

Gang Chen • Massachusetts Institute of Technology, Cambridge, Massachusetts 02139
Qing Wang • Huazhong University of Science and Technology, Wuhan, China
Ning Xi • The University of Hong Kong, Hong Kong
Xiaoxing Xi • Temple University, Philadelphia, Pennsylvania 19122

September 6, 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 scientists of Chinese descent impacted by the Department of Justice' false prosecutions, write to request the Senate Judiciary 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 an investigation by the Committee staff concerning Mr. Arrowood's conduct in Professor Hu's prosecution has been completed.

Mr. Arrowood was the lead prosecutor of Professor Anming Hu, who was falsely charged by the Department of Justice for failure to disclose his affiliation in China.¹ Professor Hu was acquitted by Judge Thomas Varlan because "the government has failed to provide sufficient evidence from which any rational jury could find, beyond a reasonable doubt, that defendant had specific intent to defraud NASA by hiding his affiliation with [the Chinese university] from [University of Tennessee at Knoxville (UTK)]."²

Mr. Arrowood's conduct in Professor Hu's prosecution is cause of great concerns:

- In April 2019, after FBI Agent Kujtim Sadiku briefed Mr. Arrowood that "suspicions of economic espionage [against Professor Hu] were ultimately deemed unfounded through the investigation,"² Mr. Arrowood nevertheless authorized continued search for other reasons to charge Professor Hu,³ resulting in the failed prosecution.
- After the April 2019 briefing, knowing that no evidence of espionage against Professor Hu had been found, Mr. Arrowood joined Agent Sadiku in multiple presentations to UTK

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

² 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>

³ 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>

faculty and administrators, falsely stating that Professor Hu was a Chinese military operative.³

- At the June 2021 jury trial of Professor Hu, testimonies showed that Professor Hu did not try to hide his Chinese affiliations and that UTK indicated to Professor Hu that NASA's China Funding Restriction was not applicable to UTK faculty.² Despite the evidence, Mr. Arrowood continued to accuse Professor Hu of intentionally hiding his Chinese affiliations to gain access to the NASA contracts.⁴
- After a mistrial was declared on June 16, 2021, despite the growing concerns of alleged misconduct of the FBI exposed by the trial of Professor Hu, Mr. Arrowood decided to retry Professor Hu, exacerbating the damage to the public trust and confidence in the judicial system.

Prosecutorial misconduct ruins the lives of innocent people. We know it from our personal experiences of being falsely prosecuted by the government.

- Dr. Gang Chen was arrested on January 14, 2021, charged by the DOJ for failing to disclose activities in China to the Department of Energy in a grant proposal and progress reports. The charge was dropped by the government on January 20, 2022.⁵
- Dr. Qing Wang was arrested on May 13, 2020, charged by the DOJ for failing to disclose his affiliations and grants in China to the NIH in grant applications and progress reports. The charge was dropped by the government on July 15, 2021.⁶
- Dr. Ning Xi was arrested on February 15, 2018, charged by the DOJ for defrauding Michigan State University (MSU) and the Institute of Electrical and Electronics Engineers (IEEE) with false travel expense claims. The charge was dropped by the government on July 10, 2019.⁷
- Dr. Xiaoxing Xi was arrested on May 21, 2015, charged by the DOJ for sharing U.S. company technology with China. The charge was dropped by the government on September 11, 2015.⁸

Mr. Arrowood should be held accountable for his conduct in Professor Hu's false prosecution, not promoted to a leadership position that will likely cause injustice affecting more innocent citizens and residents.

On August 31, 2022, Professor Hu and his family wrote to Senators Durbin and Grassley requesting a thorough investigation and hearing on Mr. Arrowood's conduct in his false

⁴ CourtListener. United States v. Hu (TV1) (3:20-cr-00021). District Court, E.D. Tennessee. <https://bit.ly/3u884RX>

⁵ New York Times (1/20/2022): U.S. Drops Its Case Against M.I.T. Scientist Accused of Hiding China Links. <https://www.nytimes.com/2022/01/20/science/gang-chen-mit-china-initiative.html>

⁶ Washington Post (9/15/2021): China Initiative aims to stop economic espionage. Is targeting academics over grant fraud 'overkill'? https://www.washingtonpost.com/national-security/china-initiative-questions-dismissals/2021/09/15/530ef936-f482-11eb-9738-8395ec2a44e7_story.html

⁷ MLive.com (7/20/2019): Ex-MSU professor, world-renowned robotics expert cleared of wire fraud. <https://www.mlive.com/news/grand-rapids/2019/07/ex-msu-professor-world-renowned-robotics-expert-cleared-of-wire-fraud.html>

⁸ New York Times (9/11/2015): U.S. Drops Charges That Professor Shared Technology with China. https://www.nytimes.com/2015/09/12/us/politics/us-drops-charges-that-professor-shared-technology-with-china.html?_r=0

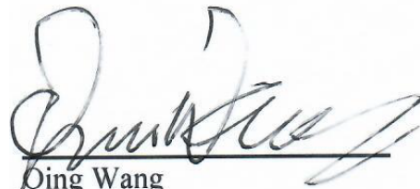
prosecution, which they believe will make clear why the Senate Judiciary Committee should reject his nomination.⁹ We strongly support Professor Hu's position and respectfully request the Senate Judiciary Committee to take no action on the nomination of Mr. Casey Arrowood until

1. The nominee's activities in the case of Professor Anming Hu 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.

Yours Sincerely,



Gang Chen
Professor
Massachusetts Institute of Technology*



Qing Wang
Professor
Huazhong University of Science and
Technology*



Ning Xi
Professor
University of Hong Kong*



Xiaoxing Xi
Professor
Temple University*

* Affiliation for identification only.

⁹ Letter by Professor Anming Hu and his family to Senators Durbin and Grassley requesting a thorough investigation and hearing on Mr. Arrowood's conduct in his false prosecution (2022/08/31). <https://bit.ly/3RezeT6>