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John Lennon and his American lawyer

By Dan Lawton

This is the first in a two-part series concerning the late John Lennon and his American attorney, Leon Wildes. Part two will run tomorrow.

Part One in a Two-Part Series

The early morning of Tuesday, Dec. 9, 1980, found me standing on a street, waiting for a bus, a little sleepy. My classmate, Jim Baker, always took the same bus. This morning, he was late. I wondered where he was. Then Jim ran up with a wild look in his eye. He blurted out the news: "John Lennon was shot and killed last night." Today, I still remember the moment, like some recall hearing what had happened to President John F. Kennedy in Dallas that day in 1963. It seemed unbelievable.

In Fullerton

As a kid, I'd been lucky to grow up in a house filled with music. My dad owned and played a saxophone. He had vinyl jazz records. The sounds of them — Herb Alpert, Charlie Byrd, Dave Brubeck, Gerry Mulligan, Ramsey Lewis — poured from the speakers in his living room. To me, it sounded good. But then, in 1970, I heard "Hey Jude" on the stereo in Brian Miller's garage, across the street. And now I only liked rock 'n' roll. I was 9.

My younger brother Rich had heard the Beatles, too. Afterward, he got a guitar, and took lessons. Rich learned "Blackbird," a pretty McCartney song. At age 10, he sat and practiced it in our bedroom:

Blackbird singing in the dead of night

Take these broken wings and learn to fly

All your life, you were only waiting

For this moment to arise.

Rich and I got into the Beatles, especially their later stuff. They had broken up, but so what? Rich got his hands on "The White Album." The album had John Lennon's song, "Revolution 1," on it:

You say you want a revolution, well you know

We all want to change the world You tell me that it's evolution, well you know

We all want to change the world

But when you talk about destruction

Don't you know that you can count me out/in

Rich and I became interpreters of lyrics. "Blackbird" seemed like a civil rights song. And "Revolution 1" was about, well, revolution. (Was Lennon talking about a real revolution? He had sung that last word, "in," on the record, even though it didn't appear on the lyric sheet.) But what in the world could "I Am The Walrus" be about? It was another Lennon song:

I am the egg man

They are the eggmen

I am the Walrus

goo goo g'joob

We pondered it awhile. Then, being kids, we moved on.

The FBI's Secret War

John Lennon arrived with his wife, Yoko Ono, in New York in 1971. The INS knew Lennon had a drug conviction in Britain. But it let him in anyway, and issued him and Ono non-immigrant visas. Later, INS extended the visas.

What Lennon didn't know was that the FBI had opened a file on him. And that the bureau's notorious "director-for-life," J. Edgar Hoover, was personally directing covert surveillance activity against him and tracking his movements. Hoover and even President Richard Nixon himself were worried about the 32-year-old Englishman in the granny glasses.

What were they so worried about? The 1972 election — the first in which 18-year-olds would be allowed to vote. Lennon thought America's involvement in the Vietnam War was wrong, and said so. He'd recorded songs like "Happy Xmas (War Is Over)" and "Give Peace A Chance," which the White House took as direct affronts. It was feared Lennon might rally young voters to vote against Nixon. In April 1972, the FBI's New York office transmitted a memo to Hoover saying Lennon "might engage in activities in U.S. leading toward disruption of Republican National Convention, San Diego, 8/72." A note at the end noted an informant's report that Lennon would "soon initiate series of 'rock concerts' to develop financial support..."

By May 1972, there was a secret, inter-agency, coordinated effort to get John Lennon on any basis possible. The memos tell



An undated photo of John Lennon.

Associated Press

the story, exposing the internal brainstorming the bureau did about how to get him. Perhaps Lennon had lied to the INS, thus committing perjury. (He hadn't, as the FBI determined the same month.) Perhaps Lennon was defrauding the IRS by falsely denying income earned while in the U.S. (He wasn't.) Perhaps Lennon was insane — "INS plans to request mental examination of both Lençons," read one memo. (Afterward, no such mental examination was sought.)

Hoover died in May 1972. But the bureau's secret war against Lennon went on. L. Patrick Gray replaced Hoover. The bureau now was reporting directly to Nixon's chief of staff, H.R. Haldeman, about Lennon. Memos about Lennon now bore this subject line: "John Winston Lennon: security matter — revolutionary activities." Gray ordered "information developed by New York should

be immediately ... furnished to INS" and "information developed regarding subject's violations of federal and local laws including narcotics and perjury, should likewise be disseminated without delay to pertinent agencies." The bureau was going to get John Lennon, whatever it took to get him booted out of the country and spare Nixon the indignity of having to endure a "rock concert" outside the convention hall in Miami.

The Republican National Convention came and went, with no "rock concert," and no Lennon. Nixon, triumphant, coasted to re-nomination. Behind the scenes, his administration's secret war on Lennon was not going well. The air of disappointment in this memo sent to Gray Aug. 30, 1972, is hard to conceal: "Sources ... all advised during the month of July, 1972, that [Lennon] has fallen out of favor of activist JERRY RU-

BIN, ... due to [Lennon's] lack of interest in committing himself to involvement in anti-war and New Left activities." By December 1972, the bureau threw in the towel: "In view of [Lennon's] inactivity in Revolutionary Activities and his seemingly [sic] rejection by NY Radicals, captioned case is being closed in the NY Division."

While the White House fretted about John Lennon and the bureau spied on him, the INS got busy trying to deport him. Lennon lawyered up. The lawyer's name was Leon Wildes.

Tomorrow: John Lennon's legal fight to avoid deportation, and the aftermath.

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work in forcing, via lengthy litigation brought under the Freedom of Information Act, the release of some of the FBI's secret files on John Lennon. Copies of the files can be viewed at <http://vault.fbi.gov/john-winston-lennon>.



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Lennon and Leon Wildes

The local district director, Sol Marks, waited until the day Lennon's visa expired in March 1972, then pounced. The next day, he delivered a letter telling Lennon he'd be deported in two weeks unless he left voluntarily in the meantime. Ostensibly, INS sought the deportation on the grounds Lennon had pled guilty (in 1968, in London) to possession of cannabis resin (found in a binoculars case in his house). In denying Lennon's motion to terminate his deportation proceedings, Marks alluded to the conviction and, mysteriously, to "other circumstances in the case" — which circumstances Marks never explained. Lennon applied for a green card, seeking permanent resident status in the U.S.

Whatever the "circumstances," the INS had moved with remarkable speed against Lennon. In hindsight, it's hard not to notice a coincidence between the date Marks delivered his letter (March 1, 1972) and the FBI's secret internal memo of three weeks earlier, reporting that Lennon might disrupt the Republican National Convention later that year. Lennon's immigration lawyer, Leon Wildes, noted that there had probably never been a case in INS' history in which it had moved with such alacrity against an alien who had overstayed his visa. "The only conceivable reason," wrote Wildes, was Lennon's being "well-known for his political views and associations in the United States."

Deportation hearings ensued, before Immigration Judge Ira Fieldsteel. The government argued Lennon's prior guilty plea in his drug case made him an excludable alien. Wildes argued the British law under which Lennon was convicted lacked a "guilty knowledge" element — thus making the U.S. statute (which required "illicit possession" of marijuana) inapplicable to him. Fieldsteel was having none of it. He ordered Lennon deported.

Lennon appealed. While the appeal was pending, an odd document fell into Wildes' hands. It was an anonymous memo sent from "one government office to another — possibly within the [CIA]." The memo judged Lennon's remaining in the U.S. to be "inadvisable and ... recommended that all applications are to be denied." The



Correction officers escort Mark David Chapman, center with coat over head, into the prison ward at Bellevue hospital in New York on Dec. 11, 1980.

memo went on to order "constant surveillance" of the Lennon's residence and "cooperation ... to be given to the I&N Service." Wildes wrote the memo was substantial evidence that "some skulduggery was afoot in government agencies[.]" Indeed there was.

The 2nd Circuit saw things Lennon's way. Chief Judge Kaufman rested his opinion on straightforward construction of the excludability statute. He wrote that its "illicit possession" clause required "guilty knowledge" — something Lennon hadn't had when he'd pled guilty to simple possession of cannabis resin in Britain. Judge Kaufman added that the courts would "not condone selective deportation based upon secret political grounds..." Kaufman's opinion ended with these words:

"If, in our two hundred years of independence, we have in some measure realized our ideals, it is in large part because we have always found a place for those committed to the spirit of liberty and willing to help implement it. Lennon's four-year battle to remain in our country is testimony to his faith in this American dream."

The next year, the INS awarded Lennon permanent resident status.

December 8, 1980

John Lennon got to enjoy his American dream for five more years. On Dec. 8, 1980, he was 40 years old. He was hoping to become a U.S. citizen

the following year.

That evening, he rushed home from the recording studio, to say goodnight to his 5-year-old son, Sean, before the boy went to bed. He was planning to take his wife out to dinner afterward. He alighted from a limousine outside

He lost consciousness in the back seat. By the time they got him to the emergency room, he had no pulse. The doctors opened his chest and massaged his heart, but Lennon had lost over 80 percent of his blood volume. He was gone.

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In The End

his apartment building — the Dakota, on Central Park West in New York City. As he crossed the sidewalk, he glimpsed Mark David Chapman lurking in the shadows. Lennon didn't know it, but Chapman was a deranged assassin. Seven hours earlier, Lennon had given him an autograph. Now, Chapman shot Lennon in the back with a .38 caliber revolver. Four hollow-point bullets found their mark. Rushed by police to the hospital in a squad car, Lennon bled profusely.

In 2013, the executive branch of our federal government still employs a few men who mock the laws they are sworn to uphold. The worst of their acts remind us of the timeless truth: how mean and dumb men can be when acting under the orders of a superior officer. Timeless, too, seems our executive branch's obsession with illegal spying on people who deserve better — and its hatred of its own ac-

countability for doing it.

But there is this too. For all the meanness of some men, our American laws are still the best. Those laws (and the federal judges who interpreted them) saved a deserving man, John Lennon, from deportation. They enabled a legal David to beat the Goliath of a bullying executive branch whose main motivation, like every bully's, was insecurity. That the David was British, and the Goliath American, in a country founded by American Davids who only wanted to be rid of the British Goliath, seems a funny irony.

This year, I got around to buying "The Beatles Box Set." For \$149, you get every song on every album the Beatles ever recorded, plus video and documentary excerpts, all downloadable on an iPhone and iPad. (It's a great Christmas present for any music lover on your list.) And so, 40 years after my brother Rich and I tried to decipher "I Am The Walrus" in Fullerton, I finally got to learn the meaning of the song, from John Lennon himself:

"One of my favorite tracks, because I did it, of course, but also because it's one of those that has enough little bitties going to keep you interested, even 100 years later ... Just because other people see depths of whatever in it, what does it really mean, 'I am the eggman,' it could have been 'the pudding basin' for all I care — just tongue-in-cheek. It's not that serious."

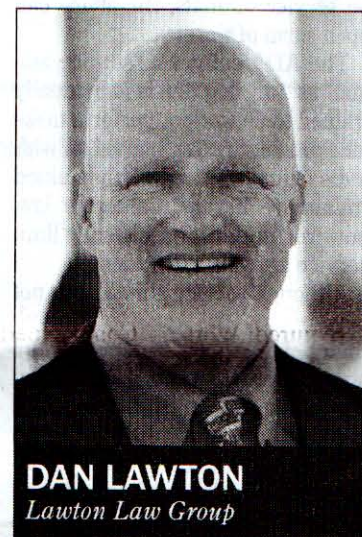
I pictured one of Hoover's FBI

men, keen to please the boss, sitting in a dimly lit office in Washington in 1972. He has headphones on and a pen in hand. He sits at a metal desk, straining, taking notes, listening to "I Am the Walrus," trying to unlock the key to its hidden revolutionary meaning. *Could it be an encoded call to overthrow the U.S. government? Who are the "eggmen"? Who is the "Walrus"?* If the agent wrote a memo about his analysis, it has been lost, and his words have been forgotten.

I won't forget that cold Tuesday morning 33 years ago when Jim Baker told me John Lennon had been shot. But there is another day worth remembering. It is a happy one. On Oct. 7, 1975, the 2nd U.S. Circuit Court of Appeals filed its decision in *Lennon v. INS*, 517 F.2d 187. That day, Leon Wildes called John Lennon to give him the good news: they had won, the INS had lost. Lennon was elated, but he excused himself quickly; he explained he had to go to New York Hospital, where his wife was in labor. The next morning, Wildes' home phone rang. Wildes, a little bleary, answered. It was his client, John Lennon. Lennon told his lawyer, "I have a beautiful baby boy." It was 5:30 a.m.

Today, Leon Wildes still practices immigration law. Of his client, John Lennon, he has this to say: "He was a gracious client and a delightful friend. No airs about him at all."

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