August 31, 2022

The Honorable Dick Durbin  
Chair, Senate Judiciary Committee  
711 Hart Senate Building  
Washington, D.C. 20510

The Honorable Chuck Grassley  
Ranking Member, Senate Judiciary Committee  
135 Hart Senate Office Building  
Washington, DC 20510

REQUEST TO REJECT THE NOMINATION OF  
MR. CASEY ARROWOOD

Dear Honorable Senators Durbin and Grassley,

I am writing to request to be heard by Senators and staff of the Judiciary Committee regarding the harm to my family and me caused by the unjust prosecution led by Casey Arrowood, recently nominated to be U.S. Attorney for the Eastern District of Tennessee. Once you hear the facts and study my case, I believe you will have ample reason to reject his nomination and I urge its defeat.

I am a tenured professor at the University of Tennessee and a direct victim of the wrongful prosecution led by Mr. Arrowood. My case\(^1\) was the first one under the China Initiative to undergo a jury trial. Mr. Arrowood was the Government’s lead prosecutor. After a mistrial, following Mr. Arrowood’s announced intention to retry my case, the presiding Judge, Thomas Varlan, granted my motions for acquittal, and I was acquitted on all charges in the indictment on Sept. 9, 2021. Pursuant to Federal Rule 29, Judge Varlan concluded that “no rational jury” would conclude I have violated the law.

Mr. Arrowood knew or should have known that he had no basis in fact or law to consider me a criminal or prosecute me, a professor who has been making substantial contributions to American science and technology. The wrongful prosecution in my widely publicized case and its shameful failure brought disgrace to the US Justice system and no doubt contributed to the termination of the China Initiative. I was eventually reinstated by the University of Tennessee at Knoxville (UTK) as a tenured professor. Justice prevailed in my case. But the wrongful prosecution orchestrated by Mr. Arrowood left a permanent wound that torments and will continue to torment myself and my family. It reminds the minorities of the

\(^{1}\) Case #3:20-CR-21-TAV-DCP-1, E.D. Tennessee
racial persecutions they suffered in the darker times by an ungrateful country. Still, I hoped for better when my ordeal as a criminal defendant ended.

It is therefore shocking to learn that Mr. Casey Arrowood, who has done so much harm to American justice, the rule of law and its international image, has been nominated to the elevated position of US Attorney for the Eastern District of Tennessee. Instead of being held accountable for the injustice he had perpetrated under color of law, he is being rewarded for his malicious and incompetent persecution of a Chinese professor. You cannot let this happen.

As I will show from my personal experience, Mr. Arrowood lacks the integrity, sense of justice and fairness, and understanding of law to hold the position of a US Attorney. Confirming Mr. Arrowood as a US Attorney is inviting more injustice and persecution.

Based on the facts from my case. I believe that Mr. Arrowood does not satisfy the qualification of a US attorney’s role of being just and fair under the law. Accordingly, I am asking for three things: (1) That Senators and Committee staff fully investigate Mr. Arrowood’s actions in my case; (2) That Committee staff obtain a copy of the Inspector General report requested in June, 2021 by three members of the House Judiciary Committee; and (3) That the Committee hold a public hearing on the Arrowood nomination before any decision is made about bringing his nomination up for a vote. I hereby offer myself for an interview by the Committee staff and to testify at such a hearing. Our request is based on the following facts:

1. **As the leading prosecutor, Mr. Arrowood misled UTK and conducted and supervised a wrongful investigation even though he knew I was not a spy.**

   FBI Agent Kujtim Sadiku opened this case as economic espionage in March, 2018. After an entire year of investigation, Mr. Sadiku found no evidence of espionage. In April 2019, Mr. Sadiku briefed the case to Mr. Arrowood. Mr. Arrowood thus knew that I was not a spy and there was no evidence for espionage. Still, he applied for a grand jury subpoena to continue the baseless investigation. Even worse, Mr. Arrowood joined the FBI’s monthly presentations to UTK administrators and falsely painted me as a Chinese agent working for the Chinese military. Mr. Arrowood made a totally false
and racist accusation to the UTK administrators. Misled by Mr. Arrowood, the UTK administration suspended (and later terminated) my employment and failed to offer any legal, financial or moral support. By building his case on top of lies, Mr. Arrowood shows that he is dishonest and lacks the sense of justice and fairness. He can make knowingly false accusations against me; he can do worse things against others.

2. Mr. Arrowood lacks the legal acumen required for a US Attorney.

As Judge Varlan explained in his thorough analysis granting my motions for acquittal, even “view[ing] the evidence in the light most favorable to the prosecution”, there was simply no case against me based on well settled laws and precedents. I was acquitted as a matter of law. The wrongful prosecution was dead from the outset. A more competent prosecutor would have been able to look at the facts, study the law, and conclude that there was no viable case against me. But Mr. Arrowood obviously thought he had a big case worth spending tax dollars on. Even after the mistrial, he still maintained his untenable position and announced his intention to re-file the charges. He doesn’t understand the law. His misjudgment hurt innocent people. His misguided prosecution wasted precious government and judicial resources. He should have been sanctioned for bringing a case with no legal basis. Elevating him to a US Attorney will result in more botched prosecutions in want of legal basis.

The NASA China Fund Restriction, which was passed in 2011 to prohibit NASA from using its federal funds to bilaterally collaborate with China or a Chinese company, was clumsily used by Mr. Arrowood to prosecute me, leading to a conclusion that I myself was either China, or a Chinese corporation. His indictment claimed that I hid my affiliation with a Chinese university. In fact, I presented a letter for a long-term collaboration with the Chinese university to both UTK and NASA officers. Both UTK and NASA asked that I not include the collaboration letter in my grant application. Judge Varlan ruled in the case that “even viewing all the evidence in the light most favorable to the government, no rational jury could conclude that defendant acted with a scheme to defraud NASA in failing to disclose his affiliation with BJUT to UTK.” (p. 50, Doc. 141, Memorandum, US v. Anming Hu). This case makes me and many other faculty question whether
Mr. Arrowood can bring justice to Tennessee if he is appointed as US Attorney.

3. **Mr. Casey Arrowood claimed I have high risk to flee back to China and tried to keep me in jail after I was arrested.** During the detention hearing, he omitted the fact that I am a Chinese Canadian and it was totally legal for me to visit my family in Canada. He claimed that I had several passports but he neglected the fact that only the Canadian passport was valid and others had already expired. He tried to prove that I had no ties to local community. Based on the strong support from my local community his motion was denied by the magistrate judge (Doc. 15, magistrate judge order, US v Anming Hu).

4. **This wrongful prosecution created a strong chilling effect among the Chinese-American community.**

Two of my PhD students have left the USA for other countries, despite being offered postdoctoral research positions at Oak Ridge National Laboratory. Another student plans to leave after graduating from UTK this year. The chilling effect caused by the China Initiative and wrongful prosecution of Chinese-Americans has spread to many more talented researchers who have chosen to leave the USA.

A recent survey of Chinese/Chinese-American faculty in the US by the Asian American Scholar Forum found that of 1,354 respondents
- 89% would like to contribute to US leadership in STEM
- 64% feel unsafe as academic researchers in the US
- 67% are considering leaving the US
- 44% are wary of applying for federal grants

5. **This nomination has harmed the reputation of the US government.**

My case has attracted extensive attention from the international community and has been widely reported by academia and international media. The international community is closely watching to see if the US government will stop racial profiling and advocate justice, equity and diversity.
The US has attained international leadership in science and technology largely because this nation attracts the most talented people from across the world. The nomination of Mr. Casey Arrowood conveys the opposite message. This will damage the reputation and leadership of the USA in STEM. Therefore, we strongly hope you will conduct and complete a thorough investigation and hear from me and others around the nation who are aggrieved by the nomination of Mr. Arrowood as US Attorney for the Eastern District of Tennessee. Such an investigation and hearing will make clear why the Judiciary Committee should reject his nomination.

Sincerely,

[Signature]

Anming Hu and his family

Cc:
The Honorable Patrick Leahy (VT)  
The Honorable Dianne Feinstein (CA)  
The Honorable Sheldon Whitehouse (RI)  
The Honorable Amy Klobuchar (MN)  
The Honorable Chris Coons (DE)  
The Honorable Richard Blumenthal (CT)  
The Honorable Mazie Hirono (HI)  
The Honorable Cory Booker (NJ)  
The Honorable Alex Padilla (CA)  
The Honorable Jon Ossoff (GA)  
The Honorable Lindsey Graham (SC)  
The Honorable John Cornyn (TX)  
The Honorable Mike Lee (UT)  
The Honorable Ted Cruz (TX)  
The Honorable Ben Sasse (NE)  
The Honorable Josh Hawley (MO)  
The Honorable Tom Cotton (AR)  
The Honorable John Kennedy (LA)  
The Honorable Thom Tillis (NC)  
The Honorable Marsha Blackburn (TN)