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Retired University of Tennessee Professor Found Guilty of Violating the Arms Export Control Act

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The conviction of J. Reece Roth illustrates why companies and other institutions must constantly keep control of information that is subject to export licensing. Setting, maintaining and enforcing clear policies about the international transmission of information, including traveling with a laptop, is of the utmost importance.

A federal jury convicted retired University of Tennessee professor J. Reece Roth of passing sensitive information from a U.S. Air Force contract to two foreign research assistants from China and Iran. Jurors found the plasma physics expert guilty on 18 counts of conspiracy, fraud and violating the Arms Export Control Act. Prosecutors in the Knoxville trial said Roth gave the two foreign national graduate students, Xin Dai of China and Sirous Nourgostar of Iran, access to sensitive information while they researched a plasma-guidance system for unmanned aircrafts. Prosecutors also presented several documents suggesting that Roth's spin-off company, Atmospheric Glow Technologies Inc., engaged in restricted research as well.

Roth was also accused of taking reports and related studies in his laptop to China during a lecture tour in 2006 and of having one report e-mailed to him while in China through a Chinese professor's Internet connection. The U.S. government seized materials from Roth's office and confiscated his computer at the airport upon his return. Prosecutors claim he violated the Arms Export Control Act by taking the laptop with sensitive materials outside the country even if, as forensic evidence showed, he didn't open the files while in China.

The company, now in bankruptcy, pleaded guilty to ten counts of exporting defense-related materials. Roth's assistant, Daniel Sherman, has also pleaded guilty to related charges. Sentencing in those cases is still pending. Atmospheric Glow faces a maximum fine of \$1 million for each of the ten counts. Roth faces up to 160 years in prison and more than \$1.5 million in fines.