

Burch Admits

Accepting \$10,000 Fee

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Conditional Plea

Of Guilty Rejected

By Justice Morris

Frank B. Burch, Akron attorney and former Republican member of the Ohio State senate, will plead guilty today in U. S. District Court to violation of the Alien Agent Registration Act, it was indicated last night.

The 67-year-old lawyer, who has been free on \$1,000 bond since his indictment two weeks ago by a special Grand Jury investigating Nazi propaganda, appeared before Justice James W. Morris late yesterday ostensibly to enter a plea of guilty, but conditioned the plea in such a manner that neither Justice Morris nor the Department of Justice prosecutors would accept it.

Conditional Plea

Burch is accused by the Federal prosecutors of having accepted \$10,000 from Karl Kapp, former German consul in Cleveland, and using the funds to develop opposition to the lend-lease bill when the aid-to-Britain legislation was up for hearings before the Senate Foreign Relations Committee last year.

Before Justice Morris yesterday Burch said that he wished to enter a plea of guilty, "except that at no time did I think I was using German money."

He admitted having acted as counsel for Kapp and having failed to register with the State Department as the agent of a foreign power, but added that he was unaware that he was obliged to register.

Thought Money From U. S.

"I have suffered enough so far," said Burch to Justice Morris. He explained Kapp told him the money had been given him by patriotic Americans of strong isolationist convictions.

Special Assistant Attorney General William Power Maloney, who has been conducting the Nazi propaganda investigation for the Department of Justice, informed Justice Morris that Burch has been a member of the Ohio bar for 40 years and should therefore be more fully aware of his legal obligations than the average citizen.

Under the Alien Agent Registration Act, Maloney contended, it was immaterial whether Burch knew where the money had come from or not, as he had admitted to the Grand Jury having disbursed the \$10,000 under the supervision of the German consul by purchasing books and pamphlets, some of them published by a firm in this country financed by German funds, and dispatched the literature to lists of persons for the purpose of defeating the lend-lease bill.

To Reappear Today

Justice Morris said he would have to be more fully advised of the facts before accepting such a conditional plea of guilty as Burch offered. He directed opposing counsel to appear before him again with the defendant today.

Burch's counsel, Nicholas J. Chiascone, said his client did not wish to stand trial, and indicated that he would offer an unqualified plea of guilty today.

According to FBI operatives who built the case against Burch, the Akron lawyer obtained from various isolationists mailing lists compiled from the rosters of patriotic societies. Several women, among them one who is nationally known for her patriotic endeavors, worked in co-operation with Burch in his efforts against the lend-lease bill and accepted funds from him to finance purchases of literature and other expenses, the FBI agents said.

Another indictment which has grown out of the current probe is that of George Sylvester Viereck, admitted Nazi agent, who is charged with having failed to make a full report of his activities to the State Department. Viereck probably will come to trial next month, it was said yesterday.