

August 19, 2022

The Honorable Joseph Biden
President of the United States
The White House
1600 Pennsylvania Ave, N.W.
Washington, DC 20500

Dear President Biden,

I am a direct victim of DOJ's China Initiative established under former president Donald Trump. Under the China Initiative, I was wrongfully indicted in Feb. 2020, while working as a tenured professor at the University of Tennessee. My case was the first case under the China Initiative to undergo a trial in June 2021. The jury was unable to reach a verdict after a week-long trial, resulting in a mistrial. Although the DOJ attempted to retry me, I was acquitted by Federal Judge Thomas Varlan on Sept. 9, 2021. This wrongful prosecution significantly damaged my career, life, and my family. Although I was eventually reinstated by the University of Tennessee at Knoxville (UTK) as a tenured professor, the scar from this painful memory still deeply torments my family and me.

We applaud the DOJ's decision to dismiss the biased and flawed China Initiative under your administration. However, we are shocked to hear that Mr. Casey Arrowood has recently been nominated as the US attorney for the Eastern District of Tennessee.

<https://www.whitehouse.gov/briefing-room/statements-releases/2022/07/29/president-biden-announces-three-new-nominees-to-serve-as-u-s-attorneys-one-to-serve-as-u-s-marshal/>

Based on the facts from my case, we believe that Mr. Arrowood does not satisfy the qualification of a US attorney's role of being just and fair under the law, and *we ask you to rescind your nomination*. Our request is based on the following facts:

1. **As the leading prosecutor, Mr. Arrowood should have stopped this wrongful investigation and never brought this case forward for prosecution.** 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 March 2019, after Mr. Sadiku briefed the case to Mr. Arrowood, not only did Mr. Arrowood neglect the fact that there was no evidence for espionage, but he also applied for grand jury subpoena to continue the baseless investigation. Even worse, Mr. Arrowood joined the FBI's monthly power point presentations to UTK faculty and administrators and weaponized their testimony by painting me to the administrators as a Chinese agent who worked for the Chinese military, which is a totally false and racist accusation. Under such pressure, the UTK administration failed to support me by not explaining this so-called relationship with Chinese military was a mere peer review of a scientific manuscript; this is routine academic work.

2. **As an assistant attorney, Mr. Arrowood himself did not understand the law that he was prosecuting.** 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 the case as “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. 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

4. 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 rescind the nomination of Mr. Arrowood as US Attorney for the Eastern District of Tennessee.



Anming Hu and his family

Cc:

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