

Rachael S. Rollins, U.S. Attorney
Joshua S. Levy, First Assistant U.S. Attorney
United States Federal Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210

January 17, 2023

Dear Ms. Rollins and Mr. Levy,

The undersigned civil liberties, civil rights, and community organizations write to express our deep concern with the case United States v. Haoyang Yu. We are concerned that Mr. Yu was targeted due to his Chinese origin. We have seen similar targeting of Chinese American academics, scientists and technologists based on equally flimsy evidence as a result of concern over Chinese industrial espionage.

In [a letter](#) to your office dated November 14, nine Asian American organizations persuasively argue that the prosecution of Mr. Yu appears to be unlawful selective prosecution and enforcement. We agree with their analysis, and endorse their letter.

As you know, Mr. Yu was charged with 21 counts including trade secrets, wire fraud, export control violations, immigration and naturalization fraud. He was acquitted by a jury of the most serious charges and the judge dismissed all other charges but one, which resulted in a conviction that should be re-evaluated. That charge, possession of stolen trade secrets, is much better addressed as a civil, not a criminal matter. In fact, after the criminal trial was concluded, ADI filed a civil lawsuit against Mr. Yu, which will permit the company to obtain any appropriate legal remedies.

The FBI, DHS, Commerce Dept., and the US Navy spent 18 months investigating Mr. Yu, digging through his trash, following his wife, and using an undercover agent to run a sting operation against him. They found nothing to prove any connection with China, only evidence that Mr. Yu had old files on his computer which he should have deleted.

This is remarkably similar to cases brought against other Chinese American U.S. citizens under the "China Initiative." These aggressive prosecutions were often based on scant evidence, and/or federal agents' misunderstanding of scientific documents. The DOJ has

shut down the “China Initiative” due to concerns over selective prosecution and enforcement.

Like many of the targets of the “China Initiative,” it appears that Mr. Yu was targeted because of his country of origin and ethnicity. We condemn this prosecution.

Please direct any questions to Sue Udry, Executive Director, Defending Rights & Dissent via email: sue@rightsanddissent.org.

Thank you,

Defending Rights & Dissent

DRUM - Desis Rising Up & Moving

Libyan American Alliance

Muslim Counterpublics Lab

Project South