

21 Sep 74

Nixon (physical, mental health) - See column by Clayton Fritchey, "Is Mr. Nixon Still Calling the Shots?"

"Dr. Walter Tkach ... flew out to San Clemente to see his former patient. He then quite properly issued a brief medical bulletin which said he had found Nixon suffering from physical fatigue and physical strain, 'but he is mentally alert and has been working in his office or at home each day.' Since then, however, Dr. Tkach has followed up with a series of interviews and television appearances in which he says Nixon 'is a ravaged man who has lost the will to fight. .... It's going to take a miracle for him to recover . . . I don't know whether I can pull him through.' Dr. Tkach adds that he hasn't discussed the former President's condition with Mrs. Nixon 'for fear of frightening her,' but the good doctor didn't hesitate to broadcast his alarms on national television. ... It is inconceivable that a reputable physician like Dr. Tkach would do so if he felt his patient would object."

WXP 21 Sep 74, Clayton Fritchey

Tkach - See entry, Nixon (physical, mental health).

Tapes and papers - See <sup>legal</sup> analysis of Nixon-Sampson agreement by Arthur S. Miller, "Who Owns The Nixon Tapes and Papers?"

Miller is professor of law at George Washington University.

"The agreement about destruction ... is a legal nullity, for any public administrator has only the authority delegated to him by Congress. The extent of Mr. Sampson's power was to agree to restrictions as to the 'use' of presidential materials. 'Use' can hardly mean destruction. Anything that goes beyond the statutory language is, in legal parlance, ultra vires - and that is so whether or not Mr. Nixon has title to the materials. Despite the Saxbe opinion, the question of legal title for Mr. Nixon is still very much an open question. .... "

WXP 21 Sep 74, Arthur S. Miller

Nixon-Sampson agreement - See entry, Tapes and papers.