

CIVIL RIGHTS DIVISION

Notice to Close File

File No. 144-77-578

Date: June 3, 2020

To: Chief, Criminal Section

Re: Unknown – Subject(s);
Anthony Adams (Deceased) – Victim
CIVIL RIGHTS

It is recommended that the above matter be closed for the following reasons:

I. Synopsis

On November 6, 1978, the body of Anthony Adams, a 25-year-old African-American gay man, was discovered in his apartment in Salt Lake City, Utah. After failing to hear from him for several days, two friends went to Adams' apartment and discovered his body, naked and stabbed numerous times. His apartment was in disarray and cash was missing from his wallet.

In 2010, Salt Lake City Police Department (SLCPD) investigators used new technology to match a fingerprint found in the apartment to Mickey Henson, who, in 1978, was a 16-year-old woman who lived on the streets with a drug and alcohol addiction. There is no other direct evidence linking Henson to the victim. Henson died in November 2004.

Following these investigations by the SLCPD and the Utah Investigative Journalism Project, the evidence remains insufficient to conclusively establish the identity of the victim's assailant(s).

Karla Dobinski
Attorney

To: Records Section
Office of Legal Administration

The above numbered file has been closed as of this date.

June 3, 2020
Date

Barbara Bosserman
Deputy Chief, Cold Case Unit Chief, Criminal Section
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II. Local Investigations

The Salt Lake City (Utah) Police Department (SLCPD) conducted both a contemporaneous investigation and a cold case review of the circumstances surrounding Adams' murder. The Utah Investigative Journalism Project also examined this murder. The reports are summarized in pertinent part as follows:¹

a. Contemporaneous Investigation

XXXX and XXX were XXX of the Socialist Workers Party chapter in which Adams was a member. XXXX tried calling Adams over the weekend of November 4, 1978, but received no answer. When Adams failed to attend a political rally on Sunday, XXXX became concerned and decided to check on Adams the following day. On Monday, XXXX and XXX arrived at Adams' apartment to find the door ajar. When they entered, they saw the living room was "exceptionally messy" and then walked into the kitchen, where they noticed the door to the adjacent bedroom was closed. XXXX opened the bedroom door and saw there was no bedding on the bed, just a dark brown stain along the wall and on the bed. He then spotted the victim's foot and saw the victim's body behind the door. XXXX immediately left the apartment and called the police.

At least 12 officers and investigators immediately responded to the scene and launched the investigation into the murder. SLCPD detectives contacted numerous potential witnesses, including canvassing numerous neighbors, scouring about 200 names in the victim's address book to identify leads, and interviewing co-workers, friends, and colleagues. No witness was able to provide any significant information that would lead to the identity of the perpetrator.

Scene Investigation. Responding officers observed the victim's body propped up with his right shoulder against a television set and his left shoulder against a steam-heating radiator. The victim's body was naked. Under his body was a metal TV serving table tray that apparently had had a movie projector set up on it. Photographs indicate that Adams apparently fell over the small table, causing the projector and related items to fall in disarray. Blood was pooled on the bed and splattered on the wall. Investigators found a large, wooden-handled butcher knife stained with blood on the top of a pile of sheets. Additional blood stains were found on the doorjamb to the kitchen and the outside of the bedroom door. A possible blood stain was located on the lower panel of the front door. Fingerprints were lifted from various locations, including the television screen. Investigators who conducted a second visit observed a blood stain on the outside and bottom of a drawer next to the kitchen sink and discovered a paring knife in the drawer that appeared to have dried blood.

All four drawers from a small dresser were open; two were pulled onto the floor, with papers strewn about. When investigators lifted the drawers and papers, they observed blood stains on clothes that were on the floor underneath.

¹ The passage of time and the archiving process have rendered just a few portions of the reports substantially unreadable; however, the legible portions of the reports appear to provide the basic facts concerning the investigation.

The scene investigation included the collection of numerous items, such as bloody clothes and sheets. The bathtub, though now drained of water, appeared to have been half full of water during the murder because there was a bloody ring around the inside of the tub about half-way up the side. There were bloody stains on the wall. A diagonal gouge about 15 inches long was on the wall above the bathtub. A metal towel rack secured to the wall had bloody handprints around it.

Some of the investigators interpreted the scene evidence to suggest that the victim was stabbed while in the bathtub, struggled, and then made his way out of the bathroom. This theory is supported by the apparent knife gouge in the wall by the bathtub, blood on the towel rack, and the blood in the bathtub.

Witness Interviews. A canvas of the apartment residents in the building revealed that almost no one was acquainted with the victim. Residents interviewed included XXX, XXX, XXX, XXX, XXX, XXX, and XXX. Apartment XXX XX and XX were unable to provide useful information. None of the five persons (XXX, XXX, XXX, XXX, and XXX) who were aware of Adams' name and residence was in regular contact with him. The victim's XX and XX were unable to provide any relevant information.

XXX, a dispatcher for Utah Transit Authority, the bus company where Adams worked, last saw Adams at about 6:30 p.m. on November 3 and noticed that he was disheveled, had food spilled on him, and was "dirty." XXX noted that this was an unusual appearance for Adams. (Investigators subsequently learned that Adams had had wisdom teeth extracted earlier that day.)

XXX worked with Adams as a bus driver. She had no relevant information and said Adams stayed mostly by himself at their work site.

XXX, an employee of the bus company, talked with Adams on November 1 and learned that he had been in a "heated argument" with a "lady friend." XXX was unable to provide any further identification for the friend, other than to say it appeared Adams was ending an unspecified type of relationship with her.

To identify additional contacts, investigators scoured the victim's address book and university records from the time the victim was a student. One such identified person was XXX, who was also gay and had met the victim several months before his death. XXX had never been to the victim's apartment. He believed the last time he saw the victim was on either Friday or Saturday night (November 3 or 4) at around 10 or 11 p.m. at the Comeback Bar in Salt Lake City. Adams was in the company of a white man, about 25 years old, 5'8" and 130 pounds, with long hair, a moustache, and a beard. Detectives canvassed known gay bars, including the Comeback Bar, but were unable to obtain any corroboration for XXX's account.

Additional social contacts interviewed included XXX, XXX, XXX and XXX, XXX, XXX, XXX, XXX and XXX, XXX, XXX, XXX, XXX, XXX, and XXX; however, no one was able to provide information material to resolving the murder.

All of those interviewed described Adams as a man who, while he kept to himself and was quiet, was nonetheless well-liked and well-regarded. Many expressed their opinion that Adams had no enemies and they were shocked at this death.

Investigators followed leads involving a person named XXX and a friend "XXX" but these leads ended up in dead-ends.

Physical Evidence. Investigators dusted for latent fingerprints. The victim's wallet was still at the scene but there was no cash in it. They impounded and searched the victim's car, but did not uncover any items of evidentiary value.

Testing at the University of Utah's Center for Human Toxicology showed that the blood on the knife matched only that from the victim.

Investigators mailed to the FBI a parcel of evidentiary items taken from the crime scene, including fingerprints, fingernail clippings, hair and blood samples, and swatches of the blood-stained clothes. Examination of the items did not reveal any useful information to identifying the assailant. Hairs found on the bedsheet belonged to a white individual but examiners were not able to make any further identification. Due to the missing evidence, these materials are unavailable for DNA or other forensic analysis.

The investigation revealed that Adams had a tooth extraction on the late afternoon of Friday, November 3, the last time he was seen by any known witness.

Autopsy. State Medical Examiner J. Wallace Graham conducted the autopsy. There were nine separate stab wounds: two to the victim's neck and the rest to his chest area. There were two defensive knife wounds on his forearm. The victim weighed about 200 lbs. The condition of his body led the coroner to estimate he might have been dead for two or three days before being found.

Additional Information. Banking records showed that Adams had cashed a paycheck just prior to his disappearance. Receipts and expenditures reflected that \$30 in cash should still have been in his possession; however, investigators found no money in his wallet.

The victim was an active member of the local Socialist Workers Party (SWP) and well-known in the local gay community. He participated in local demonstrations and political campaigns. Members of both communities have questioned whether the victim was targeted for his SWP membership and his social justice activities, but there is no evidence to indicate that the victim was targeted for either of these reasons. SWP members denied the investigators' request for a membership list, but did allow members to voluntarily come forward to talk with the police. Members XXX, XXX, XXX, XXX, and XXX were interviewed by officers but were unable to provide useful information regarding the victim's death.

Adams was also a member of the XXXX Church, a gay-related religious organization. Rev. XXX, the head of the church at the time, was well acquainted with Adams but had no information related to his death. XXXX formerly was in a relationship with Adams. He had no

information regarding his death, and a polygraph test found him to be truthful.²

b. SLCPD Cold Case Review

Beginning in 2010, Salt Lake City police undertook a cold case review of Adams' death that identified a previously unknown person who had been present in Adams' apartment at some point, potentially even at the time of his murder. Investigators submitted the fingerprints found in 1978 on Adams' television screen to the Automated Fingerprint Identification System (AFIS), a nationwide database developed in the 1980s. The AFIS matched one of the fingerprints to Mickey Ann Henson. A follow-up investigation revealed the following information about Henson, based on interviews with Henson's relatives and acquaintances.

XXX, XXX, described a tumultuous life for Henson, calling her "wild and violent." In 1978, Henson was 16 years old and living in Salt Lake City. XXX allowed Henson to live with her in Salt Lake City for a short time, but had to evict her due to her misbehavior. Henson then lived "on the streets" and engaged in prostitution to support her drug habit. XXX said Henson physically attacked her "on a couple of occasions." Henson served time in prison for assaulting a man with bricks. After describing a litany of Henson's medical problems, XXX said she was visiting Henson at a time when Henson was in such dire medical condition that Henson believed she was about to die. During that visit, Henson confided to XXX, "I did something really, really, really bad." Henson was about to say more but then stopped speaking further. Henson never explained more about what appeared to XXX to be a confession of some kind.

XXXX was a former boyfriend of Henson, though they met in the 1980s and he did not know Henson in 1978. XXXX recalled Henson as being a "mean drunk" and knew her to be violent. In one of their physical altercations, Henson brandished a butcher knife at XXXX and threatened to kill him.

XXX, also known as XXX, is XXXX. XXX told SLCPD investigators that Henson left home at a young age and ran with other teenagers who were "into" drugs, robbery, and prostitution. During one summer (the year was unclear) XXX spent with XXXX, the group needed money and someone suggested "Let's roll a fag." Everyone left together, leaving XXX behind because they would not allow XXX to join them. Henson lived near Liberty Park with her girlfriend XXXX, also known as "XXXX." When asked whether Henson would ever associate with black people, XXX emphatically answered, "No!" Henson had a disdain for black people and hated gays, even though she was bi-sexual.

Henson also had a brief association with Joseph Paul Franklin, a notorious white supremacist serial killer. In the early 1980s, Henson was involved in the trial of Franklin, who

² Criminal history records reflect that Adams was once arrested for "sex for hire," based largely upon the fact that his name and number appeared on a bathroom wall. Charges were dropped just before his death. Review of the file shows no connection between the charges and Adam's murder.

fatally shot two black men jogging in a Salt Lake City local park in 1980. She testified as a prosecution witness against Franklin. She alleged that Franklin had solicited sex from her. SLCPD investigators interviewed Franklin, who acknowledged having a “one night stand” with Henson but said she was “lying about anything else.”

According to 2004 death investigation documents, Henson’s manner of death was declared accidental, and the cause of death was lupus and other illnesses exacerbated by drug and alcohol use.

In addition, the SLCPD cold case investigators re-submitted several evidentiary items, including blood-stained clothes, for more modern laboratory testing such as DNA and fiber analysis. All of the samples again came back negative or linked to the victim.

c. Utah Investigative Journalism Project

A mandate of the Utah Investigative Journalism Project (UIJP) is to look at unsolved cases, one of which was this matter. In 2018, the UIJP issued a public report of its review of Adams’ murder. When the SLCPD detectives again reviewed this investigation, they discovered that the murder weapon and other evidence is now missing. Some evidence initially had been sent to the University of Utah’s Center for Human Toxicology for testing. A re-organization of the Center is believed to have resulted in the loss of several boxes of evidence for this case as well as for other cases. The UIJP and the police have been unable to locate the boxes, and review of the file has uncovered no apparent steps that might be taken to do so.

The SLCPD provided the name of Henson to UIJP and the report included a discussion of the possibility that Henson committed the murder.

Former SLCPD Detective XXXX opined to the UIJP that Adams was murdered by someone he picked up in a bar, crediting the account of XXX that XXX observed Adams with a long-haired white man in a gay bar possibly the night before Adams is presumed to have been killed. XXXX was the investigator who found the second knife in a kitchen drawer with some possible blood on it, leading him to infer that this might have been a spontaneous crime because the murderer did not bring a weapon to use.

Former SLCPD Detective XXXX, who XXX the 2010 re-investigation, told the UIJP that he believes the murder was a crime of opportunity by “street kids making money” who targeted gay men and robbed them. There appears to be no information in the file that specifically identifies any such persons nor is there information that could be used as a lead in identifying any such persons.

The UIJP reported that XXXX disputed aspects of the account the SLCPD police gave of her statement. Contrary to the SLCPD report, AXXXX said the “Let’s roll a fag” comment was not something that was said within Henson’s group of friends. Instead, XXXX claimed that when she was walking on a street with Henson, they had passed a man outside a gay-friendly bar. That man then directed that comment to Henson, who did not respond. XXXX went on to claim that Henson had a good job and was not living on the streets, and that she would not be

capable of this murder.

d. Additional Media

There has been sporadic media attention about this murder in local outlets, calling attention to the missing evidence, including the knife, and the fact that the murder has not been solved. SLCPD officials have stated that their search for the missing evidence has been extensive, and they noted that the missing evidence boxes include evidence from several other cold cases.

III. Federal Review

Following the most recent media reporting, the Federal Bureau of Investigation (FBI) initiated a review of the circumstances of the victim's death, pursuant to the Department of Justice's "Cold Case Initiative." The FBI obtained contemporaneous newspaper articles concerning the death, as well as investigative records from the Salt Lake City Police Department. Coverage of the murder in the media over the years has also been examined.

IV. Legal Analysis

The only arguably applicable federal criminal civil rights statute in effect in 1978 would have been 42 U.S.C. § 3631, which prohibits violence against a person because of their race in connection with their housing. There is, however, a lack of evidence to establish that the victim was targeted because of his race and because of his occupancy of the apartment. Even if the evidence showed that Adams was targeted because he was gay, sexual orientation was not a protected category in 1978 and therefore not covered by civil rights statutes. Accordingly, there does not appear to be any prosecutable federal offense.

Even if there was sufficient evidence upon which to bring a prosecution, prior to 1994, federal criminal civil rights violations were not capital offenses, thereby a five-year statute of limitations was in effect. See 18 U.S.C. § 3282(a). In 1994, some of these civil rights statutes were amended to provide the death penalty for violations resulting in death, thereby eliminating the statute of limitations. See 18 U.S.C. § 3281 ("An indictment for any offense punishable by death may be found at any time without limitation."). However, the Ex Post Facto Clause prohibits the retroactive application of the 1994 increase in penalties and the resultant change in the statute of limitations to the detriment of criminal defendants. Stogner v. California, 539 U.S. 607, 611 (2003). While the Civil Rights Division has used non-civil rights statutes to overcome the statute of limitations challenge in certain cases, such as those occurring on federal land or on the high seas, and kidnapping resulting in death, the facts of the present case do not permit a prosecution invoking these statutes.

V. Conclusion

The Salt Lake City Police Department conducted a wide-ranging investigation immediately following the murder, but was unable to identify a suspect. Some investigators theorized that Adams was targeted by his assailant as a result of his name and phone number

having been posted publicly in solicitation for sexual liaison. The lack of expected cash in Adams' wallet and the ransacking of his apartment supported a theory that the murder might have been in conjunction with a robbery.

The SLCPD re-investigation uncovered an additional suspect, Mickey Henson, who at the time of Adam's death would have been 16 years old. Henson was a troubled woman with a violent history who had had interactions with a known white supremacist and who witnesses reported using anti-Gay slurs. Evidence of a fingerprint found inside Adams' apartment indicates she was present in his apartment, but by itself does not prove that Henson was the assailant, or even present at the time of the murder. Moreover, Henson is herself deceased and thus could not be prosecuted for the crime, even if additional evidence of guilt were uncovered.

There are no outstanding leads that can reasonably be pursued and expected to result in additional material evidence of a federal civil rights violation.

By all accounts, Anthony Adams was a well-liked, contributing member of the community and his untimely, gruesome death is a terrible tragedy. However, for the above reasons, the evidence does not support a prosecutable violation of federal criminal civil rights statutes and, therefore, this matter must be closed at this time.³ Should additional evidence come to light, this matter can be re-opened. The United States Attorney's Office for the District of Utah concurs with this recommendation.

³ Despite multiple efforts, the Department has been unable to locate any of the individuals identified by the FBI as the victim's next of kin, and thus, no notification of this conclusion has been made. Should contact information be obtained, the government will provide the appropriate notification. Anyone with information about the next of kin may contact the Criminal Section of the Civil Rights Division and ask to speak to the victim-witness coordinator.