

Affidavit of Janice S. Glisson

Janice S. Glisson, being duly sworn does depose and say :

1. I am the same Janice S. Glisson who testified as a summary witness to the serology test results in the 1979 trial of *United States of America v. Jeffrey R. MacDonald*, before the United States District Court for the Eastern District of North Carolina, in Raleigh, North Carolina.
2. I graduated from Skidmore College in Saratoga Springs, New York, in 1945 with a major in chemistry and a minor in biology. Between that time and 1967, with the exception of a brief retirement to raise three children, I was employed as a chemist or laboratory technologist in clinical laboratories of various hospitals, including Columbia Presbyterian Hospital in New York City, Oliver General Army Hospital, Augusta, Georgia, the Veterans Administration Hospital, Augusta, Georgia, and the Division of Hematology at Talmadge Hospital, the Medical College of Georgia.

3. From April of 1967 until my retirement in September 1983 I was employed by the United States Army Criminal Investigation (CID) Laboratory as a criminalist practicing forensic chemistry.

4. After joining the Army CID laboratory (USACIL), I was trained for approximately six months in the fields of serology, trace evidence, including: hair, fibers, soil, glass and paint analysis, as well as drug analysis. In 1979, I was named Chief of the Serology branch of the Chemistry Section, a position I retained until my retirement.

5. I first became associated with the analysis of evidence in the MacDonald murders case in February 1970. At that time I was a civilian chemist in the Chemistry Section of the Army CID Laboratory. My primary responsibility in this case included examining and typing the body fluid evidence, principally dried bloodstains, collected at the crime scene or at autopsy. Commencing in July 1970, I also performed some hair examinations and comparisons.

6. Because of the volume of evidence in the MacDonald case to be examined by the Chemistry Section it was decided that the processing of the suspected blood exhibits, using the then current technology of the ABO system, would be performed by myself, and three enlisted chemists to whom I was senior in experience. Those chemists were Specialist Four Terry L. Laber, Specialist Four Craig S. Chamberlain and Specialist Five Larry L. Flinn. Suspected blood exhibits were designated with a "D" prefix and a number. Exhibits believed to contain, hairs, fibers, wood, wax and other miscellaneous forms of trace evidence were also given alpha-numeric designations, and were given to civilian chemist Dillard O. Browning, who was responsible for conducting examination of these items. Exhibits believed to contain hairs or fibers were designated "E" plus a number. These designations were reflected in laboratory bench notes and USACIL reports but were not always marked on the exhibits themselves.

7. Specialist Craig Chamberlain had been to the MacDonald quarters on Fort Bragg as part of the USACIL team that processed the crime scene, and had accepted custody of numerous items of evidence before returning with them to USACIL, Fort Gordon, Georgia. Upon his return to the laboratory Craig

Chamberlain continued to act as evidence custodian and coordinated the alpha-numeric designation of exhibits, as well as the distribution of the evidence to the other chemists for examinations within their areas of responsibility.

8. On or before March 9, 1970 I performed the benzidine test, which detects the presence of blood, on a number of exhibits, including what had been designated as "237", and obtained a positive result indicating the presence of blood. (Exhibit 17) Although I have no present recollection of what I relied upon for the origin of exhibit "237", I must have obtained that numerical designation from Craig Chamberlain who acted as the evidence custodian.

9. My notes for March 9, 1970 reflect that I repeated the Lattes, or crust test, which detects the presence of antibodies in bloodstains, on numerous exhibits that had previously been subjected to the crust test by myself or other USACIL chemists. (Exhibit 1). Included within this group of exhibits was what had been presented to me as the fingernail scrapings from the left hand of the victim subsequently identified as the younger MacDonald

daughter, Kristen . Id. My notes for March 9, indicate that I may have initially thought the smaller, or younger, daughter's name was "Kim", because I crossed out the word "Kim". After that misunderstanding was corrected , I was apparently still under the impression that the smaller child's name was "Chris" or "Christine". Id. I make this statement because my notes reflect that I have written : " L. Hand ~~Kim~~ Chris" and "smaller child". My notes further reflect that the crust test on the fingernail scrapings from Kristen's left hand did not reveal the presence of either the Anti A or Anti B antibody. This result means that either the blood was from someone with Type AB blood (which has no antibodies), such as Kimberly MacDonald, or more likely given the paucity of the test sample, that there was not enough blood to reveal the presence of any antibody.¹ I have some recollection of being asked by Craig Chamberlain to perform this repeat crust test.

¹Kristen MacDonald had Type O blood, which has both the Anti A and Anti B antibodies. The crust test results for Kristen's right hand (D-238) indicated the presence of Type O blood. See Exhibits 1 and 13¶19.

10. As reflected in my bench note of March 9, 1970 (Exhibit 1), most of the exhibits tested I referred to only by number (e.g. "64NB"), rather than by description of origin, which indicates that they were already marked with the number reflected in my notes. The items from the victims hands, which I have listed in the extreme left hand column of Exhibit 1 are described by their place of origin (e.g. "R. Hand Mother"), rather than by numerical designation. The column of numerical designations "D-233 to D-239", which appears on the extreme right hand side of Exhibit 1, was not written by me. Rather it appears to resemble the handwriting of Craig Chamberlain, and may have been written by him later to correlate my test results with the alpha-numeric designations which he had previously assigned to these exhibits. See Exhibit 6, and ¶ 11 *infra*.

11. As to how I came to write the description " L. Hand Chris" in my notes of March 9, 1970 I can state that I had no personal knowledge of the collection of this exhibit because I was not present at the autopsy of Kristen MacDonald. I have some recollection of receiving the fingernail scrapings from Dillard Browning before conducting the crust test that had been requested by Craig Chamberlain. It was my usual practice to record in my

notes whatever information about the origin of the evidence submitted to me for examination was marked on the evidence itself, or its container, although I did not invariably put this description in quotation marks in my notes. See ¶ 17, *infra*, and Exhibit 2. The pill vial into which the fingernail scrapings from Kristen's left hand were reportedly collected at autopsy, and which I subsequently examined on July 27, 1970 (Exhibit 2 *infra*), is not marked "237", "D-237", or "L. Hand Chris". See Photos 311-312 (Exhibits 3, 4, respectively). Nor is the remaining ruled piece of paper (Photo 314, Exhibit 7) so marked but upon which appear the printed words:

Fingernail scrapings
Left hand
smaller female McDonald

My notes for March 9, 1970 (Exhibit 1) make no reference to a vial in relation to "L. Hand Chris", although the fingernail scrapings must have been in some form of container reflecting their source because I would not have accepted them for analysis if they had been loose and their origin was not provided. Consequently, I must have received the fingernail scrapings from Kristen's left hand in a container. I have examined the inventory of the vials containing the fingernail scrapings from the three victims prepared

on February 26, 1970 by Craig Chamberlain in which he has designated Exhibits "D-233" through "D-238", and in each case he has written that the scrapings- as opposed to the vial- were "marked" and followed the word "marked" with the identity of the victim and the location from which the scrapings were collected. The descriptions appear in quotation marks in the original. (Exhibit 6). For example, Chamberlain had written:

D-237 Vial c/fingernail scrapings marked "L. Hand Chris" .

12. Although I have not put the description - L. Hand Chris - in quotation marks in my notes, I have written the identical words describing the origin of these fingernail scrapings. See Exhibit 1. These circumstances, coupled with the fact that, by their very composition, fingernail scrapings themselves can not be written upon, or otherwise directly marked for identification, cause me to conclude that the fingernail scrapings from the left hand of Kristen MacDonald, upon which I performed the benzidine test that indicated the presence of blood, and the crust test which revealed no antibodies, were furnished to me, not in a vial, but in some form of container which had previously been marked for identification: "L. Hand Chris". I must have obtained the descriptive information "L. Hand Chris"

recorded in my notes of March 9, 1970, from what was written on the container in which the fingernail scrapings were furnished to me. Although I have no present recollection of the type of container which was marked for identification "L. Hand Chris", the use of a piece of laboratory filter paper to initially receive the scrapings, which was then folded to further contain them within the vial, would not have been inconsistent with the forensic practices of the time. And in fact this procedure was apparently utilized by the pathologists in this case to collect the debris removed from the area around the mouth of Colette MacDonald, before placing it in the vial. This was in addition to a ruled piece of paper marked "Mother area around mouth" which was also placed in vial #1. See Photos 288-289, Exhibits 8 and 9, respectively, and Exhibit 10.

13. My notes of March 9, 1970 pertaining to the crust test on "L. Hand Chris" make no mention of a hair. (Exhibit 1). Had I, at anytime, discovered a hair within the bloody fingernail scrapings I would have recorded its presence. See Exhibit 2 and ¶¶ 18-19. I have no recollection, knowledge, or other basis, therefore, to state that a hair was contained within the fingernail scrapings "L. Hand Chris" (designated "237" or "D-237" by

Craig Chamberlain), or that chemical analysis which indicated the presence of blood was performed on any hair that was reported in connection with Exhibit 237 or D-237. "Exhibit D-237", is listed in the USACIL Preliminary Laboratory Report of April 6, 1970, and described as "Fingernail scrapings from left hand of Christine (sic) MacDonald".

(Exhibit 12). The serology results for Exhibit D-237 are found in ¶20 of Exhibit 12, and reflect, in pertinent part, that "examination of the red brown stains of Exhibits... D-237...indicated the presence of blood. Further Examinations were precluded due to the paucity of the stain." Id. I can state that these results, based upon the benzidine test, are in relation to the fingernail scrapings themselves, and not in relation to any chemical analysis of any hair, because I did not perform any chemical analysis for the presence of blood on any hair in this case. The same observation applies equally to the USACIL Consolidated Laboratory Report serology results in relation to the examination of Exhibit D-237- "Fingernail scrapings from left hand of Kristen MacDonald". (Exhibit 13). Other than correcting "Christine" to "Kristen" the Consolidated Report merely repeats the benzidine test results at page C-3, ¶ 27, which were previously reported in the Preliminary Report. (Exhibit 12). The same observation also applies to

the tabulation of blood test results ("Incl. 5") and the tabulation of blood test results in conjunction with hair, fiber and other examination results performed by Dillard Browning ("Incl.6"). (See Exhibits 14 and 15, respectively).

14. In Jeffrey MacDonald's Memorandum Of Evidence And Points And Authorities, filed March 22, 2006, in support of his Motion to Add An Additional Predicate to His Previously Filed Motion Under 28 U.S.C. Section 2255, he states at page 8 that:

In the undated U.S. Army Chart of Exhibit Findings, which underwent chemical analysis, Item D-237 is listed as "Fingernail scrapings from the left hand of Kristen MacDonald," *and it is noted that the chemical analysis of the hair indicated a finding of blood on the hair.* [Attached in Appendix 1, Tab 3 (p.34).]
(Emphasis supplied)

This statement is not accurate because the only chemical analysis in relation to the fingernail scrapings designated "237" or "D-237" that I did was on the fingernail scrapings themselves, and did not involve any hair.

15. During the course of the Article 32 UCMJ hearings in July 1970, and due to the temporary unavailability of Dillard Browning who had previously been conducting all hair examinations, I was assigned to compare the known hair exemplars of Jeffrey MacDonald with hairs recovered from the hands of Colette MacDonald. As I recall, this examination request was considered urgent because of the ongoing Article 32 hearings, and could not be deferred until Dillard Browning's return to USACIL.

16. On July 27, 1970 I received from the Fort Bragg CID thirteen plastic vials reported to contain fingernail scrapings, hair samples and other items collected from the MacDonald victims at autopsy. (Exhibit 2). When I received the vials they were not numbered, and were otherwise unmarked except that " 17 Feb70 BJH" had been marked on the bottom of each vial. I numbered the thirteen vials "1" through "13", and also marked them with my initials "JSG". With respect to vial #7, I wrote "# 7" and my initials "JSG" on the cap. See Photo 311, Exhibit 3. I next conducted, in numerical, order a macroscopic, or gross visual inventory, of each vial. I recorded in my notes under the corresponding vial number the contents of the vial, and the information then in the vial about the origin of those

contents. The notes were also marked "R-11" to indicate that this was the 11th repeat report in relation to this case. Exhibit 2.

17. With respect to the vial that I had numbered "#7", my notes of July 27, 1970 state: "#7 fingernail scrapings left hand smaller female McDonald (not labeled by Browning) 1 hair ? 2 fragments". (Exhibit 2).

I note that the words in my notes of July 27, 1970: "fingernail scrapings left hand smaller female McDonald", although not in quotation marks, correspond exactly with the words written on the piece of ruled paper depicted in photo No. 314 (Exhibit 7). I did not record in my notes of July 27, 1970 the contents or origin of this vial as being from "L. Hand Chris", "237" or "D-237". From these facts I conclude that I had not previously examined the contents of this vial as presented on July 27, 1970. Further, I conclude that the container that Craig Chamberlain had described on February 26, 1970 as fingernail scrapings marked "L. Hand Chris", the contents of which I previously subjected to the benzidine and crust tests, was not present on July 27, 1970.

18. With respect to Vial # 7, I mounted the contents present as of July 27, 1970, onto a glass microscope slide, which I labeled: "# 7 fibers Hair".

See Photo 156, Exhibit 16.

19. I examined the slide MFI: "# 7 fibers Hair" under the microscope and recorded my observations in my notes:

fibers + one light brown narrow hair, no medulla, striated, intact root, tapered end (Exhibit 2) (Emphasis in the original).

I have no basis to believe that prior to July 27, 1970 I had ever seen this hair before. From the absence of any mention in my notes of suspected blood stains, or red brown stains, I conclude that I observed nothing on the hair under the microscope which indicated that this hair was, or had been, bloodstained. In any case, prior to mounting this hair on a slide #7, I performed no chemical analysis for the presence of blood . Nor did I wash this hair. Had I observed any indication of blood I would have recorded this in my notes, as I did in the case of the long " bloody" head hair (E-3) in vial #1, the debris from around the mouth of Colette MacDonald, the "bloody" hair (E-4) from vial # 10, "R. Hand Mother", and the "bloody" hair (E-5) from vial # 13, "left hand Mother". See Exhibit 2.

- 20 My use of the term “intact root” in relation to the hair I mounted on slide #7, does not imply that the hair was pulled out or otherwise forcibly removed, but rather, only records that I observed under the microscope the presence of a root on the hair, as distinguished from the absence of a root.
21. On July 27, 1970, I compared the hair mounted on slide # 7 with the known hair exemplars of Jeffrey MacDonald which had been submitted and found them not to be microscopically similar.
22. On or about August 31, 1971, I was requested by CID Agent Peter E. Kearns, in addition to other tasks, to inventory the contents of the autopsy vials for the presence of any skin particles. (Exhibit 11) In carrying out these examinations, I once again had occasion to examine the contents of vial #7. My notes (Exhibit 10) related to R-29 reflect :
- “ #7 fingernail scrapings left hand smaller female McDonald nothing”.
- From this note I conclude that the piece of paper marked “L. Hand Chris”

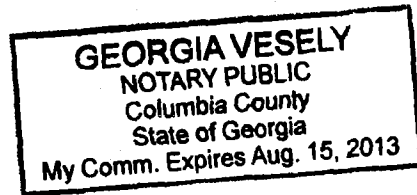
was no longer present in the vial, and other than the ruled piece of paper ,
the vial was empty.

Further your affiant sayeth not.

Janice S. Glisson
JANICE S. GLISSON

Signed and sworn to before me this 12 day of November, 2009.

Georgia Vesely
NOTARY PUBLIC



My commission expires 8/15/13.