

KATHY CASTOR  
11TH DISTRICT, FLORIDA

COMMITTEE ON  
ENERGY AND COMMERCE

SUBCOMMITTEE ON HEALTH

SUBCOMMITTEE ON COMMERCE, TRADE, AND  
CONSUMER PROTECTION

SUBCOMMITTEE ON COMMUNICATIONS,  
TECHNOLOGY, AND THE INTERNET

COMMITTEE ON  
STANDARDS OF OFFICIAL CONDUCT

DEMOCRATIC STEERING AND  
POLICY COMMITTEE

REGIONAL WHIP



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0911**

WASHINGTON OFFICE:  
317 CANNON BUILDING  
WASHINGTON, DC 20515  
(202) 225-3376

DISTRICT OFFICE:  
4144 NORTH ARMENIA AVENUE  
SUITE 300  
TAMPA, FL 33607  
(813) 871-2817  
[www.castor.house.gov](http://www.castor.house.gov)

January 20, 2011

The Honorable Hillary Rodham Clinton  
Secretary of State  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520

RE: WikiLeaks cable relating to Odyssey Marine Exploration Inc.

Dear Madam Secretary:

I write to express concern over a troubling U.S. government position that was recently disclosed through the WikiLeaks releases. This position relates to the *Black Swan* shipwreck discovery by Odyssey Marine Exploration, Inc. It appears that the U.S. government may have been involved in a sideline, surreptitious negotiation with the Kingdom of Spain and perhaps others that was contrary to the interest of U.S. Company Odyssey Marine and possibly established law. WikiLeaks revealed that the past administration offered aid to Spain in the *Black Swan* case in exchange for Spain's assistance in retrieving a painting currently housed in a Madrid museum.

Following the WikiLeaks disclosure, Odyssey filed legal pleadings in the pending Eleventh Circuit Court of Appeals case challenging the U.S. position and seeking information relating to the surreptitious negotiations. (Odyssey advises that the Eleventh Circuit Court of Appeals in the above-referenced matter has entered an Order for the United States to Show Cause as to why the Motion to Strike the U.S. Amicus Brief filed by Odyssey Marine Exploration, Inc. should not be granted.)

Odyssey strongly believes there is longstanding precedent that a vessel and the property it carries only enjoy sovereign immunity when that vessel is engaged in military, noncommercial activity. Odyssey argues that this policy is consistent with international law and U.S. naval regulations and that nothing should be surreptitiously negotiated or argued by the U.S. government inconsistent with the law and regulations.

Odyssey has also written the State Department to express its concern for the U.S. position and make a request for more information regarding the WikiLeaks disclosure. I am told they have not received a response. I ask that you thoroughly examine the matter to ensure that the interests of American citizens are paramount in our dealings with foreign entities

Please advise me at your earliest convenience how the Department of State will address the troublesome activity revealed in the WikiLeaks cable. Please do not hesitate to contact me at 813-871-2817 or 202-225-3376.

Sincerely,



Kathy Castor  
U.S. Representative  
Florida – District 11