

September 30, 2016

Senior Judge Royce C. Lamberth
U.S. District Court for the District of Columbia
333 Constitution Avenue, N.W.
Washington, D.C. 20001

Dear Senior Judge Lamberth,

This purpose of this letter is to check on the status of my petition, *In Re: Petition of Luke Nichter* (Misc. 12-74).

There are two matters that remain unaddressed, and I would kindly request that your attention be directed to them:

1. Consideration of review and release of records turned over to this court by John W. Dean, III on May 14, 1973. If it assists the court in locating these records, I have attached a copy of an order and affidavit from this court that document receipt of the records in question, from the matter of *U.S. v. John Doe, et al.* (Misc. 77-73).
2. Consideration of review and release of records related to the Watergate grand jury. If it assists the court in determining the appropriateness of reviewing and releasing these records, I have attached a copy of a recent order from the U.S. Court of Appeals for the Seventh Circuit from the matter of *Elliot Carlson, et al. v. U.S.* (Misc. 15-2972) that, I believe, speaks to related issues in my petition.

Thank you very much for your ongoing consideration of my petition.

Sincerely,



Luke A. Nichter, Ph.D.

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

United States of America :
v. : Miscellaneous No. 77 - 73
John Doe, et al. :

FILED ✓
MAY 14 1973
JAMES F. DAVEY, Clerk

O R D E R

This matter having come before the Court on the motion of John Wesley Dean, III, to Lodge Document with the Court; and

Both the United States of America, through the United States Attorney, and the Senate Select Committee on Presidential Campaign Activities, through its counsel, having filed pleadings in which they requested or moved the Court to furnish them with the documents referred to in the motion of Dean; and

The Court having held a hearing on this matter on May 14, 1973, at which time Mr. Dean was present and represented by counsel, and the United States Attorney and counsel for the Senate Select Committee were present; and

The Court having heard oral argument of counsel; and

The Court having examined the motions and other pleadings relevant to this matter;

It is by the Court this 14th day of May, 1973,

ORDERED that the motion of John Wesley Dean, III, to lodge documents with the Court is hereby granted; and it is

FURTHER ORDERED that Mr. Dean is hereby directed to receive from the Court or its authorized representative the keys previously delivered to it to the safety deposit box specified in his motions; that upon receipt of the keys, Mr. Dean, with his counsel, with the courtroom clerk, Mr. James Capitanio, and with a law clerk of the Court, D. Todd Christofferson, is to proceed forthwith to the safety deposit box and remove from it the documents; that Mr. Dean, upon removal of the documents, is to deliver them to the courtroom clerk Mr. Capitanio; and it is

and an inventory made immediately of the contents. The inventory was made by Mr. Christofferson identifying the documents and reading them off to me while I made pen and ink notes. Thereafter, two copies were made of all documents. Each copied document bears our initials "JPC" and "DTC" as well as date "5-15-73" in the lower right hand portion of each copied page. After assembling the copied documents into two sets, another mark was inserted on the lower left hand portion of each page as follows--an "X" and a "✓". The copy marked with an "X" was to be delivered to the Senate Select Committee on Presidential Campaign Activities. The copy marked with "✓" was the set to be delivered to the United States Attorney's Office. After copying was completed, the originals were re-inserted in the envelope received from Mr. Dean at the bank and resealed with a transparent adhesive tape. Pen and ink notations were made on the envelope showing time it was opened and re-sealed, and the whole lot, including the pen and ink inventory was thereafter deposited in the office safe (Clerk's Office, Room 1800).

The following morning, May 16, 1973, at about 8:00 AM, I removed from the safe the pen and ink notes of the inventory made the previous day for the purpose of making typewritten receipts. After the receipts were prepared, Mr. Christofferson and I removed the two envelopes containing the copied documents from the safe. The two of us, accompanied by Deputy United States Marshal George Kelly, then proceeded to the United States Senate Office Building and delivered a set of documents marked with an "X" to Samuel Dash, Chief Counsel of the United States Senate Select Committee on Presidential Campaign Activities. From there we returned to the United States Court House and delivered a set of documents marked with a "✓" mark to Seymour Glanzer, Assistant US Attorney. Receipts obtained from Messrs. Dash and Glanzer for these documents were deposited in the safe with the original documents obtained from Mr. Dean on May 14, 1973.

James P. Capitanio

 (James P. Capitanio)

Subscribed and sworn to before me this 18th day of
 June 1973.

MY Commission expires
 February 28, 1978.

Gerald Bennett

 Notary Public in and for
 the District of Columbia

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
 :
 vs : MISCELLANEOUS CASE NO. 77-73
 :
 JOHN DOE, ET AL :

Mc 77-73

FILED
JUN 15 1973
JAMES F. DAVEY, Clerk

AFFIDAVIT OF JAMES P. CAPITANIO, DEPUTY CLERK, SETTING FORTH COMPLIANCE WITH COURT'S ORDER DATED MAY 14, 1973

I, James P. Capitanio, being duly sworn, depose and say:

I am employed as a Deputy Clerk, United States District Court for the District of Columbia, with a primary duty of court room clerk to Chief Judge John J. Sirica.

On May 14, 1973, at about 2:30 PM, I proceeded to the Alexandria National Bank, Alexandria, Virginia, with D. Todd Christofferson, Judge Sirica's Law Clerk, and Deputy United States Marshal Charles S. Artley, for the purpose of obtaining a document reposing in a safety deposit box in the bank vault, pursuant to an order issued by Chief Judge Sirica, this date.

Upon arriving at the bank at approximately 2:50 PM, we were met in the bank by the following named persons:

- E. Guy Ridgely, President.
- Robert Rotroff, Senior Vice President
- Donald Patee, Vice President & Cashier
- Howard Smith, Esquire, Counsel for the Bank
- Robert C McCandless, Counsel for John W. Dean
- John W. Dean

Shortly after our arrival, Mr. Christofferson removed the two safety deposit keys which were in two envelopes approximately 2"x3" in size and which were attached to a sheet of paper accompanying Mr. Dean's motion filed May 14, 1973 (motion to lodge document with the Court), and referred to in that motion as "EXHIBIT B". Whereupon, all the above named persons, Mr. Christofferson and I proceeded to the safety deposit box portion of the bank vault. Inside the bank vault we were met by Mrs. Jennifer Rosati, a bank employee and clerk of the safety deposit box section who thereafter removed a safety deposit box from the wall, put it on a table, and the box opened by the keys furnished by Mr. Christofferson. Mr. Dean removed a sealed envelope from the box and gave it to me. The envelope was the kraft and/or manila type, about 12"x9 1/2" in size. The envelope bore a printed notation on the upper left corner of the front and/or addressing side as follows: "THE WHITE HOUSE". In addition, the envelope had two pen and ink notations on the front and back, respectively, as follows: "PER ORDER OF US COURT (DC)" and "TO BE OPENED BY ORDER OF THE COURT ONLY".

JPC

After receiving this envelope, Messrs. Christofferson and Artley and I returned to the US District Court House. The envelope was inserted in another envelope, sealed, and identifying remarks made on it and sealed. Both envelopes were then placed in a double lock combination safe located in the Clerk's Office, Room 1800. I might add at this point that the envelope received from Mr. Dean had never been opened from the time I received it at the bank up to and including the time it was put in the safe.

The following day, May 15, 1973, at about 3:00 PM, the envelope was removed from the safe by me in Mr. Christofferson's presence, and the two of us then proceeded to the Administrative Office of the Chief Judge, Room 4106, US Court House, where a copying machine is located, to make copies of the documents. Inside the copying machine room, Mr. Dean's envelope was cut at one end and he removed the documents

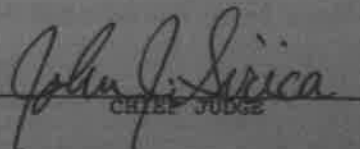
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FURTHER ORDERED that the courtroom clerk is to take custody of these documents and place them under seal; and it is

FURTHER ORDERED that a certified copy of these documents is to be given to the United States by delivery to the appropriate representative of the Office of the United States Attorney for the District of Columbia; and it is

FURTHER ORDERED that the United States Attorney or his authorized representatives are to submit to the grand jury for its consideration any or parts of the documents which relate directly or indirectly, to its investigation into the Watergate incident; and it is

FURTHER ORDERED that certified copy of the documents is to be given to counsel for the Senate Select Committee on Presidential Campaign Activities for delivery to the Chairman of the Committee, the Vice-Chairman of the Committee, or any United States Senator who is a member of the Committee, designated by the Chairman or Vice-Chairman as authorized to receive the documents.


CHIEF JUDGE