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FBI DISPUTE 23 Jan 71

Hoover Flap Is Probed By Mitchell

WASHINGTON (A P) — Atty. Gen. John N. Mitchell yesterday demanded personal reports from two Justice Department lawyers quoted as saying FBI Director J. Edgar Hoover should have retired a decade ago.

Meanwhile, a department spokesman said the two had been misquoted.

"The quotes are not accurate," he said. "They certainly do not reflect the views of the Department of Justice."

The lawyers, Robert A. Murphy and Michael Abbell, were part of a three-member Justice Department team that visited the Drake University Law School in Des Moines, Iowa, Thursday.

According to news reports, they made the remarks in response to questions there.

The third member of the team was Asst. Atty. Gen. William H. Rehnquist, head of the department's office of legal counsel. Murphy is assistant chief of the criminal section of the department's Civil Rights Division and Abbell is an attorney in the Criminal Division General Crimes Section.

"All three of the department's representatives have been directed to submit reports to the attorney general regarding this matter," the Justice spokesman said.

None was available for comment yesterday. The FBI had no comment.

Rehnquist was reported to have defended Hoover, saying the 76-year-old director built the FBI into what it is today.

Murphy, who headed the government's investigation of the death of four students at Kent State University last May, was quoted as saying Hoover probably would remain in office until the new FBI headquarters building in Washington is completed. He reportedly speculated it would be named the Hoover building.

Abbell reportedly criticized Hoover for disclosing on Nov. 27, nearly two months before indictments were returned in Harrisburg, Pa., the alleged plot by antiwar Catholics to kidnap presidential adviser Henry A. Kissinger and to blow up heating ducts beneath Washington federal buildings.

He was quoted as saying the disclosure severely damaged the investigation and hurt trial chances by drying up whatever sources the government had.

Hoover made the disclosure in testimony before a Senate appropriations subcommittee.

The Justice Department lawyers were at the Drake campus as part of a program initiated by Mitchell last fall to improve understanding of the Justice Department by college students.