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### **Alert:** Prosecutor of the Anming Hu Case Nominated for the U.S. Attorney post in East Tennessee



On July 29, 2022, President Biden [announced](#) the nomination of Casey Arrowood for the U.S. Attorney post in East Tennessee.

“This is ridiculous. This is the worst presidential nomination ever. I am shocked at this news,” Dr. Anming Hu said of Biden’s nomination in an [exclusive interview](#) with the Tennessee Lookout on August 11, 2022. Hu is an internationally-renown nanotechnology expert who was targeted by FBI Agent Kujtim Sadiku under the Trump administration’s “China Initiative,” which the former president touted as an effort to rid the U.S. of Chinese spies. Hu, a professor at the University of Tennessee Knoxville (UTK), was the first person to be prosecuted and tried in the U.S. under that initiative.

According to the Tennessee Lookout report, the “China Initiative” purported to ferret out economic Chinese spies operating in America. In practice, however, Chinese professors and researchers at American universities became the primary targets of prosecution efforts. Armed solely with a Chinese press released translated on the fly via Google, Sadiku in 2018 falsely accused Hu of being a spy, tried to press the UTK professor into spying on China for the U.S. government and, when Hu refused, spent more than a year surveilling Hu and his teenage son, trial testimony showed.

When that surveillance turned up no evidence of espionage by Hu, testimony showed, Sadiku and other federal agents convinced UTK leaders to help ensnare Hu by approving his proposal for a NASA research grant — without telling Hu the project could run afoul of an obscure provision of the law that the university had repeatedly insisted did not apply to Hu or any of its professors.

Arrowood, in turn, mounted a wire fraud case against Hu so weak a jury was unable to reach a verdict and U.S. District Judge Tom Varlan ultimately tossed it out of court in 2021. After the jury deadlocked but before Varlan made his ruling, Arrowood sought to try Hu a second time and, according to court records, threatened to appeal Varlan's dismissal. Hu says Arrowood's decision to prosecute him nearly brought him to professional and personal ruin. He was arrested without warning, held in jail for eight days as Arrowood tried to convince a judge Hu would flee to China, fired from his job at UTK and blacklisted in his field as a potential spy.

"Casey Arrowood, he knew my case," Hu said. "He knew something was wrong (as early as 2019) because the FBI reported to him (details) about my case. He should have exercised some control. There was no evidence. They even checked my bank accounts, found nothing."

"This case did serious damage to my reputation, my career and my family," Hu said. "It also wasted U.S. government money, taxpayer money, and wasted so much time and damaged not only me but damaged UTK's reputation and the U.S. government's reputation. This should not be rewarded. (Arrowood) should not be promoted. President Biden should review this decision. I don't think it is reasonable."

**Hu said President Joe Biden should rescind the nomination and, if not, the U.S. Senate Committee on the Judiciary should reject Arrowood as a candidate for the post.**

Read more about the Tennessee Lookout report: <https://bit.ly/3C1YiYv>. Read the Anming Hu story: [https://bit.ly/APAJ\\_AnmingHu](https://bit.ly/APAJ_AnmingHu)

## **The Numbers are In - Chinese Student Visas to U.S. Tumble From Pre-pandemic Levels**

**Wall Street Journal.** According to the [\*Wall Street Journal\*](#) on August 11, 2022, the number of U.S. student visas issued to Chinese nationals plunged by more than 50% in the first half of 2022 compared with pre-Covid levels, with the U.S. losing ground as the most-coveted place for Chinese students to pursue higher education abroad.

Even before the pandemic, Chinese students were shifting their study-abroad sights elsewhere, driven by doubts about whether they would feel welcome in the U.S. and the emergence of more domestic and international alternatives. Travel restrictions and heightened safety concerns during the pandemic accelerated that decline. In the first six months of 2022, the U.S. issued 31,055 F-1 visas to Chinese nationals, down from 64,261 for the same period in 2019, according to data from the U.S. State Department. The drop has hit revenue at big and small

colleges and universities around the country, including state flagships.

For more than a decade, China has been the top source of international students to the U.S., providing universities with crucial tuition dollars to offset domestic declines and dwindling state funding at public universities. In the 2019-20 academic year, before the pandemic depressed study-abroad numbers, Chinese nationals accounted for 35% of foreigners studying in the U.S. and contributed \$15.9 billion in economic value, according to numbers tracked and aggregated by the Institute of International Education's Open Doors report.

Many factors are now leading Chinese students to seek their higher education elsewhere, including within their own country. If U.S. schools can't find other international students, the financial hit could be devastating as federal pandemic relief funds run out. Chinese students have had to navigate strict Covid-related travel restrictions, including a temporary suspension of visa services at U.S. consulates in China that complicated the logistics of moving abroad. In addition, students said in interviews with *The Wall Street Journal* that they felt deterred by reports of high Covid-19 deaths, gun violence and anti-Asian racism as well as deteriorating U.S.-China relations.

Many pointed to an order issued by then-President Donald Trump in 2020 that barred entry to the U.S. for Chinese graduate students and postgraduate researchers with ties to military-related entities, saying it was evident they weren't welcome at U.S. schools. University administrators said the visa clampdown has resulted in applications being rejected even for those without clear military connections. Officials at U.S. universities said that shutting the door on those with suspected ties to military programs cooled interest from students more broadly and that reversing the sentiment has been hard.

Read more about the Wall Street Journal report at <https://on.wsj.com/3Po3Boc>

**Forbes.** *Forbes* published a report titled "[American Universities Are Losing Chinese Students To Rivals: U.S.-China Business Forum](#)" on August 11, 2022. Though the American universities remain among the world's best, the appeal of U.S. schools among the group is declining, according to John Quelch, dean of the University of Miami Herbert Business School and long-time business education leader in both the U.S. and China. "What we're seeing at the moment is softness in the enthusiasm of Chinese students and their parents to enroll in U.S. institutions," Quelch said in an interview on the sidelines of the U.S.-China Business Forum held at Forbes on Fifth in New York.

Though some critics have questions why American schools should open their doors to China – a rival, Quelch said cultural exchange benefits students and the U.S. overall. "From a cross-cultural exchange point of view — but also as an assurance of long term mutual understanding — it's extremely important that young people have these international experiences. In the end, they do develop a level of understanding and appreciation for other cultures that is a guarantor of long-term peace and prosperity internationally."

Read more about the Forbes report at <https://bit.ly/3R0Xp75>

**Secretary of State Blinken.** On May 26, 2022, Secretary of State Antony Blinken gave a speech on "[The Administration's Approach to the People's Republic of China](#)." Part of his

speech said,

"One of the most powerful, even magical things about the United States is that we have long been a destination for talented, driven people from every part of the planet. That includes millions of students from China, who have enriched our communities and forged lifelong bonds with Americans. Last year, despite the pandemic, we issued more than 100,000 visas to Chinese students in just four months – our highest rate ever. We're thrilled that they've chosen to study in the United States – we're lucky to have them.

And we're lucky when the best global talent not only studies here but stays here – as more than 80 percent of Chinese students who pursue science and technology PhDs in the United States have done in recent years. They help drive innovation here at home, and that benefits all of us. We can stay vigilant about our national security without closing our doors."

Read more about Secretary Blinken's speech at <https://bit.ly/3t06lQs>

**Presidential Proclamation 10043 (PP10043).** On May 29, 2020, the Trump administration announced PP 10043 "[Suspension of Entry as Nonimmigrants of Certain Students and Researchers From the People's Republic of China](#)." By September 9, 2020, CNBC [reported](#) that over 1,000 visas for Chinese nationals were cancelled because they were deemed security risks with military ties. These students were not given any explanation as to why their visas were revoked under the Proclamation, nor any opportunity to challenge the revocation. According to [The College Post](#) on February 5, 2021, Visa restrictions may block one-fifth of Chinese graduate STEM enrollment annually.

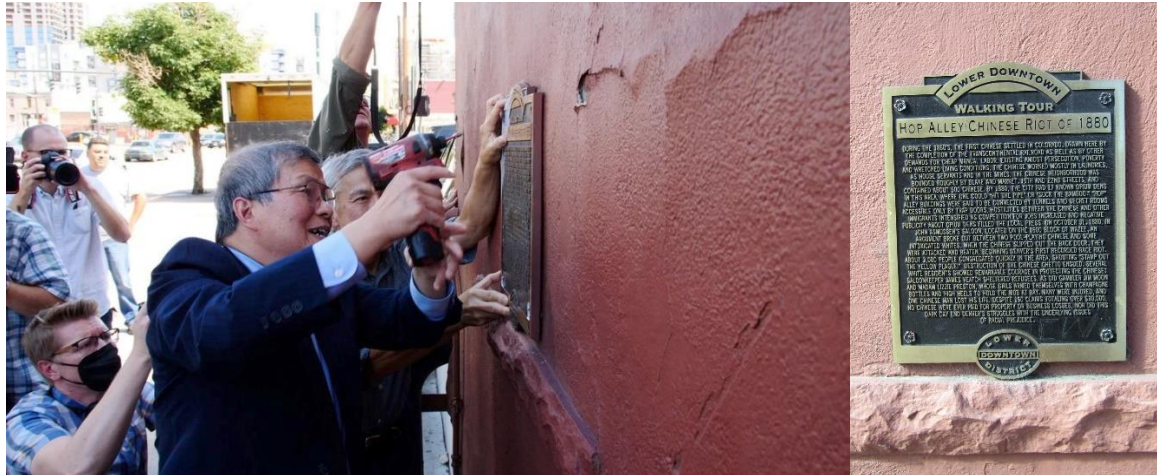
On June 10, 2021, the American Council on Education (ACE) sent [a letter](#), co-signed by a number of higher education associations, to the U.S. Department of State under the Biden administration outlining concerns about the application of PP 10043 on student and scholar visa applications at U.S. embassies/consulates.

On August 10, 2021, *Forbes* reported that "[Biden Keeps Costly Trump Visa Policy Denying Chinese Grad Students](#)." On September 15, 2021, a [Department of State Federal Register notice](#) announced the Secretary of State's delegation of authority to the Assistant Secretary for Consular Affairs to make national interest determinations under the PRC "Military-Civil Fusion Strategy proclamation to exempt students and researchers who would be otherwise covered by the entry bar under that proclamation, but whose entry would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees."

On June 27, 2022, a civil lawsuit was filed in the U.S. District Court for the Central District of Illinois Urbana Division. Led by a professor of Mathematics and Electrical and Computer Engineering at the University of Illinois at Urbana-Champaign and a group of students affected by the PP10043 ban, the lawsuit challenges the U.S. Government's continuing efforts to ban the entry of Chinese nationals who seek to study at U.S. universities.

Read more about the lawsuit and related background and context about PP 10043 at <https://bit.ly/3QIUy87>

## 1880 Denver Riot - Asian American History is American History



According to a [report](#) published by the *Smithsonian Magazine* on August 11, 2022, earlier this year, the city of Denver [formally apologized](#) for an anti-Chinese riot that took place in 1880. It has now also taken down an inaccurate historical marker describing the incident. City officials, along with members of Denver's Asian American and Pacific Islander community, removed the plaque on August 8, 2022, following [mounting criticism](#) about its offensive and [incomplete description](#) of the deadly event, which is believed to have been the city's [first race riot](#).

The anti-Chinese riot occurred on the night of Halloween in 1880. It started as a scuffle between two Chinese men and several white patrons at one of Denver's saloons before snowballing into an out-of-control brawl on Wazee Street, per [History Colorado](#). Eventually, some 3,000 white people formed a mob and began terrorizing the city's Chinese residents. They destroyed Chinese-owned property and businesses, beat Chinese residents and ultimately [killed a Chinese man](#) named Look Young.

Michael Hancock, Denver's mayor, says in a statement that removing the historical marker is "another step toward reconciliation and righting the terrible wrongs that were committed in the past against our Asian American community." City officials say they will continue to work with neighborhood organizations and groups representing Asian Americans and Pacific Islanders to make Denver more inclusive. The city, along with [Colorado Asian Pacific United](#) (CAPU), hopes to someday create an Asian Pacific Historic District, complete with murals, public education programming and an Asian Pacific American community museum.

Read more about the *Smithsonian Magazine* report at <https://bit.ly/3SO47ih>

**The 1990 Institute Teachers Workshop.** The workshop featured Lok Siu, Professor of Ethnic Studies at University of California Berkeley, on July 30, 2022. Professor Siu presented the

histories of migration, the diversities among Asian Americans, and their various challenges and struggles, providing an excellent foundational introduction to the ethnic studies framework and how it illuminates the social and political histories of Asians who have made the U.S. their home.

Watch the YouTube video at <https://bit.ly/3dwX7pK> (45:13)



## "Save the Supreme Court and Democracy"

On August 11, 2022, *Science* published an opinion titled "[Save the Supreme Court and Democracy](#)."

According to the *Science* opinion, the US Supreme Court has been busy. It recently overturned a nearly 50-year-old precedent protecting abortion rights, upheld the right to carry guns outside the home, and hamstrung the Environmental Protection Agency's ability to regulate emissions—all while signaling an aversion to contemporary empirical evidence and instead favoring "history and tradition." Although the majority of Americans disagree with many of these decisions, the court has only just begun to reshape the country. When it resumes in October, the court will be poised to outlaw affirmative action, undercut federal regulations regarding clean water, and possibly allow state legislatures to restrict voting rights without oversight by state courts.

The court's eye-popping move to the conservative right is confirmed by research that compares its decisions to public opinion. Decades-long [surveys](#) reveal that the court's rulings were in step with the opinions of most Americans through 2020. However, around 2021, its views on important issues (including abortion and religion) swerved to the right of those held by a majority of the public—and are now more aligned with the views of Republican voters. This sharp turn coincided with the 2020 death of Ruth Bader Ginsburg, a liberal-leaning justice.

The shift can be best understood by looking at the identity of the court's ideological "median voter." In considering the nine Supreme Court justices from most liberal to most conservative, the justice who sits in the median fifth position is the one whose vote will create a five-person majority in many cases. When Ginsburg was replaced by conservative Amy Coney Barrett, the median moved further to the right—somewhere around Kavanaugh or Neil Gorsuch. Although Chief Justice John Roberts could be considered center-right, new medians Kavanaugh and

Gorsuch are firm conservatives. By some estimates, Gorsuch is more conservative than around 85% of Americans.

Such a shift matters because public perception of the court's ideology is critical. If the majority of Americans continue to strongly disagree with the court's decisions, then the public may well turn against it, which may not only lead to greater political conflict but also undermine the rule of law. As gridlock and polarization continue to undercut the efficacy of elected branches of government, the Supreme Court's salience in matters of public importance will only rise. And the court's conservative supermajority (6-to-3)—one closely aligned with Republican Party policy interests—has many years left. The discussion of court reform will not go away soon.

Read more about the *Science* opinion at <https://bit.ly/3JS2b4p>

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