100 foreign-trained, unlicensed physicians form the bulk of the psychiatric staff at state mental hospitals, prisons, and institutions for the mentally retarded. In addition, some 1,300 others come to America for psychiatric training - called residency programs - but often spend all their time trying to treat patients instead of learning. Dr. Torrey is special assistant to the director of the National Institute of Mental Health for International Activities, and Taylor is in NIMH's psychiatry training branch. (WASH. POST 5/2)

WASHINGTON - Figures released by the Department of State show that this country had 34,000 foreign students in 1954, 82,000 in 1965, and 145,000 in 1971. The government does not by any means finance the education of all these students, nor does it go to great lengths to entice them into the U.S. This steady rise in the number enrolling is certainly some indication that foreigners have not lost all respect for this country and its institutions. (S.F. EXAMINER AND CHRONICLE 4/30)

NEW YORK - John Lennon and his wife, Yoko Ono, obtained a temporary restraining order yesterday against INS barring a scheduled deportation hearing today. The suit charges that DD Marks has failed to act on their application to remain in the U.S. as outstanding artists. A hearing on the suit is scheduled for today. (N.Y. TIMES, WASH. POST 5/2) See DIGEST 5/1.

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NY Times
5-2-72

Notes on People

Lennons' 1

Judge Bernard J. Lasker signed a temporary order in Federal Court restraining the Immigration and Naturalization Service from holding a deportation hearing today for John Lennon and his wife, Yoko Ono. Judge Lasker ruled that the Government must first hold a hearing on a motion made by the Lennons before it takes up the matter of deportation.

The defense motion asks that the Lennons be classified as "aliens of distinguished merit and ability," which might make it easier for them to get new visas. Their main trouble has been Mr. Lennon's inability to renew his visa because of a marijuana conviction in England four years ago. A hearing on the Lennon motion was expected today, and depended on whether new case for deportation proceedings would be set.

W. Post 5/2/72
Deportation Hearing Blocked

NEW YORK ^{Reuter} — Former Beatle John Lennon and wife, Yoko Ono, obtained a temporary restraining order yesterday against the local New York Immigration and Naturalization Service barring a scheduled deportation hearing today.

Judge Morris E. Lasker in Manhattan federal court acted on their application after the couple filed an injunction suit charging that the district director of immigration, Sol Marks, had failed to act on their applications to remain in the United States as "outstanding artists." A hearing to bar the immigration official from acting against them is scheduled for today. The court papers charged that Marks had failed to act on their applications as artists because they (the Lennons) have "spoken out freely and openly on the issues of today" and the fact that their views may differ from those of some government officials have influenced Marks' decision in trying to deport them.

file W/F - John Lennon
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5/2/72

John Lennon
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The New York Times

ADOLPH S. OCHS, Publisher 1896-1963
ARTHUR HAYS SULZBERGER, Publisher 1963-1967
ORVILLE E. DRYFOOS, Publisher 1967-1968

Love It and Leave It

When former Beatle John Lennon was in fifth grade, he was caned by a headmaster who later said: "I can't remember what I caned him for." Chances are that if the Immigration and Naturalization authorities, who have ordered Mr. Lennon and his wife to appear for a hearing today, proceed with the order to deport the couple, they

will also be at a loss, years hence, to remember what they punished Mr. Lennon for.

As the headmaster recalled, young Lennon was "a thorough nuisance" then. Seen through conventional eyes, he has never changed. But is that really why the Lennons are being deported? The official reason is rumored to be a 1968 marijuana conviction in England. But there are grounds for suspicion that Mr. Lennon is being considered *persona non grata* because of his unconventional views and radical statements. Shades of the Charlie Chaplin fiasco of two decades ago, for which the country has just got through apologizing.

To deport the Lennons would be, as Mayor Lindsay said in a letter to the immigration authorities, an "unusual and harsh action." The penalty would be rendered particularly cruel because it would permanently separate his wife from an eight-year-old daughter by a previous marriage. The court order giving her custody of the child stipulates that the mother must reside in the United States.

The Lennons have been enthusiastically involved in projects which enlist music for the betterment of deprived children's lives. They came to New York as visitors three years ago and say that they have fallen in love with the city and its ways. It would be ironic if the guardians of this country's private morals and public safety were to become known as the authors of a new slogan: "America—Love It and Leave It." What the Beatles might have done with such a refrain!

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7/11 Secret
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Work Post 5-2-72

Deportation Hearing Blocked

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Bertha John Lennon and wife, standing artist"
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Marks, had failed to act on have influenced Marks' haste
their applications to remain in in trying to deport them.

ROUTE SLIP

Date MAY 1 1972

To Mr. Burrows, Room _____

- Approval
- Comment
- Necessary action
- Per telephone conversation
- Note & Return
- Note & File
- Signature
- Call me Ext.
- See me
- As requested
- For your information

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Remarks

File
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*Was Yoko Lennon
ever a lawful
permanent resident?*

*In what way
did she child
acquire U.S.
Citizenship?*

*Burrows says he will
want to know.*

Room _____

GPO 922-615

U.S.A.



— Associated Press

and wife Yoko Ono, at the National Press Club yesterday.

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New York, UPI reported.
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They were awarded custody
by a Texas court, provided
that the 8-year-old be raised
in the United States. She
has still not been seen by

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the place. There are lots
of stars so I'm not the only
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ROUTE SLIP

Date MAY 1 1962

To Mr. Burrows Room _____

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| <input type="checkbox"/> Comment | <input type="checkbox"/> Note & File | <input type="checkbox"/> As requested |
| <input type="checkbox"/> Necessary action | <input type="checkbox"/> Signature | <input checked="" type="checkbox"/> For your information |
| <input type="checkbox"/> Per telephone conversation | <input type="checkbox"/> Call me Ext. _____ | |

Remarks

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From _____ Room _____

IMMIGRATION AND NATURALIZATION SERVICE

GPO 922-615

'Nuts About U.S.A.'

Associated Press

John Lennon says his wife Yoko Ono "is nuts about America and she converted me."

Lennon spoke to newsmen yesterday at the National Press Building. On May 2, he will have a chance to say the same thing to the U.S. Immigration and Naturalization Service at a hearing in New York City on the service's effort to deport him and Yoko.

Spokesmen for the Lennons said the government wants everybody to think the reason for the deportation is Lennon's conviction four years ago in England for possession of marijuana. But they maintained the real reason may be the Lennons' outspokenness against American involvement in Indochina.

The Lennons' attorney, Leon Wildes, explained that Yoko Ono and her husband wished to live in the United States with Yoko Ono's 8-year-old daughter, Kyoto Cox. The girl was born during Yoko Ono's first marriage, to Anthony D. Cox.

Wildes said a Texas court granted the Lennons custody of Kyoto only on the condition they raise the girl in this country.

New York Mayor John



John Lennon and wife Yoko Ono, at the National Press Club yesterday.

—Associated Press

Lindsay, in a letter to the U.S. Immigration and Naturalization Service, asked that the Lennons be allowed to remain in this country and be

granted resident status in New York, UPI reported.

Lindsay said it was "very much in the public interest" for the Lennons to be allowed

to remain in New York. The mayor added that the deportation attempt is "a grave injustice" and "cruel treatment."