

The University of Tennessee at Knoxville on Monday, Aug. 25, 2008, provided this undated photo of professor emeritus J. Reece Roth. A federal jury found roth guilty Wednesday, Sept. 3, 2008, on 18 counts of conspiracy, fraud and violating the Arms Export Control Act. (AP Photo/University of Tennessee)

Ex-Tenn. professor guilty of passing military data

By DUNCAN MANSFIELD – Sep 3, 2008

KNOXVILLE, Tenn. (AP) — A federal jury convicted a retired University of Tennessee professor Wednesday of passing sensitive information from a U.S. Air Force contract to two foreign research assistants from China and Iran. The case marked the first time the government used the Arms Export Control Act to crack down on the distribution of restricted data, not hardware, to foreigners in a university setting, prosecutors said. Jurors deliberated about six hours over two days before finding plasma physics expert J. Reece Roth guilty on all 18 counts of conspiracy, fraud and violating the export control act. Roth and his attorney Thomas Dundon of Nashville avoided reporters outside the federal courthouse seeking comment.

The verdict "should serve as a warning to anyone who knowingly discloses restricted U.S. military data to foreign nationals," said Patrick Rowan, acting assistant attorney general for national security. "The illegal export of such sensitive data represents a very real threat to our national security, particularly when we know that foreign governments are actively seeking this information for their military development," Rowan said in a statement from Washington.

Prosecutors said Roth allowed the two graduate students to see sensitive information while they researched a plasma-guidance system for unmanned aircraft. Roth, 70, testified last week that he didn't believe he broke the law because the research had yet to produce anything tangible. He said he received only about \$6,000 from the contract. He faces up to 160 years in prison and more than \$1.5 million in fines, although lead prosecutor Assistant U.S. Attorney William Mackie said he could get less. "This is not so much a matter of punishment as it is about holding him accountable for his actions," Mackie said.

Sentencing is scheduled for Jan. 7.

The charges involved work performed from 2004 to 2006 on two Air Force contracts by Roth, graduates students Xin Dai of China and Sirous Nourgostar of Iran, and university spinoff company Atmospheric Glow Technologies Inc. of Knoxville. Prosecutors presented several documents suggesting research by Roth's university laboratory and Atmospheric Glow Technologies was restricted. Roth attempted to keep the sensitive research with an American graduate student and the rest with a foreign student, but eventually the data was shared.

Roth also was accused of taking reports and related studies in his laptop to China during a lecture tour in 2006, and having one report e-mailed to him there through a Chinese professor's Internet connection. The university became aware of the problem in 2006 when Roth tried to hire Nourgostar to replace Dai in his lab after Dai graduated, and the university turned him down because of export control concerns. Federal agents seized materials from Roth's office and took his computer from him at the airport when he returned from China.

Atmospheric Glow Technologies, now in bankruptcy, recently pleaded guilty to 10 counts of exporting defense-related materials and Roth protégé Daniel Sherman has pleaded guilty to conspiracy. Sentencing in those cases is still pending. "We believe the vast majority of universities and Professors are careful with what they are doing," Mackie said. "By bringing this case we are trying to underline that when things go wrong, they need to be addressed." University of Tennessee spokesman Jay Mayfield said the school is working hard to comply with the export control act, but would have "no comment about Dr. Roth."