

August XX, 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

Dear Senators Durbin and Grassley,

**REQUEST TO TAKE NO ACTION ON THE NOMINATION OF
MR. CASEY ARROWOOD**

We, the undersigned representing a broad coalition of the Asian American and Pacific Islander (AAPI), immigrant, scientific and academic, and other communities, write to request the Senate Judiciary Committee (Committee) to take no action on the nomination of Mr. Casey Arrowood to be the next U.S. Attorney of the Eastern District of Tennessee until

1. The nominee's activities in the case of Professor Anming Hu¹ are thoroughly investigated,
2. Professor Hu is interviewed by the Judiciary Committee staff to share his story,
3. The Committee holds a public hearing on the nomination for representatives of the Asian American and scientific communities to be heard.

Completion of the investigation and the suggested hearing should be required before the scheduling of any hearing or movement on the nomination.

Mr. Arrowood was the lead prosecutor of Professor Anming Hu, the first academic to go to trial in the summer of 2021 under the now-defunct “China Initiative.” The initiative was launched in November 2018 and targeted scientists of Asian and particularly Chinese descent. Although the Department of Justice announced the end of the ill-conceived program in February 2022, its discriminatory and reckless prosecutions inflicted severe damage to the lives and careers of many innocent individuals including Professor Hu, an internationally-renown nanotechnology expert.²

The nomination of Mr. Arrowood is an affront to our communities. It opens a new wound when we still need to heal from the targeting and fallout before and during the “China Initiative.”

¹ APA Justice. Anming Hu. https://bit.ly/APAJ_AnmingHu

² Tennessee Lookout (2022/08/11). Falsely accused University of Tennessee professor: Biden should rescind U.S. Attorney nomination. <https://bit.ly/3C1YiYv>

Court testimonies and documents³ show that Professor Hu was subject to a Federal Bureau of Investigations (FBI) investigation for almost two years. It was started by a Google search,⁴ not a criminal predicate. Professor Hu was fired by the University of Tennessee at Knoxville based on misleading and false information provided by the government.

When the allegation that Professor Hu spied for China could not be supported by facts and evidence, he was pressed to spy on China for the U.S. government. After Professor Hu refused, Mr. Arrowood mounted an unjust wire fraud case against Professor Hu.⁵

The jury deadlocked, and a mistrial was declared.

On June 17, 2021, three members of the House Judiciary Committee, Reps. Ted Lieu, Mondaire Jones, and Pramila Jayapal, referred the case to the Inspector General at the Department of Justice for review out of concerns of alleged misconduct of the FBI in Professor Hu's case.⁶

According to media report,⁷ a member of the all-white jury entered the 2021 trial assuming that the government handled the case with honesty and integrity. At the end of the mistrial, she concluded publicly that it was "the most ridiculous case" and "if this is who is protecting America, we've got problems."

Mr. Arrowood's wrongful prosecution of Professor Hu betrayed the public trust and confidence we all place in our judicial system.

Instead of reviewing his weak case and acting in the interests of justice, Mr. Arrowood pursued a retrial of Professor Hu.

In the order to acquit Professor Hu of all charges in the indictment, Judge Thomas Varlan ruled that the government's evidence, even if given in the light most favorable to the government, would be clearly insufficient for a rational jury to convict Professor Hu of the crimes alleged."⁸

³ CourtListener. United States v. Hu (TV1) (3:20-cr-00021). District Court, E.D. Tennessee. <https://bit.ly/3u884RX>

⁴ Knox News (2021/06/13). Trial reveals federal agents falsely accused a UT professor born in China of spying. <https://bit.ly/3zimH8q>

⁵ Knox News (2021/06/14). With spy case a bust, feds seek fraud conviction against University of Tennessee professor. <https://bit.ly/2SBpCZh>

⁶ Joint letter by Reps. Ted Lieu, Mondaire Jones and Pramila Jayapal to DOJ Inspector General Michael Horowitz (2021/06/17). <https://bit.ly/3yizJ4L>

⁷ Intercept (2021/06/23). "Ridiculous Case": Juror Criticizes DOJ for Charging Scientist with Hiding Ties to China. <https://bit.ly/3xNnBZ3>

⁸ U.S. District Court Eastern District of Tennessee (2021/09/09). Memorandum Opinion and Order. Document 141, Case 3:20-cr-00021-TAV-DCP. <https://bit.ly/38RTaXp>

Mr. Arrowood demonstrated his poor judgment, wasted valuable taxpayers' dollars, failed to uphold justice and fairness, and eroded public trust. His unjust prosecution of Professor Hu, not once but twice, is deplorable and an embarrassment to our nation.

On August 19, 2022, Professor Hu and his family wrote⁹ to the White House requesting President Biden to rescind the nomination of Mr. Arrowood. They cited four explanations for their objection:

1. As the leading prosecutor, Mr. Arrowood should have stopped this wrongful investigation and never brought this case forward for prosecution.
2. As an Assistant U.S. Attorney, Mr. Arrowood himself did not understand the law that he was prosecuting.
3. This wrongful prosecution created a strong chilling effect among the Chinese American community. Its harmful impact on American competitiveness and scientists with Asian heritage has already been reported by several recent climate surveys including one conducted by the Asian American Scholar Forum.
4. This nomination has harmed the reputation of the U.S. government.

We strongly support Professor Hu's position and respectfully request the Senate Judiciary Committee to take no action on the nomination of Mr. Casey Arrowood until an investigation by the Committee staff and a hearing of the perspectives of our communities have been completed.

Yours Sincerely,

National, State, and Local Organizations

APA Justice Task Force
Asian American Scholar Forum
Tennessee Chinese American Alliance
United Chinese Americans

[Additional organization co-signers from campaign]

Individual Impacted Scientists/Community Leaders

Dr. [Gang Chen](#), Professor, Massachusetts Institute of Technology*
Dr. [Anming Hu](#), Professor, University of Tennessee Knoxville*
Dr. [Wei Su](#), Retired, U.S. Army*
Dr. [Qing Wang](#), Professor, Huazhong University of Science and Technology*
Dr. [Ning Xi](#), Professor, University of Hong Kong*
Dr. [Xiaoxing Xi](#), Professor, Temple University*

⁹ Letter by Professor Anming Hu and his family to President Joe Biden calling for the rescission of the nomination of Mr. Arrowood (2022/08/19). <https://bit.ly/3wizTum>

[link to additional individual co-signers from campaign]

* Affiliation for identification only.

Cc:

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