

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

*IN RE: COLUMBUS, CHRISTOPHER,
EPISTOLA DE INSULIS NUPER INVENTIS,
ROME, STEPHAN PLANCK, AFTER 29
APRIL 1493, Goff C-757*

Case No. 20-_____

STIPULATION AND ORDER

WHEREAS, the Department of Homeland Security (“DHS”), U.S. Immigration and Customs Enforcement (“ICE”), Homeland Security Investigations (“HSI”) and the United States Attorney’s Office for the District of Delaware (“USAO”) have determined the following facts:

- a. The document that forms the subject of this Stipulation and Order is the Columbus, Christopher, Epistola de insulis nuper inventis (the “Columbus Letter-Planck I”), Rome, Stephan Planck, after 29 April 1493, Goff C-757.

HISTORY OF THE COLUMBUS LETTER

- b. Christopher Columbus’s first transatlantic expedition left the harbor of Palos in Spain in three ships in August of 1492. Columbus returned to Spain in March 1493, concluding his memorable voyage of discovery to the Americas. Columbus’s report of his voyage, in the form of a letter to his royal patrons Ferdinand and Isabella of Spain, was instrumental in spreading the news throughout Europe.¹
- c. Stephan Planck, a printer based in Rome, Italy, printed two editions of the Columbus Letter following Columbus’ voyage. The editions are commonly referred to as

¹ B.W. Ife, *Introduction to the Letters from America*, (1992, 2002), Research at King’s College London, Online at <http://www.ems.kcl.ac.uk/content/pub/b002.html>, last accessed September 24, 2019.

“Planck I” and “Planck II” editions. Both Planck editions are 4-leaf pamphlets of essentially identical text, but they are distinguishable because in the first edition the title heading mentions only King Ferdinand, while the second edition acknowledges both King Ferdinand and Queen Isabella. Both Planck editions are highly valued by rare book collectors around the world, including in the United States.

OWNERSHIP OF THE COLUMBUS LETTER-PLANCK I

- d. Sometime in or around 1875, the Biblioteca Nazionale Marciana in Venice, Italy acquired a copy of the Columbus Letter-Planck I.
- e. Between in or around 1985 and 1988, the Columbus Letter-Planck I was stolen from the Biblioteca Nazionale Marciana.

CURRENT LOCATION OF THE COLUMBUS LETTER-PLANCK I

- f. In or around May 2003, INDIVIDUAL purchased the Biblioteca Nazionale Marciana’s Columbus Letter-Planck I from a rare book dealer in the United States for a sum of money.
- g. At the time of the sale to INDIVIDUAL, the Columbus Letter-Planck I was not identified as belonging to, or coming from, the Biblioteca Nazionale Marciana in Venice, Italy, and the Biblioteca Nazionale Marcianna had not reported it as stolen.
- h. On or about February 7, 2019, special agents from HSI-Wilmington contacted INDIVIDUAL regarding the Columbus Letter-Planck I in INDIVIDUAL’s possession in the United States.
- i. On or about July 5, 2019, a subject matter expert determined that INDIVIDUAL’s Columbus Letter-Planck I is the same document previously stolen from the Biblioteca Nazionale Marciana, as noted in paragraph e.

j. Upon being advised of the conclusions of the subject matter expert's examination, INDIVIDUAL voluntarily agreed to turn over the Columbus Letter-Planck I to HSI. INDIVIDUAL further voluntarily agreed to relinquish all right, title, and interest he/she may have in the Columbus Letter-Planck I, and to take such steps as are necessary for HSI to return it to the Biblioteca Nazionale Marciana.

WHEREAS, based on the aforementioned facts, probable cause exists to believe that the Columbus Letter-Planck I was introduced into the United States in violation of the Cultural Property Implementation Act, 19 U.S.C. § 2607.

WHEREAS, INDIVIDUAL represents that he/she had no knowledge at the time of the purchase of the Biblioteca Nazionale Marciana's Columbus Letter-Planck I, or at any other time prior to being contacted by HSI, that the Columbus Letter-Planck I was stolen;

WHEREAS, INDIVIDUAL wishes to have the Columbus Letter-Planck I returned to the rightful owner and has agreed to voluntarily relinquish all right, title and interest he/she may have in the Columbus Letter-Planck I; and

WHEREAS, the USAO, HSI, INDIVIDUAL, and the Italian Government have agreed that the Columbus Letter-Planck I should be returned to the custody of the Italian Government and the Biblioteca Nazionale Marciana and;

IT IS HERBY STIPULATED AND AGREED, by and between the undersigned parties, as follows:

1. INDIVIDUAL consents to the seizure of the Columbus Letter-Planck I by HSI and the USAO, the civil forfeiture of the Columbus Letter-Planck I pursuant to 19 U.S.C. § 2609, and the return of the Columbus Letter-Planck I to the custody of the Biblioteca Nazionale Marciana in Venice, Italy.

2. The United States shall cause the Columbus Letter-Planck I to be transferred to the Government of Italy for return to the custody of the Biblioteca Nazionale Marciana in Venice, Italy.

3. INDIVIDUAL voluntarily relinquishes all of his/her right, title and interest in the Columbus Letter-Planck I.

4. INDIVIDUAL is hereby forever barred from asserting, or assisting others in asserting, any and all claims, actions, proceedings, suits, debts, dues, contracts, judgments, damages, and/or demands whatsoever in law or equity against the United States of America (“USA”), the DHS, ICE, HSI, and Customs and Border Protection (“CBP”), the Department of Justice (“DOJ”), the USAO, and/or any agents, officers, contractors, and employees of the USA, DHS, ICE, HSI, CBP, the DOJ, or the USAO, in connection with or arising out of the seizure, restraint, possession and/or constructive possession and/or transfer of the Columbus Letter-Planck I, or out of the transfer of the Columbus Letter-Planck I to the Government of Italy and/or the Biblioteca Nazionale Marciana, including, but not limited to, any claim that INDIVIDUAL, is a prevailing party, or that INDIVIDUAL is entitled to attorney’s fees or any award of interest or any other costs.

5. This Stipulation and Order shall in no way be deemed an admission of culpability, liability, or guilt on behalf of INDIVIDUAL.

6. INDIVIDUAL represents that, to the best of his/her knowledge, he/she is the only person, aside from the Government of Italy or the Biblioteca Nazionale Marciana, with any potential ownership interest in the Columbus Letter-Planck I, and agree to release, indemnify, and hold harmless the USA, the DHS, ICE, HSI, CBP, the

DOJ, and the USAO, as well as any and all employees, officers, contractors, and agents, past and present, of the USA, the DHS, ICE, HSI, CBP, the DOJ, and the USAO, from any and all claims in connections with or arising out of the detention, seizure, restraints, possession and/or constructive possession and transfer of the Columbus Letter-Planck I, or out of the transfer of the Columbus Letter-Planck I to the Government of Italy.


7. Each party to this Stipulation and Order shall bear its own legal and other costs incurred in connection with the instant matter or any related matter.

8. This Stipulation and Order represents the complete agreement of all the parties signing this Stipulation and Order and cannot be amended without the express written consent of all the parties.

9. The signature page of this Stipulation and Order may be executed in one or more counterparts, each of which will be deemed an original but all which together will constitute one and the same instrument. Faxed, scanned and emailed copies shall be treated as originals.

Agreed and consented to:
DAVID C. WEISS
United States Attorney for the
District of Delaware

By:




JAMIE M. McCall
Assistant United States Attorney
District of Delaware

11/14/19
Date

ON BEHALF OF INDIVIDUAL

By:



Frank K. Lord IV
Attorney for INDIVIDUAL

11/25/19
Date

So Ordered:

United States District Judge
District of Delaware

Date