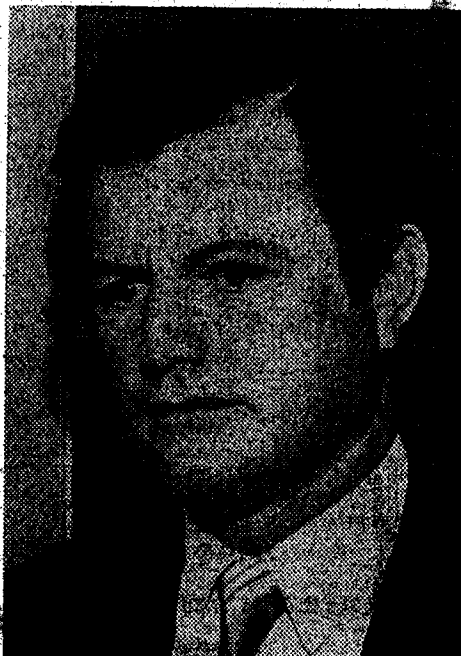
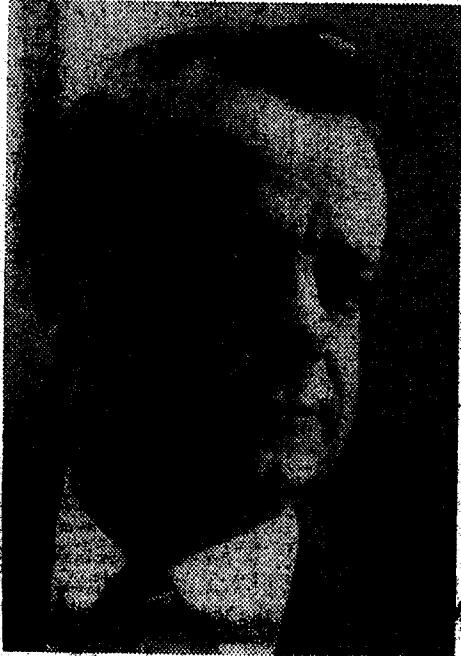


KENNEDY OUSTED AS WHIP; NIXON TO ASK 92D CONGRESS FOR RESHAPING OF CABINET



The New York Times United Press International
Senators Robert C. Byrd and Edward M. Kennedy after the Democratic caucus yesterday

aspirations of Senator Kennedy, Senator Robert C. Byrd of West Virginia ousted the Massachusetts Democrat as majority whip by a 31-24 vote in the Senate Democratic caucus.

Senator Kennedy, who had staged his own coup in winning the whip post two years ago, was stunned by his defeat, as were his liberal allies in the Senate. Right up to the vote, Senator Kennedy had been predicting his re-election.

Scott Is Re-elected

The Republican Senate leadership remained intact, with Senator Hugh Scott, the Republican leader, staving off a challenge from his conservative flank. But on the Democratic side, the conservatives had reasserted a voice in the leadership with the defeat of Senator Kennedy and his replacement by Senator Byrd.

In the House, Representative Carl Albert of Oklahoma, chosen by the Democratic majority Tuesday to be Speaker, was formally elected by the House and installed.

Awaiting the new Congress was a heavy legislative workload that included many Administration bills left over from the last Congress, dealing with such matters as Social Security, welfare reform, trade quotas,

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THE SESSION OPENS

Coup by Byrd Dismays the Liberals—Scott Keeps His Post

JAN 22 1971

Excerpts from Mansfield talk
are printed on Page 12.

By JOHN W. FINNEY
Special to The New York Times

WASHINGTON, Jan. 21 — Senator Edward M. Kennedy was toppled as assistant majority leader of the Senate today as the Democratic-controlled 92d Congress convened and infighting in the Democratic ranks.

The surprise coup that took the Senate leadership and might affect any Presidential

Kennedy Ousted as Whip As 92d Congress Meets

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revenue sharing and the supersonic transport plane. To this first President Nixon undoubtedly will add new items when he appears before Congress tomorrow night to present his State of the Union Message.

In a speech before the Democratic caucus, Senator Mike Mansfield of Montana, the majority leader, predicted that the war in Indochina and the "recession" at home would be "the overriding questions of the 92d Congress." Senator Mansfield used the occasion to criticize what he called the expansion of the war in Cambodia and to raise questions about the feasibility of the revenue sharing plan that is expected to be one of President Nixon's principal proposals to the new Congress.

With a Presidential election in the offing, the Democratic Congress is expected to assume an increasingly partisan stance toward the White House, thus complicating the Administration's already difficult relations with Congress. On the opening day, however, Congress, as its customary, was engrossed in its own organizational problems.

Senator Scott of Pennsylvania retained his post as Republican leader by fewer votes than he had expected in defeating Howard H. Baker Jr. of Tennessee in the Republican caucus. The vote was 24 to 20.

Senator Mansfield was re-elected majority leader by acclamation by the Democratic caucus. But as his principal aide, Senator Mansfield now has a whip who has been identified with the more conservative wing of the Democratic party in the Senate.

With the new Congress, therefore, the Senate Democratic leadership, which had swung over to the moderate to liberal side with the election of Senator Kennedy as whip two years ago, tended to shift back into the control of the conservative establishment that had ruled the Senate for decades.

Senator Byrd, who had been secretary of the Democratic Conference—the third-ranking job in the Democratic leadership—has tended to align himself with the "Southerners and the committee chairmen, and it was with their base of support that he built up the votes to unseat Senator Kennedy.

As whip, Senator Byrd will be responsible for making sure that Democratic Senators are

F. Kennedy was inaugurated as President. The defeat undoubtedly diminished the prospects that the late President's brother will become a resident of the White House.

When Senator Kennedy was elected whip two years ago, ousting Senator Russell B. Long of Louisiana, it was the first time in recent history that the ruling Establishment had been thwarted in choosing the Senate leadership. Senator Kennedy lost the post on the same day that Senator Richard B. Russell of Georgia, the patriarchal symbol of the Senate Establishment, died after a long illness.

But if Senator Russell had died four hours earlier, Senator Kennedy might still be whip.

Senator Byrd told reporters that he had decided to make the race only after determining at the last minute that Senator Russell, who had given him a proxy vote, was still alive. That meant that Senator Byrd had 28 certain votes, enough to win. Four hours after his victory, Senator Russell died at the Walter Reed Army Hospital.

In a Senate that, like the House, is experiencing restlessness among its younger members, the death of Senator Russell could have profound repercussions in changing the ideological balance of and assignments to various Senate committees.

In addition to being President pro tem of the Senate, Senator Russell was chairman of the Appropriations Committee as well as the ranking Democrat on the Armed Services Committee. His death, therefore, will result in a reshuffling of two of the most important Senate committees.

Rule on Steering Committee

Probably more important, Senator Russell will no longer be the dominant voice on the Senate Democratic Steering Committee, which assigns Democrats to committees and determines how many committee openings there are for the Republicans to fill.

As chairman of the Steering Committee, Senator Mansfield promptly arranged for Senator Kennedy to serve on it, replacing former Senator Thomas J. Dodd of Connecticut. He also appointed two other moderates—Senator William B. Spong Jr. of Virginia and Senator Quentin N. Burdick of North Dakota—to the committee, which over the years has been dominated by Southern conservatives and

Democrat is appointed to replace Senator Russell—and 45 Republicans.

After the swearing in, the Senate decided to put off, until after the President's State of the Union Message, what is expected to be a prolonged debate on modifying its antifilibuster rule.

The House, after swearing in Mr. Albert as its new Speaker, became involved in an opening day wrangle over its rules. Republicans blocked adoption of the rules by repeatedly forcing roll-calls.

By midafternoon, house leaders agreed to adjourn and try tomorrow to resolve the dispute.

Republicans objected to one

proposed rule that would nullify distribution of at least one-third of committee funds for minority staffing.

A number of Republicans, joined by a bloc of conservative Democrats, will also seek to defeat adoption of a so-called 31-day rule designed to prevent the House Rules Committee from blocking floor action on key bills.

Under the rule, the chairman of a legislative committee could file a petition to bring a bill directly to the House floor if the Rules Committee failed to clear the measure within 21 days. However, there would be a 10-day grace period in which the Rules Committee could act.