

T. 1-19-62
BM:DHM:rb 8455
144-13-210

FEB 1 1962

AIR MAIL

Honorable Lawrence M. Henry
United States Attorney
Denver, Colorado

Re: Mike Cooney, et al;
Eugenia Degenhardt, et al - Victims
Civil Rights

Dear Mr. Henry:

I have reviewed the Federal Bureau of Investigation reports in this matter and, in my opinion, the unauthorized entry of the victim's house and search of the victim by the subjects is a violation of the provisions of 18 U.S.C. 242.

In view thereof, you are authorized to present this matter before a grand jury for such action that body deems appropriate.

I am enclosing herewith a proposed form of indictment.

Please inform us as to when this matter will be presented to a grand jury.

Sincerely,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

Enclosure

cc: Records
Chrono
Marlin ✓

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF COLORADO

UNITED STATES OF AMERICA

v.

FLORENZ MICHAEL COONEY, (AKA,
MIKE COONEY), ROBERT EMMETT
MORKANS, WILLIAM FRANCIS SMITH,
RICHARD JOSEPH FERRERO, and
RUDOLPH DEGENHARDT,

Defendants

INDICTMENT NO.

18 U.S.C. 242

The Grand Jury charges:

That on or about July 4, 1961, at Derby, Colorado, in the District of Colorado, and within the jurisdiction of this Court, the defendants, William Francis Smith and Richard Joseph Ferrero, deputy sheriffs of Adams County, Colorado, and Florenz Michael Cooney, Robert Emmett Morkans and Rudolph Degenhardt, all acting under color of the laws of the State of Colorado, did wilfully enter and search a house occupied as the private home of Eugenia Degenhardt, an inhabitant of the State of Colorado, without her consent, although no search warrant or warrant of arrest had been issued, and the defendants had no other legal justification for entering the home of Eugenia Degenhardt without her consent, and did thereby wilfully deprive the said Eugenia Degenhardt of rights secured and protected by the Constitution and laws of the United States, to wit: the right not to be deprived of her liberty without due process of law and the right to be secure in her person, house, and effects against unreasonable search and seizure.

In violation of Title 18, Section 242, United States Code.

A TRUE BILL

Foreman

United States Attorney