

A complete read of the paper will show that we had FISH X-Y probe failure with telogen hair club material (trichilemmal keratin) and not with anagen hair bulb cells. Telogen hair clubs have no intact nuclei and anagen hair bulbs do, as revealed by the TEM part of the study. In 1997 FISH X-Y probes required interphase nuclei or metaphase chromosomes for success. We did not attempt FISH gender typing of the anagen hair bulb material because the practicing forensic community prefers the STR, amelogenin typing of such material for obvious reasons. FISH gender typing of trichilemmal keratin would be similar to FISH gender typing of fingernails absent soft tissue. There is a 1993 report of successful FISH gender typing in which the slides containing "sheath cells from the shaft of the hair roots" were heated to 80 degrees C for 20 minutes prior to the dehydration steps (1). It was refreshing to see investigators actually identify the material they were testing but, again, these types of hairs (anagen) are a waste of time for FISH X-Y forensic analysis since more informative methods exist for such cell rich materials (STR, amelogenin).

The commentators' use of the term "hair bulb" indicates their focus on anagen phase hairs which we did not use. Investigators not experienced with hair root microscopy do not know if they are testing clubs or bulbs, each of which may, or may not, also have follicular tissue present. In Prahlow et al., (2), Dr. Pettenati, Dr. Rao, and Dr. Prahlow reported successful FISH typing of "pulled" and "combed" hairs from autopsy patients without benefit of microscopic examination of the hair roots prior to typing. It is extremely difficult to comb the hair of an autopsy patient without obtaining some hairs that contain either sheath cells or bulb cells (not telogen clubs).

Forensic scientists do not have the luxury of testing clinical diagnostic material. Our brief touch of the micro slide to the hot plate to evaporate the acetic acid, as complained about, was a minor tissue insult compared to that suffered by hairs left at crime scenes. Forensic validation guidelines require that degradative environmental and matrix studies be performed on specimens prior to implementation of such biotechnologies for crime lab use (3-5). In other words, subject the telogen club (trichilemmal keratin) material to extreme temperatures, humidity, direct sunlight, dyes, soils, and foreign blood/semen/saliva contaminants; wash with an appropriate method (5), and then, attempt FISH gender typing if one expects to find interphase nuclei in keratin material. We did contact Vysis technical support about our results, March 1997, and they recommended purchase of their FISH apoptosis detection kit. (The telogen club is the final product of an apoptosis process that shrinks the hair root stem from the active (anagen) growth stage to the resting (telogen) stage). At that time the Vysis technical staff was not concerned about our brief specimen heat fixation method.

The focus of the FISH portion of the study was the telogen hair club since its exploitation for gender typing would be an addition to comparison microscopy and mitochondrial DNA D-loop sequence analysis, the only currently useful techniques for forensic comparison of such. Biomedical and forensic investigators should take the time to learn proper hair histogenic micro structure and language. "Shed", "combed", "pulled", and "plucked" hair specimen categories only add to the confusing data that have been published using FISH, nuclear DNA PCR, and mitochondrial DNA PCR sequence methods. One must know the nature of the material actually being tested and account for the potential environmental insults the material may have had prior to arriving at the sterile laboratory.

We have no doubt that FISH is a useful methodology for clinical specimens. We have no doubt that FISH X-Y probes work on anagen hairs. FISH X-Y probes will not work on telogen hair clubs

(absent attached follicular cells) no matter what methodology is used.

Charles A. Linch  
Institute of Forensic Sciences  
5230 Medical Center Dr.  
Dallas, Texas 75235  
Joseph A. Prahlow, M.D.  
South Bend Medical Foundation  
530 N. Lafayette Blvd.  
South Bend, IN 46601-1098

**Commentary on Willey P, Scott DD. Who's buried in Custer's grave? J Forensic Sci 1999;44(3):656-65.**

Sir:

The excellent article, referenced above, was absolutely fascinating!

As a forensic dentist and a clinical dentist, I have the following comments. The suggestion that skull (Burial 8B) was a tobacco user and specifically a pipe smoker, due to "pipestem abrasion" on the left mandibular premolar teeth may not be perfectly accurate for the following reasons:

1. All of the left posterior teeth depict a degree of occlusal abrasion, but I believe that this abrasion was the result of bruxism. (I am sure that soldiers over 125 years ago had plenty of problems over which to clench and grind their teeth.)
2. I am not sure what pipestems were made of in the 1870's, but I cannot think of many materials suitable for pipestems harder than enamel, thus, I would expect the stem to yield before the enamel structure of the teeth.
3. If the individual were a pipe smoker, and clenched the stem in a chronic fashion, more than likely the stem would have caused a vertical downward movement of the involved tooth or teeth, much like an orthodontic appliance.

The bottom line: I would not think that one of the elements in eliminating Custer should be the fact that he was disdainful of smoking, simply because I don't believe there is ample evidence that the abrasion came from a pipestem in the first place! Eliminate him on other factors if you will, but not on that particular one.

Again, I thank the authors for a meticulous and interesting account of the events surrounding the death of Gen. Custer. The photographs, sketches and maps were very illustrative and engrossing.

Norman (Skip) Sperber, D.D.S.  
Chief Forensic Dentist  
San Diego and Imperial Counties, Calif.  
Diplomate, American Board of Forensic Odontology  
3737 Moraga Ave, Ste A-302  
San Diego, CA 92117

#### Authors' Response

Sir:

We appreciate Dr. Norman Sperber's comments and insights concerning our assessment of Burial 8B. We concur with many of his statements, particularly those concerning the exceptional service that the *Journal of Forensic Sciences's* editor and

staff performed when arranging and reproducing our article's illustrations.

We take to heart his comments concerning the possibility that Burial 8B was not a smoker, thus further supporting the possible identification of those skeletal remains as being George Armstrong Custer. Dr. Sperber puts us in the enviable position of arguing, at least in part, against our own thesis—that the remains may be those of Custer. For that and the opportunity to expand our discussion on the matter of pipe smoking, we owe him a debt of thanks.

The first point Dr. Sperber makes is that some or all of the occlusal attrition on the left posterior teeth may be due to bruxism. We did assess the teeth for bruxism in an earlier paper, where we reported being unable to arrive at a definitive conclusion on the matter (1). As Sperber notes, nineteenth century soldiers had plenty of reasons to grit their teeth—and perhaps the Seventh Cavalry troopers had even more reasons than others. It is certainly possible that the individual represented by Burial 8B was prone to bruxism, but bruxism alone does not explain the groove in the left mandibular premolars (no. 20 and 21).

Dr. Sperber's second point is that present-day pipestems are made of materials far softer than dental enamel and do not abrade the teeth. Nineteenth century pipestem materials were different than those of today. In the 1870s pipestem bits were of three types. The first type was a reed stem. This pipestem was made from a dried reed and was detachable from the pipe bowl. The stem was hard, contained abrasive plant silicates, and usually lasted until it "burned out" (2–4). The second type was a fired, white Kaolin clay pipe, the most common pipe of the era and usually manufactured in Great Britain or Holland. The stem and the bowl were a single unit, and the bit was either round or slightly flattened in cross section. The integral fired-clay bit was hard and had a gritty feel when held in the mouth. Although the clay itself was softer than dental enamel, the quartz crystals it contained were hard (5) and being angular were extremely abrasive. We suspect this kind of stem bit was the one responsible for most of the pipe abrasions in the archeological record of the period. The third type was the "new fangled" hard rubber bit and stem which were attached to a wooden or briar bowl. It came into vogue during the Civil War (2,4) and is essentially the same shape we use today, although the materials employed have changed. The vulcanized rubber stem was hard in contrast with today's plastic stems, although less abrasive than either of the other two bits of the day. Smoking pipes, although not yet recovered from the Little Bighorn Battlefield site, are common artifacts found in military archaeological sites throughout the United States.

Dr. Sperber's third point is that today's chronic pipe smokers typically experience orthodontic-like movement of the teeth employed in clenching a pipe, thus seeming to reject our identification of pipe use based on the abraded grooves. Nevertheless, similar abrasions have been reported in the historic archaeological literature with little or no tooth movement. Grooves similar to that of Burial 8B have been presented, illustrated and attributed to pipestems in several recent summaries (6–8). Incidentally, all three of the grooves illustrated in these sources are grooved on the left side, similar to Burial 8B, although all three show the grooves being between canines and first premolars, unlike Burial 8B's groove which is between the first and second premolars.

In conclusion, we thank Dr. Sperber for his insights concerning bruxism, and this opportunity to expand and clarify our interpretations related to Burial 8B's pipe smoking. Although pipe smoking is an apparent contraindication to Burial 8B being a portion

of Custer's skeleton, fairness to the remains and the potential identification demand its note.

Finally and unrelated to the present topic, an unfortunate typographical error crept into the final sentence of the article's text. It was embedded in a quotation, making the error doubly bad. Misquoting Snow and Fitzpatrick (9), it reads, "there exists the possibility, at least, that one or more unknown troopers may be perpetually doomed to the commission of that most cardinal of military sins: impersonating an office' (sic.)." Few enlisted men—or officers, for that matter—would be capable of impersonating a copying machine, let alone a whole office. The word should be "officer." Our apologies to Snow, Fitzpatrick and the troopers of the Seventh Cavalry.

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P. Willey  
Professor  
Anthropology Department  
Chico State  
Chico, CA 95929-0400

Douglas D. Scott  
Great Plains Program Leader  
Midwest Archeological Center, National Park Service  
100 Centennial Mall North  
Lincoln, NE 68508–3873

## Partisan Expert Witness Testimony

Sir:

Partisan, as a characterization of a forensic expert, has become a term of derision in legal parlance. The word "partisan" has acquired the suggestion that the expert is less than honest when giving opinion testimony in a court of law. In reality, the word "partisan" means taking sides. An expert who takes the witness stand has in fact taken sides; otherwise he or she would not be called as a witness. Unlike the material witness, the professional who testifies did not just happen to have observed a relevant fact and is compelled to give testimony. The professional, a chemist or a psychiatrist, testifies after being retained by one side in a controversy to assist in a specific case. He or she is asked to interpret (give opinion) data available to both sides. The expert's opinion may be helpful in which case the