

Metzenbaum, Taking Oath, Says Nixon Should Obey Subpoenas

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By Spencer Rich

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Howard Metzenbaum of Ohio, taking office yesterday as the Senate's 58th Democrat, said President Nixon should obey subpoenas from the Senate Watergate committee for 400 additional White House documents, unless the courts strike down the subpoenas.

At a brief Senate ceremony, Metzenbaum was entered on the Senate payroll and became entitled to the pay, privileges and allowances of a Senator. He will be formally sworn in on the Senate floor when Congress reconvenes Jan. 21.

Metzenbaum also said the President had been "less than frank with the American people" in the Watergate scandals and asserted that if the President is subpoenaed by the House Judiciary Committee in the course of an impeachment proceeding "then I would think he should testify." But he said that short of a subpoena, it was up to the President to decide whether to testify.

The 56-year-old Cleveland attorney and businessman, who became wealthy as the developer of a chain of airport parking lots, was appointed to succeed Republican William

B. Saxbe, who resigned to become U.S. Attorney General. Metzenbaum will serve the one year remaining of Saxbe's term. He is also a candidate for election to a full six-year term in November, although former astronaut John Glenn is expected to challenge him for the Democratic nomination.

Asked whether Mr. Nixon should honor recently issued Senate Watergate committee subpoenas for more than 400 White House tapes and documents, Metzenbaum told reporters, "The President must act in accord with the law, and if the subpoenas are held valid by the courts, I would think yes, he should honor them."

Sen. Saxbe, who was attending the Metzenbaum ceremony, said Thursday he viewed issuance of the subpoenas as a "fishing expedition." But he made no comment on Metzenbaum's remarks.

The new senator declined to voice any advance judgment on whether the President should be impeached, saying, "If the House moves, I would want to hear the evidence."

Metzenbaum has been quoted at home as saying national unity might be aided by a presidential resignation.

Metzenbaum's wife, Shirley,

his four daughters (Susie, 23, Shelley, 21, Amy, 15, and Mrs. Barbara Bonner, 25), as well as Saxbe and Rep. Charles Vanik (D-Ohio), flanked the new senator as assistant Senate secretary Darrell St. Claire administered an oath allowing Metzenbaum to be placed on the Senate payroll. Also present was a former law partner, Harold Stern of Cleveland, who will be Metzenbaum's temporary administrative aide. The new senator will get Saxbe's old office.

Metzenbaum, the Senate's third Jew (Abraham A. Ribicoff of Connecticut and Jacob K. Javits of New York are the others), took the oath with his hand on a Jewish Bible given him by Rabbi Arthur Lelyveld of Cleveland, opened to a passage reading, "Rob not the weak because he is weak; neither crush the poor in the gate."

Metzenbaum, who is usually characterized as strongly liberal, served eight years in the Ohio Legislature and beat Glenn in 1970 for the Democratic Senate nomination, only to lose by 70,000 votes to Robert Taft Jr. (R). His appointment by Democratic Gov. John Gilligan to Saxbe's seat appears to give him a leg up over Glenn in the race for the 1974 nomination.