

## OCEAN WATCH STATUS

By **Peter Hess**

The Mid-Atlantic sport diving community won a major victory in U.S. District Court for the District of Delaware on June 9, 1986 when a year-long injunction barring sport diving and the commercial salvors Indian River Recovery Company from diving on the popular "China Wreck" was lifted.

The sport divers, organized into **Ocean Watch**, a not-for-profit corporation which intervened in 12 separate admiralty actions filed against alleged shipwreck sites in or near the territorial seas of the State of Delaware, has focused its attention on salvage claims filed by IRRC against the "China Wreck".

The China Wreck, first discovered by NOAA in 1970, has been one of the East Coast's most popular diving destinations since that time. Everything changed on May 18, 1985 when Harvey Harrington's (the Salvor of H.M.S. DeBraak off Cape Henlopen) newly formed IRRC claimed to Senior Dist. Judge Caleb Wright to have "located" a valuable shipwreck which they call the "China". Sport divers formed Ocean Watch and by late June of 1985 had filed a Motion to Intervene and Contest IRRC's claim of exclusive salvaging rights on the China Wreck. In a hearing before Judge Wright on June 9, 1986, Ocean Watch argued that the public was, in fact, the first salvor of the China Wreck and had been diligently and successfully removing her cargo of English Ironstone and China since the vessel's discovery. Furthermore, the sport diving organization, through the testimony of antiquities appraiser, Harry Rinker, demonstrated that the English ironstone china from the wreck has virtually no commercial value to antique collectors; its value to a sport diver who might recover an intact piece or two is far greater.

In pressing the claim of exclusive salvage rights, IRRC stated that its efforts were being focused on the China Wreck in order to demonstrate to their investors that they were a legitimate salvage operation. Yet it was revealed in the course of the hearing that five other wreck sites for which IRRC claimed exclusive salvage rights were represented to the investors as having "hundreds of millions of dollars in gold and silver" (!)

But in motions filed earlier in the litigation by maritime historian John Amhrein, the very existence of the other five alleged shipwrecks in Delaware waters - - much less the claim that the wrecks contained enormous treasures - - was challenged through lengthy historical research and documentation.

Illustrative of the nature of the persons involved with IRRC was the questioning of Harvey Harrington directly by Judge Wright as to the fate of \$80,000 worth of gold and silver coins salvaged from the DeBraak by Harrington's other company, Sub-Sal, Inc. The coins, which were by prior court order to have been held with the other DeBraak artifacts in a secure location in the State of Delaware by Sub-Sal, instead had been taken to Boston ostensibly to be appraised, but instead wound up in a Boston bank as collateral for a loan to Sub-Sal. Judge Wright repeatedly asked Harrington how he could be trusted with the China Wreck's artifacts as well.

It seems apparent to the members of Ocean Watch that IRRC's salvage of the China Wreck is for no other purpose than to entice investor dollars into future projects of dubious validity. Judge Wright's order dissolving the existing injunction is the first step in defeating IRRC's efforts to divest the sport diving public from one of their most exciting dive sites. It is firmly believed that Judge Wright has been made aware of the true nature of IRRC through the recent hearing. His decision as to whether to permanently award salvage rights to the China Wreck to IRRC or to leave it open for the use and enjoyment of the sport diving public should be forthcoming shortly.

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