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Firm in hot seat at Roth trial

AGT used lies, threats to stop probe, witnesses testify

By [Jamie Satterfield](#)

Posted August 27, 2008 at midnight

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Faced with a federal probe and a public scandal, a Knoxville technology firm tried to head off both with hardball tactics including lies and threats, a founding member testified Tuesday.

University of Tennessee Professor Emeritus J. Reece Roth was seated at the defense table in U.S. District Judge Tom Varlan's courtroom, standing trial on charges he gave foreign national graduate students access to information on the inner workings of a military

munitions project.

But it was the management team of Atmospheric Glow Technologies that found itself in the hot seat when physicist Daniel Max Sherman took the witness stand against his former instructor and mentor Tuesday.

"AGT was a publicly traded company, and it wanted to minimize damage," Sherman testified as explanation for what he said the management team did in May 2006 when federal authorities launched a probe of the use of foreign nationals from China and Iran on a U.S. Air Force contract awarded to AGT and subcontracted to Roth.

It was UT employee Robin Witherspoon who rang the bell of alarm when Roth, angry that AGT had allowed the Chinese student to work on the project but rejected the Iranian student, complained to her. Witherspoon was UT's Arms Control Export Act officer at the time and told Roth he was violating that law by allowing foreign nationals access to information about technology he and Sherman had developed for use on Air Force drones. Testimony showed she also alerted AGT.

Sherman testified that he and others at AGT not only knew Chinese graduate student Xin Dai was working on the project but knowingly shared technical data with him. But when Witherspoon discovered the alleged arms control violation, AGT feigned innocence of the use of foreign nationals in the work and blamed UT in an e-mail to the Air Force, Sherman testified.

Sherman, who pleaded guilty earlier this year to violating the arms control law, insisted he wanted to come clean, but higher-level employees at AGT threatened him.

"I was basically threatened if I did so, I would not be provided legal representation," the unemployed physicist testified.

Admitting that he too lied to federal authorities in the early stages of the probe, Sherman said he did so at AGT's urging.

"I was even encouraged in that position by AGT's management," he testified.

Sherman is the only AGT employee charged in the case. The firm itself has pleaded guilty, but corporate officers do not face jail time as a result. Instead, the firm, which is in bankruptcy, could be fined.

Sherman is a key witness for federal prosecutors Will Mackie and Jeff Theodore since he counters defense attorney Thomas Dundon's insistence Roth did not believe the information he shared with his graduate students fell under the arms control law.

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It sounds to me like there is more going on here than J. Reece Roth's giving military secrets away. At this point, I think that the government needs to step in and shut the whole company down and investigate ALL OF THEIR EMPLOYEES.

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exportlaw#287583 writes:

There is no secret or other classified information involved. It is information that any US citizen or even greencard holder could have access to. It did not relate to a specific weapons system. It is regulated only for dissemination to foreign persons, and only because it was research paid for by DoD.

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