

AO 109 (Rev. 11/13) Warrant to Seize Property Subject to Forfeiture

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

In the Matter of the Seizure of
 (Briefly describe the property to be seized)
 One or More Tons of United States Gold

Case No. 18- 361-M

WARRANT TO SEIZE PROPERTY SUBJECT TO FORFEITURE

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests that certain property located in the Western District District of Pennsylvania be seized as being subject to forfeiture to the United States of America. The property is described as follows:

Approximately one or more tons of gold belonging to, and stolen from, the United States Mint, and located on the Dents Run Site, in Elks County, Pennsylvania

I find that the affidavit(s) and any recorded testimony establish probable cause to seize the property.

YOU ARE COMMANDED to execute this warrant and seize the property on or before 03/23/2018

(not to exceed 14 days)

☒ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must also give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

An officer present during the execution of the warrant must prepare, as required by law, an inventory of any property seized and the officer executing the warrant must promptly return this warrant and a copy of the inventory to the duty magistrate.

☒ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

☒ for 30 days (not to exceed 30)

☐ until, the facts justifying, the later specific date of _____

Date and time issued:

3/9/2018 @ 1:41pm

Judge's signature

City and state: Philadelphia, PA

U.S. Magistrate Judge Richard A. Lloret

Printed name and title

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Return

Case No.:

18-

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of:

Inventory of the property taken:

Certification

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: _____

*Executing officer's signature*_____
Printed name and title

AO 108 (Rev. 06/09) Application for a Warrant to Seize Property Subject to Forfeiture (requesting AUSA Newton)

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

In the Matter of the Seizure of
(Briefly describe the property to be seized)
One or More Tons of United States Gold

Case No. 18-361-M

APPLICATION FOR A WARRANT
TO SEIZE PROPERTY SUBJECT TO FORFEITURE

I, a federal law enforcement officer or attorney for the government, request a seizure warrant and state under penalty of perjury that I have reason to believe that the following property in the Western District of Pennsylvania is subject to forfeiture to the United States of America under 18 U.S.C. §

981(a)(1)(C) (describe the property):

Approximately one or more tons of gold belonging to, and stolen from, the United States Mint, and located on the Dents Run Site, in Elks County, Pennsylvania

The application is based on these facts:
See attached affidavit.

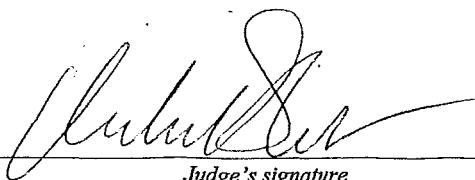
☐ Continued on the attached sheet.


Applicant's signature
FBI Special Agent Jacob B. Archer
Printed name and title

Sworn to before me and signed in my presence.

Date: 3/9/2018 @ 1:41pm

City and state: Philadelphia, PA


Judge's signature
U.S. Magistrate Judge Richard A. Lloret
Printed name and title

AFFIDAVIT

I, Jacob B. Archer, having been duly sworn according to law, state as follows:

I. INTRODUCTION

1. I am employed as a Special Agent with the Federal Bureau of Investigation (“FBI”), domiciled in Philadelphia, PA.

2. This affidavit is submitted in support of a seizure warrant for a cache of gold belonging to the United States Treasury, approximately one or more tons of gold, stolen during the Civil War and most likely in the time period between 1861 and 1863, while in transport from and/or to a facility of the United States Mint, which was headquartered at that time in Philadelphia, Pennsylvania, and which is now concealed in an underground cave in the Dents Run area, Elk State Forest, Elk County, Pennsylvania (“Dents Run Site”), the precise location of which is found in Attachment A.

3. For the reasons stated below, there is probable cause to believe that, in a cave on the Dents Run Site, approximately one or more tons of gold belonging to, and stolen from, the United States Mint, in violation of Title 18, United States Code, Section 641, are secreted.

4. I make this affidavit in support of an Application for a Seizure Warrant for gold belonging to the United States that is located in a cache secreted in a cave at the Dents Run Site. This gold is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C), as it is property, real or personal, which constitutes or is derived from proceeds traceable to a “specified unlawful activity,” that is theft of public property or money. This court is authorized to issue the subject seizure warrant pursuant to Title 18, U.S.C. § 981(b)(2).

I. AFFIANT'S BACKGROUND

5. I am employed as a Special Agent with the FBI in Philadelphia, PA. I have been employed as an FBI Special Agent since February 2009. I am currently assigned to the FBI's Art Crime Team. I previously was assigned to the FBI's South Jersey Violent Offender and Gang Task Force and the Camden High Intensity Drug Trafficking Area Task Force. During the course of my employment as a Special Agent, I have been involved in hundreds of investigations involving violations of state and/or federal laws concerning theft, fraud, robbery, drugs, and homicide, most of which resulted in arrests and many of which involved the use of search warrants, confidential informants, undercover officers, and physical and electronic surveillance.

6. My current assignment to the Art Crime Team involves the investigation of crimes concerning art and cultural property. As a member of the Art Crime Team, I have received specialized training in art and cultural property investigations and assist in art related investigations worldwide in cooperation with foreign law enforcement officials and FBI legal attaché offices. I am also a member of the FBI's Evidence Response Team. As a member of the Evidence Response Team, I have received specialized training about how to collect evidence supporting FBI investigations in a professional, competent, and systematic manner. I have experience collecting numerous types of evidence, to include, but not limited to, fine art, cultural property, and archaeological evidence in furtherance of Art Crime Team investigations.

III. BACKGROUND

7. This investigation involves a cache of approximately one or more tons of gold, hidden in an underground cave at the Dents Run Site in Elk County, Pennsylvania that had been stolen during transport from and/or to a United States Mint facility during the Civil War. FBI Art Crime team special agents, including me, joined the investigation in early 2018.

8. Three individuals, Person 1, Person 2 and Person 3, were interviewed on several occasions in 2018. Person 1 and Person 2 are the owners of Company A, a treasure-hunting company and they provided information about their exploration of a underground cave located on the Dents Run Site in Elk County, Pennsylvania in which, based on their research and testing, is located a significant cache of gold. Person 3 is an investigative journalist, formerly with the Wall Street Journal, who has conducted extensive research on a group known as the Knights of the Golden Circle ("KGC"), a secret society formed in the mid-19th century in the United States that sympathized with Confederate and secessionist causes and used operatives in northern states, including Pennsylvania, to conduct clandestine activities in furtherance of KGC and Confederate goals, including securing money and precious metals, such as gold and silver, for future KGC and Confederate use.

9. As detailed below, I believe that there is probable cause that gold stolen from the United States during the Civil War, in violation of 18 U.S.C. § 641, is hidden in an underground cave on the Dents Run Site.

IV. BASIS FOR INFORMATION IN THE AFFIDAVIT

10. The information in this Affidavit is based upon my personal knowledge, interviews with Person 1, Person 2, Person 3, as well as information supplied by United States Mint officials, other government and museum officials, and public documents.

11. Because this affidavit is prepared for the limited purpose of applying for a seizure warrant, I have not included all of the information obtained during the investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that property belonging to and stolen from the United States, in violation of Title 18, United States

Code, Section 641, specifically approximately one or more tons of gold, will be found at the Dents Run Site in Elk County, Pennsylvania.

V. INVESTIGATION INTO STOLEN UNITED STATES GOLD HIDDEN AT THE DENTS RUN SITE

12. I am currently assigned, with other members of the FBI Art Crime Team to an investigation involving the recovery from the Dents Run Site of approximately one or more tons of gold stolen while being transported between United States Mint facilities during the Civil War.

A. Cache of Gold Hidden in Cave at the Dents Run Site.

(1) Information from Person 1 and Person 2

13. I learned the following from Person 1 and Person 2, father and son:

- a. Person 1 and Person 2 are natives of Clearfield, Clearfield County, Pennsylvania, which is south of Elk County, Pennsylvania.
- b. Since he was a child, Person 1 had heard, from others in the Clearfield area, folklore that, during the Civil War, Union soldiers, who were carrying a large amount of United States gold, perhaps twenty-six (26) gold ingots, each weighing approximately fifty (50) pounds, from the United States Mint facility in San Francisco, California to the United States Mint headquarters in Philadelphia, Pennsylvania, got lost and were separated in the woods of Elk County, Pennsylvania and that several of those soldiers buried the gold in Elk County.
- c. Person 1, who considers himself to be a “treasure hunter,” has spent over forty years searching for the gold allegedly buried in Elk County, as well as hunting treasure in other locations.

d. Over these years, Person 1 conducted research into the Elk County gold folklore and found supporting documentation that gold had been hidden in Elk County during the Civil War.

e. One of the documents found by Person 1 from the archives of the Army Heritage and Education Center at the Military History Institute in Carlisle, Pa is a typed story, entitled "The Lost Gold Ingot Treasure," that appears to be page numbers 98 through 109 of a book written on or about "the centennial anniversary of the Civil War," and reportedly recounts a story of the Civil War that had "never been recorded." This account, about a United States government gold shipment that "came to grief in the part of the Allegheny Mountains known as the 'Wildcat District,'" provided the following information:

(1) By 1860, annual production of gold in California, Oregon and Idaho, amounting to six or seven million dollars, helped to "strengthen the sagging economy of the Union Government and pay the enormous cost of conducting the war, but, "due to the lack of transcontinental transportation facilities at that time it was a long dangerous journey overland from the far west to the Mint in Philadelphia."

(2) "Before the war most gold was carried by ship" to the east," also "a long and dangerous journey."

(3) In 1861, "Army detachments, acting under agents of the Treasury Dept., conveyed gold shipments overland to the railhead at St. Louis, but outlaw gangs, copperheads (southern sympathizers), Home Guards, guerillas and just plain train robbers, made it unsafe to ship anything by rail west of Cincinnati and Chicago."

(4) "The gold shipments were made up at Sacramento and traveled east over the Sierra Range to Truckee Lake, then along the Humboldt River to Great Salt Lake,

then north to Ft. Bridger, joining the Oregon Trail at Soda Springs, then east through South Pass to Ft. Laramie and down the Platte River to Ft. Leavenworth and Westport, then by river boat down the Missouri River to Kansas City, then up the Mississippi River to St. Louis. Then the B&O railroad carried it to Cincinnati, Pittsburgh and Philadelphia. Later, when the Union Army gained control of the upper Mississippi Valley, the shipments were sent by boat as far as Pittsburgh.”

(5) In early June 1863, a caravan of “wagons and armed horsemen,” consisting of “two heavy canvas covered freight wagons, each hauled by four mules, a smaller covered wagon, . . . three drivers and eight men on horseback,” traveled “up the old Toby (Clarion) River Trail,” with “twenty-six black painted ingots or bars of partly refined gold each weighing 600 oz. Troy weight and worth about ten thousand dollars each,” hidden “beneath false bottoms of the large wagons,” and “a few empty boxes” on the wagons, so that the wagons “appear[ed] to be loaded with freight.”

(6) The party had “started from Wheeling, West Virginia, and had met the packet River Queen at a pre-arranged rendezvous a few miles from Pittsburgh, where the gold and dummy freight were transferred to the wagons.”

(7) This “change in the shipping operations,” resulted from “a raid by a force of Kentucky guerillas led by John Morgan the previous month which had left the railroads in southern Ohio in shambles,” and War Department “top brass” decided “to sneak the gold shipments overland through central Pennsylvania as far as Williamsport.”

(8) Named in the story as the leader of this party was Lieutenant Castleton, “born in 1825 of a family of famous military men” and a two year attendee of West Point, who resigned from West Point “at the beginning of the Mexican War and joined a

voluntary cavalry outfit organized by his uncle,” and had his combat career “ended by a hip wound and a severe case of malarial fever.”

(9) Castleton is described as becoming “active in a band of border ruffians known as Jennison’s Jayhawkers” when “trouble started in Kansas in 1855,” as having participated “in several raids on pro-slavery settlements in Kansas and Missouri,” and, when the Civil War started, as serving in the Missouri campaign and then being “transferred to staff headquarters at Cincinnati.”

(10) Also named in the story as a member of this party was Sergeant Mike O’Rourke, “a brawler” and “a product of the river port towns,” who “had joined the Jayhawker outfit,” and had become friends with Castleton, sharing only “a deep hatred for anything southern.”

(11) Also named in the story as a member of the party was Conners, who “had served in combat in the Army of the Potomac, had been wounded and was attached to headquarters at Cincinnati for limited service,” and who volunteered for “the treasure escort party.”

(12) The story described the route initially taken by the party as “following the old Toby Creek Trail,” then, three days later, camping near the town of Ridgeway, then following east “a road that ran much the same as the present Rte. 120, and, two days later arriving at St. Mary’s,” where the party obtained “a map of the Wildcat country made back in 1842 by a survey crew,” that “showed a passible road branching off to the south about ten miles east of St. Mary’s,” that “went over the mountains and followed a stream down to the Hicks place on the Sinnemahoning.”

(13) The story then described Castleton becoming ill and paying “an old woods rat known as Joe” to guide the party, who took them “up the road beside a stream later known as Brunner Brook,” past old lumber camps in “the Pine Ridge country,” with the result that the party became “helplessly lost” in several days, “had made a complete circle, crossing a set of tracks they had made twelve hours before,” and Joe and two men in the party sneaking away with two horses.

(14) According to the story, at this point, “the party was camped on a ridge running north and south just west of the east branch of Hicks Run” and Castleton and O’Rourke, refusing “to let the gold out of their possession,” decided that “Castleton and five men would move the packtrain south as fast as Castleton’s condition would permit” and “Conners and two men would start on foot southeast to get help,” and “[t]his was the last ever seen of Castleton’s party.”

(15) The story then describes statements by Conners at an inquest: he, with “Billy” and “Sam,” had “left camp at daybreak and struck out through the timber east toward the rising sun”; he instructed Billy to mark trees with a knife so they could find their way back if needed; from a rocky outcrop, he saw the ridge sloped downgrade to the east “and soon the downslope became apparent and shortly after midday we came to a large spring”; they followed a brook that started from the spring southeast and came to where it joined Hicks Run; they crossed the stream and found a faint footpath; the next afternoon, they came to an old deserted cabin on a bluff near the stream, where Conners left Billy and Sam and continued alone; the next morning, he “came to a wide valley and a large stream,” which he believed to be the Sinnemahoning; he “went on downstream” and, about one hour later, “came to a cluster of buildings on a flat at the junction of a stream coming in from the north”; as he neared the

settlement, he suddenly “felt dizzy and faint” and the next thing he remembered was waking up in a bed; a rescue party arrived and, with Conners, they “started up Hicks Run to the forks and then followed a logging road to the top of the ridge between the two branches,” and searched for the Castleton party once they were on the ridge and, moving north, found, two days later, the abandoned wagons and a trail of the Castleton party leading off to the southwest, but did not find any of the Castleton party.

(16) According to the story, a Court of Inquiry was held at Clearfield, Pennsylvania and an Army Adjutant from Philadelphia presented charges against Castleton and O’Rourke but, because “Castleton’s family held considerable influence in high Army circles,” the charges were suspended and the hearing postponed.

(17) The story then reports that “Allan Pinkerton, alias Major E.A. Allen, whose famous detective agency was the main source of Army intelligence at the time, was given the task of finding the lost gold and men, and that Pinkerton convinced the War Department “that the utmost secrecy was necessary, otherwise the natives and other footloose adventurers would also be searching for the lost gold, and that was to be avoided at all costs.”

(18) According to the story, “several teams of Pinkerton men moved to the Sinnemahoning country,” and “divided the wilderness area from the Driftwood Branch to the Bennett Branch of the Sinnemahoning as far west as St. Mary’s into sectors and searched them thoroughly.”

(19) The story reports that: in “the summer of 1865, two detectives, Donovan and Dugan, found two and a half gold ingots buried under a pine stump about four miles south of the spot where the wagons had been abandoned”; “in 1866 other Pinkerton men found a pair of the treasure party’s mules in the possession of a old man living in Chase Run”;

and, “in 1876, when the Elk-Cameron County boundary was resurveyed, the survey crew found the scattered bones of from three to five human skeletons near a spring at the head of Bell’s Branch of Dent’s Run, about seven miles from the place where the wagons were abandoned.”

(20) The story concludes with a report that, at the end of the Civil War, Conners was denied a discharge and was sent to an outpost “in the far west” and, while still in the Army, died in Yuma, Arizona in the winter of 1886.

f. Person 1 also found a 1973 article entitled “The Lost Gold Shipment: Twenty-Six Missing Gold Ingots,” by Sandra Gardner – Treasure Magazine, published by the Mount Zion Historical Society, and an article entitled “Pennsylvania’s Lost Gold Ingots,” by Francis X. Scully in the October 1976 issue of Roaming, published in St. Marys, Pennsylvania, both of which summarized the same facts as in “The Lost Gold Ingot Treasure.”

g. Person 1 also received from John Slonaker, who had been the Chief of the Historical Reference Section of the Army Heritage and Education Center at the Military History Institute in Carlisle, Pennsylvania, a cartoon account of this same story that had been published in the March 18, 1979 issue of the Harrisburg, Pennsylvania newspaper, the Sunday Patriot News, and a February 1983 UPI story, entitled “Is Elk County Hiding \$4 Million in Gold?”

h. In or about 2004, Person 1 and Person 2 began focusing on the Dents Run area in Elk County, Pennsylvania as a possible site for this United States gold hidden during the Civil War.

i. In November 2010, Person 1 and Person 2, who had received permission from the Pennsylvania Department of Conservation and Natural Resources

(“DCNR”) to search in the Dents Run Site area, located a turtle-shaped cave on the Dents Run Site, which they believed to hold the cache of United States gold hidden during the Civil War.

j. After locating the Dents Run Site cave, Person 1 and Person 2 and other associates made approximately 300 visits to the site and approximately 100 entrances into the cave, and conducted a series of explorations and tests at the cave, including Surface Ground Penetrating Radar (“GPR”)¹ and a Ground Penetrating Locator metal detector (“GPL”)² and very limited drilling, due to DCNR requirements, and made the following observations and findings:

(1) The cave contained interior walls, which appeared to be man-made stacked stones, and which created at least three separate rooms or chambers in the cave.

(2) There were burn marks on the ceiling of the cave, indicating that a fire or fires had been started by humans in the cave.

(3) There were artifacts found near the cave that appeared to be old and possibly dating from the 19th century.

(4) GPR and GPL instrument readings taken by Person 1 and Person 2 and their associates, measuring, *inter alia*, the presence of non-ferrous metals (metals that do not contain iron) and metal resistivity, indicated the presence of non-ferrous

¹ Ground penetrating radar devices emit impulses of radio frequency from an antenna into the earth’s subsurface. When those radio waves are emitted into the ground, radio waves are then reflected back to the antenna from the materials found in the earth’s surface. The radio waves, depending on their frequency, travel through certain kinds of soil, but bounce back, or are absorbed, when they hit other types of mass. An on board computer calculates the signal strength of the reflected radio waves, as well as the amount of time it took for the waves to reflect back to the GPR, interprets the way the waves are bounced back or absorbed, and builds a picture from that information.

² A ground penetrating locator metal detector is an electronic geophysical scientific instrument that measure the resistance of metals and minerals in the ground. Electrical resistivity is a fundamental property of a material that quantifies how strongly that material opposes the flow of electric current. I learned from The Physics Factbook, an online open-source encyclopedia of scientific essays, that the resistivity of gold is approximately $2.44 \times 10^{-8} \Omega \cdot m$.

metal and also indicated that a large quantity of gold (“the gold cache”) and other base metals were located at the rear of the cave.

(5) The depth of the gold cache is approximately 5 ½ to 6 feet below the ground.

(6) Due to the instability of the cave area, the gold cache is not accessible through the entrance or interior of the cave.

(7) One of Person 1’s associates, who was drilling a hole at the site, briefly caught a glimpse of “gold looking” material.

(8) Specks of a “gold looking” material, too small to be captured for subsequent testing, were found on a drill bit after drilling one particular hole.

(9) A drill bit was stuck for an extended period of time after drilling into and cooling in what was believed to be a metal object.

k. After Person 1 published on his website the fact that he believed he had located a cache of United States gold stolen during the Civil War at the Dents Run Site, an individual reported to Person 1 that there was a turtle carving on a rock not far from the site.

(2) FBI Investigation

14. On January 31, 2018, Person 1 and Person 2 led FBI Special Agents, including me, to the Dents Run Site. The FBI used a global positioning satellite tool and marked the approximate location of the Dents Run Site, the coordinates of which are listed in Attachment A (restricted).

15. On that same day, while at the Dents Run Site, the FBI operated a “two-box” metal detector, manufactured by Discovery Electronics, model TF-900 (“two-box metal detector”),

and that two-box metal detector indicated the presence of non-ferrous metal in an area that was approximately five feet by three feet at the Dents Run Site.

16. On that same day, while at the Dents Run Site, the FBI, with the assistance of Person 2, conducted ground electrical resistivity testing using a KellyCo Ground Penetrating Locator metal detector, Model 200 ("GPL 200") and the results of the GPL testing at the site indicated resistivity readings of approximately $2.44 \times 10^{-8} \Omega \cdot m$, the same resistivity as for gold, in the same area where the two-box metal detector testing indicated the presence of non-ferrous metal.

17. In February 2018, the FBI retained the services of RETTEW, Inc. ("RETTEW") to complete, at the Dents Run Site, a geophysical survey to detect and delineate high-density or metallic anomalies that could include suspected historic relics, as well as a large quantity of extremely high-density material, such as gold.

18. On February 23, 2018, RETTEW using a microgravity meter, which is capable of measuring the force of gravity with great precision, performed a microgravity survey to detect and delineate any subsurface density anomalies at the Dents Run Site, which detected at the Dents Run Site a large mass, with cross sections with a very large density of approximately 17.5g/cm^3 , which, according to RETTEW, is consistent with a rocky rubble density of approximately 2.0 g/cm^3 surrounding a body with a density of 19.5 g/cm^3 (the density of gold) and consistent with a mass having a weight of approximately $8 \frac{1}{2}$ to 9 tons.

19. In February 2018, I reviewed online a 1972 publication from the Pennsylvania Geological Survey, entitled "Pennsylvania Geology," Volume 3/2, that discussed the fact that most of the gold in Pennsylvania cannot be seen by the naked eye and is generally only recovered through a refining process for other minerals.

20. In March 2018, I conducted a search on the online United States Geological Survey Mineral Resources Data System ("USGS MRDS") for Pennsylvania locations where naturally-occurring gold is found, and that search returned only nine results, none of which were in Elk County, Pennsylvania.

B. Cache of Gold Hidden in Cave at the Dents Run Site is the Property of the United States.

(1) Information Obtained from Person 3 er about the KGC and its Use of "Waybills" as Maps to Hidden Caches

21. I learned the following from Person 3, who has done substantial research, and written a book, on the operations of KGC:

a. During the Civil War, the KGC, which had been formed in the mid-19th century with an objective of a separate confederation of slave states forming a "golden circle," operated in the Confederate and Union states.

b. The KGC buried secret caches of weapons, coins, and gold and silver bullion, much of which was stolen from robberies of banks, trains carrying payroll of the Union Army during the Civil War and from northern army military posts, in southern, western and northern states.

c. There is very little written or documented information about where the Knights of the Golden Circle buried their caches, but the KGC did leave strange symbols and codes on rocks and trees as guides to where these treasures are located, and created "waybills," stories with a mix of fact and fancy that provided detailed "maps" to KGC secret caches.

d. The KGC made extensive use of symbols, including the circle, the rising sun and the turtle.

e. Members of the KGC included individuals sympathetic to the Confederate cause in the northern Union states, known as “copperheads.”

f. The story entitled “The Lost Gold Ingot Treasure” from 1961 fits the description of a KGC “waybill” as it provides a very detailed “map” in its telling of an account, mixing truth and symbols, about the alleged lost federal gold in Dent’s Run area, ostensibly a very large amount of gold taken from a mule-led United States Army packtrain, and this worded map leads you to the exact spot at Dent’s Run, also mentioning nearby Hick’s Run and Trout Run, where a hidden gold cache is secreted.

g. That story also mentions “copperheads” and relates how the one of the party was instructed by Conner “to mark trees,” how they “headed East toward the Rising Sun,” and how they “walked in a circle,” all of which are likely references to the KGC and its *modus operandi*.

h. It is very likely that Castleton and O’Rourke are fake names, and are in fact, code (Castle and Rook), with Castleton clearly being used as a pointer, as “castle” was the core organizing unit of this secret subversive organization and “rook” was a local unit of that organization.

i. It is very likely that the reported turtle carving on a rock near the Dents Run Site is a KGC marker for that site.

(2) Corroboration of “The Lost Gold Ingot Treasure” as a “Waybill” to stolen United States gold

22. I have found the following information to corroborate factual information in the story, “The Lost Gold Ingot Treasure,” and, thus, corroborate the likelihood that the gold cache at the Dents Run Site is United States gold that was stolen during transport between United States Mint facilities:

a. A researcher with the National Archives, Mid-Atlantic Region, responded to my request for records relating to shipments of gold from the United States Mint facility in San Francisco, California to the United States Mint headquarters in Philadelphia, Pennsylvania with the following:

(1) A congressional resolution bearing the signature of Thomas Jefferson, indicated President George Washington's approval of the resolution that established the United States Mint in Philadelphia in 1791.

(2) I learned that the United States Mint purified large quantities of gold during the Civil War, and records from the National Archives for the year ending in 1863 show that there was significant production of troy ounces of gold at the United States Mint facility at San Francisco during that time period.

(3) A letter, dated May 1863, discusses the removal of an employee from the United States Mint facility in San Francisco for theft of gold bullion from the Melter and Refiner of the United States Mint at San Francisco, corroborating the fact that bullion was refined at that facility.

(4) Several bills of lading show that goods were exchanged, via ship and a land passage over the Panama isthmus, between the United States Mint facility in San Francisco, California and the United States Mint headquarters in Philadelphia, Pennsylvania in 1863, corroborating the fact that shipments between the two facilities took place.

b. I learned from the United States Mint website the following information about the history of the United States Mint:

(1) Under President Andrew Jackson, following rapid growth in the south resulting from the discovery of gold in the early 1800s, United States Mint facilities in

New Orleans, Charlotte, and Dahlonega were authorized in 1835 to complement the Philadelphia facility, with all three of these facilities closing after the Civil War.

(2) As a result of the settling and expansion of the West, driven by the discovery of gold in California, United States Mint facilities were opened in San Francisco in 1854 and Denver in 1863.

(3) The United States Mint's administrative headquarters were moved from Philadelphia to Washington, D.C. in 1873.

c. I learned from representatives of the United States Mint that, during the Civil War, the only entity possessing large amounts of purified gold in the United States was the United States Mint.

d. I learned, from the American Numismatics Society, that there were no records of large scale private mint producers during the Civil War and my research has not uncovered any private mints operating during the Civil War that would have been capable of producing large amounts of purified gold and, thus, it is highly likely that any large amounts of purified gold during this time period would be United States property.

e. I learned from Anna Lucas Meyer, the Manager for the Wells Fargo Corporate Archives, that Wells Fargo records for the period preceding and during the Civil War indicate that, because gold is very heavy, large shipments of gold or shipments going long distances were better transported by ship (steamboat or clipper) or by train when available, and Wells Fargo records do indicate the United States Mint facility in San Francisco did ship gold by Wells Fargo to Treasury Department Assay offices in New York on occasion by sea, but no records exist in the Wells Fargo collections for any such a shipment in 1863.

f. I reviewed National Archive records for the military service for Arthur Conner, which show that he enrolled in the United States Army in Clearfield County, Pennsylvania in 1861 and was discharged in November 1862, but muster rolls also show that he was in service until June 1864, he was mustered back into service in November 1864 and that he was transferred to Yuma, Arizona on March 19, 1865, corroborating the story's report that, at the end of the Civil War, Conner was denied a discharge and was sent to an outpost "in the far west" and, while still in the Army, died in Yuma, Arizona in the winter of 1886.

g. On a website entitled "Jennison's Jayhawkers, hosted by the Kansas City Historical Society, I found an article that stated that the Seventh Kansas Cavalry was organized on October 28, 1861 at Fort Leavenworth, Kansas under the command of Colonel Charles R. Jennison, was immediately ordered into the field, and was discharged from service on September 29, 1865.

h. An article on the Civil War Trust website described John Morgan's raids for the Confederacy during the Civil War, quoting an August 1862 edition of Harper's Weekly in which Morgan was described as a "guerrilla, and bandit" with "predatory instincts," and his men were characterized as "a band of dare-devil vagabonds" who spent their time "burning bridges, tearing up railway tracks, robbing supply trains, and plundering and wasting the few remaining prosperous portions of Kentucky," and noting that, in the summer of 1863, Morgan launched an even more audacious raid through Kentucky, Indiana and Ohio, corroborating the reason given in the story for the transportation of the gold by wagon.

23. I learned the following information that corroborates Person 3's information that the story, "The Lost Gold Ingot Treasure," was a "waybill" or coded map to the stolen United States gold cache at the Dents Run site.

a. I have been to the Dents Run Site and reviewed maps of the region and I have observed that there is a ridge running north and south of the east branch of Hicks Run, which is just north of the site, corroborating the statement in the story that, at the time Conners left, "the party was camped on the ridge running north and south just west of the east branch of Hicks Run."

b. I made online inquiries on the National Park Service's Civil War Soldiers and Sailors System, through which records for every soldier who served during the Civil War, for the Union or the Confederacy, can be viewed and I was not able to locate any records for a Lieutenant Castleton or a Michael O'Rourke, further corroborating Person 3's information that these names were used as code.

c. I learned from Suzanne Christoff, Associate Director for the Unique Resources, United States Military Academy Library, West Point, New York, that West Point had no academy records for anyone named Castleton, again further corroborating Person 3's information that this name was used as a code.

d. Other articles have been published about the stolen United States gold hidden in Elk County, including:

(1) an article in the Progress, Clearfield County, Pennsylvania on October 15, 1975, by Dave Barry with the Associated Press entitled "Lost Treasure Legends," that includes "the story of the Dents Run Treasure" and summarizes the story from "The Lost Gold Ingot Treasure"; and

(2) an article in the Progress, Clearfield County, Pennsylvania on November 27, 1978, entitled "Elk County Gold in the Hills?" that also summarizes the story

from "The Lost Gold Ingot Treasure" and states at the end that "[s]ome still think the bars may be cached in one of the region's many rattlesnake infested caves."

(3) Information that has not been corroborated

24. I have not been able to corroborate any information about the involvement of Pinkerton detectives in investigating the stolen United States gold in Elk County, Pennsylvania as, according to documentation in the Manuscript Division, Library of Congress, many of Allan Pinkerton's family and business papers burned when the agency headquarters was destroyed in the Chicago fire of 1871.

25. I have not been able to corroborate any delivered, expected or missing shipments of gold from a United States Mint facility to the United States Mint headquarters in Philadelphia, Pennsylvania during the Civil War, as, according to Maria Goodwin, the United States Mint historian, as well as the National Archives, the United States Mint is missing all records from the Director of the United States Mint for the Civil War period.

VI. PROBABLE CAUSE

26. Based on the observations made and testing done at the underground cave on the Dents Run Site by Person 1 and Person 2 and their associates, as well as my observations and testing done by the FBI and RETTEW at the Dents Run Site, I have probable cause to believe that a significant cache of gold is secreted in the underground cave located at GSP coordinates on the Dents Run Site. I base this conclusion on the following:

a. GPR and GPL instrument readings taken by Person 1 and Person 2 and their associates, measuring, *inter alia*, the presence of non-ferrous metals and metal resistivity, indicating the presence of non-ferrous metal and a large quantity of gold and other base metals in the rear of the cave;

b. the indication of the presence of non-ferrous metal in an area that was approximately five feet by three feet at the Dents Run Site from the FBI's operation of the two-box metal detector on January 31, 2018;

c. GPL resistivity readings of approximately $2.44 \times 10^{-8} \Omega \cdot m$, the same resistivity as for gold, on January 31, 2018 in the same area where the two-box metal detector testing indicated the presence of non-ferrous metal;

d. Results of microgravity survey conducted by RETTEW on February 23, 2018, at the Dents Run Site, which detected a large mass, with cross sections with a very large density of approximately 17.5 g/cm^3 , which, according to RETTEW, is consistent with a rocky rubble density of approximately 2.0 g/cm^3 surrounding a body with a density of 19.5 g/cm^3 (the density of gold) and consistent with a mass having an approximate weight of multiple tons;

e. Specks of a "gold looking" material, too small to be capture for subsequent testing, found by Person 1 and associates on a drill bit after drilling one particular hole;

f. My review of a 1972 publication from the Pennsylvania Geological Survey, entitled "Pennsylvania Geology," Volume 3/2, that discussed the fact that most of the gold in Pennsylvania cannot be seen by the naked eye and is generally only recovered through a refining process for other minerals; and

g. My search of the online United States Geological Survey Mineral Resources Data System for Pennsylvania locations where naturally-occurring gold is found, that returned only nine results, none of which were in Elk County, Pennsylvania.

27. Based on information I have received from Person 1, Person 2, Person 3, as well as numerous documents and information from the United States Mint and other

sources, I have probable cause to believe that the cache of gold secreted in the underground cave located at GSP coordinates on the Dents Run Site was stolen from, and belongs to, the United States. I base this conclusion on the following:

- a. Results of microgravity survey conducted by RETTEW on February 23, 2018, at the Dents Run Site, which detected a large mass, with cross sections with a very large density of approximately 17.5 g/cm^3 , which, according to RETTEW, is consistent with a rocky rubble density of approximately 2.0 g/cm^3 surrounding a body with a density of 19.5 g/cm^3 (the density of gold) and consistent with a mass having an approximate weight of multiple tons;
- b. Information from United States Mint officials that, during the Civil War, the only entity possessing large amounts of purified gold in the United States was the United States Mint;
- c. Information from the United States Mint that the United States Mint purified large quantities of gold during the Civil War;
- d. Information from the American Numismatics Society, that there were no records of large scale private mint producers during the Civil War and my research that did not uncover any private mints operating during the Civil War that would have been capable of producing large amounts of purified gold, leading to the conclusion that it is highly likely that any large amounts of purified gold during this time period would be United States property;
- e. Records from the National Archives for the year ending in 1863 showing significant production of troy ounces of gold at the United States Mint facility at San Francisco and a letter, dated May 1863, discusses the removal of an employee from the United States Mint facility in San Francisco for theft of gold bullion from the Melter and Refiner of the United States Mint at San Francisco, corroborating the fact that bullion was refined at that facility.

f. Bills of lading from the National Archives showing that goods were exchanged, via ship and a land passage over the Panama isthmus, between the United States Mint facility in San Francisco, California and the United States Mint headquarters in Philadelphia, Pennsylvania in 1863, corroborating the fact that shipments between the two facilities took place.

VII. ITEMS TO BE SEIZED FROM THE DENTS RUN SITE

28. Based on my knowledge, training, and experience, as well as the information obtained in this investigation that is detailed above, I have probable cause to believe that gold, in the amount of approximately one ton or more, belonging to and stolen from the United States is secreted in the underground cave on the Dents Run Site and I respectfully request that a seizure warrant be issued authorizing Special Agents of the FBI and any authorized officer of the United States to seize all gold found at that site.

XIII. NECESSITY FOR A SEIZURE WARRANT

29. Based on my knowledge, training, and experience, as well as the information obtained in this investigation that is detailed below, I have probable cause to believe that seeking prior consent from the Pennsylvania Department of Conservation and Natural Resources (“DCNR”) could result in unlawful seizure of the stolen United States gold as abandoned property by the Commonwealth of Pennsylvania which would necessitate unnecessary litigation and expense to obtain the return of United States property.

a. I am concerned that, even if DCNR gave initial consent for the FBI to excavate the cache of gold secreted at the Dents Run Site, that consent could be revoked before the FBI recovered the United States property, with the result of DCNR unlawfully claiming that

that cache of gold is abandoned property and, thus, belongs to the Commonwealth of Pennsylvania.

b. The following interactions between Person 1 and Person 2 and the DCNR raises the probability that, if the FBI seeks consent to excavate the cache of gold secreted at the Dents Run Site, DCNR or the Commonwealth of Pennsylvania will unlawfully claim that that cache of gold is abandoned property and, thus, belongs to the Commonwealth of Pennsylvania, requiring the United States to litigate to recover its property:

(1) In response to a November 1, 2010 email from Person 1 to DCNR representative Teddy Borawski, in which Person 1 stated that they had found gold (“very high readings of gold”) at the Dents Run Site, based on GPL readings, and requested to drill a two inch hole and drop a camera into that hole as confirmation of that finding, Mr. Borawski denied permission, responding that DCNR “need[ed] to see gold metal on a drill bit in sufficient quantity to convince us the bit passed through an object primarily composed of gold metal,” ignoring legitimate scientific testing of the presence of a large quantity of gold at the sight.

(2) In 2012, DCNR revoked privileges for Person 1 and Person 2 to conduct any drilling or excavation tests at the Dents Run Site.

(3) In August and September 2013, a staff member for the Pennsylvania legislature, who said that he was acting on behalf of individuals in the state government (someone who controlled money going to DCNR and someone working in the Pennsylvania governor’s office), contacted and met with Person 1 and Person 2, corruptly offering to provide Person 1 and Person 2 a permit to dig at the Dents Run Site, to keep DCNR away from the site until Person 1 and Person 2 had recovered the

gold secreted at the site, and to ensure that the Commonwealth of Pennsylvania would not claim the recovered gold, in return for three bars of gold or ten percent of what Person 1 and Person 2 recovered at the Dents Run Site.

(4) On October 6, 2015, a camera installed at the Dents Run Site captured a Bobcat, believed to be operated by DCNR personnel, excavating in the area of the Dents Run Site at locations that had been marked by Person 1 and Person 2 but which were not the location of the cache of gold in the underground cave at the Dents Run Site.

IX. OPERATION PLAN FOR THE SEIZURE OF UNITED STATES GOLD

30. As detailed below, I have prepared an operation plan for the recovery and seizure of the United States gold secreted in the cave that will be minimally invasive to and around the Dents Run Site and protect the health and welfare of the personnel undertaking the recovery and seizure.

31. There is an unimproved dirt pathway ("pathway"), known locally as "Snooks Trail" or "Green Road," approximately seven feet wide and believed to have been created in approximately 1969, which directly accesses the Dents Run Site from Dents Run Road. The distance along this pathway, from its intersection with Dents Run Road to the Dents Run Site, is approximately 1,950 feet, and the pathway continues to increase in elevation from Dents Run Road until reaching the Dents Run Site. *See Attachment B* (map of surrounding area near intersection of Dents Run Road and Greed Road).

32. According to a public records search of Elk County property records, this pathway crosses the private property of Russell C. Dill, who resides at 1161 Pine Road, Kittanning, Pennsylvania and Zelmar Camp, which is an unincorporated association with three trustees. According to Garret Osche, who lives in Dents Run, Pennsylvania in close proximity to these two locations, these locations are used as hunting cabins. Moreover, Osche advised

that the Zelmar Camp owners routinely allow people to traverse by foot the pathway from Dents Run Road en route to Elk State Forest.

33. The method to recover the United States gold secreted at the Dents Run Site will require the use of professional excavation equipment such as a backhoe or a back hoe-type machine, as well as additional excavation equipment such as sifters, shovels, buckets and tents. The only feasible way for this equipment, supplies and personnel to reach the Dents Run Site is via the pathway.

34. For the health, safety, and general welfare of all of those participating in this seizure, the FBI will need to conduct and/or provide for the following on site and/or in the area of the pathway and Dents Run Road:

- a. 24 hour per day site security, which will be provided by FBI uniformed police officers, which includes a tent for shelter and site-access control, which will be stationed near the intersection of the pathway and Dents Run Road;
- b. adequate lighting of the site, which will be powered by generators;
- c. rehabilitation tents at the site where personnel can break, eat, hydrate, maintain appropriate body temperature, receive medical treatment, and find temporary shelter from inclement weather;
- d. all-terrain vehicles (ATVs) for the purpose of carrying personnel, equipment, supplies, and evidence to and from the Dents Run Site to Dents Run Road;
- e. portable toilets that will temporarily be installed in the area of the intersection of the pathway and Dents Run Road;

f. government vehicles and government- rented vehicles, which will be needed to move personnel to and from the site each day to lodging as well as provide for emergency transport of personnel who could be injured during the operation.

35. As of February 23, 2018, several dead trees have fallen onto the pathway and one or more trees has low hanging branches that hinder passage on the pathway and permission is sought to be able to cut away the dead trees and the low-hanging limbs so that personnel, equipment, and supplies can safely make it to and from the Dents Run Site.

36. I am requesting a writ of entry across private land along the pathway to reach the site. As described above, the entry across this private land is minimally invasive, as both affected properties are owned by individuals who do not live in Dents Run year-round, the intrusion by the government is temporary, the terrain is rugged and not professionally landscaped, and the pathway providing direct access to the Dents Run Site already exists.

37. The request to dig on Pennsylvania state forest lands is also minimally invasive and will be further mitigated by the FBI in the following manner:

a. The FBI will have an archaeologist who is familiar with this area, generally, on site during the operation to provide expert guidance on the methods and techniques used to recover the United States property as well as any other artifacts or items of significant cultural and/or scientific value;

b. The FBI will ensure that any hole or holes dug during this operation will be filled and graded to the original condition; and

c. the Pennsylvania DCNR already allows for managed use of its state forests as is highlighted on its website where the DCNR advises that Elk State Forest is a "working forest" which provides "a whole suite of uses and values to Pennsylvania citizens" and


advises that visitors may notice "management practices" such as "Active timber harvests" and "Natural gas drilling sites."

X. CONCLUSION

38. As detailed above, there is probable cause that a significant cache of gold of approximately one ton or more, belonging to and stolen from the United States, in violation of Title 18, United States Code, Section 641, is secreted in an underground cave on the Dents Run Site. Therefore, in consideration of the foregoing, I respectfully request the issuance of a warrant to seize that cache of stolen United States gold.


39. The property to be seized is located in Elks County, Pennsylvania, within the Western District of Pennsylvania. However, Title 18 USC Section 981(b)(3) provides that a seizure warrant may be issued by a judicial officer in any district in which a forfeiture action against the property may be filed under Title 28 USC Section 1355(b)(1) and may be executed in any district in which the property is found. Title 28 USC Section 1355(b) provides that a forfeiture action may be brought in the district in which any of the acts giving rise to the forfeiture occurred.

40. It is also respectfully requested that the Court issue an Order pursuant to which the Application and Affidavit for the seizure warrant, and all related papers, be filed under seal. The information contained in these materials is relevant to an ongoing investigation and premature disclosure of the Application and Affidavit for the seizure warrant and related papers would substantially jeopardize the effectiveness of the investigation.



JACOB B. ARCHER
Special Agent, Federal Bureau of Investigation

SWORN AND SUBSCRIBED BEFORE ME
THIS 9th DAY OF March, 2018



RICHARD A. LLORET
UNITED STATES MAGISTRATE JUDGE