

Dan Moldea on the polygraph test he arranged for Thane Eugene Cesar

**From his book, *The Killing of Robert F. Kennedy:
An Investigation of Motive Means, and Opportunity***

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28. The Cesar Polygraph Test

On the basis of what FBI reports had stated and LAPD officers and officials had told me, I believed in the possibility that two guns had been fired in the kitchen pantry at the Ambassador Hotel on the night Robert Kennedy was fatally wounded. Thus, I targeted Gene Cesar as my principal suspect as the second gunman—just as many other investigators had before I came into this case.

The difference was that I had exclusive and unlimited access to him, even though Cesar was well aware that I had become fixed on him like a cruise missile.

After my numerous interviews with Cesar, over the telephone and in person, I finally concluded that I had asked him every question I could think of. At the end of one of our lengthy taped interviews, Garland Weber, his attorney, saw a puzzled look on my face and asked me what I thought. I replied that I still didn't know what to think. However, I did express my belief that Cesar was not a sinister force at the crime scene; he did not intentionally shoot Robert Kennedy. Yet, questions remained for me as to whether he had fired his gun accidentally or in retaliation to Sirhan's barrage of gunfire. I still suspected that, somehow, Cesar might have shot Senator Kennedy during all the confusion at the crime scene.

Without any foolproof way to extract the truth, I simply decided to start treating Cesar just like any other witness to the murder. I called him on occasion from my home in Washington to see how he was; I visited him during my frequent trips to Los Angeles. I found the time I spent with him and his wife to be pleasant.

During one of those trips to the West Coast, Cesar and I had lunch at a restaurant near his place of employment. I brought no tape recorder; I took no notes during our conversation.

In the midst of lunch, Cesar casually told me about some unusual diamond purchases he had made with his own money. He added that he had bought the diamonds from a local businessman who was an associate of the Mafia in Chicago.

Needless to say, the story intrigued me, and I questioned him about it at subsequent meetings, which were tape-recorded. There were several discrepancies in the date of the initial purchase, which Cesar had ranged from 1968 to 1974.

Because of such discrepancies—and because of the enormous amount of time and money I was spending trying to prove or disprove Cesar’s innocence—I asked Cesar if he would be willing to be either hypnotized or polygraphed. Surprisingly, he immediately agreed to such a test—with no particular preference.

I contacted a federal prosecutor whom I had known and trusted for several years and asked his advice about which test to arrange. He warned against hypnosis, because it could be tantamount to tampering with a potential witness. Thus, he suggested that I have Cesar polygraphed. He also proposed that I hire Edward Gelb, a Los Angeles polygraph expert, to administer the test.

I decided that if Cesar clearly passed this long-awaited test, I would back off and accept his innocence. However, if he failed the test or it proved inconclusive, I would spend every waking hour trying to bring him down. And I told him that.

The former president and executive director of the American Polygraph Association, Gelb, who served with the LAPD, had become publicly known for his 1983 syndicated television show, “Lie Detector,” co-hosted with well-known attorney F. Lee Bailey. On June 19, 1994, the *New York Times* wrote, “With more than 30 years’ experience in the field, [Gelb] approaches his job with scientific precision, following the same ritual that would be required by any American court.”

Like anyone in such a situation, Cesar was understandably nervous. He and his attorney arrived at Gelb’s office a few minutes early while I was briefing Gelb about Cesar and the Kennedy murder case.

“How do you feel?” I asked Cesar.

“Let’s do it,” he replied with some irritation. “Let’s get it over with.”

Gelb invited us into his private office and had Cesar sign several pro forma documents and releases. After a quick explanation of what would be happening over the next few hours, Gelb politely asked Weber and me to leave. As Weber and I went off to breakfast, Gelb and Cesar got down to business.

A tape recorder memorialized every moment of their exchange, as well as the test itself.

Because few people understand how a lie detector works, the following is a detailed description of Gelb’s polygraph test with Cesar.

While they were getting started for the pretest interview, Cesar asked,

“Is it possible to tell the truth and not show up for being the truth?”

“No,” Gelb responded curtly.

“I’ve heard people say, ‘Well, polygraphs had shown a person lying, and actually it wasn’t a lie.’”

“Generally, Gene, they’re talking about the competency of the examiner. It is not perfect. There is no perfect way of discerning perfect truth from deception.”

During Gelb’s extensive pretest interview, Cesar recounted his movements before the Kennedy assassination.

Yes, on the night of the shooting, Cesar’s .38-caliber Rohm revolver, which he had purchased from a gun shop in Simi Valley, was on his hip. Yes, he also owned a .22-caliber H & R, which he had purchased from Bud Sutherland for his wife for home protection. No, he was not carrying the .22 with him at the Ambassador Hotel.

Gelb asked Cesar, “Tell me, did you ever go to the range and practice with these guns?”

“No,” Cesar replied.

“Did you ever fire the .22 at the range or anything?”

“No.”

“After you bought it, did you ever try it out?”

“I fired it one time after the assassination, the Kennedy assassination. I had that .22. And one of the guys at work said, ‘How in the hell could Sirhan fire [eight] rounds’ or whatever he fired ‘that quick.’ And I said, ‘Well, I got a .22 at home like it. Next time we go rabbit hunting, I’ll take it out there, and we’ll try it.’ So we did. We saw how fast we could fire that .22. And we timed it. It was unbelievable how quick you could rap off [eight] shots.”

“This was a revolver?”

“The little H & R revolver I had.”

Asking about the sale of the .22, Gelb said, “Let’s [talk about] the gun. So some time after this, how long after did you sell this .22?”

Cesar replied, “Probably less than six months, because I sort of knew Yoder from Lockheed, and he was due for retirement. So it was in that six-month period I sold it to him. He wanted a gun to keep in the house, a little .22 for his wife. And that was exactly what I had it for. The reason why I went ahead and sold it was I had this .38 in the house. I didn’t need a .22. I told my wife that I didn’t need it anyway, because I quit working for Ace a little bit after that. Not because of that [the murder]. It was getting too much of a hassle doing two jobs.”

Clearly, Gelb had become intrigued by Cesar’s story, asking, “To the best of your knowledge, did the .38 go off at any time during that evening?”

“No. I never fired it.”

“Did you have any other gun on your person other than the .38?”

“I never carried a backup gun. I wasn’t smart enough to carry a backup gun. Somebody asked me that one time, and I said, I wouldn’t do that, because that would never enter my mind, to carry a backup gun. I wasn’t that good at my job to carry a backup gun. If I did that as a full-time career, I would probably know to carry a backup gun. I would at least know what the hell was going on. That’s the fact of being naive and stupid.”

Asked by Gelb about his support for George Wallace’s 1968 presidential campaign, Cesar replied, “I contributed a little bit of money [for Wallace] and passed out some pamphlets at work. I wasn’t a real staunch supporter of him, but I liked his ideas.”

“He was the governor at the time?” Gelb asked.

“Yeah. I liked his ideas. I maybe liked him because he didn’t take any crap from nobody. He told it like it was.”

As Gelb later reported from his notes of the pre-interview, “Cesar was working crowd control in the kitchen area at the Ambassador. After Kennedy’s speech he was helping clear the way through the pantry for the Kennedy party to get back to the press conference. At the steam table, Kennedy reached over to shake hands with a busboy and Cesar heard, what he thought was, a firecracker. Cesar said he has made conflicting statements about when he drew his gun, but he thinks it was after he fell forward as Kennedy fell back bleeding. Cesar said he had never seen things like that before. He put his gun away after he saw they had Sirhan in custody. Cesar said he did not fire his weapon.”

When Gelb completed his lengthy pre-interview, he remarked to Cesar, “Well, I think certainly your recollections of the incident are sufficient to make me believe that if you had any involvement, you certainly haven’t buried it away in some niche in your mind where it won’t come out during this examination. And I certainly think that you’re a fit subject for a polygraph test. If you had nothing to do with this, maybe this will put it to bed for some of these people.”

That’s why I agreed to it,” Cesar insisted.

“And, I think, because you’re not making money out the thing, you might as well put it to bed. I say, hey, if you were getting stardom out of this, then keep it alive. But if it’s just a pain in the ass, so to speak, then put it to bed.”

Cesar explained to Gelb, “See, Moldea said, ‘Would you agree to hypnosis?’ I said, ‘I’ll agree to anything.’ I said, ‘People who don’t agree to it have something to hide. I got nothing to hide.’ Only the guilty are afraid to do something like this. You know? That’s the way I look at it. If I was guilty, first of all, I wouldn’t have interviewed with him. If I was guilty, I wouldn’t be down here. If I was guilty, I wouldn’t be around here. You never would’ve found me.”

Gelb laughed, "That's a good approach."

"You don't kill somebody, and then be open about it."

"Yeah. That's a good approach. Probably it doesn't bear out in every instance . . . because a lot of people who take polygraph tests fail them and admit that they were involved in such and such. Why did they take that test in the first place? And then probably we get into the whole psychology of why they committed the crime in the first place. They possibly had a need to be punished, to be caught, etc. There's a percentage of people who opt for polygraph tests, who opt for everything else, because down deep, they either want to be punished or they think they can beat the system. And that's why so many people are, in fact, punished. Because they come forward one way or another. They leave clues at the scene of the crime that they never should have left."

"Subconsciously, yeah."

"But I'm not sure that I see that in this case. Okay, another trip to the bathroom or just go on to the exam?"

"No, I'm fine."

"Let me check and see that everything's rolling here. And then you and I will review the questions, the specific questions that will be on the test. And then we will run charts, and you'll be all through."

Before the actual examination began, Gelb challenged Cesar to a little game—just to see if Cesar could beat the polygraph.

Gelb explained, "Okay, Gene, with your right hand, I want you to give me a big seven in the middle of the page. A big one. What number did you write?"

"Seven," Cesar responded.

"Okay, I'll write, 8-9-5-6; you wrote the seven. I want you to intentionally lie to me, and see if you can get away with it. I'm going to ask you if you wrote any of those numbers. And I want you to say no to everything, including the seven. Now, what's going to happen is your blood pressure is going to rise, anticipating the seven. But I want you not to let that happen. . . . In other words, I want you to try to beat the test. I want you to play any mental game you want to play."

After configuring his equipment, Gelb said, "The test is about to begin.

"Gene, did you write the five?"

"No." "Gene, did you write the nine?"

“No.”

“Gene, did you write the seven?”

“No.”

“Gene, did you write the six?”

“No.”

“Gene, did you write the eight?”

“No.”

Looking at the results of this practice test, Gelb told Cesar, “Relax. Gene, you’re probably as good a responder to the polygraph as I’ve ever seen in my life.”

Gelb then showed Cesar how the machine’s needles jumped quite noticeably on the graph when he answered no to whether he had written the number seven.

Preparing for the actual test, Gelb explained the control questions that would be interspersed among the home run questions. He also told Cesar that the same questions would be asked three times in a different order each time. The polygraph would chart his responses to all three tests.

Just before the last of the three graphs, Gelb said, “Here we go. Look straight ahead. Try not to move. Answer the questions simply yes or no. This is the last chart we’re going to run. You are a very good subject for a polygraph, excellent, a very good responder to the test. You’ll feel the blood pressure cup for the last time, Gene. The test is about to begin.

“Are you in California?”

“Yes,” Cesar replied.

“Do you intend to lie to me on the test about whether or not you fired a gun the night Bobby Kennedy was killed?”

“No.”

“Between the ages of twenty-eight and forty-five did you ever start an argument?”

“No.”

“Did you fire a weapon the night Robert Kennedy was shot?”

“No.”

“Between the ages of twenty-eight and forty-five, other than your kids, did you ever hurt anyone?”

“No.”

“Regarding Robert Kennedy, did you fire any of the shots that hit him in June of ’68?”

“No.”

“Is today Wednesday?”

“Yes.”

“Could you have fired at Kennedy if you wanted to?”

“No.”

“Were you involved in a plan to shoot Robert Kennedy?”

“No.”

After the final question was asked and answered, Gelb said, “The test is over. Remain still for ten seconds, please. Gene, I’m going to have you—as soon as I get you undone here— sign these charts, so that nobody can say that these are any charts other than yours. How’d you do?”

“I told the truth,” Cesar told him. “I don’t know what the machine says. The only thing is if it picks up your subconscious in a fifteen-, twenty-year period, I might have started an argument and couldn’t remember consciously—or I might have hurt my wife maliciously, because of our marriage, unconsciously. Consciously, I don’t remember doing those things. Now, whether that picks that up or not, I don’t know. When I told you no to a few things, in my mind, I don’t remember doing either one of them.”

Gelb told Cesar not to worry about the control questions.

Then Gelb gave him his spot-check opinion of the results. “I’ll numerically score these charts, Gene. That will take me somewhere around thirty minutes to do carefully. But I’ve been doing this a long time. And these charts are so clear and so blatant that I can tell you right now that you had absolutely nothing to do with the Kennedy assassination. I can see the way the scores are adding up right now, indicating that you didn’t fire a weapon, you didn’t shoot at Kennedy, and that you weren’t part of any plan to assassinate Robert Kennedy.”

Gelb then invited Weber and me into his private office, where Cesar relaxed.

“Are you okay?” I asked Cesar.

Laughing, Cesar replied, “I didn’t shoot Bobby, but I’ve been thinking about shooting you for making me go through all of this.”

As I started laughing with him, I said, “You’re going to be happy. You passed, right?”

“That’s what he told me.”

“Okay, now you’re set,” I said. “You don’t have to do this anymore.”

Laughing along with us, Gelb began to explain the results, “As far as I’m concerned, it’s a single-issue test.¹

When I say I don’t even have to numerically score this, it’s because you gentlemen sitting here right now can very simply look at these charts and come to your own conclusions.²

If a polygraph test is only as good as the person who conducts it, then I have full confidence in Gelb’s work. He is arguably the best in a much-cluttered market. Thus, there could be no doubt about it: Cesar had passed the polygraph test with flying colors.

As Cesar sighed with considerable relief, he sensed that his long ordeal was now over. Pleased that I was helping to clear an innocent man, I slapped him on the back and asked, “Gene, what are you going to do now?”

“I’m going to Disneyland!” Cesar laughed, acting as if he were spiking a football.

To sum up, Gene Cesar proved to be an innocent man who since 1969 has been wrongly accused of being involved in the murder of Senator Kennedy.³

Caught up in the euphoria of Cesar’s vindication, I suddenly wondered out loud, “Then, who really did kill Senator Kennedy?”

ENDNOTES

¹ Here’s how Gelb described the results of the test: “Now, we used on this test three what we call relevant questions. And I’ll read them to you. The [first] relevant question [was] ‘Did you fire a weapon the night Robert Kennedy was shot?’ The reason why we formulated the question in that fashion was to cover the fact that somebody might try to second-guess us and say, ‘Yeah, but what if he accidentally discharged his weapon and what if he was falling, and that’s where the extra bullet holes came from.’ So this question includes not only a shot that might have hit Bobby Kennedy, but it also includes discharge from his weapon at all that evening. And, because it says, ‘a weapon,’ it could have been the .38 Rohm that he was carrying. It could have been the .22, which was an H & R, which he ultimately sold to someone. So this question determines for us whether or not he fired any weapon on the night Robert Kennedy was shot. And we all agree that date was June of ’68. “

In the next question, you’ll see I don’t even stay with June 5, because I don’t want somebody saying, ‘Well, he might have thought it was [before] midnight.’ You ask June 5 and it could have been June 4. So listen to the next

question, 'Regarding Robert Kennedy, did you fire any of the shots that hit him in June of '68.' Now, this would cover any shots that actually hit Kennedy. So in the first question, we have any shots at all, whether they hit him or not. This is: Did you fire any of the shots that hit Kennedy. Whether they are from a .22 or a .38 is of no interest. This covers any shots that hit Kennedy in June of '68 as opposed to June 4 or 5, so nobody starts arguing that it was close to midnight. His watch was off. He was on Central Time or some other nonsense. This covers any shots that hit Kennedy. He said no to that.

“Were you involved in a plan to shoot Robert Kennedy?’ Whoever did, in fact, shoot Kennedy was involved in a plan with himself, let alone with others, if there were any others. So this covers the conspiracy theory. It also directly relates to the other two questions, because if he had his own plan to shoot Kennedy, he would have responded deceptively to that question. What I mean by that is that you can now take the numerical scores of each one of those questions and add them together to get a composite total for the examination, because it is, in fact, a single-issue test. So nobody can say, ‘Well, yeah, but wait a minute, if he did this, he couldn’t have had to do that.’

“Anybody who did one of these three things did all of those things. Whoever shot Kennedy planned to shoot Kennedy. Whoever shot Kennedy did in fact fire a shot that night. And one of those shots hit Kennedy.”

² Gelb wrote in his formal report, “Cesar was examined with a Stoelting Ultrascibe polygraph calibrated to factory specifications prior to the examination. He was tested in accord with the Zone Comparison Technique validated in a study for the United States Department of Justice under contract number 75-N1-99- 0001. . .

“The four resultant polygraphs were numerically scored in accord with the aforementioned technique. In a single issue examination a cumulative numerical score of + 6 or above indicates truth telling to the relevant issue. A score of - 6 or below indicates deception or withholding information. Scores in between are deemed inconclusive with no determination possible. This examination was designed so that each question was necessarily included in the other question making it a single issue examination.

“Question 1 [‘Did you fire a weapon the night Robert Kennedy was shot?’] Scored +12. Question 2 [‘Regarding Robert Kennedy, did you fire any of the shots that hit him in June ’68?’] scored + 9. Question 3 [‘Were you involved in a plan to shoot Robert Kennedy?’] scored + 7, for a total score of + 28 for the examination.

“Based upon the polygraph examination and its numerical scoring, Thane Eugene Cesar was telling the truth when he answered as above to the relevant questions regarding the Kennedy assassination. In other words, Cesar did not fire a weapon the night Robert Kennedy was killed nor was he involved in a conspiracy to kill Kennedy.

“The polygrams were ‘blind scored’ by a second expert polygraphist [Richard J. Sachelli] who independently corroborated the findings of the primary examiner. The ‘blind scorer’ did his evaluation of the polygrams without seeing the questions or interacting with the examinee.”

³ Actually, I had two truth tests conducted, the more recent in June 1994. The second test, a voice stress analysis, corroborated Gelb’s polygraph results.