



Written by [Rebecca Terrell](#) on June 3, 2026

Appeal for Classified Patents Renews Debate on Secrecy, Innovation, and America's Patent Tradition

Defense technology entrepreneur [Palmer Luckey](#), co-founder of Anduril Industries, is calling for major reform of the U.S. patent system. In a recent Hoover Institution [interview](#), Luckey argues that public patents now serve as “Chinese instruction manuals,” enabling rapid technology theft by adversaries. He advocates significantly expanding classified patents — inventions that remain secret while still providing legal protection and exclusivity to the inventor.

“The Founding Fathers,” said Luckey, “never predicted a world where you’d have a globalized economy, where the entire patent office could be downloaded every single morning, and then ripped off, and then used to fight a war against you.”



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The patent system was unprecedented when written into the U.S. Constitution. Article I, Section 8 grants Congress the power “To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.” This constitutional provision helped make the United States extraordinarily inventive because it allowed ordinary people to profit from their ideas — a key driver of American prosperity.

Being Ripped Off by China

However, should we blame the patent system for technology theft, or foolhardy U.S. policy? In another [interview](#) posted at RealClearPolitics a month earlier, Luckey did a better job of hitting the nail on the head when he pointed out that “what we did is hollowed out our country by allowing China into the World Trade Organization and allowing American companies to outsource manufacturing to China without penalty, without import tariffs, without any reason not to do it.” He revisited the same idea more pointedly in the Hoover Institution interview, saying, “For 20 years or so, between when you file for a patent and when somebody could launch a product that is a rip-off ... China can just rip it off right away, and Western companies can only rip it off after 20 years.”

He’s referring to twin glitches in the current system. The first is the fact that patents are territorial; China is not bound by U.S. law. Hand-in-hand with that is a practice called “forced technology transfer,” whereby a domestic government requires foreign businesses to share their technology and intellectual property in exchange for market access. China is known for such enforcement, but pulls the punch on market access.



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Bringing Manufacturing Home

Putting the situation in harsher terms, globalism engenders [corporate espionage](#). Luckey offers the solution. “For us to bring back manufacturing in the United States, we have to undo all those [offshoring] incentives,” he noted. “What we’ve had with China and others is not free trade.”

For starters, the playing field is lopsided thanks to strict labor and environmental regulations that shackle domestic manufacturing but don’t exist in China. Luckey also claims that China doesn’t play fair. “When I was at Facebook, I wasn’t allowed to sell Oculus Rift headsets into China, even though they were made in China,” he said. “What we had was not free trade. It was a one-way money expressway, straight into China, and nothing comes back out.”

So rather than overhauling constitutionally sanctioned patents, perhaps our legislators should redress all the unconstitutional government policies, both foreign and domestic, that burden Americans, and stop giving adversaries first dibs on our ingenuity.

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