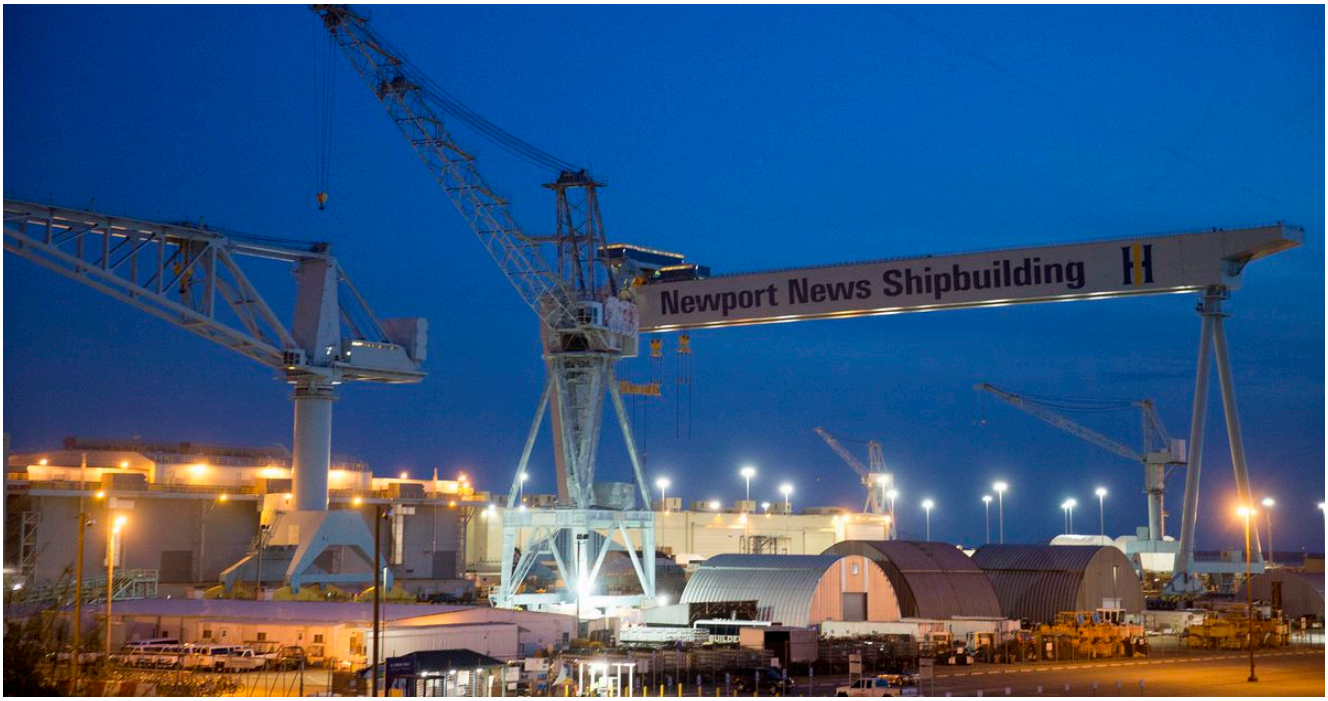
Drone photographer pleads guilty to Espionage Act charges



A foreign graduate student has pleaded guilty to crimes under the Espionage Act for photographing classified US Navy ships with a drone. The case appears to be a first-of-its kind prosecution by the Department of Justice.

Fengyun Shi, a Chinese citizen and graduate student at the University of Minnesota, was arrested in January after a drone he was flying got stuck in a tree in Newport News, Virginia. A suspicious resident called the police and Shi was questioned before abandoning the drone and fleeing. After the FBI seized the drone and pulled the images off it, investigators discovered that Shi had photographed Navy vessels at multiple shipyards in Virginia. One of those shipyards, in Newport News, was actively manufacturing next-generation aircraft carriers and nuclear submarines. Both of these types of vessels contain classified components.

Shi was charged with six misdemeanors under the Espionage Act.

It appears to be, national security law expert Emily Berman previously told me, the first known prosecution under a WWII-era statute banning the use of aircraft to photograph sensitive military sites.

The first known prosecution under a WWII-era statute banning the use of aircraft to photograph sensitive military sites

On Monday, Shi pleaded guilty to two counts of violating that statute. Specifically, for photographing vessels at the shipyard in Newport News. Each offense may result in up to a year in prison, a $100,000 fine, and another year of supervised release, but prosecutors note that he could receive a heavier sentence that a higher court may review for reasonableness. The plea agreement also explains that Shi could be deported, but that he can apply for asylum if he believes he will be subject to torture in China.

The statement of facts accompanying Shi's plea agreement contains new information. For example, it reveals that Shi purchased the drone one day before flying to Virginia from San Francisco. There is no explanation given for why he was in San Francisco. According to the statement, Shi only flew the drone around the shipyards and did not take any photos that did not contain US Navy vessels. Finally, it says that Shi was arrested trying to board a one-way flight to China from California.

There are many unknowns surrounding Shi's strikingly novel prosecution, including why the DOJ pursued it in the first place. Despite the case taking place amid rising tensions between the US and China, Shi has not been accused of acting as a spy; his only crime was taking photos with a drone. Berman previously said that his case could even raise important First Amendment issues.

Court documents filed to date provide no explanation for why Shi took the photos, although the plea agreement states that

Shi acknowledges he had no “innocent reason” for doing so. Even people around Shi seemed baffled by the case. I previously spoke to a colleague from the University of Minnesota who was surprised to learn that Shi was even still in the US, adding that he’d effectively abandoned his studies months prior to his arrest.

The DOJ declined to comment, and Shi’s attorney did not respond to a request. Shi now awaits sentencing.

https://www.theverge.com/2024/7/12/24197356/chinese-national-graduate-student-espionage-act-drone-navy-shipyard-plea-guilty