

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

February 2001 Grand Jury

UNITED STATES OF AMERICA,	)	CR 02-_____
)	
Plaintiff,	)	<u>I N D I C T M E N T</u>
)	
v.	)	[18 U.S.C. § 371:
	)	Conspiracy;
IRVING DAVID RUBIN and	)	18 U.S.C. § 2332a(a):
EARL LESLIE KRUGEL,	)	Conspiracy to Use a
	)	Destructive Device; 18
Defendants.	)	U.S.C. § 844(i):
	)	Attempted Arson; 18
	)	U.S.C. § 844(f):
	)	Attempted Arson at a
	)	United States Government
	)	Facility; 18 U.S.C. §
	)	924(c)(1): Possession of
	)	a Destructive Device in
	)	Furtherance of a Crime
	)	of Violence; 18 U.S.C. §
	)	373: Solicitation to
	)	Commit a Crime of
	)	Violence; 18 U.S.C. §
	)	922(o): Possession of a
	)	Machinegun; 18 U.S.C. §
	)	5861(d): Possession of
	)	an Unregistered Firearm]

_____)

The Grand Jury charges:

COUNT ONE

[18 U.S.C. § 371]

A. OBJECTS OF THE CONSPIRACY

Beginning on an unknown date and continuing to on or about December 11, 2001, in Los Angeles County, within the Central District of California, and elsewhere, defendants IRVING DAVID RUBIN and EARL LESLIE KRUGEL, and others known and unknown to the Grand Jury, conspired and agreed with each other to commit offenses against the United States, namely:

1. To knowingly and intentionally commit arson, in violation of Title 18, United States Code, Section 844(i).

2. To knowingly and intentionally commit arson at a United States government facility, in violation of Title 18, United States Code, Section 844(f).

B. MEANS BY WHICH THE OBJECTS OF THE CONSPIRACY WERE TO BE ACCOMPLISHED

The objects of the conspiracy were to be accomplished in substance as follows:

1. Defendant EARL LESLIE KRUGEL would recruit someone to detonate explosive devices at buildings identified with Arab religious or political institutions.

2. Defendant IRVING DAVID RUBIN would select locations at which explosive devices would be detonated.

3. Defendant EARL LESLIE KRUGEL would construct explosive devices.

4. Defendants IRVING DAVID RUBIN and EARL LESLIE KRUGEL would have the person who had been recruited set off explosive devices at the locations selected by defendant IRVING DAVID RUBIN.

C. OVERT ACTS

In furtherance of the conspiracy and to accomplish the objects of the conspiracy, defendants IRVING DAVID RUBIN and EARL LESLIE KRUGEL, and others known and unknown to the Grand Jury, committed various overt acts within the Central District of California, including but not limited to the following:

1. On or about October 17, 2001, defendant EARL LESLIE KRUGEL asked another person, who would later become a confidential informant for the Federal Bureau of Investigation (hereinafter referred to as "the confidential informant"), to attend a meeting on October 19, 2001, to discuss plans to commit bombings of buildings associated with Arab religious or political institutions.

2. On or about October 19, 2001, defendants IRVING DAVID RUBIN and EARL LESLIE KRUGEL met with the confidential informant and discussed plans to carry out bombings of buildings associated with Arab religious or political institutions.

3. At the meeting on October 19, 2001, defendant IRVING DAVID RUBIN identified the Muslim Public Affairs Council in Los Angeles, California, as a possible target for bombing.

4. At the meeting on October 19, 2001, defendants IRVING DAVID RUBIN and EARL LESLIE KRUGEL discussed the possibility of bombing Los Angeles-area mosques.

5. At the meeting on October 19, 2001, defendant EARL LESLIE KRUGEL had in his possession a list of mosques that were potential targets for bombing.

6. On or about October 29, 2001, defendant EARL LESLIE KRUGEL met with the confidential informant to discuss the bombing scheme.

7. At the meeting on October 29, 2001, defendant EARL LESLIE KRUGEL instructed the confidential informant to take photographs of the Los Angeles office of the Muslim Public Affairs Council for use in determining the best way to bomb the office.

8. At the meeting on October 29, 2001, defendant EARL LESLIE KRUGEL gave the confidential informant papers containing descriptive information about the Muslim Public Affairs Council.

9. On or about November 4, 2001, defendant EARL LESLIE KRUGEL met with the confidential informant to discuss the bombing scheme.

10. At the meeting on November 4, 2001, defendant EARL LESLIE KRUGEL reviewed photographs of the office of the Muslim Public Affairs Council.

11. At the meeting on November 4, 2001, defendant EARL LESLIE KRUGEL said that he had three feet of fuse at his home that could be used in constructing a bomb.

12. At the meeting on November 4, 2001, defendant EARL LESLIE KRUGEL told the confidential informant that the two of them could build a bomb in his (defendant EARL LESLIE KRUGEL'S) garage.

13. At the meeting on November 4, 2001, defendant EARL LESLIE KRUGEL instructed the confidential informant to transport the bomb, once it was constructed, to the office of the Muslim Public Affairs Council in a paper bag so as not to attract attention to the bomb.

14. On or about November 8, 2001, defendant EARL LESLIE KRUGEL met with the confidential informant to discuss the bombing scheme.

15. At the meeting on November 8, 2001, defendant EARL LESLIE KRUGEL directed the confidential informant to purchase "Unique" brand gunpowder for use in building a bomb.

16. At the meeting on November 8, 2001, defendant EARL LESLIE KRUGEL told the confidential informant that the gunpowder to be used in constructing a bomb should be purchased outside the Los Angeles area.

17. At the meeting on November 8, 2001, defendant EARL LESLIE KRUGEL told the confidential informant that he would show the confidential informant the type of pipe to purchase for use in constructing a bomb.

18. On or about November 14, 2001, defendant EARL LESLIE KRUGEL met with the confidential informant to discuss the bombing scheme.

19. At the meeting on November 14, 2001, defendant EARL LESLIE KRUGEL gave the confidential informant a sample of the fuse that would be used in constructing a bomb.

20. At the meeting on November 14, 2001, defendant EARL LESLIE KRUGEL once again instructed the confidential informant on the type of gunpowder to be purchased for use in constructing a bomb.

21. At the meeting on November 14, 2001, defendant EARL LESLIE KRUGEL instructed the confidential informant to use gloves while handling the components that would be used in

constructing a bomb in order to avoid leaving fingerprints on the components.

22. On or about November 20, 2001, defendant EARL LESLIE KRUGEL met with the confidential informant to discuss the bombing scheme.

23. At the meeting on November 20, 2001, defendant EARL LESLIE KRUGEL instructed the confidential informant not to buy a fuse because he (defendant EARL LESLIE KRUGEL) already had the fuse to be used in constructing a bomb.

24. On or about November 29, 2001, defendant EARL LESLIE KRUGEL met with the confidential informant to discuss the bombing scheme.

25. At the meeting on November 29, 2001, defendant EARL LESLIE KRUGEL made plans to shop with the confidential informant for components to be used in constructing a bomb.

26. On or about December 7, 2001, defendant EARL LESLIE KRUGEL met with the confidential informant to discuss the bombing scheme.

27. At the meeting on December 7, 2001, defendant EARL LESLIE KRUGEL told the confidential informant not to shop for bomb components without him because it was important to get the right components.

28. At the meeting on December 7, 2001, defendant EARL LESLIE KRUGEL said that on December 10, 2001, he would go shopping with the confidential informant for components to be used in constructing a bomb.

29. At the meeting on December 7, 2001, defendant EARL LESLIE KRUGEL said that he would build a bomb by December 12, 2001.

30. At the meeting on December 7, 2001, defendant EARL LESLIE KRUGEL told the confidential informant that the confidential informant could pick up the bomb on December 12, 2001.

31. At the meeting on December 7, 2001, defendant EARL LESLIE KRUGEL told the confidential informant that the confidential informant should carry out the bombing on December 13, 2001.

32. At the meeting on December 7, 2001, defendant EARL LESLIE KRUGEL told the confidential informant that the bombing plans would have to be approved by defendant IRVING DAVID RUBIN.

33. At the meeting on December 7, 2001, defendant EARL LESLIE KRUGEL told the confidential informant that defendant IRVING DAVID RUBIN would pay for the bomb components that would be purchased.

34. On or about December 8, 2001, defendant IRVING DAVID RUBIN met with the confidential informant to discuss the bombing scheme.

35. At the meeting on December 8, 2001, defendant IRVING DAVID RUBIN asked whether the confidential informant had purchased "Unique" brand gunpowder.

36. At the meeting on December 8, 2001, defendant IRVING DAVID RUBIN reviewed photographs of the office of the Muslim Public Affairs Council.

37. At the meeting on December 8, 2001, defendant IRVING DAVID RUBIN said that he wanted to change the target of the planned bombing from the Muslim Public Affairs Council to a mosque in Culver City, California.

38. At the meeting on December 8, 2001, defendant IRVING DAVID RUBIN said that he would provide the confidential informant with the address of the mosque in Culver City, California, in a few days.

39. On or about December 10, 2001, defendant EARL LESLIE KRUGEL traveled with the confidential informant to a hardware store in order to purchase components to be used in constructing a bomb.

40. On or about December 10, 2001, while at a hardware store with the confidential informant, defendant EARL LESLIE KRUGEL selected pipes for the confidential informant to purchase for use in constructing a bomb.

41. On or about December 10, 2001, after selecting pipes to be purchased by the confidential informant, defendant EARL LESLIE KRUGEL waited outside a hardware store while the confidential informant purchased the pipes.

42. On or about December 10, 2001, after the confidential informant purchased pipes at a hardware store, defendant EARL LESLIE KRUGEL traveled with the confidential informant to his (defendant EARL LESLIE KRUGEL'S) residence.

43. On or about December 10, 2001, after traveling with the confidential informant to his (defendant EARL LESLIE KRUGEL'S residence), defendant EARL LESLIE KRUGEL stored the pipes the confidential informant had purchased in his garage.

44. On or about December 10, 2001, after storing pipes in his garage, defendant EARL LESLIE KRUGEL told the confidential informant that the two of them were scheduled to meet with defendant IRVING DAVID RUBIN on December 11, 2001, to finalize the bombing plans.

45. On or about December 11, 2001, defendants IRVING DAVID RUBIN and EARL LESLIE KRUGEL met with the confidential informant to discuss the bombing scheme.

46. At the meeting on December 11, 2001, defendant IRVING DAVID RUBIN said that he wanted the confidential informant to bomb the King Fahd Mosque in Culver City, California.

47. At the meeting on December 11, 2001, defendant IRVING DAVID RUBIN provided the confidential informant with the address of the King Fahd Mosque.

48. At the meeting on December 11, 2001, defendant IRVING DAVID RUBIN said that he also wanted the confidential informant to bomb the field office of United States Congressman Darrell Issa.

49. At the meeting on December 11, 2001, defendant IRVING DAVID RUBIN instructed the confidential informant to locate the field office of United States Congressman Darrell Issa.

50. At the meeting on December 11, 2001, defendant IRVING DAVID RUBIN instructed the confidential informant to carry out surveillance at the field office of United States Congressman Darrell Issa.

51. At the conclusion of the meeting on December 11, 2001, defendant EARL LESLIE KRUGEL asked the confidential informant to

deliver gunpowder to his (defendant EARL LESLIE KRUGEL'S) residence.

52. Following the meeting on December 11, 2001, defendant EARL LESLIE KRUGEL drove to his residence to meet the confidential informant.

53. On or about December 11, 2001, defendant EARL LESLIE KRUGEL transferred gunpowder from the confidential informant's car to his (defendant EARL LESLIE KRUGEL'S) garage.

54. On or about December 11, 2001, defendant EARL LESLIE KRUGEL possessed at his residence the components necessary to build a bomb, including gunpowder, fuse material, pipes, and
end- caps.

COUNT TWO

[18 U.S.C. § 2332a(a)]

A. OBJECT OF THE CONSPIRACY

Beginning on an unknown date and continuing to on or about December 11, 2001, in Los Angeles County, within the Central District of California, and elsewhere, defendants IRVING DAVID RUBIN and EARL LESLIE KRUGEL, and others known and unknown to the Grand Jury, conspired and agreed with each other to use a weapon of mass destruction, that is, a destructive device, against property used by the United States and by a department of the United States, namely, the field office of United States Congressman Darrell Issa.

B. MEANS BY WHICH THE OBJECT OF THE CONSPIRACY WAS TO BE ACCOMPLISHED

The object of the conspiracy was to be accomplished in substance as follows:

1. Defendant EARL LESLIE KRUGEL would recruit someone to detonate an explosive device.
2. Defendant EARL LESLIE KRUGEL would construct an explosive device.
3. Defendants IRVING DAVID RUBIN and EARL LESLIE KRUGEL would have the person who had been recruited set off an explosive device at the field office of United States Congressman Darrell Issa.

C. OVERT ACTS

In furtherance of the conspiracy and to accomplish the object of the conspiracy, defendants IRVING DAVID RUBIN and EARL LESLIE KRUGEL, and others known and unknown to the Grand Jury,

committed various overt acts within the Central District of California, including but not limited to the following:

1. On or about October 17, 2001, defendant EARL LESLIE KRUGEL asked another person, who would later become a confidential informant for the Federal Bureau of Investigation (hereinafter referred to as "the confidential informant"), to attend a meeting on October 19, 2001, to discuss plans to carry out a bombing.

2. On or about October 19, 2001, defendants IRVING DAVID RUBIN and EARL LESLIE KRUGEL met with the confidential informant and discussed the bombing scheme.

3. On or about November 4, 2001, defendant EARL LESLIE KRUGEL met with the confidential informant to discuss the bombing scheme.

4. At the meeting on November 4, 2001, defendant EARL LESLIE KRUGEL said that he had three feet of fuse at his home that could be used in constructing a bomb.

5. At the meeting on November 4, 2001, defendant EARL LESLIE KRUGEL told the confidential informant that the two of them could build the bomb in his (defendant EARL LESLIE KRUGEL'S) garage.

6. On or about November 8, 2001, defendant EARL LESLIE KRUGEL met with the confidential informant to discuss the bombing scheme.

7. At the meeting on November 8, 2001, defendant EARL LESLIE KRUGEL directed the confidential informant to purchase "Unique" brand gunpowder for use in building a bomb.

8. At the meeting on November 8, 2001, defendant EARL LESLIE KRUGEL told the confidential informant that the gunpowder to be used in constructing a bomb should be purchased outside the Los Angeles area.

9. At the meeting on November 8, 2001, defendant EARL LESLIE KRUGEL told the confidential informant that he would show the confidential informant the type of pipe to purchase for use in constructing a bomb.

10. On or about November 14, 2001, defendant EARL LESLIE KRUGEL met with the confidential informant to discuss the bombing scheme.

11. At the meeting on November 14, 2001, defendant EARL LESLIE KRUGEL gave the confidential informant a sample of the fuse that would be used in constructing a bomb.

12. At the meeting on November 14, 2001, defendant EARL LESLIE KRUGEL once again instructed the confidential informant on the type of gunpowder to be purchased for use in constructing a bomb.

13. At the meeting on November 14, 2001, defendant EARL LESLIE KRUGEL instructed the confidential informant to use gloves while handling the components that would be used in constructing a bomb in order to avoid leaving fingerprints on the components.

14. On or about November 20, 2001, defendant EARL LESLIE KRUGEL met with the confidential informant to discuss the bombing scheme.

15. At the meeting on November 20, 2001, defendant EARL LESLIE KRUGEL instructed the confidential informant not to buy a

fuse because he (defendant EARL LESLIE KRUGEL) already had the fuse to be used in constructing a bomb.

16. On or about November 29, 2001, defendant EARL LESLIE KRUGEL met with the confidential informant to discuss the bombing scheme.

17. At the meeting on November 29, 2001, defendant EARL LESLIE KRUGEL made plans to shop with the confidential informant for components to be used in constructing a bomb.

18. On or about December 7, 2001, defendant EARL LESLIE KRUGEL met with the confidential informant to discuss the bombing scheme.

19. At the meeting on December 7, 2001, defendant EARL LESLIE KRUGEL told the confidential informant not to shop for bomb components without him because it was important to get the right components.

20. At the meeting on December 7, 2001, defendant EARL LESLIE KRUGEL said that on December 10, 2001, he would go shopping with the confidential informant for components to be used in constructing a bomb.

21. At the meeting on December 7, 2001, defendant EARL LESLIE KRUGEL said that he would build a bomb by December 12, 2001.

22. At the meeting on December 7, 2001, defendant EARL LESLIE KRUGEL told the confidential informant that the confidential informant could pick up the bomb on December 12, 2001.

23. At the meeting on December 7, 2001, defendant EARL LESLIE KRUGEL told the confidential informant that the

confidential informant should carry out the bombing on December 13, 2001.

24. At the meeting on December 7, 2001, defendant EARL LESLIE KRUGEL told the confidential informant that the bombing plans would have to be approved by defendant IRVING DAVID RUBIN.

25. At the meeting on December 7, 2001, defendant EARL LESLIE KRUGEL told the confidential informant that defendant IRVING DAVID RUBIN would pay for the bomb components that would be purchased.

26. On or about December 8, 2001, defendant IRVING DAVID RUBIN met with the confidential informant to discuss the bombing scheme.

27. At the meeting on December 8, 2001, defendant IRVING DAVID RUBIN asked whether the confidential informant had purchased "Unique" brand gunpowder.

28. On or about December 10, 2001, defendant EARL LESLIE KRUGEL traveled with the confidential informant to a hardware store in order to purchase components to be used in constructing a bomb.

29. On or about December 10, 2001, while at a hardware store with the confidential informant, defendant EARL LESLIE KRUGEL selected pipes for the confidential informant to purchase for use in constructing a bomb.

30. On or about December 10, 2001, after selecting pipes to be purchased by the confidential informant, defendant EARL LESLIE KRUGEL waited outside a hardware store while the confidential informant purchased the pipes.

31. On or about December 10, 2001, after the confidential informant purchased pipes at a hardware store, defendant EARL LESLIE KRUGEL traveled with the confidential informant to his (defendant EARL LESLIE KRUGEL'S) residence.

32. On or about December 10, 2001, after traveling with the confidential informant to his (defendant EARL LESLIE KRUGEL'S) residence, defendant EARL LESLIE KRUGEL stored the pipes the confidential informant had purchased in his garage.

33. On or about December 10, 2001, after storing pipes in his garage, defendant EARL LESLIE KRUGEL told the confidential informant that the two of them were scheduled to meet with defendant IRVING DAVID RUBIN on December 11, 2001, to finalize the bombing plans.

34. On or about December 11, 2001, defendants IRVING DAVID RUBIN and EARL LESLIE KRUGEL met with the confidential informant to discuss the bombing scheme.

35. At the meeting on December 11, 2001, defendant IRVING DAVID RUBIN told the confidential informant that he wanted the confidential informant to bomb the field office of United States Congressman Darrell Issa.

36. At the meeting on December 11, 2001, defendant IRVING DAVID RUBIN instructed the confidential informant to locate the field office of United States Congressman Darrell Issa.

37. At the meeting on December 11, 2001, defendant IRVING DAVID RUBIN instructed the confidential informant to carry out surveillance at the field office of United States Congressman Darrell Issa.

38. At the conclusion of the meeting on December 11, 2001, defendant EARL LESLIE KRUGEL asked the confidential informant to deliver gunpowder to his (defendant EARL LESLIE KRUGEL'S) residence.

39. Following the meeting on December 11, 2001, defendant EARL LESLIE KRUGEL drove to his residence to meet the confidential informant.

40. On or about December 11, 2001, defendant EARL LESLIE KRUGEL transferred gunpowder from the confidential informant's car to his (defendant EARL LESLIE KRUGEL'S) garage.

41. On or about December 11, 2001, defendant EARL LESLIE KRUGEL possessed at his residence the components necessary to build a bomb, including gunpowder, fuse material, pipes, and
end- caps.

COUNT THREE

[18 U.S.C. § 844(i)]

On or about December 11, 2001, in Los Angeles County, within the Central District of California, defendants IRVING DAVID RUBIN and EARL LESLIE KRUGEL maliciously attempted to damage and destroy, by means of an explosive, a building used in interstate commerce and used in activities affecting interstate commerce, namely, King Fahd Mosque, located at 10980 Washington Boulevard in Culver City, California.

COUNT FOUR

[18 U.S.C. § 844(i)]

On or about December 11, 2001, in Los Angeles County, within the Central District of California, and elsewhere, defendants IRVING DAVID RUBIN and EARL LESLIE KRUGEL maliciously attempted to damage and destroy, by means of an explosive, a building used in interstate commerce and used in activities affecting interstate commerce, namely, the building housing the office of the Muslim Public Affairs Council, located at 3255 Wilshire Boulevard, Suite 603, in Los Angeles, California.

COUNT FIVE

[18 U.S.C. § 844(f)]

On or about December 11, 2001, in Los Angeles County, within the Central District of California, and elsewhere, defendants IRVING DAVID RUBIN and EARL LESLIE KRUGEL maliciously attempted to damage and destroy, by means of an explosive, a building and real property used by the United States, namely, the field office of United States Congressman Darrell Issa.

COUNT SIX

[18 U.S.C. § 924(c)(1)]

On or about December 11, 2001, in Los Angeles County, within the Central District of California, defendants IRVING DAVID RUBIN and EARL LESLIE KRUGEL knowingly possessed a firearm, namely, a destructive device, in furtherance of crimes of violence, namely:

a. Conspiracy to commit arson, in violation of Title 18, United States Code, Sections 371 and 844(i);

b. Conspiracy to use a destructive device, in violation of Title 18, United States Code, Section 2332a(a);

c. Attempted arson, in violation of Title 18, United States Code, Section 844(i); and

d. Attempted arson at a United States Government facility, in violation of Title 18, United States Code, Section 844(f).

COUNT SEVEN

[18 U.S.C. § 373]

On or about October 19, 2001, in Los Angeles County, within the Central District of California, defendants IRVING DAVID RUBIN and EARL LESLIE KRUGEL, with the intent that a confidential informant engage in conduct constituting a felony that has as an element the use of physical force against the property of another in violation of the laws of the United States, and under circumstances strongly corroborative of that intent, did solicit, command, induce, and endeavor to persuade the confidential informant to engage in such conduct, that is, to commit arson, in violation of Title 18, United States Code, Section 844(i), and to commit arson at a United States government facility, in violation of Title 18, United States Code, 844(f).

COUNT EIGHT

[18 U.S.C. § 922(o)]

On or about December 11, 2001, in Los Angeles County, within the Central District of California, defendant EARL LESLIE KRUGEL knowingly and unlawfully possessed a machinegun, namely, a Sten 9 millimeter Mark V machinegun, serial number 70028.

COUNT NINE

[26 U.S.C. § 5861(d)]

On or about December 11, 2001, in Los Angeles County, within the Central District of California, defendant EARL LESLIE KRUGEL knowingly possessed a firearm, namely, a Sten 9 millimeter Mark V rifle, serial number 70028, having a barrel of less than 16 inches in length, which had not been registered to him in the National Firearms Registration and Transfer Record as required by Chapter 53, Title 26, United States Code.

A TRUE BILL

Foreperson

JOHN S. GORDON
United States Attorney

RONALD L. CHENG
Assistant United States Attorney
Acting Chief, Criminal Division