

Burch Pleads Guilty To Alien Agent Charge

Counsel Calls Ohioan 'Victim';
U. S. Would Limit Penalty to Fine

By CHALMERS M. ROBERTS

Pictured as a victim of Nazi intrigue in the United States, Frank B. Burch, 67-year-old Akron lawyer and former Ohio State senator, yesterday pleaded guilty before District

Court Justice James W. Morris to a charge of failing to register with the State Department as an agent of the German Reich.

He will be sentenced at 2 p.m. Friday. Justice Morris announced after hearing a Justice Department recommendation that Burch be given the maximum fine of \$1,000 but he spared the jail sentence of up to two years which the Registration Act carries as an additional penalty.

Sees Warning in Case

Both Justice Morris and Special Assistant Attorney General William P. Maloney, who has been conducting the Justice Department's probe before the District Grand Jury of Nazi propaganda activities in this country, took occasion to make Burch's case a "warning," as Maloney put it, to "all Americans presuming to speak

for others lest their backers turn out to be Herr Goebbels (Nazi propaganda minister) and his associates."

Justice Morris spoke of the charge against Burch as "very serious at this juncture of national affairs" after Burch stood at the bench and repeated a simple "I do" to the court clerk's question whether he wished to withdraw a previous "not guilty" plea and substitute one of "guilty."

Received \$10,000

Burch's attorney, Nicholas J. Chiascione, said that Burch admitted accepting \$10,000 from Karl Kapp, former German consul in Cleveland, and using it to purchase and distribute pamphlets in opposition to the lend-lease bill. He said, however, that Burch was told by Kapp that he was getting the money "from other sources" and that Burch thought this meant the funds were being raised from "private sources" in the United States.

"He appreciates now," Chiascione told the court, "that having accepted money from Kapp and realizing the peculiar situation in which the United States finds itself today, he acted not only naive, but with a magnitude of gullibility."

The attorney said that rather than face a jury which would hardly resolve in his favor "in times like these" any question of why he accepted the funds, Burch was offering an "unqualified" plea of guilty.

Source of Suspicion

Maloney, tracing the case, said Burch's name first came to the Department of Justice's notice after the department investigated the publishing firm of Flanders Hall, of Scotch Plains, N. J., named in the recent indictment against George Sylvester Viereck, registered Nazi agent, as financed and controlled by Viereck on behalf of Germany.

Maloney said Flanders Hall published books of a "highly inflammatory, political nature," some of which were sent to one Robert J. Evans in New York for transshipment to Akron, where they came into Burch's possession. Evans was not identified.

Burch, Maloney said, purchased "thousands" of these books, according to his own testimony before the Grand Jury last September 18 and 19.

Burch testified he met Kapp, the Nazi consul, and discussed with him the foreign policy of the United States and that they were in accord that "the Administra-

tion's foreign policy was absolutely wrong."

Kapp then gave Burch the money, in cash, to buy the Flanders Hall pamphlets and "certain other pamphlets" published here opposing the lend-lease bill. At Kapp's instigation, Burch sent 30,000 copies of the pamphlets to persons throughout the country, mailing them from Pittsburgh, Canton and Cincinnati, as well as Akron.

Maloney described as among the pamphlets one published by Flanders Hall called "Lord Lothian vs. Lord Lothian," which he called "notorious." Other pamphlets purchased and distributed he called translations and reprints of propaganda originally put out by the Nazi information bureau in Berlin and imported by Viereck.

Never Heard of Viereck

Chiascione interrupted Maloney's story to say Burch never had heard of Viereck and did not realize his connection with Flanders Hall.

Maloney then said the Registration Act of 1938, requiring agents of foreign nations to register and disclose their activities, was "not intended to prohibit the right of any American to express his opinion at any time" and added that the "unhappy plight" in which Burch found himself "may well serve as a warning to all Americans presuming to speak for others lest their backers turn out to be Herr Goebbels and his associates."

He said the act's purpose was to "insure that the American people will know the source of propaganda so they can judge it properly."

Maloney said that since this was the first case under the act to come up for sentence (Viereck has pleaded not guilty and must stand trial) and since Burch testified before the Grand Jury, the Justice Department felt justice would be served if the maximum fine of \$1,000 were imposed and the jail sentence eliminated.