

STATE OF WISCONSIN
DEPARTMENT OF WORKFORCE DEVELOPMENT
EQUAL RIGHTS DIVISION
MILWAUKEE COUNTY

MARILYN FIGUEROA,

Complainant,

-vs-

CITY OF MILWAUKEE,

Respondent.

Videotape Deposition of:

JOHN O. NORQUIST

(Volume II)

Madison, Wisconsin
March 6, 2002

Reporter: Taunia Northouse, RDR, CRR

Volume II of VIDEOTAPE DEPOSITION OF

JOHN O. NORQUIST, called as a witness, taken at the instance of the Complainant, under the provisions of Chapter 885 of the Wisconsin Statutes, pursuant to notice and subpoena duces tecum, before Taunia Northouse, a Registered Diplomate Reporter and Notary Public in and for the State of Wisconsin, at the offices of Wisconsin State Bar, 5302 Eastpark Boulevard, City of Madison, County of Dane, and State of Wisconsin, on the 6th day of March 2002, commencing at 2:47 in the afternoon.

A P P E A R A N C E S

VICTOR M. ARELLANO, JAMES A. OLSON and JOHN C. CARLSON, JR., Attorney, for LAWTON & CATES, S.C., Attorneys at Law, 10 East Doty Street, Madison, Wisconsin, appearing on behalf of the Complainant.

BRUCE D. SCHRIMPF and LEONARD A. TOKUS, Assistant City Attorneys, and THOMAS HAYES, Deputy City Attorney, for CITY OF MILWAUKEE, OFFICE OF THE CITY ATTORNEY, 200 East Wells Street, Milwaukee, Wisconsin, appearing on behalf of the Respondent.

LESTER A. PINES, Attorney, for CULLEN, WESTON, PINES & BACH, Attorneys at Law, 122 West Washington Avenue, Madison, Wisconsin, appearing on behalf of the witness.

Also present: Marilyn Figueroa, Cheri Garcia and Barbara Teipner Margolet

140

I N D E X

WITNESS

JOHN O. NORQUIST

Examination by Mr. Arellano

Page(s)

5

E X H I B I T S

No. Description

Identified

(There were no exhibits marked for identification)

(Original transcript filed with Attorney Arellano)

139

JOHN O. NORQUIST

called as a witness, being first duly sworn, testified on oath as follows:

EXAMINATION

By Mr. Arellano:

Q Mayor Norquist, this is a continuation of your previous deposition. Before coming here today did you review any records pertaining to this matter?

A No.

Q Did you read any type of newspaper articles that may have helped you to remember things that you testified to?

A No, no.

Q And let me start by asking you to tell me if you can remember what specific assignments Marilyn Figueroa had back when the alleged relationship began. Are you able to tell me?

A She would have I think been likely to have already been working on the block grant representation on the block grant committee. She would have been working on neighborhood organizing, liaison to neighborhood organizations such as the Northwest Side CDC, Community Development Corporation, groups like SCO, South Community Organization. She would

141

have, perhaps at that time part of her time she had liaison with parts of the Department of City Development or the health department or -- I mean public works is such a vast department with all kinds of activities in it. And then the, some of those would be relevant to her work. And also building inspection which is now the neighborhoods department, there's a lot of overlap between different members of the staff and always has been. So --

Q But the ones that you identified would pretty much pertain to the tasks that Marilyn Figueroa was assigned to?

A Yes.

Q Is that correct?

A The one that she had almost exclusively to her own -- occasionally somebody else would be involved, but exclusively on her own would be liaison to the block grant committee.

And also because she spoke, she speaks good Spanish and has contacts in the Hispanic community, she would have done liaison with Hispanic organizations but not the only person who did it. A lot of people would.

Q I understand. Have you outlined for me all of the

142

1 been -- you're talking about February 2000?

2 A Correct.

3 Q What leads you to believe that February would have
4 been the time when she stopped being an employee of
5 the City of Milwaukee?

6 A We reached a point where she wasn't coming back, and
7 whatever time there is that would normally be
8 allotted for somebody to come back before they're no
9 longer an employee had expired.

10 Q And when you say we, who are you referring to? You
11 and who else?

12 A Mike Soika, the City in general, you know, whatever.

13 Q Well, who else?

14 A Any employee of the City. I mean you can't be
15 absent from work forever. At some point it runs
16 out.

17 Q I understand. Now, from the time that this alleged
18 relationship began until February of 2000, to your
19 knowledge, were there any major changes to the tasks
20 that you just outlined here which were assigned to
21 Marilyn Figueroa?

22 A Well, the tasks would have changed somewhat from
23 time to time. The block grant task was pretty much
24 throughout as far as I remember.

25 Q When was that?

144

1 tasks that were assigned to Marilyn Figueroa back
2 when this alleged relationship began?

3 A I'm not sure if I have at this time. If you want to
4 ask me later, I might remember more.

5 Q But these would be the most significant tasks that
6 you recall?

7 A One more. On crime issues. She worked on
8 organizing against crime. Not the only staff member
9 who did, but she did work on that, it was
10 significant.

11 Q To your knowledge -- by the way, there were a lot of
12 things that were unclear to me from your testimony
13 before. Do you have an exact specific date when you
14 believe Marilyn Figueroa ceased to be an employee of
15 the City of Milwaukee, stopped being an employee of
16 the City of Milwaukee?

17 A Well, the last day she worked for the City of
18 Milwaukee was January 4th.

19 Q No. Let's talk about the last time that the City of
20 Milwaukee considered her an employee or the date.

21 A I don't have a -- I don't have the exact date, but I
22 would assume it was somewhere in February.

23 Q Sometime in February?

24 A Yeah.

25 Q What leads you to believe that February would have

143

1 A I mean from the time of 1994 until January 4, 2000,
2 I think she would have been working on the block
3 grant stuff for that and prior to that time period.

4 Q The rest of the tasks that you identified here, did
5 they continue until January 4th of 2000, the time
6 when she left?

7 A I would say yes, for the most part. Some were more
8 hers, some were shared with others, some were more
9 others.

10 Q And I believe you also testified that the alleged
11 sexual relationship with Marilyn Figueroa began
12 sometime in 1994 and ended sometime December of the
13 year 1999; is that correct?

14 A Very end of November, very beginning of September --
15 I mean December of '99.

16 Q And I wasn't very clear on this relationship, Mayor.
17 I believe you testified that there were a total of
18 10 to 12 sexual exchanges between you and
19 Marilyn Figueroa in the course of 1994 through the
20 year 1999 when the relationship you believe ended;
21 is that correct?

22 A I believe it would be more correct to say
23 intercourse.

24 Q 10 to 12 times?

25 A Yes.

145

1 Q Was there -- were there any other occasions where
 2 other sexual activities occurred?
 3 A Yes.
 4 Q How many do you believe occurred not including
 5 intercourse?
 6 A This would include kissing, petting, hugging, I'd
 7 say maybe another seven or eight or so.
 8 Q And are we talking about seven or eight at different
 9 times?
 10 A Than the 10 or 12? Yeah. That's what I'm saying,
 11 seven or eight additional times.
 12 Q All right.
 13 A Maybe a little less, maybe a little more.
 14 Q And as I understand, at all times that this alleged
 15 relationship was taking place you did not disclose
 16 that relationship to anyone?
 17 A No.
 18 Q Until I believe January of the year 2000?
 19 A Till January 5th of the year 2000.
 20 Q Is that correct?
 21 A Yeah.
 22 Q Is that when you disclosed that to
 23 Mr. Christofferson?
 24 A Yes.
 25 Q During that entire period of time, Mayor, do you

146

1 know of anyone that may have led you to believe that
 2 he or she knew that there was some type of sexual
 3 relationship between you and Marilyn Figueroa, any
 4 names that you care to provide?
 5 A No.
 6 Q Now, during these 10, 12 sexual relationships that
 7 you discussed with me today, as I understand the
 8 very first one started in 1994; correct?
 9 A Correct.
 10 Q Now, with respect to the other seven, eight
 11 instances, can you tell me when those seven or eight
 12 instances occurred?
 13 A I can try. The first one I already described to you
 14 was the -- we went to her house. She drove me home,
 15 or on the way home we stopped at her house on
 16 South 19th. We went in the house, looked around at
 17 her new house which she was renting from, I believe
 18 from Walkers Point Neighborhood Development
 19 Corporation. She showed me the downstairs. Then we
 20 went to the second floor, even saw the attic, went
 21 to the kitchen. She offered me a can of Heineken.
 22 The last time we had been together about a week
 23 before we hadn't stopped at her home. I mean we
 24 stopped at the home but we didn't go in. She had
 25 wanted me to see her house and I was uncomfortable.

147

1 I think maybe she was uncomfortable. And she just
 2 dropped me off at home and nothing happened the week
 3 before.
 4 Then this next week went to her house --
 5 Q Let me understand this.
 6 A Yes, go ahead. Sorry.
 7 Q That first time there was nothing sexual you
 8 believe?
 9 A Nothing. Well, let me -- let me make it clear. The
 10 first time we -- she drove me home, stopped at her
 11 house on the way. We looked at the outside of the
 12 house, sat in the car for a few moments, few minutes
 13 and then she drove me home and dropped me off. A
 14 week later --
 15 Q So there was nothing sexual on that one?
 16 A No. That's why I didn't mention it before.
 17 Q I'm asking you to explain to me the seven or eight.
 18 A Okay. I'm just saying the context. Then the next
 19 meeting she still wanted me to see her house. She
 20 was very proud of it. So I went to the house. We
 21 walked around, looked at it. She offered me a beer.
 22 We sat on -- she sat on one couch. I sat on the
 23 other. We talked for awhile. And eventually we sat
 24 together. We kissed. I said to her, I don't know
 25 that this is going to lead anywhere. She said,

148

1 that's okay. It's just fun. And then she took me
 2 home.
 3 Q When was this?
 4 A That was probably the second week in October.
 5 Q Do you remember the date?
 6 A I don't, but it would have been a weekday, a week
 7 after the other meeting where nothing happened.
 8 Q When was the other meeting?
 9 A I'm just guessing a date that sticks in my head, but
 10 I don't know whether it's really the date or not,
 11 but October 4th perhaps.
 12 Q All right. October 4th was the first time when
 13 there was --
 14 A 1994. Where nothing happened, and approximately a
 15 week later we kissed.
 16 Q And the week later would have been still 1994?
 17 A Yeah.
 18 Q October?
 19 A Yes.
 20 Q Is that correct?
 21 A Yes.
 22 Q Did you write down anything anywhere?
 23 A No.
 24 Q As far as dates?
 25 A No.

149

1 Q Do you remember that from memory?
 2 A I do. And I don't really -- I'm not really sure
 3 about the exact date. I am sure it was in
 4 October though. Because later on we talked about
 5 how we had first been together in October of '94.
 6 Q When was the second time -- have you told me
 7 everything that happened in that particular incident
 8 was there was a kiss?
 9 A I've pretty well described it, yes.
 10 Q And when was the second time, the second time when
 11 there was any type of sexual contact?
 12 A Three or four weeks later we arranged to -- she
 13 would come out of her house, stand on the corner of
 14 19th and Mineral. I came by. She got in my car.
 15 We went back to my house. My wife and son were out
 16 of town. And we spent time together in the living
 17 room, watched TV and then kissed and eventually had
 18 intercourse. And I was worried about it because we
 19 didn't have -- I didn't have any protection and she
 20 didn't have any protection. She said not to worry,
 21 that she couldn't have kids anymore because of some
 22 operation she had had.
 23 Q This was a time when there was intercourse?
 24 A Yes.
 25 Q Are you including that as part of the seven?

150

1 A That's the first one, yeah, the first one that
 2 happened.
 3 Q I'm talking about -- you already explained to me
 4 there were 10 to 12 times.
 5 A No, this was prior to the 10 to 12. So if you want
 6 me to skip over those, I'm happy to do that.
 7 Q No, that's fine, that's fine. I just want to know
 8 specifically. So this is the time when you had
 9 intercourse for the first time with
 10 Marilyn Figueroa?
 11 A That's correct.
 12 Q Is that correct? Do you remember the date when that
 13 occurred?
 14 A No. But it would have been likely early November of
 15 '94. Could have been later, earlier, whatever.
 16 Q So now what month are we talking about, Mayor?
 17 A Probably November, but I'm not, you know, absolutely
 18 sure.
 19 Q Do you recall the time when this occurred?
 20 A Yes. It would have been in the evening. My guess
 21 is on a weekend like Saturday night probably.
 22 Q And again, do you recall what time you arrived to
 23 your house?
 24 A Probably early evening, maybe 8 o'clock.
 25 Q And is it your testimony that you picked her up at

151

her home?

2 A Well, she had said that she had a snoopy neighbor
 3 next door and that she would prefer to meet at the
 4 corner about a half a block down from her house,
 5 which is what she did.
 6 Q And we'll go back to this. When was the very next
 7 time that there was any type of sexual contact
 8 including intercourse?
 9 A I think quite a bit later.
 10 Q Let me go back to this. That event that you just
 11 described where apparently according to you there
 12 was the first sexual intercourse exchange, do you
 13 remember the month when that occurred?
 14 A I'm guessing November.
 15 Q When you say guessing --
 16 A I mean if I -- I looked at the same calendars that
 17 you were provided, you know, my daily schedule, and
 18 I couldn't tell from that to pick out exactly when I
 19 thought it would have happened. But I can go back
 20 and look again.
 21 The next time we meet if you want to ask me
 22 about it, I may be able to answer that more
 23 precisely.
 24 Q But you looked at your calendar and you were unable
 25 to find out a precise date?

152

1 A No, I couldn't determine it but --
 2 Q But you believe this happened in November?
 3 A I think it did.
 4 Q Do you remember what part of November?
 5 A No. I think I told you before, I did tell you
 6 before that I thought it was about three or four
 7 weeks after the time that I was at her house and we
 8 kissed.
 9 Q I understand that. But what I want you to tell me
 10 is do you recall if it was in early November, mid
 11 November, late November?
 12 A No, I don't recall.
 13 Q But you do recall that it was in November?
 14 A I believe. I don't know for a certainty, but I'm
 15 guessing that that's when it was.
 16 Q And this was in November of 1994?
 17 A Yes.
 18 Q And on the day when this incident occurred, where
 19 was your wife on that day?
 20 A Well, probably, probably in Bethesda, Maryland
 21 visiting her parents. Or she could have been at her
 22 grandmother's in Philadelphia because her
 23 grandmother was dying at the time.
 24 Q Which one do you think it was?
 25 A Not dying but very ill.

153

1 Q How long was your wife gone?
 2 A Probably just one night or two, whatever -- for sure
 3 whatever night we got together.
 4 Q When did she come back?
 5 A I'm not sure, but the next day or the day after. It
 6 wouldn't have mattered which day it was because --
 7 Q Well, I would like you to tell me if you know when
 8 she came back.
 9 A I don't.
 10 Q How long was she gone?
 11 A Probably just a day or two.
 12 Q And what time did she leave?
 13 A I don't know. Probably sometime the day of the
 14 evening that we got together.
 15 Q When did you learn that your wife was going to be
 16 out of the house for that particular evening?
 17 A I'm not sure. You know, we do share each other's
 18 schedules with each other, so I'm sure I knew about
 19 it long enough in advance to share it with Marilyn.
 20 Q Do you know when she returned from wherever she
 21 went?
 22 A No.
 23 Q You think she may have been in Maryland or perhaps
 24 in Philadelphia?
 25 A Correct.

154

1 Q How did she get to either place, wherever she went?
 2 A Probably flew.
 3 Q Who took her --
 4 A Occasionally she's taken the train but not very
 5 often.
 6 Q I'm talking about that particular day. I want to
 7 know.
 8 A Most likely by plane.
 9 Q Do you know how she got to the airport, Milwaukee
 10 airport I suspect?
 11 A Well, probably I dropped her off.
 12 Q When you say probably, do you remember if you did?
 13 A No.
 14 Q If you did --
 15 A She traveled, she would travel not real often, but
 16 occasionally because of her job is executive
 17 director of Citizens for a Better Environment.
 18 Q I understand. But what I want to know, do you know
 19 with specificity how she got to the airport?
 20 A I'm not sure in that particular instance, but the
 21 most likely thing was that I drove her.
 22 Q What time did you get to the airport?
 23 A I don't know.
 24 Q Which airport did she fly out of?
 25 A Mitchell Field.

155

1 Q Mitchell Field. You don't know the time when she
 2 left?
 3 A No.
 4 Q Morning, afternoon, night?
 5 A Well, most flights to D.C., well, they're anytime of
 6 day actually, but it could be morning, noon or
 7 night.
 8 Q You don't remember?
 9 A I don't remember the time. Thank you.
 10 Q Do you know what time she returned?
 11 A I don't.
 12 Q Do you know who picked her up at the airport?
 13 A Probably me.
 14 Q Do you know what time you picked her up from the
 15 airport?
 16 A No. I mean there's been enough times when I've
 17 picked her up at the airport or dropped her off. I
 18 can't pin it down to this particular occasion.
 19 Q Do you know if she arrived at noon, night, dinner
 20 time?
 21 A If she came on a Sunday, it would have probably been
 22 in the evening. I can't be sure. I mean I'd just
 23 be guessing.
 24 Q Did you have dinner with your wife that evening when
 25 she returned the following day as you claim?

156

1 A Well, if she came back before dinner time, I'm sure
 2 I did.
 3 Q Did you?
 4 A I don't know.
 5 Q Let's go back to the day when you claim you had the
 6 first intercourse encounter with Marilyn Figueroa.
 7 How did it happen that you picked her up at her
 8 home?
 9 A I'm not sure, but I would guess that perhaps there
 10 was some reason we couldn't go to her house. You
 11 know, maybe somebody was there.
 12 Q How did she know where you were going to pick her
 13 up?
 14 A Well, we talked on the phone before and arranged it.
 15 Q Where did you call her from?
 16 A Probably my house to her house.
 17 Q Do you know what time you called her?
 18 A Probably in the afternoon, or early in the evening.
 19 I don't remember.
 20 Q How soon did you call Marilyn after your wife left?
 21 A I have no idea. I'd just be guessing.
 22 Q Do you recall -- let's go to the first time when you
 23 took Marilyn to your home. Do you recall at what
 24 time you got to your home the first time?
 25 A My memory of it is that it was, it was dark and

157

that, so it had to be, you know, after dark.

Probably I'd say a guess, a pretty good guess would maybe be 8 o'clock, something like that, not real late.

Q How did she know you were going to have contact with her?

A What do you mean by contact?

Q Excuse me. How did you know that -- did you pick her up?

A I drove my car and she was on the northeast corner of 19th and Mineral. We drove back to my house, drove in the driveway to the back, came in the back door and we were there.

Q Had you made contact with her before --

A Yes.

Q -- you picked her up?

A We arranged to meet.

Q How did that happen?

A By telephone I would assume.

Q You called her?

A Yeah.

Q Where did you call her to?

A I called her from my house to her house.

Q What time did you call her that first time?

A Well, I would assume sometime earlier in the day.

158

Q About what time, do you know?

A I don't know.

Q In relation to the time you picked her up, do you remember what time it would have been?

A No.

Q Was it the afternoon, the morning, night, late afternoon?

A I think the afternoon would probably be more likely than the morning.

Q About what time?

A I don't know. Late afternoon, early evening.

Q And you called her from your house?

A Correct.

Q Was this during the weekday or the weekend?

A Probably -- I mean we probably talked about it at some point. There was discussion about wanting to get together from both sides. How do you arrange it? Usually it doesn't happen just, you know, one conversation. It happens over time.

Q That's what I want to find out. When did you discuss the idea of getting together with Marilyn Figueroa the first time? And I'm talking about the first time when apparently she was at your house for the first time.

A Yeah. I would assume that ultimately it was a phone

159

call, you know, a few hours before I came over. But before that there would have been general discussion about when, sometime when we can get together let's get together.

Q The general discussions that you were talking about, when did they occur?

A Probably over the three or four weeks between the time we were together and kissed and when we got together at my house.

Q Where did you have these general discussions?

A I would say mostly on the phone. We were a little reluctant to talk about it at the office. Somebody could overhear what we were saying.

Q You were concerned about that?

A I was, no question about it.

Q How many phone calls did you have with Marilyn to arrange a time to come to see you at home or meet with you at home?

A I don't know. Probably one or two. Not a lot.

Q When was the first phone call?

A I don't know.

Q Do you remember the month when this phone call occurred?

A Well, it would have had to have been in October, November.

160

Q Of 1994?

A '94.

Q Was it early October?

A I don't think so, no.

Q Mid October?

A There was a, there wasn't a lot of discussion right after the first time we were together.

Q I understand, Mr. Norquist. I just want to know when you actually called Marilyn.

A I don't know that.

Q You don't remember the first call when it happened?

A No.

Q Do you recall what you discussed with Marilyn?

A No.

Q Do you recall where did you call her, to her house or work?

A Usually to her house.

Q In this particular first phone call where was the call made to?

A I would think to her house, but I don't know for sure.

Q All right. What about -- and where were you calling her from, the first phone call that you made?

A Probably from my house.

Q You don't remember exactly?

161

1 A I really don't. I mean I remember what I've already
2 told you. That's about it.
3 Q What about the second call? When did you call her
4 for a second time?
5 A Well, in relation to this particular incident --
6 Q Correct.
7 A Probably a few hours before we met.
8 Q Do you remember exactly the date when you called her
9 the second time?
10 A No. If I did, I could tell you the date that it
11 happened.
12 Q Do you remember the month when the second call would
13 have taken place?
14 A It is likely to have been November.
15 Q Okay.
16 A Of '94.
17 Q Was it in November, early in November, mid November,
18 late November?
19 A I really, I'm not sure. I mean you're talking about
20 what is now seven years ago and it's difficult to
21 reconstruct. If we went -- maybe I can give you an
22 idea of the context if we went to the next, it might
23 be useful to you, go to the next one.
24 Q We'll get there. I just want to understand the
25 path.

162

1 A I mean to understand this.
2 Q The first call you believe occurred in October, the
3 second in November, is that correct?
4 A Correct.
5 Q And when you called her the second time, where did
6 you call?
7 A I called her house I assume.
8 Q What number did you call?
9 A I don't remember the number.
10 Q And where did you call from?
11 A My house.
12 Q And did you --
13 A I think I did. I'm not positive, but I'm assuming I
14 did.
15 Q What time of the day did you call the second time?
16 A Sometimes I would -- a few times --
17 Q I'm talking about this time.
18 A Well, it could have been this time. A few times I
19 called on a pay phone because I didn't want to call
20 from my home phone.
21 Q Why is that?
22 A Because I didn't want to talk with her when my wife
23 and son were home with me.
24 Q Did you call --
25 A Didn't want them to overhear what I said.

163

1 Q You wanted to keep it secret?
2 A Correct.
3 Q During the first call did you call from your house I
4 believe you testified?
5 A It's my belief that I did. It's likely that I did.
6 I don't know for sure.
7 Q During the first call when you called from your
8 house, was anybody home?
9 A I don't -- I think so but I'm not sure. I mean
10 sometimes she was home and sometimes she wasn't
11 home.
12 Q The day you called for the first time --
13 A Just like anybody else.
14 Q The day when you called for the first time, was your
15 wife home? I'm talking the first phone call you
16 made.
17 A Probably not.
18 Q Do you know where she was?
19 A No.
20 Q At that time --
21 A Could have been at work. I don't know.
22 Q Where did she work at that time?
23 A Citizens for a Better Environment.
24 Q Do you know what her schedule was at that time?
25 A Oh --

164

1 MR. PINES: I'm going to object to
2 this question. To the extent that this
3 question asks for information that was
4 provided by Susan Mudd to Mayor Norquist, I'm
5 objecting to it as invading the marital
6 privilege and am directing him not to answer.
7 If he has independent knowledge of her
8 schedule, then I don't have an objection to
9 that.
10 Q The time when you called for the first time, do you
11 recall when your wife got home?
12 A No.
13 Q What about the second time? Was your -- did you
14 call from your house?
15 A I really, I don't have a memory of this. I'd just
16 be guessing.
17 Q You testified that you called from some pay phone?
18 A Sometimes, yeah.
19 Q Was there a specific pay phone that you used?
20 A Yeah. There's a pay phone near the public housing
21 at 27th and National.
22 Q Was that the telephone booth or the telephone that
23 you usually used to call Marilyn?
24 A Well, I don't know about usually. Maybe three or
25 four times.

165

Q Any other phone, telephone public phone that you used?

A Not that I can think of.

Q You testified that you wanted to keep the sexual exchange with Marilyn Figueroa secret; is that correct?

A Correct.

Q Did you ever tell Marilyn Figueroa that you wanted to keep it secret?

A We didn't really discuss that. I think it was just assumed.

Q Well, my question is did you ever tell her that you wanted to keep it secret?

A I don't remember specifically telling her that.

Q Did you convey the message to her that you wanted to make sure that this would be secret?

A I'm not sure I conveyed it. I think it was simply understood.

Q You believe she knew that you wanted to keep it secret?

A I think she wanted to keep it secret as well.

Q Right. I'm talking right now about you.

A Right.

Q What specific incidents or what do you believe led you to conclude that Marilyn wanted to keep it

166

1 discuss getting together, what exactly did you

2 discuss during the first phone call with Marilyn?

3 A I don't -- I don't really remember in detail, but I

4 know that she expressed a desire to be alone with me

5 and I expressed a desire to be alone with her. I

6 think there was a lot of nervousness that you would

7 expect at the beginning of a relationship.

8 Q What exactly did you tell her as far as your desire

9 to be alone with her? Let's talk about the first

10 phone call. What exactly did you tell Marilyn with

11 respect to that?

12 A Well, I don't remember exactly what was said on the

13 phone, but the first time we sat together --

14 Q Let's talk about the first phone call. What, if

15 anything, did you --

16 A I don't remember. I mean I can tell you what we

17 said when we were sitting at her house the first

18 time.

19 Q Well, we'll get there.

20 A Okay.

21 Q What about the second phone call, what, if anything,

22 did you say?

23 A I really think the phone call was probably pretty

24 terse, pretty quick.

25 Q Do you remember anything of what you said?

168

1 secret? What is it that she did or what is it that

2 you saw that led you to believe that Marilyn wanted

3 to keep it secret?

4 A Well, she wanted to keep it secret from her sister,

5 her sisters, for example. At one point she told me

6 that her sister suspected that there might be

7 something going on. And she seemed to be worried

8 about that, so -- and the fact that as far as I

9 knew, nobody knew about it, even, you know, some of

10 her best friends.

11 Q But you were convinced that she knew you wanted to

12 keep it secret as well?

13 A I think so, yes.

14 Q And I suspect you kept it secret all the way until

15 January of the year 2000?

16 A I did, yeah.

17 Q And that's the way you wanted it to be?

18 A Yes, I did.

19 Q Now, you have told me that you made two phone calls

20 to Marilyn Figueroa before she ever appeared at your

21 house for sexual purposes; is that correct?

22 A It's not correct. I don't know that either of us

23 expected that we would be having intercourse when we

24 made that, what I guess you'd call a date.

25 Q Well, during those two phone calls that you made to

167

1 A Do you want -- I'm guessing, I don't know the exact

2 words, but something to the effect of does 7:30

3 sound okay or whatever the time, 8 o'clock, does it

4 sound all right? Should I pick you up at your

5 house? No. I'll come down to the corner because

6 I'm worried about a snoopy neighbor.

7 Q This is something you believe was exchanged?

8 A Yeah. And it wouldn't have been a very long

9 conversation. It would have been pretty short.

10 Just the time, the place.

11 Q And when did this exchange occur, during the first

12 phone call or the second phone call?

13 A Well, it would have been the phone call before we

14 got together, whenever that was. So from your

15 definition it would be the second phone call.

16 Q Who suggested to meet first, you?

17 A I'm not sure. I mean I think Marilyn had a number

18 of times when we met she was the one who was anxious

19 to have it. I'm not saying I was never the one who

20 initiated it, but I'd say it was fairly evenhanded.

21 Q The first phone calls that you made, those two phone

22 calls were made by you; correct?

23 A Typically --

24 Q Before the intercourse?

25 A Yes.

169

1 Q And now the day you decided to pick her up, where
 2 exactly did you pick her up?
 3 MR. PINES: When?
 4 MR. ARELLANO: Where.
 5 A Where? On the northeast corner of 19th and Mineral.
 6 Q And what were you driving?
 7 A A Chevrolet Nova, 1989 Chevrolet Nova.
 8 Q And did you come directly from your house?
 9 A Yes.
 10 Q And what time did you leave your house?
 11 A Probably about an hour and a half or two hours
 12 later. You mean leave the house when we were done
 13 at our house or are you talking about --
 14 Q No, when you went to pick her up.
 15 A When I went -- oh. Well, assuming that it was
 16 something in the vicinity of 8 o'clock, it's a five
 17 minute trip to the --
 18 Q Do you remember exactly when you left your house?
 19 A No.
 20 Q Do you believe it was around 8 o'clock?
 21 A That's my best guess, and I want to emphasize it was
 22 a guess.
 23 Q And again, as I understand, you don't remember the
 24 day when that occurred?
 25 A No. Other than that it was probably three or four
 170

1 weeks after the initial visit to her house.
 2 Q Now we're talking about what month?
 3 MR. PINES: How many times are we
 4 going to ask the same question here?
 5 A November.
 6 MR. PINES: I'm going to object to
 7 this as beginning to be abusive and harassing.
 8 You've asked that question at least five
 9 times, sir.
 10 Q Go ahead, sir.
 11 A I would say that it was probably in November.
 12 Q You picked her up and then where did you go?
 13 A To my house.
 14 Q Which route did you take?
 15 A From 19th and Mineral we turned right on Mineral,
 16 went south to Scott, turned right on Scott, went to
 17 26th, turned right on 26th and arrived halfway down
 18 the block is 1030 South 26th. That's where I live.
 19 Q On that day when you picked her up, how was Marilyn
 20 dressed? What did she have on?
 21 A She was wearing blue jeans and some kind of blouse.
 22 Q What about you? What did you have?
 23 A Blue jeans and a sweatshirt.
 24 Q On the day when you picked her up, which as I
 25 understand was the first time that led to
 171

1 intercourse?
 2 A Correct.
 3 Q On that day did you work?
 4 A No. I think it was a Saturday.
 5 Q It was a Saturday?
 6 A I think so.
 7 Q Was that the time when your wife was in Philadelphia
 8 or Maryland?
 9 A Correct, correct.
 10 Q And how long were you at your house that first time?
 11 A I would say about two hours.
 12 Q When you arrived at your house, what did you do?
 13 A We kissed, we watched TV, we had intercourse and we
 14 took a shower together. And then she got dressed, I
 15 got dressed and we drove home, and we went north on
 16 South 26th to Mineral and then Mineral to 19th. And
 17 then I dropped her off in front of her house and she
 18 went in her house.
 19 Q Which house are we talking about?
 20 A The one on 19th between Mineral and National.
 21 Q How long did you watch TV that evening?
 22 A Oh, I don't know. Maybe half hour, 45 minutes.
 23 Q And did anything happen during those 45 minutes?
 24 A Yes. We hugged and kissed.
 25 Q What were you watching during those 45 minutes?
 172

1 A Whatever was on TV.
 2 Q Do you remember what was on TV that day?
 3 A No. It was some sitcom or something like that.
 4 Q You don't remember specifically what was on TV?
 5 A No. It wasn't like a taped movie or anything.
 6 Q So you watched television for 45 minutes, you hugged
 7 and kissed. Tell me exactly what did you do
 8 immediately after you arrived to the house as far as
 9 kissing and hugging?
 10 A Well, I think we probably looked at each other and,
 11 you know, talked for awhile and then kissed and then
 12 hugged, and eventually we had intercourse.
 13 Q Did you kiss her first or did she kiss you first?
 14 A I think it was pretty much a mutual kiss.
 15 Q The two of you exactly at the same time?
 16 A Well, it could have been one way or the other. I
 17 mean it was a kiss between two people wanting to
 18 kiss.
 19 Q Before you kissed did you have any physical contact?
 20 Did you touch her at all?
 21 A Other than holding hands, no.
 22 Q You held her hand?
 23 A I think I probably did once we got in the house we
 24 probably held hands. You know, it's -- it was, the
 25 idea was to be alone. You have a feeling for each
 173

other. You express that by looking at each other, by eventually holding each other, kissing, and then it eventually went on to intercourse.

Q Well, before the intercourse for how long did you kiss? I mean how many kisses did you give each other?

A Probably it was pretty much in the nature of one long kiss. It probably went on quite awhile.

Q And did this happen while you were sitting?

A Watching TV.

Q Where were you sitting watching TV?

A On the floor.

Q You were sitting on the floor?

A Yeah.

Q And then from the kiss what was next? What happened next as far as contact?

A Well, it's pretty much, you know, hugging and kissing and then taking her clothes off and then having sex.

Q Who removed Marilyn's clothes?

A I think we probably took our own clothes off.

Q Both at the same time?

A Yeah. I mean I might have unbuttoned a blouse or she might have unbuttoned -- well, I was wearing a sweatshirt, so she might have helped pull it off. I

174

don't know. But it wasn't one doing the other. Probably for the most part we removed our own clothes.

Q Do you remember exactly who removed the clothes first, as opposed to just guessing because you keep guessing here?

A Yeah, I'd be guessing. I really don't know. It wasn't a big part of it one way or the other. I mean we were kissing, hugging and then went on from there to the intercourse.

Q So she didn't help you to remove your clothes? You removed your clothes on your own?

A Well, she may very well have helped me remove my clothes.

Q But you don't know, you don't remember?

A No.

Q You may have helped her remove her clothes, but you don't remember?

A Could be, but for the most part I think it was easier for her to remove her own clothes. It's a little faster.

Q Now, you stated that you were at the house for about two hours?

A That's correct.

Q For how long did you have intercourse with

175

1 Marilyn Figueroa?

2 A Five, 10 minutes.

3 Q And then immediately after you completed, what did you do next?

5 A Took a shower.

6 Q At your house?

7 A Yeah, together.

8 Q And then how long did you last taking a shower?

9 A Ten minutes, five minutes, whatever, however long it takes to take a shower.

11 Q And then where did you go next?

12 A Got dressed, went north on 26th, east on Mineral and north on 19th and dropped her at her house.

14 Q At the doorway of her house?

15 A Correct.

16 Q Was there a reason why you did not pick her up at her house since you were able to drop her at her house?

19 A Well, it -- I don't -- I'm not sure. I don't exactly remember. Either we didn't -- either she wasn't as worried about the snoopy neighbor or maybe the lights were off where the snoopy neighbor was or whatever. You know, I mean I don't know -- you'd have to ask her about the snoopy neighbor. I never met the guy. But it was a concern when I picked her

176

1 up. It didn't seem to be a big concern. It was more important that she wanted to just get home, I guess.

4 Q When you were driving her home, did she ever tell you to drop her in the corner?

6 A No.

7 Q Did she object?

8 A No.

9 Q You just went directly to her house?

10 A That's my memory. It's possible I dropped her at the corner, but I specifically remember her asking me to pick her up on the corner when I picked her up. But I do not have that memory of dropping her off at the corner.

15 Q When Marilyn went to --

16 A I mean it's late at night. Frankly, I think I might have been a little worried that I didn't want her to walk a half a block down to her house by herself.

19 Q Or inversely, you probably felt more comfortable that it was dark, nobody would see you?

21 A Correct. That's a good point, yeah.

22 Q All right. When you were with Marilyn at your home, did you disclose to Marilyn where your wife was?

24 A I don't think so. She didn't seem to be really anxious.

177

1 Q That wasn't my question, sir.
 2 A Okay.
 3 Q Did you disclose --
 4 A No, no.
 5 Q -- where your wife was?
 6 A No, she didn't ask me and I don't think I disclosed
 7 to her. I might have, but I don't remember doing
 8 that.
 9 Q So you had 45 minutes of watching TV, what,
 10 20 minutes of sex?
 11 A Yeah.
 12 Q Five minutes of shower and back home?
 13 A Yeah. And you could add, add, you know, or subtract
 14 five or 10 minutes from any of those activities.
 15 I'd say it's roughly two hours that we were
 16 together.
 17 Q Let me just summarize it so your counsel doesn't get
 18 a little bothered.
 19 A Okay.
 20 Q As I understand, you arrived to the house, you went
 21 straight to the couch or sit and watched TV.
 22 A There might have been, you know, three, four, five
 23 minutes when I might have, you know, shown her the
 24 kitchen or the dining room or something like that
 25 before we sat down on the couch. I probably said,

178

1 you know, here's -- it's a nice house. What do you
 2 think? Whatever.
 3 Q Have you told me everything that you remember
 4 happened at that time?
 5 A Everything I can remember, I think so.
 6 Q All right. You took her home about what time?
 7 A Probably about 10, 10:30, something like that.
 8 Q Do you remember Marilyn asking any questions about
 9 your wife?
 10 A No.
 11 Q Raising any concerns about your wife's whereabouts?
 12 A No. I think she assumed that my wife wasn't going
 13 to be there.
 14 Q What leads you to believe that she assumed that?
 15 A Well, I wouldn't have invited her over if my wife
 16 was there.
 17 Q You assumed that she assumed that she was not going
 18 to be there?
 19 A Yeah. She's a smart person. She could figure that
 20 out.
 21 Q Now, this first encounter as you describe it, that
 22 occurred after Marilyn Figueroa's sexual attack
 23 incident?
 24 A Well, it probably would have been several months
 25 later.

179

1 Q How many months later?
 2 A I'm not sure. I don't know the date of the -- I
 3 don't have that in my mind. There is a date, I
 4 mean. You would know better than I.
 5 Q Do you remember the month when the sexual assault --
 6 A No.
 7 Q -- incident occurred?
 8 A No.
 9 Q When the sexual assault incident occurred, to your
 10 knowledge, did you visit Marilyn at any place as a
 11 result of that sexual assault?
 12 A No, I didn't.
 13 Q Then when was the very next time when you had any
 14 type of sexual encounter with Marilyn Figueroa?
 15 A While she was living at South 19th and Mineral there
 16 were two, three times when I would visit her. It
 17 basically went like this. I go for a run about
 18 every three days in Mitchell Park. I would -- this
 19 was when I used the pay phone, the times I used the
 20 pay phone. I would call say, you know, it's 6:30 in
 21 the morning or 6:15 in the morning. Is it a good
 22 time to come over? If it was, she'd say come on
 23 over. If it wasn't, then I wouldn't.
 24 Q Let's talk specifically about the very next time
 25 after the first -- hold on a second.

180

1 A I really wouldn't know. I don't know the date.
 2 Q Hold on a second. Let me just remind you that the
 3 two of us can't speak at the same time.
 4 A Okay, sorry.
 5 Q Because she's taking our testimony, and I can see a
 6 little sign of struggle over there.
 7 Can you tell me in relation to the first
 8 sexual encounter when the second sexual encounter
 9 occurred, if it did?
 10 A You're talking about intercourse?
 11 Q Correct.
 12 A Okay. The intercourse would have been way off
 13 into -- this one I have more specificity on because
 14 I can tie it to a date that I actually know happened
 15 in time.
 16 Q Okay.
 17 A In October 5 the Brewers Stadium was being debated,
 18 the time when George Petak voted to pass the stadium
 19 bill and was then later on recalled from that. That
 20 was on October the 5th that that debate began, but
 21 it went into the wee hours of the morning. And
 22 October 6th Marilyn and I had tentatively arranged
 23 that I was going to go jogging in the middle of the
 24 day like 12 to 1:30, whatever. We were going to get
 25 together at her house. And this thing dragged on

181

1 till three in the morning. And I was up in Madison
2 for the vote and I didn't know whether I would be
3 able to make it at the 12 to 1:30 date.

4 I got home. I got a few hours sleep. I went
5 to the, I think it was the Wisconsin Regional
6 Planners Association, gave a presentation, got home,
7 got -- I was late to the, to her house, about a half
8 hour late. She was surprised that I was late, but
9 anyway, then --

10 Q This would have been on October 6th?

11 A Yeah. Now, between that and the other time there
12 were times when I visited her house but we just
13 kissed.

14 Q I know. We'll get there. That's what I want you to
15 do. What I want you to do --

16 A Okay.

17 Q -- after we put all these political debates out,
18 let's talk about October 6th.

19 A All right.

20 Q Did you have any type of sexual intercourse with
21 Marilyn Figueroa on October 6th?

22 A On October 6th she greeted me at the door, came
23 inside.

24 Q The question is did you?

25 A Yes.

182

1 Q And we're talking about October 6th of what year?

2 A Of 1995.

3 Q So that would have been several months after the
4 first encounter where sexual intercourse occurred?

5 A Yeah, almost a year, yeah.

6 Q Is that right? Do you recall at what time you got
7 to her home?

8 A 12:30.

9 Q What?

10 A 12:45.

11 Q 12:30, 45 --

12 A Afternoon.

13 Q Noon?

14 A Yeah, just after noon.

15 Q And you have placed the first incident sometime in
16 November of 1994?

17 A That's my best guess. I'm not as precise on that as
18 I am on this one.

19 Q And between November of 1994 and October 6th of
20 1995, was there any type of sexual contact which did
21 not include intercourse?

22 A Yes.

23 Q Tell me, in relation to November of 1994, when was
24 the very next time that you made any type of sexual
25 contact with Marilyn Figueroa?

183

1 A I can't say with specificity, but my guess would be
2 in the winter, I remember it being snow covered, so
3 in the winter of '95 I called to see if it was okay
4 to come over. We kissed on her couch. It was very
5 early in the morning before her kids would wake up.
6 And then we kissed for awhile and then I left and
7 went jogging again. And that happened three times,
8 or I think it happened three times, might have
9 happened two times, might have happened four times,
10 but I'd say three times.

11 Q Well, let's start with the first time, and I'm
12 talking about times when you had sexual exchanges or
13 contact, physical contact of a sexual nature.

14 A Well, kissing --

15 Q Hold on a second, sir. You've got to let me finish
16 my question.

17 A Okay, I'm sorry.

18 Q Whenever you had any type of physical contact of a
19 romantic or sexual nature, right after November of
20 1994 after the first intercourse incident, do you
21 recall the month when the very next sexual contact
22 would have occurred?

23 A No. But it would have been sometime I believe in
24 the winter, so January, February, maybe March.

25 Q Of 19 -- of 1995?

184

1 A Of 1995.

2 Q You can't hide from the camera.

3 A No, no. I'm not trying to. I just -- this chair
4 is --

5 Q We've got you on candid camera here.

6 A Is there a chair that doesn't have this leaning
7 back? Can you find one? Because it's not very
8 comfortable.

9 Q So the very next contact that you remember would
10 have been sometime in January of, February of 1995?

11 A Correct.

12 Q And do you remember when was the second contact
13 which did not lead to intercourse? You mentioned
14 that there were three contacts?

15 A Yeah. It would have been either another in the
16 winter or another in the spring, maybe in the early
17 summer.

18 Q So there's one in the winter, one in the spring, one
19 in the summer, okay. And did --

20 A And these are guesses, not precise, you know, I'm
21 not -- I don't have an exact time.

22 Q I understand. With respect to the very first
23 contact that you had with Marilyn Figueroa in the
24 winter --

25 A Uh-huh.

185

1 Q -- do you recall if it was during a week, weekday,
2 weekend?
3 A It would have been on a weekday morning.
4 Q Do you remember --
5 A I don't remember which day but I -- in all three
6 cases it would have been on a weekday morning.
7 Q Do you recall how you happened to come to the house?
8 A By running.
9 Q You just knocked unannounced?
10 A No, no. I'd call first and ask if it was a good
11 time to come.
12 Q Where did you call from?
13 A Pay phone.
14 Q Which pay phone?
15 A 27th and National Avenue.
16 Q It was -- what time is it? What time was it?
17 A Six in the morning. It would have been early enough
18 so that her kids wouldn't have been awake yet.
19 Q And what time did you arrive to the house, if you
20 did?
21 A Five, 10 minutes later.
22 Q And how long were you at the house?
23 A Not too long. Usually 15 minutes or so. I'd say
24 give or take five minutes.
25 Q And which house is this?

186

1 A Her house.
2 Q Which one?
3 A 19th, South 19th.
4 Q And what happened while you were there?
5 A She would usually have coffee.
6 Q I want to know what happened that day, not as
7 opposed to --
8 A She had coffee ready. She would sit on my lap. We
9 would kiss. She would pull up her chemise or
10 whatever she was wearing, and she liked me to kiss
11 her breasts.
12 Q At what point did this happen?
13 A Fairly soon after I arrived.
14 Q Did you discuss anything, exchange any words?
15 A We would, you know, good morning, you know. I think
16 we would -- we wouldn't talk very loud because we
17 didn't want to wake up her kids.
18 Q And what's your recollection as far as how long you
19 were at that morning at her house?
20 A 15 minutes.
21 Q Did you work on that day?
22 A I probably worked on all three days.
23 Q We'll go into that. So you were there about
24 15 minutes, coffee, sat on your lap?
25 A Uh-huh.

187

1 Q Showed you her breasts. You've got to say yes
2 because she's got --
3 A Yes, yes.
4 Q Anything else?
5 A No, not really. We didn't -- you know, it was
6 not -- I mean it was really kind of a risky thing to
7 do anyway. Neither -- we shouldn't have done
8 anything, but I mean we didn't want to do anything
9 further because we didn't want her kids to wake up
10 and come down and find us there.
11 Q Is that something you suggested?
12 A I don't remember talking about it much. It was just
13 sort of understood we didn't want that to happen. I
14 know I didn't want it to happen.
15 Q Did you have some coffee while you were there?
16 A Yes.
17 Q What kind of coffee do you have?
18 A Black coffee.
19 Q She made black coffee for you?
20 A Right.
21 Q And once you got into the house, where did this
22 happen?
23 A On the couch.
24 Q And then after you left, is this where the nosy
25 neighbor resided?

188

1 A Yes.
2 Q The same place?
3 A The same place is where the nosy neighbor. I never
4 met the nosy neighbor. I don't recall her
5 mentioning the nosy neighbor again after that first
6 time.
7 Q Then where did you go on that day, after you left?
8 A Back home.
9 Q You went back home?
10 A Well, I'd go through Mitchell Park, work up a good
11 sweat, take a shower, get dressed and go to work.
12 Q Now, I think you mentioned that it could have
13 happened January or February, but do you remember
14 exactly the month?
15 A No, I don't.
16 Q Do you remember the week?
17 A No.
18 Q Do you remember whether it was early in the month of
19 January or --
20 A I just remember the first time I went there it was
21 snow. There was snow on the ground.
22 Q And then there was another two occasions when you
23 believe there was another sexual exchange of some
24 kind which did not lead to intercourse?
25 A Correct.

189

1 Q When was the second time?
2 A Probably either later in the winter or the spring.
3 And the other one was probably in the spring or
4 later in the summer.
5 Q Which is it?
6 A I don't know. Sometime between the first
7 intercourse and the second one on October 6th there
8 were these contacts that were -- did not involve
9 intercourse.
10 Q That's what I'm trying to understand.
11 A Yeah. And the time frame, I'd say it was unlikely
12 to be in the summer because by the summer then
13 people are having vacations. I don't know whether,
14 what her vacation was, but ours was typically, my
15 wife and son and I's was typically in August or late
16 July.
17 Q The first incident when you stopped, and I'm talking
18 about the first incident after the intercourse --
19 A Yeah.
20 Q -- do you know if Marilyn was required to be at work
21 that morning?
22 A I would assume she did, and I would have left.
23 Q Do you know if she was?
24 A I don't know for sure, but I assume so.
25 Q Did you go to the office that day?

190

1 A I don't remember, but I assume I did.
2 Q Was your wife home that day, that morning?
3 A I would think so. I would say I'm a hundred percent
4 certain she was.
5 Q The second time you don't remember if it was spring
6 or the summer, you just think it could have happened
7 during those times?
8 A The most specificity I can get is that between the
9 incident in November, I believe November of '94 and
10 the second time in October of '95, that
11 approximately three times I would have during the
12 course of jogging gone to her house, as I described
13 in the first time. And I don't think there was a
14 lot of variation in there. It was pretty much the
15 same each time.
16 Q Was it during the weekday?
17 A Weekday.
18 Q Do you remember what day?
19 A No.
20 Q Was it in the morning, at night?
21 A The morning.
22 Q What time?
23 A 6 o'clock.
24 Q Six in the morning?
25 A Yeah.

191

1 Q Where did you come from?
2 A My house.
3 Q Did you go to her house?
4 A I went from my house to her house.
5 Q How did you get there?
6 A Jogging.
7 Q You were jogging?
8 A Yeah.
9 Q Did you come unannounced or did you call?
10 A No. I made a phone call.
11 Q From where?
12 A Usually from this -- I probably always from a pay
13 phone, but maybe -- I could have. If it was a time
14 when, you know, if Susan was still asleep, I might
15 have made a call from the downstairs phone. But I
16 would guess that probably more times than not I
17 would have made the call from a pay phone.
18 Q So you would get up to go jogging, you would make a
19 phone call?
20 A Put a quarter or 35 cents, whatever it is in my
21 pocket and make the phone call, say it is okay to
22 come over. And if she said yes, then I would come
23 over. I think all but one time it was okay to come
24 over.
25 Q All but one time?

192

1 A And that time her son was already up, so that was
2 not a good time.
3 Q When you came that second time to her house, which
4 address are we talking about?
5 A We're talking about the South 19th. Do you have
6 that address?
7 Q We'll get there. All right. Now, when you got to
8 the house, where are the children?
9 A Upstairs sleeping.
10 Q How do you know that they were there?
11 A I don't know for a fact that they were there, but
12 that's where she said.
13 Q During this period of time how long were you at her
14 house?
15 A 15 minutes.
16 Q And what happened?
17 A We kissed, we -- she sat on my lap, we kissed, she
18 would pull up her, whatever sleepwear she was
19 wearing, and I would kiss her breasts. That was it.
20 Q Was this something that you initiated, or is that
21 something that she just automatically as you would
22 come in engage in that type of conduct?
23 A I mean one time she walked into my office and --
24 Q I'm talking about this particular time, sir.
25 A All right. I mean I think, you know, from my

193

1 relationship with her that she liked having her --
 2 (Discussion off the record)
 3 Q Mr. Norquist, you were describing your second, you
 4 were describing your second visit to
 5 Marilyn Figueroa's after the first intercourse
 6 incident.
 7 A Yes.
 8 Q You were telling us that Marilyn Figueroa received
 9 you, you went into her house, she sat on your lap,
 10 showed -- I believe you inferred that she showed you
 11 her breasts?
 12 A Correct.
 13 Q Is that correct? These incidents that happened, how
 14 long were you there on the second time?
 15 A You're talking about the second time, the 15-minute
 16 visit?
 17 Q In the spring or summer.
 18 A 15 -- I think they were all approximately
 19 15 minutes, I mean give or take. They weren't long.
 20 Q I understand. But the second time.
 21 A Let's say 15 minutes. I don't know that for sure.
 22 Q All right. When you walked in, what did you do as
 23 soon as you walked in?
 24 A Well, we would -- she'd usually have a cup of coffee
 25 ready and we would sit down for awhile, then kiss,

194

1 and then she'd usually sit on my lap and we would
 2 hug and kiss and --
 3 Q Is that what happened during this second incident?
 4 A Yeah. They were all pretty much the same.
 5 Q Did you get to finish your coffee on that second
 6 incident?
 7 A Well, I don't know if I ever finished the coffee.
 8 But I -- I mean the coffee was good. I mean there
 9 was nothing wrong with it, but I don't know whether
 10 I finished it or not finished it.
 11 Q All right. Who initiated the first sexual contact
 12 during that second time?
 13 A Well, we would come together, embrace, kiss.
 14 Q I'm talking about that day. You keep saying we
 15 would. I want to know what happened that day.
 16 A Well, I walked in. We greeted each other. We sat
 17 on the couch, kissed, and then she would sit on my
 18 lap and we would kiss more and she would pull up
 19 her, whatever she was wearing and I would kiss her
 20 breasts. And then we'd kiss some more, and then it
 21 was time to go.
 22 Q Did you discuss anything on that day? I'm talking
 23 about something you discussed.
 24 A Well, we would talk about how we liked each other.
 25 Q What did she tell you about you?

195

1 A She --
 2 Q What did she say?
 3 A She would say that she didn't like that we could
 4 only be together so far apart.
 5 Q Is that what she told you on this second visit?
 6 A I'm not sure if she said that on the first visit,
 7 the second visit or both visits, but that would be a
 8 topic of discussion about how difficult it was to
 9 ever be together. She would say something about how
 10 her body ached and that she misses me and, you know,
 11 that sort of thing.
 12 Q These are things she would tell you?
 13 A Yeah. And I said nice things to her too, I mean.
 14 Q Like what? What things did you say during that
 15 second visit?
 16 A I would tell her that she was pretty, that, you
 17 know, that I was attracted to her, you know, things
 18 like that.
 19 Q She told you that on the third time you had any type
 20 of sexual contact?
 21 A On the --
 22 Q It would have been the first intercourse, then one
 23 visit, and then this was the third time; correct?
 24 A I don't remember which thing would be said at which
 25 one. I'm just telling you the kinds of things that

196

1 were said.
 2 Q Did you ever suggest to Marilyn Figueroa that you
 3 would some day marry her?
 4 A Not in exactly those words but, you know, I'd say
 5 things like I don't know where this will lead. I
 6 know I'm attracted to you. Maybe it will lead to
 7 nothing. But I think that that was part of -- I
 8 think that was part of the, sort of the fantasy in
 9 the back of our minds as we discussed things we'd
 10 talk about how we liked to be together, but we never
 11 got serious about talking about it. It was sort of
 12 a --
 13 Q When did you tell Marilyn -- are these some things
 14 that you told Marilyn Figueroa that maybe nothing
 15 would develop out of this relationship?
 16 A Yes.
 17 Q When was the first time that you made that known to
 18 Marilyn?
 19 A The first time I was in her house. We were sitting
 20 on the couch together.
 21 Q That would have been in 1994?
 22 A The one in October of '94 where we did not have
 23 intercourse but we kissed.
 24 Q Did you ever lead Marilyn Figueroa in any way to
 25 believe that you would ever leave your wife for her?

197

1 A No, not in any explicit way, but I mean from things
2 we said to each other, you know, at one time I told
3 her I loved her. And, you know, she could have
4 taken that as I loved her and not anybody else.
5 Q When did you tell her this for the first time?
6 A I would say it was about two years into the
7 relationship. It wasn't right at the beginning. I
8 mean I think she kind of avoided -- she was sort of
9 avoiding saying the L word and I was too. She said
10 it to me once. I said it to her once.

11 Q

12

13

14

15

16 A

17 Q

18 A

19 Q

20 A

21

22 Q

23

24 A

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198

1

2 Q

3 A

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5

6 Q

7 A

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11

12 Q Hold on a second.

13

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25

MR. TOKUS: No, may he finish his
answer?

MR. ARELLANO: He's been
nonresponsive and this is my time. Stop the
clock.

MR. TOKUS: May he finish his --

MR. ARELLANO: Stop the clock while
Mr. Tokus is making --

MR. TOKUS: I'm making an objection
and I'd like to have it on the record.

MR. ARELLANO: Put it on the
record.

MR. TOKUS: Now, he hadn't finished

199

1 his response. Let him finish his response
2 before you ask your next question.

3 MR. ARELLANO: He's being
4 nonresponsive and I want to say that.

5 MR. TOKUS: In that case you might
6 want to make an objection. That may be
7 appropriate.

8 Q

9

10

11 A

12

13 Q

14 A

15

16 Q Okay. Now let's go to the third time when you
17 visited Marilyn Figueroa.

18 A Uh-huh.

19 Q Now, before the second intercourse event occurred
20 when was that?

21 A Wait. Can you just repeat that?

22 Q Yes. I'm asking -- you testified that there were
23 three times that you visited Marilyn Figueroa where
24 some type of sexual exchange occurred which did not
25 include intercourse.

200

1 A Correct.

2 Q You gave us two. Now I want you to give me the
3 third time.

4 A Well, it would have been pretty much like the other
5 two.

6 Q Well, I want to know when was the third time.

7 A Well, I'm guessing that it was later than the first
8 two obviously, so more likely spring or early
9 summer.

10 Q Of what year?

11 A '95.

12 Q And was this another incident where you stopped in
13 the morning?

14 A Correct.

15 Q Tell me what happened.

16 A The same thing that happened at the other two,
17 coffee, sit on the couch, kiss. She would straddle,
18 sit on my lap and we would hug and kiss and I would
19 kiss her breasts.

20 Q You don't remember the month when that occurred?

21 A I do not.

22 Q The week?

23 A No.

24 Q The time?

25 A No. Well, the time, likely, you know, 6 o'clock,

201

1 quarter to six, you know, early.
2 Q And how long were you --
3 A Before the kids would wake up.
4 Q How long were you there?
5 A 15 minutes or approximately 15 minutes.
6 Q And have you told me everything that happened on the
7 third time when you visited Marilyn Figueroa?
8 A Yes. Everything I can remember.
9 Q Did you discuss anything?
10 A Well, she --
11 Q I'm talking about what happened.
12 A Okay. I mean, I said the first time I was with her
13 in her house and I repeated some of the other times
14 that I was there that we've described the three
15 times that I didn't think -- I didn't know if this
16 would lead anywhere, and her response to that was,
17 well, it's just fun. Let's just enjoy it.
18 Q How many times during the course of the entire
19 exchange from '94 through 1999, how many times did
20 Marilyn Figueroa tell you that this was just for fun
21 every time you had contact with her?
22 A Well, I think that early on in the relationship that
23 would, that was sort of the attitude. We were
24 learning about each other, getting to know each
25 other. So later on I think she took it more

202

1 seriously. I think I took it somewhat more
2 seriously. I didn't -- I think that the language
3 changed a little bit over time.
4 Q My question is how many times did Marilyn Figueroa
5 tell you that these exchanges that were occurring
6 were just for fun?
7 A Oh, I'd say maybe three or four times.
8 Q And the last time she told you that this was just
9 for fun, when was that?
10 A Oh, I don't know. It could have been as late as
11 '99.
12 Q When in 1999?
13 A Maybe, there was a time without intercourse, with
14 other sexual contact November 1st, 2nd, 3rd,
15 sometime in there.
16 Q Where did this discussion occur where Marilyn told
17 you that it was just for fun?
18 A At her house on Pine Avenue, Pine Street I guess.
19 Q And before that when was the previous occasion when
20 she told you that all of this was just for fun?
21 A I really don't know. I mean it was -- I wouldn't
22 have a specific date on that. This is something
23 that she said a few times, you know, not every time.
24 Q Well, when was the first time she told you it was
25 just for fun?

203

1 A In the first meeting in her house.
2 Q So the first meeting would have been in 1994?
3 A Correct.
4 MR. PINES: You know, I'm going to
5 object to this. That question has been asked
6 now at least 10 times. And to constantly
7 repeat the question is abusive and harassing.
8 And I'm going to -- if it continues, I'm going
9 to stop the deposition.
10 MR. ARELLANO: You can do whatever
11 you want, Mr. Pines.
12 MR. PINES: Just telling you. I'm
13 giving you fair warning.
14 MR. ARELLANO: Well, you're
15 intruding on my deposition. Okay?
16 MR. PINES: You can characterize it
17 however you want. I am giving you fair
18 warning, if you continue to ask the same
19 question over and over, I will stop this
20 deposition and we will leave.
21 MR. ARELLANO: Stop the clock. Are
22 you done?
23 MR. PINES: The record is made,
24 sir.
25 Q You testified that a total of four times she told

204

1 you that this was for fun. One would have been in
2 1999?
3 A I don't -- I said approximately four times. I don't
4 know for sure.
5 Q All right. One would have been in 1999. Then one
6 would have been the first time that you were at her
7 house. Then the second -- the second time would
8 have been -- the third time would have been when you
9 visited in the spring where there was no
10 intercourse. When do you think would have been the
11 fourth time, if there was a fourth time?
12 A Probably one of those times in the spring, one of
13 the three.
14 Q Did you or Marilyn ever discuss the fact that you
15 were having a sexual exchange with her while you
16 were married? Was that ever discussed between the
17 two of you?
18 A I don't know if never would be the right word for
19 it, but we didn't talk about it much. It was like a
20 subject that you wanted to avoid and not have to
21 face. I think we both knew it was wrong.
22 Q But it wasn't discussed?
23 A It wasn't discussed in any serious way. We never
24 come to grips with it. I would have -- and frankly,
25 I would have liked to have done that. I wished we

205

1 had talked more.
2 Q So now we're moving to the second time when you had
3 sexual intercourse with Marilyn. And I believe you
4 began to tell me that it occurred sometime after you
5 returned from Madison where you were attending
6 issues pertaining to the Brewers Stadium. Is that
7 correct?
8 A Correct.
9 Q Is that right?
10 A That's correct.
11 Q And I think you did identify October 6th around noon
12 time.
13 A Yeah.
14 Q Is that correct?
15 A About 12:30. I was supposed to be there at noon. I
16 was about a half an hour late.
17 Q And at this point, Mr. Norquist, where exactly did
18 you -- where was she living at that time?
19 A South 19th.
20 Q We're talking about 1995; correct?
21 A Correct. Between Mineral and Scott.
22 Q How long were you at her house at that time?
23 A About an hour and a half, maybe an hour, an hour,
24 hour and a half.
25 Q I suspect you arrived directly to her house in your

206

1 car?
2 A No. I jogged.
3 Q You first got to your house?
4 A I went back home. I changed clothes into jogging
5 clothes. I was alone at the house. So I would have
6 called her from the house, told her that I was on my
7 way and asked if it was okay to come over.
8 Q Now, was that the day you came from Madison,
9 Wisconsin?
10 A Well, I had been in Madison till three in the
11 morning. I came home. I got a little bit of sleep
12 and then I gave this speech to this group, a
13 Regional Planning Association group.
14 Q What time you got home?
15 A Oh, I'd say probably 4:30 in the morning.
16 Q And then at what time did you call Marilyn?
17 A Probably about 12:15, 12:30.
18 Q And then once -- was that during a weekday or was it
19 on a weekend?
20 A That was on Friday, October 6th.
21 Q And --
22 A 1995.
23 Q And where did you call Marilyn? Did you call her at
24 home?
25 A I called her at home.

207

1 Q Do you know, was that a day Marilyn was supposed to
2 be working?
3 A I'm not sure what her schedule was, but the plan was
4 for her to be there when -- that was the date we had
5 made.
6 Q And when you say that was the date that you made,
7 when did you make that arrangement?
8 A We, we did. Probably, you know, a day or two
9 earlier in the week.
10 Q Do you recall how the arrangement was made or where
11 was it made?
12 A Probably over the phone. It could have been made if
13 we had been able to talk in the office without
14 anybody overhearing us. But chances are it was on
15 the phone because it wasn't good to do it in the
16 office.
17 Q Where did you call her, if you called her on the
18 phone?
19 A Probably called her from home when no one else was
20 at the house, at my house.
21 Q And was this -- how many days before you actually
22 met with her that these phone calls occurred?
23 A I don't know, but probably, you know, a few, two or
24 three, maybe a day. I don't know.
25 Q What exactly did you arrange to do?

208

1 A That I would come by, have lunch and then we'd spend
2 some time together, more time because no one would
3 be there but her and I. It wouldn't be like the
4 morning sessions where we were worried about the
5 kids waking up. So we could spend more time
6 together, you know, more than 15 minutes, an hour,
7 hour and a half, two hours, whatever it would have
8 been.
9 Q What time did you get out that day?
10 A I didn't get back until maybe about noon, and so I
11 was late. She was expecting me at 12.
12 Q You told her that you would be coming after noon?
13 A I called, whenever I got home I said I called and
14 I'm coming. If it's okay, I'm coming down.
15 Q And what happened once you got there?
16 A She greeted me at the door. We were in the living
17 room. She pulled up her dress and showed me that
18 she was wearing stockings that had, you know, a top
19 on them, not pantyhose, and asked me if I thought
20 they looked nice, and I said I did.
21 Q And this happened as soon as you walked into the
22 house? --
23 A Almost, almost as soon. It was like, you know,
24 lovers suddenly together and, you know, embracing
25 right away.

209

1 Q What did she, tell me exactly what did she do?
 2 A She pulled up her skirt and asked what I thought of
 3 the way she looked, and I said you look great.
 4 Q How far did she pull up her skirt?
 5 A All the way up.
 6 Q All the way up exposing?
 7 A To her waist.
 8 Q All the way to her waist?
 9 A Uh-huh.
 10 Q And what was she wearing?
 11 A She was wearing stockings. She was wearing a dress.
 12 It wasn't a skirt. It was a dress. And high heels.
 13 And then we walked up to her room and she had lunch
 14 prepared, which we didn't get to. We first had --
 15 she did oral -- we kissed and hugged and that sort
 16 of thing, and then she did oral sex on me and I did
 17 oral sex on her. And then we had intercourse. And
 18 then after that we ate lunch, but I was getting
 19 worried about the time because I wanted to get back,
 20 and she was disappointed that I was sort of, you
 21 know, leaving right away instead of enjoying the
 22 lunch. I sensed that.
 23 Q What color of stockings was she wearing?
 24 A Black, dark stockings.
 25 Q What about the dress? What color was her dress?
 210

1 A A dark color. I don't remember if it was blue or
 2 black, something like that.
 3 Q Was it light blue?
 4 A No. It was darker color.
 5 Q And what kind of food did you eat?
 6 A What kind of what?
 7 Q Food.
 8 A She had sandwiches like finger type sandwiches. It
 9 was very nice. A salad with vinaigrette, glass of
 10 wine.
 11 Q What kind of wine did you have?
 12 A I don't know. It wasn't, you know, a great vintage
 13 or anything, probably merlot.
 14 Q And what did you eat?
 15 A I had part of a sandwich and I ate some of the
 16 salad. I think it would have, you know, I sensed
 17 that she would have been happier if I had stayed
 18 around longer afterward instead of leaving right
 19 away. I felt bad about that afterward because, you
 20 know, I didn't want to -- I wasn't trying to show
 21 disrespect or anything.
 22 Q On that occasion as you walked in and she exposed
 23 herself, how soon after that did you engage as you
 24 claim in sexual intercourse?
 25 A Well, we walked up to her bedroom and, you know, we
 211

1 did some foreplay. But, you know, I'd say we did
 2 what we -- the sexual encounter we had, we did that
 3 and then we had lunch.
 4 Q How long did the sexual encounter last?
 5 A Well, it's hard to, you know, you're not like timing
 6 it as you do it. But I would say, you know, 15, 20
 7 minutes all together.
 8 Q And this would have been, we're talking now about
 9 1995; correct?
 10 A That's correct.
 11 Q Have you told me everything that occurred on that
 12 occasion?
 13 A Everything I can remember.
 14 Q When would have been the very next occasion where
 15 you had any type of sexual exchanges with Marilyn of
 16 any kind?
 17 A Well, it would have been awhile after that.
 18 Q When would that be?
 19 A Because I mean right then was the beginning of an
 20 election cycle, the '96 election with
 21 Richard Artison which was a very legitimate
 22 candidate, very highly contested race.
 23 Q When was the next --
 24 A You know, I was very afraid of having this affair
 25 become, you know, get to the point where it would
 212

1 become a public knowledge.
 2 Q So how much time passed before you had any other
 3 sexual exchange with Marilyn Figueroa?
 4 A Well, the next time would have been in the period
 5 between when she lived at South 19th and when she
 6 moved to Fardale, and it would have been at her
 7 sister's house on, a block away on South 26th. As I
 8 understand it, she lived there before the South 19th
 9 for awhile and afterward for awhile.
 10 Q What period of time are we talking about?
 11 A Well, it would have been after April of '96. I
 12 don't know how far after. It could have been the
 13 fall of '96, the summer of '96.
 14 Q Do you remember the month when this occurred?
 15 A No, I don't. I really don't on this. But you could
 16 -- I could suggest that if you look at the period
 17 between where Marilyn lived on South 19th and when
 18 she moved to Fardale, it would have been sometime in
 19 there.
 20 Q In that period of time?
 21 A Yes.
 22 Q And do you recall the time when you visited Marilyn?
 23 A Yes, it was at noon.
 24 Q Tell me, how did that happen.
 25 A Well, we would have communicated in advance that we
 213

1 would meet at noon.
2 Q It would have been -- I'm talking about when exactly
3 did you visit with Marilyn the next time that any
4 type of sexual interaction occurred?
5 A Well, this was the -- do you want me to -- this time
6 was the one at 1200 block of South 26th. We met
7 there at around noon. No one was home. Her sister
8 was gone as far as I know.
9 Q How did you happen to come to meet at that place?
10 A I came home to go jogging, which I did again. It
11 was very similar to when she lived at South 19th.
12 And I went over there. We had -- we kissed. We had
13 intercourse.
14 There's sort of a nook in the living room of
15 that house with a, sort of a pad on it which is long
16 enough to lay together, wide enough and long enough
17 to lay together on it, and we had intercourse on
18 that.
19 Q Was that during the weekday or during the week?
20 A That was during a weekday and I came home to run. I
21 went there. We had sex. And then I went back on my
22 run and went home and took a shower, went back to
23 work.
24 Q How did you know that Marilyn was there at that
25 time?

214

1 A How did I know she would be there?
2 Q Right.
3 A Because we would talk to each other and arranged to
4 meet there.
5 Q When did you talk to her before coming there?
6 A I don't remember. It would have been a day or two
7 or three before.
8 Q So you made this arrangement two or three days
9 before?
10 A Yes.
11 Q How did you make that arrangement?
12 A We would have, you know, the question would have
13 come from one or the other, what can we do or can we
14 get together. This is a time when I have available.
15 What do you want to do? And she would have
16 suggested that the sister's house because the sister
17 wasn't going to be there.
18 Q Well, where did the discussion, to make the
19 arrangement, the arrangement, where did that
20 discussion occur?
21 A It could have happened, it most likely happened on
22 the telephone. It might have happened at the office
23 if there was nobody else around us at the time.
24 Q Do you recall how it happened?
25 A No.

215

1 Q Do you know where the discussion occurred? To make
2 this arrangement to make --
3 A Probably on the phone.
4 Q Do you remember when you called Marilyn?
5 A It would have been sometime between three or four
6 days before whenever it happened.
7 Q You don't remember specifically how the arrangement
8 was?
9 A I do not. I do not.
10 Q But the day you came to this sister's house, you
11 basically didn't call before getting there? You
12 came unannounced?
13 A Well, we had prearranged the time, but as long as
14 you mentioned it, that's probably true because I
15 wouldn't have had the sister's phone number.
16 Although I might have. But I might have gone there
17 and knocked on the door and she had arranged to be
18 there. She walked in. I mean I walked in. She
19 told me that her sister wouldn't be back for awhile
20 but that, you know, we probably had a half an hour
21 before we had to worry about her sister showing up.
22 Q Do you recall any one time when you made
23 arrangements to meet with Marilyn at work, in other
24 words, you talked to her at work to make
25 arrangements to meet somewhere else?

216

1 A Not specifically, but a few times it did happen that
2 we made the arrangements at work.
3 Q That time when you claim that you met with Marilyn
4 at her sister's house --
5 A Yes.
6 Q -- was anyone else in the house?
7 A No, not that I know of. I mean there may have been
8 somebody in the house and I didn't know it.
9 Q And tell me what happened once you got there.
10 A We kissed. We embraced. We -- she showed me this
11 nook where the space to lie down was wide -- it
12 wasn't long enough for me, but if I bent my legs it
13 was. It was wide enough for both of us to fit on
14 it. And then she undressed, I undressed and we had
15 intercourse.
16 Q As soon as you walked in?
17 A No. We had some foreplay, but there was a time
18 problem. I mean we were a little worried about her
19 sister showing up.
20 Q What was Marilyn wearing then?
21 A This was her older house than her house on
22 South --
23 Q What was Marilyn wearing on that occasion?
24 A My memory of what she was wearing was a -- like a
25 jean skirt and blouse or, you know, not -- she

217

1 wasn't wearing fancy clothes, just semi informal
2 clothes.
3 Q What color of blouse was she wearing?
4 A I don't remember. I think her skirt, though, was
5 tan. That's my memory of it, like a tan jean skirt.
6 Q And when she got there, was she wearing high heel
7 shoes again, regular shoes? What kind of shoes was
8 she wearing?
9 A I don't remember. She may have been wearing heels
10 or she may have been wearing flats. I don't know.
11 Q And what color was this snook or place that you have
12 described where you --
13 A What color was the like pillow on it?
14 Q Correct.
15 A I'm not sure, but blue pops into my head, light
16 blue. I could be wrong about that but --
17 Q Was there carpeting in the house?
18 A Yeah. But not that I remember. I don't remember
19 anything about it. It wasn't fancy. It wasn't
20 shabby. It was clean. The house was very clean.
21 Q Well, describe for me the place where the sexual act
22 occurred. What furniture was there?
23 A Well, there's this nook. I mean the other
24 furniture -- there's like a front room, the front
25 room where you walk in there was a table, a

218

1 television and so forth, and then there was a bigger
2 room, more room off to the side, and that's where
3 this nook was.
4 Q And this alleged sexual act occurred where?
5 A On the nook.
6 Q And the nook is located where?
7 A If you were -- if you use north, east, west, south,
8 you walk in the door, you're going east. You come
9 in and there's sort of a smaller parlor living room
10 and then a bigger room off to the left. The nook
11 was in the room off to the left.
12 Q And you testified that the two of you got undressed?
13 A Yes.
14 Q Is that correct? Right there in the living room?
15 A Where the nook, where the bench was.
16 Q Do you remember what color the room was?
17 A No.
18 Q Ceiling, do you remember the color of the ceiling?
19 A I don't remember either of those.
20 Q Did you have anything to eat at that time?
21 A No. There was a plate that had an apple on it, but
22 I didn't pick it up.
23 Q Did you undress Marilyn?
24 A For the most part, no. I think, you know, she
25 was -- it was more like her preference to undress

219

1 herself more than me undress her. I mean I am not
2 the greatest, most nimble person when it comes to
3 that.
4 Q You never helped her to undress?
5 A I wouldn't say never but I -- it wasn't a real big
6 part of our foreplay.
7 Q Well, tell me how long were you at that place, at
8 that day?
9 A Not half hour. I mean the concern was that the
10 older sister was going to show up.
11 Q Whose concern was that?
12 A Well, Marilyn knew that. I didn't know that. But
13 once she told me, it was my concern and hers. Well,
14 I assume it's her concern, but it definitely was
15 mine. I didn't want to be caught.
16 Q And this is an incident that occurred in 1996?
17 A This occurred in October 6th of 1995. Excuse me,
18 no, 1996, you're right. I was flashing back to the
19 other one.
20 Q In October?
21 A No, I don't know if it was in October. I would
22 assume it was after April of '96.
23 Q Did anything happen between October 6th of 1995 and
24 this incident at her sister's house?
25 A I don't think so.

220

1 Q So when would have been the next time when you had
2 any other type of sexual exchange with Marilyn?
3 A After she moved to Fardale.
4 Q Where did she move?
5 A To Fardale is a street that's just south of
6 Loomis Road --
7 Q And --
8 A -- on the south side of Milwaukee.
9 Q And what happened at this place?
10 A We had two liaisons there. The first one I parked
11 my car on the street and I had a box with some
12 papers in it so that we could basically, you know,
13 have -- if neighbors were watching, I could claim
14 that I was carrying some paper into the house, you
15 know, a box in the house. And then she, I mean,
16 opened the door. I rang the bell. She opened the
17 door, went in. We --
18 Q That was the first time?
19 A At Fardale. We kissed on the couch, watched TV, and
20 then she led me to the bedroom and we had sex.
21 Q Now --
22 A In that case actually it wasn't -- I don't think we
23 did have fornication. I think she did oral sex on
24 me, and I kissed her breasts and petted her and so
25 forth.

221

1 Q What year are we talking about this occasion?
 2 A Probably '96, but to pin it down you really need to
 3 look at when she moved to Fardale.
 4 Q So was that during the same year that you met,
 5 according to you, at her sister's house?
 6 A I would think so, but I'm not positive. It could
 7 have been in early '97.
 8 Q And at that time how did you happen to -- how many
 9 encounters did you have for that year, '97?
 10 A Well, I mean with '96, the sister's house probably
 11 happened in '96, '96 or '97. Whenever she was at
 12 Fardale, the period she lived there I had two
 13 encounters at that house.
 14 Q In '97?
 15 A I don't know. I mean that's one thing you can find
 16 out is if you look at when she lived there, sometime
 17 in the period that she lived there I was there
 18 twice.
 19 Q And during those two times did you have sexual
 20 intercourse on the two occasions?
 21 A I think I had sexual intercourse on the second
 22 occasion but not the first.
 23 Q Let's talk about the first occasion. Do you recall
 24 what part of 1997 the first occasion occurred? Was
 25 it in the spring, in the summer, in the fall?

222

1 Q So what time did you arrive to her house that first
 2 time?
 3 A I would say, you know, six, 6:30, something like
 4 that, seven maybe. It could have been later because
 5 I mean it gets -- depending on what time in the
 6 summer the -- it depends on the, you know, what time
 7 of summer how long the sun stays up at night. So it
 8 could have been later. I remember going there, it
 9 was still light.
 10 Q And how did you get to her home on that day?
 11 A I drove my personal vehicle.
 12 Q Which car was that?
 13 A The Chevrolet Nova.
 14 Q And where did you park?
 15 A I parked on Fardale about an apartment or two down
 16 the street, not right in front of the house.
 17 Q Was there a reason as to why you were not --
 18 A Parked right in front?
 19 Q Correct.
 20 A Yeah, I didn't want to park my car right in front of
 21 her apartment.
 22 Q And so --
 23 A I mean frankly I don't think it was a particularly
 24 clever perception. I mean if somebody seen my car
 25 two apartments away, it would have been just as easy

224

1 A Repeat that.
 2 MR. ARELLANO: Do you want to read
 3 that question back.
 4 (Question read)
 5 A I'm not sure whether it was, what part of '97 or
 6 whether it could have even been in the later part of
 7 '96 because it would just be whenever -- I really,
 8 Victor, I can't help you any more on specificity on
 9 this other than to say it was sometime that she was
 10 living at Fardale there were two times that I was
 11 there.
 12 Q Well, during the first time how did you happen to be
 13 at her house?
 14 A We had arranged to meet there. I went to a gas
 15 station on the corner of 35th and Loomis Road and
 16 called her and asked if, you know, the coast was
 17 clear, if it was okay to come in. And she said
 18 yeah, it's okay, the kids are gone.
 19 Q About what time did you arrive to her house?
 20 A That would have been evening. It would have been --
 21 Q About what time?
 22 A At probably -- and I do remember it was warmer
 23 weather. So my guess is it was probably summer of
 24 '97, if that was a time when she lived at Fardale.
 25 Otherwise it could have been the summer of '96.

223

1 to draw a conclusion.
 2 Q Was anyone in the house when you arrived there?
 3 A Marilyn.
 4 Q Marilyn? Anyone else?
 5 A No.
 6 Q And how long were you there that time?
 7 A Oh, I would say about an hour.
 8 Q And that day, did you work at all that day?
 9 A I don't remember. I could have.
 10 Q What about Marilyn? Did you see her at work that
 11 day?
 12 A I have no idea whether she was working that day or
 13 not. This would have been well after work.
 14 Q You mentioned the previous time you took some
 15 papers, work related work to Marilyn's sister's
 16 house. Do you recall any one time when you may have
 17 discussed work related issues with Marilyn whenever
 18 you visited?
 19 A No, it wasn't Marilyn's sister's house. It was
 20 Fardale where I took this box that had, you know,
 21 some paper in it, you know. If you run into -- I
 22 think it was a four-plex that she lived in, so you'd
 23 have people coming and going. If somebody sees me
 24 coming in with a box with some papers in it,
 25 theoretically I'm doing something other than having

225

1 an affair.
2 Q My question is do you recall ever discussing with
3 Marilyn anything that was work related or campaign
4 related in any of these encounters that you had that
5 eventually led to sex?
6 A Oh, I'm sure that, you know, I mean she was very
7 interested in work and politics, and I'm very
8 interested in work and politics. I'm sure we
9 discussed things about work sometimes.
10 Q Prior to January 4th, 1995 do you recall the number
11 of concerns Marilyn had before leaving the City
12 employment? You mentioned that she had some
13 concerns about not getting Brenda Wood's position.
14 A Correct.
15 Q Any other concerns that you recall Marilyn may have
16 shared with you throughout this relationship that
17 you claim existed?
18 A I mean she would mention things about that, you
19 know, she felt that she and some of the other staff
20 members were more loyal to me than other staff
21 members. She would tell me that she felt that her
22 and others were fighting for what I believed in and
23 others weren't as good at doing. So -- but she
24 really -- she was really reluctant I think to bring
25 the stuff on me.

226

1 Like I would ask her about the Brenda Wood
2 thing, and then she'd say, I don't want to bother
3 you with it. And it could have been, you know, one
4 of these things where I don't -- where she felt like
5 I don't want to tell you. You should figure it out
6 yourself.
7 Q Did she ever complain about claiming that there was
8 a Hispanic box within the Mayor's office, meaning
9 she was only assigned to deal with Hispanic issues?
10 A No. That happened more from me talking about what
11 the situation was in the Earl administration where
12 you had -- can I answer this or would you prefer
13 not?
14 Q Well, I just want to know if she ever discussed with
15 you concerns regarding a Hispanic box, as she would
16 label it, problem?
17 A Well, let me just answer this and you can cut me off
18 if you don't want to hear it, but let me try.
19 Q Just that you're on my time. Go ahead. But I just
20 want -- if it's going to lead to this.
21 A This will be very quick. This will be very quick.
22 The idea of a box was one that I brought up. And
23 that's the comparison between Howard Fuller as head
24 of DNR under Tony Earl compared to Laurie Wynn who
25 is the black desk. And if you wanted to get

227

1 something done for the black community in Milwaukee
2 you talk to Howard, not Laurie. And I would always
3 say that I did not want her to just be the Hispanic
4 person. I wanted her to have other issues. And I
5 don't think anybody can effectively represent an
6 ethnic group if all they do is focus --
7 Q Mayor, I'm sorry. This is not a political election.
8 I just want to make sure. But did she ever complain
9 about anything related to the fact that she was only
10 assigned to Hispanic issues for the most part?
11 A She complained about wanting broader
12 responsibilities, more economic development. Most
13 of the people on the staff, if you're a good staff
14 person, you're always saying you want to have more
15 work. She did that.
16 Q Sure. Did she complain about wanting to have more
17 responsibilities other than just dealing with
18 minority issues?
19 A She had more responsibilities.
20 Q That wasn't my question.
21 MR. TOKUS: I think it was. Now
22 give him a chance. Now you've cut him off
23 time and time again. He was answering your
24 question in his fashion. Now give him a
25 break. Will you.

228

1 A I can try again.
2 Q Did she ever complain about wanting to have more
3 responsibilities other than just dealing with
4 minority issues?
5 A I think she did.
6 Q All right, thank you, thank you.
7 A Okay.
8 Q Did she ever complain to you about reclass during
9 this period of the relationship?
10 A No, not really. She didn't bring it up and I didn't
11 think it was appropriate for us to talk about it in
12 terms -- especially in any connection to our
13 personal relationship.
14 Q She never brought it up during the entire time that
15 you were having an exchange with her?
16 A Not in any serious or forceful way. I mean she
17 was --
18 Q Did she bring it up at all, a reclassification?
19 A Mostly by being in kind of a bad mood. But I would
20 ask her and she would say I don't want to bother you
21 with it. And --
22 Q But it came up in some manner?
23 A Yeah. But not very much and not in any depth.
24 Q Did she ever complain about the mayor's office
25 having a two-tier system where minorities were not

229

1 involved in major policy decisions?
 2 A Well, yes. In one incident in particular
 3 Sherry Street who's an African-American female who
 4 worked in the office and her both complained both to
 5 myself and to others.

6 Q Did she ever discuss those issues?

7 A And I only went out to --

8 MR. TOKUS: You cut him off again.

9 You cut him off again. Let him finish.

10 MR. OLSON: Why don't we take a
 11 break.

12 THE WITNESS: That's a great idea.

13 (Recess)

14 (Last two questions and answer
 15 read)

16 Q Now, let me go back to the 1997 incidents. I
 17 believe you testified that there were two incidents,
 18 one where --

19 A Could I complete my answer to that? Because I got
 20 cut off. Or will you come back to that? Because
 21 that sentence, that wasn't the end of my sentence.

22 Q Do you need to have it read back in order to
 23 complete your answer?

24 A No.

25 Q Go ahead. Finish your answer.

230

1 A What they brought up in, both Marilyn and Sherry
 2 brought it up was that I only went out to have a
 3 drink with the male members of the staff and I never
 4 did with the female. That was one of the
 5 complaints. And I think it was meant in a very
 6 lighthearted way.

7 The more serious complaint that it was a
 8 two-tier system, I was sensitive to that, sensitive
 9 to that, but we didn't have a formal system of any
 10 kind. It was a question of impressions people have
 11 of whether they were included.

12 And as I said before, any staff member that
 13 was really working hard to do their job and
 14 aggressive about it would complain and want more
 15 things to do.

16 Q So your statement is that you perceived that there
 17 was one, but you didn't intend to have one; is that
 18 correct?

19 A Correct. That's correct.

20 Q And I suspect you clarified that for
 21 Marilyn Figueroa at some point?

22 A Yes.

23 Q Now, going back to the 1997 incidents, you were
 24 beginning to tell me that there was another incident
 25 where there was some contact of sexual nature which

231

1 did not amount to intercourse; is that correct?

2 A In 1997?

3 Q Correct.

4 A Or late '96. One of the two Fardale encounters
 5 involved sexual intercourse. One I believe didn't.

6 Q And just so I don't repeat the same questions --

7 A I believe it was the first one that didn't and the
 8 second one that did.

9 Q During the first one, I believe you testified that
 10 you had made previous arrangements with
 11 Ms. Figueroa?

12 A Yes.

13 Q And I don't believe you told me how you ended up
 14 making those previous arrangements.

15 A Well, it would have been similar to the other times.
 16 Probably on the phone. It might have been if we
 17 were able to talk in the office without being
 18 overheard.

19 Q Are you able to tell me with specificity how you
 20 made those previous arrangements?

21 A No. I would guess because in most cases it was over
 22 the phone. It was probably over the phone. But it
 23 could have been the other way.

24 Q And just to pick it up, can you tell me what point
 25 you arrived to her home on that particular time?

232

1 A The first time?

2 Q Yes.

3 A The first time would have been in the evening but
 4 not after dark, which leads me to believe it was
 5 probably in June or July or late May, a time when it
 6 would have been light late.

7 Q Where did you come from when you got to her home?

8 A Home.

9 Q And how did you get to Marilyn's house?

10 A In my own car.

11 Q Was that the time when you parked --

12 A A Chevrolet Nova, yes.

13 Q Was that the time when you parked your car?

14 A Yes.

15 Q A couple houses before or after or away?

16 A One of the two times. Really I should clarify. One
 17 of the two times that I went there was on a Saturday
 18 like in an afternoon or something. The other time
 19 was in an evening, which was a work evening.

20 Q Which one was --

21 A I'm not sure.

22 Q -- in the evening?

23 A I would guess that the first one was the work
 24 evening and the second one was in the afternoon.

25 Q Well, let's talk about that first one. How long

233

1 were you at her house?
 2 A Oh, maybe an hour, hour and a half at the most.
 3 Q And again, are we talking about which house?
 4 A The Fardale.
 5 Q And what did you do while you were there?
 6 A The first time we would have been on the couch,
 7 kissed, hugged. Then she led me to her bedroom and
 8 we undressed, got under the covers. She
 9 eventually -- I would have kissed her breasts.
 10 Eventually she would have performed oral sex on me.
 11 And then I would have taken a shower and we would
 12 have parted. I would have left, gone back to my car
 13 and gone home.
 14 Q And just so I make sure that the record is clear,
 15 Mr. Norquist, every time you explain something to me
 16 you keep using the word would have.
 17 A Okay, I'm sorry. I'll just change it to did.
 18 Q I just want to make sure that this is exactly what
 19 happened.
 20 A Yeah, it is. I didn't mean to do that for any
 21 purpose.
 22 Q Which bedroom did you go into?
 23 A Her bedroom.
 24 Q And on that particular day how was Marilyn dressed?
 25 A On the day that was a weekday I think she was still

234

1 wearing what she would have been wearing, you know,
 2 work clothes. The other day I think she was
 3 probably wearing blue jeans.
 4 Q Well, let's talk about the first time when she was
 5 wearing work clothes. What kind of clothes was she
 6 wearing?
 7 A I don't remember.
 8 Q What color was her clothes?
 9 A She tended to wear dark clothes more than light
 10 clothes, so probably dark clothes.
 11 Q And this was the first time? We're talking about
 12 the first incident in '97?
 13 A Yes, I believe so.
 14 Q And was there intercourse at that time?
 15 A One of the times there was, and I believe it was the
 16 first one was the one where there wasn't.
 17 Q Was that the time when you jumped in bed?
 18 A I don't know if the word jump is what I would use
 19 but --
 20 Q You got in bed?
 21 A We went to the bed, yeah.
 22 Q What clothes were you wearing at that time?
 23 A Well, I would have been wearing casual clothes. I
 24 would have changed and then driven the car over.
 25 Q And let me see if I understand. You get to the

235

1 house. Marilyn is wearing work clothes. Then what
 2 happened next immediately as you came in?
 3 A We sat on the couch. We kissed, hugged. And then
 4 she led me to the bedroom and we got under the
 5 covers and kissed and hugged there. And eventually
 6 I would have -- I did kiss her breasts and she
 7 performed oral sex on me.
 8 Q How long were you in bed with Marilyn Figueroa,
 9 approximately?
 10 A 15, 20 minutes.
 11 Q And how long were you in the house in total?
 12 A Probably an hour.
 13 Q One hour?
 14 A Maybe less, maybe a little less.
 15 Q And you took a shower?
 16 A Took a shower.
 17 Q Is that correct?
 18 A So it was probably an hour.
 19 Q And at that time did you discuss anything other than
 20 having sex?
 21 A Yeah. We would have, you know, talked for awhile at
 22 the beginning. The second time --
 23 Q Let's talk about the first time.
 24 A The second time I remember us talking about stuff.
 25 So when we get to that, I'll have more to say. I

236

1 really don't remember anything.
 2 Q The first time did you talk about work at all?
 3 A If we did, it would have been just casual chat.
 4 Q At that time do you recall what kinds of projects
 5 Marilyn was working on?
 6 A Well, she would have been -- she was working on the
 7 block grant thing for sure. She would have been
 8 working on, you know, neighborhood organizing
 9 issues, issues with neighborhoods.
 10 Q That day when you visited her home, did she discuss
 11 any of those issues?
 12 A I don't remember anything specific.
 13 Q Is it possible that she did?
 14 A It's possible.
 15 Q And then you left. Where were her kids on that day?
 16 A Not there. Probably with her sister.
 17 Q Do you know where they were?
 18 A I don't know where they were for sure, but
 19 usually -- I mean she didn't always tell me where
 20 her kids were, but if she did, they were usually
 21 with her, one of her sisters, usually her older
 22 sister. Or they could have been with her
 23 ex-husband.
 24 Q On that day was your wife home?
 25 A Probably. I don't know for sure.

237

1 Q You don't know. All right. And what time did you
2 get home that night? Did you go straight home?
3 Excuse me.

4 A Yeah, sure.

5 Q What time did you get home on that night?

6 A Well, depending on what time I got there, I was
7 there about an hour, early -- if it was seven or
8 eight in the evening, I probably got home at eight
9 or nine at night.

10 Q And have you told me everything that was done at
11 that time during your visit?

12 A Everything I can remember.

13 Q And then when was the very next time that you had
14 any type of sexual contact with Marilyn Figueroa?

15 A I'm really not sure when, but I know it would have
16 been at the time she lived at Fardale.

17 Q And do you recall the period of time when this
18 occurred? Be more specific.

19 A I think it was on a Saturday, late in the afternoon.

20 Q Do you recall the date?

21 A No.

22 Q And on that day how did you happen to get to her
23 home?

24 A Drove in my Chevrolet Nova.

25 Q And where did you drive from?

238

1 A My house.

2 Q And again, you don't remember the specific date?

3 A I don't remember the specific date.

4 Q But you remember it was a Saturday?

5 A I think it was a Saturday. That's my impression.

6 Q And I suspect Marilyn was waiting for you?

7 A Yes.

8 Q How did you happen to know that she was waiting for
9 you?

10 A I called, I called before I was going over there to
11 see if it was okay.

12 Q Where did you call from?

13 A Well, one time I called from the service station on
14 Loomis. The other time I would have called from my
15 house.

16 Q On this particular visit --

17 A I don't know, remember which one was which, where I
18 called from.

19 Q You made two phone calls before getting there?

20 A I made one phone call before the one time at Fardale
21 and one phone call at the other.

22 Q We're talking now on the second time in 1997.

23 A Right.

24 Q How many phone calls did you make to Marilyn before
25 getting to her home?

239

1 A Well, on that day one, but how did we arrange to
2 meet?

3 Q No, no. I just want to know how many phone calls.
4 One phone call?

5 A I would think so, yeah.

6 Q At what point did you make the phone call in
7 relation with your visit?

8 A Probably -- well, it might have been two if I said I
9 was on my way, and then I was a little late or
10 something, I might have called again. But I would
11 say Fardale was about, is about a 15-minute drive
12 from where I live.

13 Q Specifically --

14 A So it would have been at least 15 minutes before I
15 got there.

16 Q And just so I understand it, you called once or
17 twice before getting there?

18 A I think once unless I was late. Then I might have
19 called twice.

20 Q And the first time that you called what did you
21 discuss with Marilyn?

22 A We would have discussed -- we did discuss when was
23 the right time to come.

24 Q What did she say?

25 A Well, I mean she would say things like I miss you, I

240

1 want you in my bed, I want to be alone with you.

2 And I would say things about how much I liked her.

3 Q Is that what was exchanged?

4 A In this particular case?

5 (Discussion off the record)

6 (last two questions and answers read)

7 A In this particular case I don't know if we said
8 those things, but that would be a common thing that
9 we said when we were setting up a date to be
10 together.

11 Q And I understand that. But I just want to know if
12 you remember exactly what was said.

13 A I don't remember exactly what was said before this
14 particular day because I don't remember the date and
15 I don't remember the date exactly of either one,
16 other than it was during the time she lived at
17 Fardale.

18 Q So what you just said on the record is not what she
19 said on that particular day during your phone
20 conversation?

21 A Yeah, not necessarily on that particular date. But
22 I was trying to respond to your question on what
23 would be said.

24 Q And we'll talk about that.

25 A Yeah, we can get to that some other time.

241

1 Q At what time did you get -- so you got to her house
2 about what time?
3 A Well, my memory of it, the Saturday time would have
4 been late, late afternoon or early evening.
5 Q When you called her, did you discuss the kids? If
6 you did specifically.
7 A The kids are there. I think it's very likely that
8 we would have, that we would have discussed
9 whether -- I mean if she said not to come, I knew
10 the kids were there or her sister was there or
11 somebody was there.
12 Q My question is did you discuss the kids on that
13 particular phone conference?
14 A I don't know.
15 Q All right. And so you got there. What happened
16 once you got there?
17 A We sat together on the couch. This time we actually
18 talked for awhile, might have had the TV on. I
19 actually gave her a ring. It wasn't a real
20 expensive ring, like a hundred dollars ring or
21 something like that, emerald or a ruby, something
22 like that. And we kissed and hugged. And then we,
23 she led me to the bedroom, and then that time we had
24 fornication. I mean intercourse.
25 Q And anything else that happened?

242

1 A I may have taken a shower before I left.
2 Q Did you?
3 A Probably, but I'm not sure. I know I did the first
4 time.
5 Q How long were you at her home?
6 A Probably an hour and a half. We talked longer
7 before we had relations.
8 Q For how long did you talk to Marilyn before you
9 engaged in sexual acts?
10 A Probably a half hour.
11 Q And you were in the living room talking to her?
12 A Yes. She was wearing blue jeans.
13 Q What else was she wearing at that time?
14 A Some kind of blouse or sweater.
15 Q Was there any exchange, physical exchange while in
16 the living room?
17 A Yeah. We would have --
18 Q What?
19 A -- kissed and hugged a little bit.
20 Q Anything else?
21 A No.
22 Q And then after that what happened next?
23 A She led me to her bedroom. We laid in the bed and
24 had sex.
25 Q When you say she led you, how did she do that?

243

1 A By the hand.
2 Q She grabbed you by the hand?
3 A She didn't grab, no. It was a gentle, you know,
4 just touching hands.
5 Q And where was the bed -- what bedroom did she take
6 you?
7 A It was a living room, going on north, south, you
8 walk in the door and that would be going east.
9 There's sort of a little entryway, very little
10 entryway and you're in the living room. Then there
11 was a couch against the south wall, and then beyond
12 the couch was the door to the bedroom.
13 Q So now you're in the bedroom and what happens?
14 A We continue -- well, she took her clothes -- I took
15 my clothes off, she took her clothes off. We got
16 under the covers together and we kissed and hugged
17 and eventually had intercourse.
18 Q For how long were you in bed with Marilyn at that
19 time?
20 A Half hour, maybe a little longer than normal.
21 Q And then once you finished what did you do next?
22 A I either took a shower and left or, I mean got on my
23 clothes and left or took a shower and got on my
24 clothes and left.
25 Q Before you left did you make any arrangements to see

244

1 Marilyn again at that time?
2 A No. But I think it was --
3 Q Did you?
4 A No. We didn't make any arrangements.
5 Q When you were at her home, did you discuss anything
6 related to work?
7 A We might have, but it wasn't our primary focus.
8 Q The ring that you mentioned that you gave to
9 Marilyn, how did you get that ring?
10 A Probably bought it at maybe Stones Jewelers. At
11 that time there was one on 3rd and North Avenue.
12 Q And how did you pay for that ring?
13 A Cash.
14 Q How much did you pay for the ring?
15 A I said about a hundred dollars.
16 Q And did you keep the receipt of the ring?
17 A No.
18 Q What did you do with it?
19 A Threw it away.
20 Q And --
21 A I wasn't looking to create a record of an affair.
22 Q All right, I understand that.
23 A I do have a receipt from the December one because it
24 was a credit card receipt.
25 Q Now, this ring, at what point did you decide to

245

1 purchase a ring for Marilyn before you actually gave
2 it to her?
3 A Well, I really liked her. I wanted to show my
4 affection.
5 Q At what point did you decide it?
6 A Probably a few days before that.
7 Q And what did you tell her when you gave her the ring
8 exactly?
9 A That I really liked her a lot and cared about her,
10 and that I wanted her to have it.
11 Q Did you ever see Marilyn wear that ring after that
12 day?
13 A Yeah.
14 Q How many times?
15 A I don't remember.
16 Q Where did you see her wearing that ring?
17 A I don't remember exactly where but probably at the
18 office or out somewhere else or some other time when
19 I saw her alone.
20 Q What did she say when you gave her the ring?
21 A She seemed to like it.
22 Q Did you know -- strike that. Did she know that you
23 were going to give her a ring before?
24 A No.
25 Q Had you ever given her rings before?

246

1 A Not every day.
2 Q Can you tell me exactly when was the very next time
3 you saw the ring and where?
4 A I don't know.
5 Q Now, on that particular day, Saturday, was your wife
6 home that day?
7 A Probably.
8 Q When you went to visit Marilyn, did you tell your
9 wife where you were going?
10 MR. PINES: Objection.
11 MR. OLSON: Okay.
12 MR. ARELLANO: I just wanted to
13 wake him up. He was taking a nap over there.
14 MR. PINES: Just keep saying the
15 name wife and you'll keep me awake, Victor.
16 Q When was the very next time, Mr. Norquist, that you
17 engaged in any type of sexual contact with
18 Marilyn Figueroa?
19 A I really have to relate it to place. It would have
20 been September, whatever the date was of Saturday of
21 the Congress for New Urbanism in Chicago at the, our
22 meeting was at the Chicago City Club. Her -- she
23 was at the Palmer House and we had sex there.
24 Q What year are we talking about now?
25 A 1997, September. There's a date on that. We could

248

1 A No. Later on I gave her a necklace which she wore a
2 couple of times.
3 Q How did you know what her ring size was, if you did?
4 A Just a guess.
5 Q Did the ring fit?
6 A Well, she put it on. I don't, I don't know if it
7 fit perfectly or not but --
8 Q And the next time you saw Marilyn wearing that ring,
9 do you recall exactly where it was?
10 A No.
11 Q Do you recall how soon after you gave her the ring
12 that you saw her wearing that ring?
13 A No, I don't. I mean I looked at it like it was her
14 business whether she wore the ring or not.
15 Q Did you see the ring in 1999?
16 A I don't remember that. But I do remember seeing the
17 necklace in 1999.
18 Q We're on the ring right now, Mr. Norquist.
19 A No, I don't remember seeing it.
20 Q What about in 1998? Do you remember seeing that
21 ring on Marilyn?
22 A I don't remember seeing it specifically in 1998, but
23 I did see it on her from time to time over a long
24 period of time.
25 Q And again, can you tell me exactly --

247

1 actually -- we can find I think the second Saturday
2 in September, that would probably be it. I can look
3 it up and get it to you exactly if you want.
4 Q All right. And how did it happen that Marilyn ended
5 up meeting you in Chicago?
6 A We talked about how we could never, you know, it was
7 hard to be alone. We wanted to be alone. And the
8 opportunity was there. I was going to be in Chicago
9 for two nights. She thought she could make it.
10 Staying at the Palmer House was convenient.
11 She knew where it was, how to find it. It's
12 expensive, but I put up whatever, 150 or 200 or
13 something like that that covered most of it, not all
14 of it.
15 Q This was a trip related to your position as a Mayor?
16 A Well, indirectly. I mean I'm not -- it's not a duty
17 of myself as a Mayor. I'm on the board of the
18 Congress for New Urbanism, and you don't have to be
19 a Mayor to be on that board.
20 Q How did Marilyn know that you were going to be
21 attending this Congress?
22 A Because I told her.
23 Q When did you tell her that?
24 A Oh, probably a week or two before.
25 Q What did you tell her?

249

1 A That it was an opportunity for us to be alone if she
2 wanted to do it.
3 Q And who made the arrangements for Marilyn to go to
4 Chicago?
5 A You mean the hotel arrangements?
6 Q Yes.
7 A She made the arrangements.
8 Q Okay. And you mentioned that you provided her with
9 cash money?
10 A Yeah.
11 Q Why did you have to provide her with money?
12 A Well, I thought it was kind of expensive, and I felt
13 like it was, you know, I didn't have to worry about
14 my lodging because I was staying for free there.
15 But I didn't think it was safe for us to meet
16 without being discovered at the place I was staying.
17 Q So you suggested --
18 A So why should she pay for something that's, that
19 we're both going to enjoy?
20 Q Okay, I understand. And so you suggested that she
21 stay at a different place in order for you not to be
22 discovered --
23 A Correct.
24 Q -- with Marilyn Figueroa? Do you know how she got
25 to Chicago?

250

1 A Yeah. She drove. I had suggested that she take the
2 train, but she drove.
3 Q Do you know what car she drove?
4 A I think she had like a small SUV white Bronco type
5 vehicle.
6 Q Did you actually see the car?
7 A No.
8 Q All right. You assumed she drove?
9 A Correct.
10 Q Once in Chicago, do you know if it was a weekend?
11 A She told me she drove but, you know, I don't know
12 for sure if she did, but she told me she did.
13 Q Was it a weekend or was it during the week?
14 A It was a weekend. It was on a Saturday night.
15 Q Do you know when you arrived to Chicago for this
16 Congress?
17 A I arrived on Friday, Friday evening.
18 Q Did you drive?
19 A No, I took the train.
20 Q Did someone travel with you?
21 A No.
22 Q You traveled alone?
23 A Alone.
24 Q And you arrived the day before?
25 A Right. The evening before.

251

1 Q Is there a reason why Marilyn didn't travel with
2 you?
3 A Yeah. I had a lot of meetings and it wouldn't have
4 been a convenient time. It might have -- I don't
5 remember for sure, but it might have been a very
6 inconvenient time for her.
7 Q All right. And was this the first time that Marilyn
8 and you met outside the state of Wisconsin?
9 A This is the only time.
10 Q Is that correct?
11 A Yeah.
12 Q And at what point did you get to see Marilyn in
13 Chicago?
14 A On the evening of Saturday, whatever that date would
15 be.
16 Q But what time?
17 A About 9:45 or 10 o'clock, something like that.
18 Q P.M. I suspect?
19 A P.M., yes.
20 Q Where did you meet her?
21 A At her hotel room.
22 Q And for how long were you there?
23 A Well, we were there for about a half an hour. She
24 changed -- she was, as she said, preparing herself.
25 And she had a nice black dress that went down, it

252

1 was like a gown type dress. And we wanted to go
2 out, go someplace where -- in the city where, you
3 know, we're away, so we'd take a chance and go
4 someplace else without it being a nightclub. So we
5 left the hotel room. We took the elevator down to
6 the street level so we weren't in the lobby. We
7 walked to the Monroe/State Street subway entrance,
8 went down, got on the red line and went north. We
9 got out at Division Street, which is about four
10 stops north of the loop. We walked about a block
11 and a half, went to a nightclub. It was noisy and
12 smoky, so we really didn't like it that much.
13 Q What's the name of the nightclub?
14 A I don't remember.
15 Q Where is the nightclub located?
16 A About a block and a half north of the red line
17 subway stop at Division Street.
18 Q What kind of nightclub was this?
19 A It was just a yuppie kind of bar, fern bar.
20 Q Just a bar?
21 A Well, it was a very nice bar.
22 Q How long were you there?
23 A We were there maybe 15, 20 minutes.
24 Q Did you have anything at all?
25 A I had a, I had a drink, and we borrowed a cigarette

253

1 from the bartender which Marilyn had, and I took a
2 couple puffs on it even though I quit smoking in
3 1982 and I shouldn't have done it but --
4 Q What kind of drink did you have?
5 A I think I had probably a gin and tonic.
6 Q What about Marilyn? Did she have anything?
7 A Well, I did something really kind of stupid. I got
8 myself a drink and I got the cigarette and I forgot
9 to buy her a drink, which I think she probably
10 didn't feel very good, didn't feel very good about
11 that.
12 Q So she didn't get the drink?
13 A I apologized and we left and we took a cab back to
14 the hotel.
15 Q How long were you at that bar?
16 A At that bar?
17 Q Yes.
18 A We were there maybe 15, 20 minutes.
19 Q And how did you pay for your drink?
20 A Cash.
21 Q All right. And I suspect you finished your drink?
22 A I actually had a rum and tonic, just to make sure.
23 Q I suspect you finished your drink?
24 A I don't know. I mean we just were not comfortable
25 in the bar. I was --

254

1 A Maybe nine bucks.
2 Q And in total how much do you think?
3 A 12.
4 Q Who paid for the cab?
5 A Me.
6 Q How did you pay for it?
7 A Cash, no receipt. I didn't want a receipt.
8 Q And so then what time did you get back to the hotel?
9 A Oh, I'd say it was probably pretty much closing in
10 on midnight, maybe 12:30, maybe even as late as
11 1 o'clock.
12 Q And do you know how much Marilyn paid for the hotel
13 room?
14 A My memory is that it was something like 60 bucks
15 more than I had given her. I don't know whether
16 that was 60 bucks more than 150 or 60 bucks more
17 than 200 because I can't remember between those two
18 numbers.
19 Q When you invited Marilyn to meet you in Chicago, did
20 you offer to pay -- I believe you testified you --
21 A The rest of it? No, I didn't. I probably should
22 have but I didn't.
23 Q Originally did you offer to pay for the hotel if she
24 met you down in Chicago?
25 A The entire hotel? Well, I thought whatever I gave

256

1 Q My question is did you finish your drink?
2 A I don't know if I did. I suspect I probably didn't.
3 Q So you went back to the hotel?
4 A By cab.
5 Q And who paid for the cab?
6 A I did.
7 Q How far was this bar from the hotel approximately?
8 A Oh, I'd say mile and a half.
9 Q And you took a cab back?
10 A Cab.
11 Q What kind of cab was this?
12 A A typical Chicago cab. I mean it's hard to tell
13 them apart now.
14 Q What color was it?
15 A It was not a Checker Cab, so it was, could have been
16 any color.
17 Q Okay.
18 A I'm partially color blind so it's hard for me to
19 tell.
20 Q How much did the taxi driver charge for the ride to
21 the hotel?
22 A I don't know, maybe 12 bucks, something like that.
23 Q Okay.
24 A With tip, with tip.
25 Q So how much exactly?

255

1 her would cover it, but I was wrong.
2 Q So you offered to pay for that, whatever you gave
3 her?
4 A In effect I was paying for -- I kind of, actually
5 the idea that she'd pay a little bit didn't bother
6 --mean I felt better about that. It was like a
7 mutual thing.
8 Q Mr. Norquist, did you offer to pay part of the hotel
9 room?
10 A I offered to pay part of the hotel room and I did
11 but cash. I didn't offer to pay any more, no.
12 Q So now you're in the hotel and then how long were
13 you at the hotel?
14 A I was there until a little bit after 3 o'clock.
15 Q And what happened while you were there?
16 A She went into the bathroom, changed into a negligee.
17 We, she gave me a pair of silk black boxer shorts
18 which she said she had sewn, and I took off my
19 clothes and put those on. And we had -- we kissed,
20 we hugged, we had sex. Then we went to sleep. Then
21 we woke up and we had sex again.
22 One of the things that she said was that she
23 wanted to be able to stay together all night and be
24 able to wake me up during the night and we'd wake up
25 together in the morning. But I was nervous about

257

1 getting back to the meeting and being found out or
 2 whatever. And so I left about I'd say probably
 3 3:30. And I think that that created a little bit of
 4 bad blood for awhile.
 5 Q Between you and Marilyn?
 6 A Yeah. It wasn't, you know, I don't think she was
 7 real happy with that.
 8 Q So you left around 3:30 in the morning?
 9 A In the morning.
 10 Q All right. So you were with her about three hours
 11 30 minutes?
 12 A Yeah.
 13 Q Is that correct?
 14 A The second time, yeah.
 15 Q You mean the second time after you returned from the
 16 bar?
 17 A Correct.
 18 Q Is that correct? And how far was your hotel room?
 19 A Well, about five blocks away.
 20 Q How did you get there?
 21 A To my hotel?
 22 Q To your hotel.
 23 A By walking.
 24 Q You walked at 3:30 in the morning?
 25 A Yeah.

258

1 Q Was there a specific reason as to why you left at
 2 3:30 in the morning?
 3 A I was just nervous and, you know, the excitement of
 4 being together and having sex together isn't quite
 5 the same after you're done -- after I was done
 6 having the sex. Then the guilt of it starts to
 7 weigh on you, on me. And I felt like I wanted to
 8 get out of there.
 9 Q You felt a little bit guilty every time you finished
 10 having sex with Marilyn?
 11 A Yes.
 12 Q Did you feel guilty about Marilyn at all ever?
 13 A Feel guilty about her in what sense?
 14 Q About the sense that you were having sex with her
 15 while your wife was waiting at home.
 16 A I felt guilty about that in terms of my wife. I
 17 also, after I left at 3:30 I felt like I might have
 18 hurt her feelings and I felt guilty about that too.
 19 So I felt guilty about two things.
 20 Q Did this happen all the time, every time you had sex
 21 with Marilyn you went through these guilt feelings?
 22 A I wouldn't say every time. I would say that there
 23 were times when, particularly the times when we
 24 didn't have intercourse, that I didn't feel as
 25 guilty because I hadn't done as much.

259

1 Q So if you touched her breast, her buttocks, that
 2 didn't make you feel as guilty as having
 3 intercourse?
 4 A Well, I wouldn't want to just let -- go through the
 5 entire anatomy and figure out what made me feel more
 6 guilty. Just having intercourse I felt more guilty
 7 than the other.
 8 Q Going back to your time when you spent time with
 9 Marilyn at the Palmer House in Chicago, as I
 10 understand, that's where it occurred?
 11 A Yes.
 12 Q Is that correct? Did you folks order anything to
 13 eat, anything to drink --
 14 A No.
 15 Q -- at the hotel?
 16 A No.
 17 Q You left at 3:30. Did you ever get to see Marilyn
 18 again in Chicago?
 19 A No.
 20 Q Do you know specifically as opposed to assuming how
 21 she got back to Madison?
 22 A I don't know specifically.
 23 MR. PINES: Milwaukee.
 24 Q To Milwaukee, excuse me.
 25 A I don't, I don't know. I assume it was by the car

260

1 that she said she had there.
 2 Q Do you know -- strike that. When did you get back
 3 to Milwaukee?
 4 A When did I get back?
 5 Q Yes.
 6 A I got back probably around six, 7 o'clock on Sunday
 7 evening.
 8 Q You stated that that evening your departure created
 9 some bad blood. Were you referring to Marilyn,
 10 between you and Marilyn?
 11 A Well, I'm assuming -- I don't really know how she
 12 felt. I just felt like I was cutting out on her at
 13 3:30. And I left the boxer shorts behind that she
 14 had sewn because what was I going to do with them?
 15 If I take them home, I have to explain them to my
 16 wife. I couldn't do that. So I left them there.
 17 Maybe it was my imagination, but I just felt like,
 18 you know, she probably was disappointed at what
 19 happened.
 20 Q Did she seem upset when you left?
 21 A No. She was asleep. I mean she was awake enough
 22 that I kissed her good-bye. I mean to me most of
 23 the evening was really good. I mean we were
 24 together. We had sex twice. It was like we were
 25 close.

261

1 Q Did you let her know that you were going to be
2 leaving at 3:30?
3 A Yeah.
4 Q Is that right?
5 A But she was half asleep.
6 Q When you told her that, was she upset?
7 A No.
8 Q She was never upset during the whole evening?
9 A Well, she wasn't demonstrably upset. I just had a
10 feeling like that was not what she was hoping for
11 when we were having this weekend, that it would be a
12 little more than it ended up being.
13 Q You sensed she wasn't totally happy this evening?
14 A Yeah. It wasn't like this was the most wonderful
15 evening she ever had. I think she was disappointed
16 I was leaving so soon.
17 Q So when was the very next time, Mr. Norquist, when
18 you engaged in another sexual action of any nature
19 with Marilyn Figueroa?
20 A Well, probably in '97 or '98 would have been the
21 time that, the two times that I remember that we had
22 a sexual liaison in the weekend in the office.
23 Q The one that occurred at the Palmer House in Chicago
24 as I understand occurred in 1997?
25 A Right.

262

1 Q Was there another instance in 1997 that you recall?
2 A It's possible that there was then. I don't remember
3 it. But I would say more likely sometime from '97
4 into '98 the next -- and again, the Fardale, you
5 know, we need to check the Fardale dates to really
6 know. Because one or both of the Fardale things
7 could have happened after the Palmer House thing if
8 she was living there then. So we're looking at
9 ranges here.
10 Q You don't recall the exact date when the next
11 encounter may have occurred?
12 A No.
13 Q Tell me then --
14 A Some dates I can -- like the one connected with the
15 vote on the baseball stadium it's easy for me to
16 pinpoint because I have something else to jar my
17 memory.
18 Q I understand. And we've covered that already?
19 A Yes, exactly.
20 Q So let's go over the next incident as to how it
21 happened after returning from the Palmer House in
22 Chicago.
23 A Well, in most of these cases several months would go
24 by before we arranged to meet again.
25 Q So how many months do you think expired?

263

1 A So I don't know for sure when it would be.
2 Q We've got to give each other a chance to have the
3 record clear.
4 A Okay.
5 Q Well, then describe for me when was the next
6 encounter where you believe sexual contact was made
7 between you and Marilyn.
8 A It would be more like another encounter. I'm not
9 sure whether in the chain of events it would have
10 been before or after, but I'll describe another one.
11 The first time that we were together on a weekend in
12 the office she came into the office. I told her I
13 was down there. You know, if she wanted to come in
14 she could.
15 She came in. We met in my office. Nobody
16 else was there other than -- well, there may have
17 been nobody there because sometimes I would drive my
18 own car down there. And I was working on my book.
19 And she came in. She was in kind of a hurry. We
20 kissed. We hugged. She was wearing some kind of
21 body stocking from the top of her legs up, blue
22 jeans. We, after we kissed and hugged she said
23 "fuck me," which I then -- we hugged and kissed some
24 more but eventually did that. She pulled her body
25 stocking away from her vagina and we had

264

1 intercourse. And then we kind of cleaned up in this
2 little bathroom that's right next, right a part of
3 the office and she went home.
4 And then another time -- are you done with
5 that time or you want --
6 Q No.
7 A Okay.
8 Q We've got to talk about that one.
9 A All right.
10 Q Let me see if I understand what you're telling me.
11 A Okay.
12 Q You were working at your office on your book; is
13 that correct?
14 A Correct.
15 Q This is a book on John Norquist?
16 A No, no. It's the Wealth of Cities.
17 Q It was a work related book?
18 A Well, it's not work related in that most of the
19 topic isn't about the City of Milwaukee, but it's
20 about cities. So it's about cities in general,
21 urban policy. And I came in to work on that book.
22 Q How long had you been working on that book before
23 you called Marilyn?
24 A I have no idea. I mean I worked on the book over a
25 two-year period.

265

1 Q On that day how long had you been at the office
2 working before you called Marilyn?
3 A I don't remember. I mean it could have been five
4 minutes. It could have been five hours.
5 Q So you called Marilyn. Did you call her at home?
6 A Yeah.
7 Q And what did you tell her?
8 A That I was at the office alone. If she wanted to
9 come in, if she had time, it would be a chance for
10 us to be together.
11 Q What did she say?
12 A She said she would if she could get a baby-sitter
13 for the kids.
14 Q And now you believe this happened now in 1998 you
15 think?
16 A Well, I'm guessing so. It could have been in '97.
17 The book came out in I think June of '98, so that
18 would have been an intense time when I was working
19 on it, the first half of '98.
20 Q So you called Marilyn. What did she respond to your
21 call? What did she say to you?
22 A That she had to see if she could get, you know, have
23 the kids at her sisters' house or whatever. If she
24 didn't, couldn't find a place, then whatever.
25 Q Did you tell Marilyn you wanted to come over to have

266

1 sex?
2 A No.
3 Q What did you ask her about? What was the reason?
4 A That we could just be alone together.
5 Q And how soon after you called Marilyn did she
6 arrive, if she did?
7 A Well, I'd be guessing, but I'd say that, you know,
8 maybe an hour later.
9 Q You were working inside your office?
10 A Yes.
11 Q She arrives and what happens?
12 A Well, she probably stopped in her office for a
13 moment and then came back to my office.
14 Q Did you know she was at her office?
15 A Not for sure. Although the other time I think she
16 was already in there when I came in.
17 Q I'm talking about this time.
18 A I think she probably came in -- I think she came in
19 after I was already there.
20 Q How far is her office from your office?
21 A 50, 60 feet.
22 Q Did you sense she was in the office at some point?
23 A No.
24 Q Then what happened?
25 A She -- I mean I would have heard her walking in and,

267

1 you know, walking into the hallway.
2 Q All right.
3 A And coming toward my office.
4 Q So what happens next?
5 A We greeted each other, talked for a few minutes,
6 closed the door, kissed and hugged, and then what I
7 already told you.
8 Q When you saw her for the first time, where were you
9 located?
10 A Well, I would have either been at my desk or sitting
11 in, on the couch or in one of the chairs writing.
12 Q Do you know exactly --
13 A I did all my writing in handwriting.
14 Q Do you know exactly where you were when Marilyn
15 arrived specifically?
16 A In what spot in the office?
17 Q Correct.
18 A I probably stood up and, you know, greeted her. By
19 the time she walked in the office I was probably
20 standing next to my desk.
21 Q How did you greet her?
22 A Hi, you know, how's it going.
23 Q Before Marilyn arrived -- before you gave her a
24 call, did you check to make sure nobody was in the
25 office?

268

1 A Well, I don't think anybody was in the office, but
2 it could be, you know, it's possible that I was --
3 that I had gotten a ride from security. It could
4 have been somebody in the office.
5 Q And then you testified that at some point you began
6 to have physical contact with Marilyn?
7 A That's right.
8 Q Where exactly did that begin?
9 A Well, she would have come in the office, closed the
10 door. We would have kissed.
11 Q Would have?
12 A All right. She came in the office, closed the door.
13 We hugged, kissed and then she said "fuck me." And
14 then we started -- then I -- she removed her clothes
15 and -- except for the body stocking, pulled it aside
16 and we had intercourse.
17 Q What kind of clothes was she wearing that day?
18 A Blue jeans and a body stocking.
19 Q And what about you? What were you wearing?
20 A Casual clothes.
21 Q What kind of blouse or top was she wearing?
22 A Body stocking. And then a coat, you know, like a
23 jean jacket or coat, some kind of coat.
24 Q Did you help her to -- did she remove any part of
25 her clothing?

269

1 A She removed her coat, her jeans and -- so it was
2 just a body stocking.
3 Q She removed her blue jeans completely?
4 A I'm not sure. She could have just pulled them down
5 to her legs.
6 Q Did you assist in any way?
7 A I don't think so. I mean she was better at taking
8 her clothes off than I was. It wasn't part of our
9 normal routine for me to undress her.
10 Q Ever?
11 A I wouldn't say ever but normally.
12 Q And so she removes her blue jeans and did she remove
13 her shoes?
14 A Probably.
15 Q Do you remember if she did?
16 A If she didn't, that was probably the only time. I
17 mean she was in a hurry.
18 Q I'm talking about that day.
19 A That day I'm not sure. She might have removed her
20 shoes. She might not have.
21 Q So is it your sworn testimony here, Mr. Norquist,
22 that she removed her pants completely?
23 A I'm not sure. It could have been down to the
24 ankles.
25 Q And what about you? What did you do?

270

1 A Front to front.
2 Q Was that the only thing that was done as far as
3 intercourse?
4 A Yeah.
5 Q And then when you finished what happened next?
6 A We cleaned up and she left and I stayed there for
7 awhile.
8 Q So as soon as you were done with this intercourse
9 action, immediately she cleaned up, you cleaned up
10 and left?
11 A Right.
12 Q Is that correct?
13 A Correct.
14 Q Did you tell me everything that Marilyn said at that
15 time?
16 A Well, I don't think I told you everything because I
17 can't remember everything she said.
18 Q But have you told me everything that you can
19 remember?
20 A Everything that I can remember, yeah.
21 Q Can you define for me what a stocking, what she was
22 wearing, what kind of stocking this was? What do
23 you mean by that?
24 A It was a lace body stocking.
25 Q What color?

272

1 A T-shirt, boxer shorts.
2 Q You had shorts on?
3 A Undershorts, yeah.
4 Q Did you remove your pants at all?
5 A Yeah, my trousers or blue jeans.
6 Q Did you remove them completely?
7 A My blue jeans? I'm sure I did, yeah.
8 Q Do you remember if you did?
9 A I don't remember for sure, but I'm pretty sure that
10 I would have. I don't know why I wouldn't have.
11 Q Did you pull them down all the way down; is that
12 what we're saying?
13 A Yeah.
14 Q And then what did you do?
15 A We had intercourse.
16 Q Tell me exactly what fashion.
17 A Front. She sat on the couch and pulled the body
18 stocking away from her vagina and then we had
19 intercourse.
20 Q When you had intercourse, were you standing,
21 sitting? What position did you take?
22 A I would have been on my knees. I'm very tall. So I
23 would have been on my knees and she would have been
24 on the couch.
25 Q Was it front to front?

271

1 A I'm not completely sure, but either black or white
2 lace body stocking. I think she had one or the
3 other. I mean I think she had both of those. I
4 don't know which one she wore that day.
5 Q When you claim that she pulled her body stocking --
6 let me see if I understand it. Is this one of those
7 tights stockings?
8 A Yeah, like tights.
9 Q Did she remove her stockings?
10 A That's from the top of the legs up. She didn't have
11 stockings below. It was the upper part of the body
12 stocking.
13 Q So she kept her stockings on while you were --
14 A She didn't have stockings on.
15 Q She removed them?
16 A No. She was wearing blue jeans, and then there's a,
17 you know, like a dancer's tights that go down to the
18 upper leg.
19 Q All right. How long did you stay in the office
20 after this intercourse session with her?
21 A I don't remember, but probably for awhile because I
22 would have wanted to not go home right away smelling
23 like sex.
24 Q How long was Marilyn at your office during that
25 particular occasion?

273

1 A Not very long. That was fairly quick.
 2 Q Meaning minutes?
 3 A Probably 15 minutes, maybe less, maybe 10 minutes.
 4 Q And at that time do you know if she did any work at
 5 the office before or after the sex?
 6 A I don't know whether she did, but she didn't stay
 7 long. She didn't -- she wasn't there very long
 8 before she came into my office and she didn't stay
 9 very long. So I assume she didn't do any work in
 10 the office.
 11 Q Now, when was the very next time that you had any
 12 type of sexual contact of any nature with
 13 Marilyn Figueroa?
 14 A Well, again, I don't know if this is chronologically
 15 the next time, but the other time in the office,
 16 which would have been approximately in the same time
 17 as the first time in the office.
 18 Q What year?
 19 A Either late '97 or '98 or, probably in '98 or '97.
 20 Q What about the first one? Was that also in --
 21 A The same period, only that one was before the other
 22 one. So if we get to this, I would guess sometime
 23 in '98.
 24 Q What aspect of '98?
 25 A I would guess the first half of '98.

274

1 Q Tell me what happened.
 2 A We spent more time together that time. She came
 3 into the office. She was wearing a dress or a
 4 skirt. We hugged and kissed on the couch. She
 5 removed her bra and I kissed her breasts and then we
 6 had intercourse. And this time she had her hands on
 7 a chair, the back of a chair and I approached her
 8 from behind, not in the anus but in the vagina.
 9 Q This particular occasion happen on a weekend as
 10 well?
 11 A Yes.
 12 Q Was it a Saturday or Sunday?
 13 A I don't know if it was a Saturday or Sunday, but it
 14 was a weekend.
 15 Q How did Marilyn happen to know that you were at the
 16 office?
 17 A The same way that the last time.
 18 Q You called her?
 19 A Yeah.
 20 Q Do you remember the time of the day, if you don't
 21 remember if it was Saturday or Sunday?
 22 A Well, it would have been during the daylight hours.
 23 I mean I would go down there to work on my book.
 24 Sometimes I'd spend from nine in the morning till
 25 three or four in the afternoon.

275

1 Q That particular time, and I'm talking about the
 2 second time that you're describing for us where you
 3 had sexual interaction with Marilyn at your office,
 4 do you recall the time when you called Marilyn?
 5 A No.
 6 Q Did you call her at home?
 7 A Yes.
 8 Q What did you discuss with her?
 9 A That I was alone at the City Hall. If she felt like
 10 coming down, it would be a good time.
 11 Q And what did she say?
 12 A Well, that time yes.
 13 Q Anything else that she may have said to you?
 14 A Well, that she had to find out about child care. I
 15 mean that was the big thing. Her kids were at an
 16 age where you didn't really want to leave them
 17 alone. They're older now, so it's different now I'm
 18 sure.
 19 Q And this is something that she shared with you on
 20 that phone conference regarding the second time?
 21 A Well, there was the issue whether or not she could
 22 get child care.
 23 Q So the answer is yes, she shared that information
 24 with you?
 25 A Yes.

276

1 Q And how long did it take Marilyn to come and meet
 2 you at the office after the phone call?
 3 A I don't remember. But, you know, probably an hour,
 4 hour and a half, something like that.
 5 Q And where did you guys meet, if you did?
 6 A In my office.
 7 Q Do you recall Marilyn working at her office at any
 8 point during that second meeting at your office?
 9 A No. She may have --
 10 Q So she went straight --
 11 A She may have spent 10 minutes or something in her
 12 own office, you know, doing something. I'm not
 13 saying she just came in for sex. She might have
 14 come in to do a little work. I mean you go in --
 15 when you go in the office when I have to, I forget
 16 something, I often then linger at the desk and do
 17 little things that I had forgotten to do.
 18 Q You didn't go to the office on these two occasions
 19 that you just described for the purposes of getting
 20 Marilyn to come and make love to you or have sex
 21 with you?
 22 A No. But I --
 23 Q You were there to work?
 24 A But the opportunity was there to be alone together,
 25 you know. If it worked out for her, it worked out

277

1 for me. I was there.
2 Q Now, by the way, the first time that you were in the
3 office, is there a door to your office?
4 A Yes.
5 Q Was the door open while you were having intercourse
6 with Marilyn?
7 A No.
8 Q Who, if anyone, closed the door?
9 A Well, she may have or I may have. I don't know.
10 Q Do you recall exactly who did?
11 A I don't recall.
12 Q Is there a lock to your office?
13 A There is.
14 Q And again, the first time you don't recall whether
15 or not you locked the door?
16 A I may have locked the door. I don't remember
17 whether I locked the door or not.
18 Q The second time, was anyone in the office when she
19 arrived?
20 A I don't know. I don't know.
21 Q Did you check to see if anyone was in the office?
22 A There was nobody in my part of the office.
23 Q The question is did you check to see if anyone was
24 in the office?
25 A When I came in, I'm sure I did.

278

1 Q So now Marilyn arrives about an hour or so after you
2 called her. Did she say anything to you with
3 respect to the children?
4 A Well, I would have assumed that she found the answer
5 to her -- did she say anything?
6 Q Correct.
7 A I don't know.
8 Q All right.
9 A She may have.
10 Q All right.
11 A That would have been a likely subject of small talk.
12 Q But you don't recall?
13 A No.
14 Q Now, she arrives to your office, and tell me exactly
15 step-by-step what happened.
16 A On the second one?
17 Q Right. What was Marilyn wearing at that time?
18 A She was wearing a dress or skirt, not blue jeans.
19 Q What color?
20 A Light colored skirt or dress. Probably a skirt
21 because it doesn't -- it doesn't -- I don't think
22 she was wearing fancy clothes or anything like that.
23 Q Before you tell me what happened at your office the
24 second time, let me ask you this, Mr. Norquist.
25 During the entire period from 1994 through 1999,

279

1 let's put it 1998, did you ever notice any emotional
2 problems on Marilyn Figueroa she was relating to you
3 in these sexual exchanges?
4 A No. I mean if I would ask her if something was
5 bothering her, she really would tend to keep it to
6 herself.

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11 Q
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19 Q Going back, do you recall Marilyn, at least in your
20 observation, having any other type of emotional
21 problems other than what you mentioned?
22 A I mean, that was the only clue to me that there was
23 some kind of emotional problem was that she brought
24 that up. But then she didn't follow that up by
25 telling me what it was. And then again, Victor,

281

1 that we would go, you know, months between these
2 episodes. I mean, it was like we'd have -- we'd be
3 together and then we would just not do anything for
4 months at a time.

5 Q So now let's go back to the second incident at the
6 office. So Marilyn arrives. You saw her with a
7 skirt. What happened then?

8 A She -- well, we hugged and kissed, foreplay. She
9 lifted -- she put her hands on the back -- lifted up
10 her dress in back and pulled down her pants, or I
11 might have pulled down her pants, and we had
12 intercourse, you know, from behind.

13 Q Anything else?

14 A Penis to vagina.

15 Q Anything else?

16 A No. Other than holding her breasts while that was
17 happening.

18 Q How long did that incident occur?

19 A That one was longer than the other one. You know,
20 maybe a half hour instead of 10 or 15 minutes.
21 There wasn't as much of a worry about timing.

22 Q Other than having this sexual act, were there any
23 discussions about anything?

24 A No.

25 Q Anything at all?

282

1 A No.

2 Q And as soon as that intercourse exchange occurred,
3 what happened next?

4 A Well, we would have cleaned up, you know, gone to
5 the bathroom, put her clothes back on, gone to the
6 bathroom, washed hands, talked for awhile, kissed,
7 you know, friendly kiss good-bye, and that would
8 have been it.

9 Q Where did you talk for awhile?

10 A What's that?

11 Q Where did you talk for awhile?

12 A I mean just, you know, how are you, how -- was that
13 good? Did it feel good, whatever.

14 Q Is that what you said?

15 A Sometimes. I don't remember specifically. That
16 time I would say because it was longer it was
17 probably more enjoyable. It certainly was, in my
18 memory of it it was more enjoyable than the one
19 where she was in a hurry to leave.

20 Q What did you say after you washed your hands, if
21 anything?

22 A I specifically don't remember.

23 Q And so then --

24 A We just engaged in small talk.

25 Q For how long?

283

1 A Two or three minutes.

2 Q And then she left?

3 A And then she left.

4 Q So the total amount of time that she would have been
5 there with you would have been half hour?

6 A Yeah, half hour, 40 minutes, something like that.

7 Q On weekends do you also have security with you?

8 A Sometimes I did and sometimes I didn't.

9 Q On those two occasions when you --

10 A Let me explain how that would be. If I had --

11 Q Let me just finish my question.

12 A Okay.

13 Q On those two occasions when Marilyn met with you at
14 your office, did you have any security on any of
15 those two days?

16 A I might have. I'm not sure.

17 Q Do you know who that person would have been? Let's
18 talk about the last one. Do you know who that
19 person would be?

20 A It would have been one of the people that were my
21 security people. So it would have either been
22 Cargil, Linda Velasco, or I'm trying to think of who
23 would have been there in '98. Maybe Dexter Hines.

24 Q If they were there, where would they have been?

25 A Way, way down two hallways at the end of the hall.

284

1 Q Did you ever tell any of your security people that
2 you had something going with Marilyn Figueroa?

3 A No.

4 Q Did any of them ever suspect that you had something
5 going with Marilyn Figueroa?

6 A I can't read their mind, but I don't think so.

7 Q As far as you know?

8 A As far as I know, no.

9 Q Did you ever -- you testified that you did at one
10 point send Chief Jones to check to make sure Marilyn
11 was not having a problem when you were expecting her
12 in Chicago?

13 A Correct.

14 Q Do you recall any other time when you may have sent
15 any other security person to check on Marilyn?

16 A No, I don't.

17 Q Knock on her door?

18 A No.

19 Q Do you know a person by the name of Mike Dawson?

20 A Yeah.

21 Q Who is this person?

22 A She's the deputy head of the Department of City
23 Development. She used to work in my office. She
24 has a man's first name. It's a contraction of a
25 female name.

285

1 Q Do you recall ever going to Marilyn's house when
2 Mike Dawson was with you?
3 A No, I don't. But it could have happened when we
4 were working on the, on a campaign, maybe Clinton's
5 campaign. We would have gone to her sister's house
6 together.
7 Q Do you recall --
8 A If Mike was with -- if Mike was with me that night.
9 But I don't remember her being there.
10 Q Do you recall -- do you know if that ever happened?
11 A No, I don't.
12 Q But it could have happened?
13 A It might have happened. It doesn't ring a bell. I
14 mean the time that -- I can tell you that
15 Santiago Zarate and a group of people associated
16 with him, I don't know if you know Santiago, but
17 they were at Marilyn's sister's house working on
18 Clinton's campaign or maybe my campaign or whatever.
19 But that would have been the one time when I think
20 Mike might have been with.
21 Q Now, after the second incident occurred, when do you
22 believe the next sexual interaction of any nature
23 occurred between you and Marilyn Figueroa?
24 A At her, at her new house on Pine.
25 Q When was this?

286

1 A Sometime in, after she moved there but before the
2 summer, before the summer vacation that I normally
3 take. So if you found when she moved into the
4 Pine Street house, it would be sometime between then
5 and after --
6 Q We're talking about 1998?
7 A We're talking about 1999. I think we're talking
8 like spring of '99. And she --
9 Q The last contact that you had with her as far as
10 sexual contact is concerned would have been --
11 A '98.
12 Q -- '98 at your office?
13 A Yeah. I don't think anything happened between the
14 end of '98 until late, sometime in the spring of
15 '99. My mother -- you don't need to hear this I
16 guess.
17 Q Yes.
18 A Okay, sorry.
19 Q The next contact would have been in 1999?
20 A Yes.
21 Q What month?
22 A I'm not sure but the first half. And it would have
23 been at her new house.
24 Q First half you mean the summer?
25 A I would say before July 1. Certainly before the end

287

1 of July. More likely in the spring.
2 Q Describe to me how this event occurred.
3 A Okay. She talked to me a number of times, you know,
4 three or four times about when she was living at
5 Fardale how much she wanted to have another house
6 and that when she moved into a new house that she
7 wanted me to come over for a housewarming, which
8 would be just her and I.
9 After she moved into the Pine Street house,
10 she invited me to come over for our housewarming
11 together and I went over there. We -- she showed me
12 around the house. We had coffee or drink, I can't
13 remember which. Probably beer. And then we had sex
14 together in the downstairs guest bedroom. I took a
15 shower and then went home.
16 Q All right. How long were you at her Pine Street
17 house on this occasion?
18 A And she picked me up to bring me there and then
19 brought me home.
20 Q How long?
21 A How long? I'd say about an hour and a half, two
22 hours.
23 Q And when you say that this was an invitation she
24 made to you to have a housewarming party, just
25 between the two of you?

288

1 A Yeah. I mean it was kind of a joke type thing.
2 Q When did she make this invitation?
3 A Several times during the time she was at Fardale.
4 She'd tell me she was looking for the right kind of
5 house. She looked for a house in Jackson Park.
6 Q When did she actually ask you to come to her house?
7 A After she moved in, shortly after.
8 Q How many days before you actually went to visit her
9 house that you made or she made the arrangements for
10 you?
11 A Oh, I think it took, you know, six weeks or two
12 months before there was a time when it was mutually
13 convenient.
14 Q So at what point did you learn exactly what was
15 going to be the proper day or the good day for you
16 to come?
17 A I don't remember the time but, you know, she
18 communicated that to me, you know, probably a week
19 or two in advance, and then I tried to find a spot
20 on the schedule that would fit.
21 Q Did you find one?
22 A I'd find a spot on the schedule and then she'd
23 confirm whether that worked for her.
24 Q And at what time did you arrive to her house for
25 this housewarming party?

289

1 A I would say it was during the day sometime, so it
2 probably was on a Saturday.
3 Q So you were looking at your schedule to make sure
4 that a Saturday would be all right?
5 A Right. And she picked me up at my house and then
6 dropped me off when we were done.
7 Q Did you call her to let her know that she could pick
8 you up at your house?
9 A Yeah. She wouldn't have come there and knocked on
10 the door not knowing whether -- I mean the idea was
11 that I would go out to her car, not have her come up
12 to the door.
13 Q So you called her and told her to come pick you up?
14 A Well, I'd use the word ask, not tell.
15 Q Was your wife home that day?
16 A Of course not.
17 Q So she picked you up, took you home?
18 A Uh-huh.
19 Q Tell me again, describe for me exactly what happened
20 on that particular occasion as you arrived at her
21 home.
22 A Okay. We went in the side door. We sat in the
23 living room for awhile. We hugged and kissed, moved
24 into the bedroom. The bed was not quite long enough
25 for me, and the mattress was kind of soft and soggy.

290

1 It's a guest, guest room. We had intercourse and
2 then laid, you know, talked for a few minutes and
3 then I took a shower and went home. Or she drove me
4 home.
5 Q Did anything else happen other than what you just
6 mentioned to me?
7 A Not that I remember.
8 Q When she picked you up, obviously I suspect she was
9 driving?
10 A Right.
11 Q What was she driving?
12 A This SUV, small SUV, whatever, Bronco type vehicle.
13 Q Do you know what brand vehicle?
14 A I think Nissan.
15 Q What color?
16 A White.
17 Q And then when you were done, she took you back to
18 your house?
19 A Correct.
20 Q She took you all the way to the door of your house?
21 A Well, probably dropped me off at the house -- did
22 drop me off at the house. I remember the house just
23 to the north of our house so there was, you know,
24 not just jumping out of the car and going straight
25 in the door. I mean it's kind of silly the kind of

291

1 precautions you take that really have no impact
2 whatsoever.
3 Q I understand.
4 A It's ridiculous.
5 Q When you were in her house, which bedroom did you
6 use?
7 A The guest bedroom.
8 Q Where is that located?
9 A On the first floor.
10 Q How many bedrooms are there in the first floor?
11 A Just one.
12 Q On that occasion -- on Saturdays do you always have
13 your security people with you?
14 A No.
15 Q And then this was in the summer of 1999. You don't
16 remember the month or the date when that occurred?
17 A I would guess that it was a few months, you know,
18 six weeks or two months after she bought the house
19 and moved in.
20 Q And then was there another sexual contact between
21 you and Marilyn after that?
22 A Yes.
23 Q When was the next time?
24 A The next time would have been the night of the --
25 actually there was a -- it would have been in

292

1 July sometime. This was not an intercourse. We
2 went to, she had wanted me to go to Abel Ortiz's
3 daughter's, that thing they do for in a Mexican
4 culture that at age 16 or 17, whatever it is where
5 the white dresses and all that stuff for
6 Abel Ortiz's daughter. And the party was at
7 Pedrano's. And I couldn't do it at first, but then
8 the schedule cleared up, and I didn't put it on the
9 schedule because I thought it was a chance, you
10 know, we could be somewhat alone, at least go to
11 that. I'd go back home again instead of having, you
12 know, other people with us.
13 So she came back, picked me up. We drove to
14 Pedrano's. Abel and his family and friends and so
15 forth were all there. We had, spent about 45
16 minutes there, had our picture taken in a group, not
17 just Marilyn and I but a group of people with his
18 daughter. And then we left that party. We walked
19 back to her car. We drove to a street that's fairly
20 deserted on I think this was a Saturday. It could
21 have been a Sunday, but whatever day it was. We
22 drove to, east of 1st Street on Greenfield not far
23 from the UW-M water research facility and some
24 machine shops that are near Allen-Bradley, sort of a
25 deserted street. We talked for awhile. We held

293

1 hands. We kissed a little bit and then she
2 performed oral sex on me.
3 And then we left, drove back to 26th and
4 Greenfield, turned south, went past her sister's
5 house ironically, coincidentally, and her brother
6 was standing on the sidewalk. I asked her whether
7 her brother knew about us. And she said that she
8 thought he did now. She wasn't quite sure but she
9 thought he did. And I was a little bit alarmed to
10 hear that.

11 Q All right. What about next? Did you get home?

12 A She dropped me home.

13 Q Was your wife home that day?

14 A I think she was, yeah.

15 Q Did you tell her that you were going to be going to
16 Pedrano's?

17 MR. PINES: Objection, invades the
18 marital privilege.

19 MR. ARELLANO: Are you with me or
20 are you over here?

21 MR. OLSON: Well, I just want to
22 let Lester keep sleeping.

23 Q Which brother was this?

24 A I don't know. I'm not sure. I really didn't get to
25 meet the brothers very often.

294

1 Q You don't know which brother it was?

2 A I don't know. I think there's a brother named
3 Albert.

4 Q You did testify that your wife was home?

5 A Yes.

6 Q When Marilyn picked you up, she picked you up at
7 your home?

8 A Yeah, but she was one house north, and I saw her car
9 pull up and then walked out.

10 Q Now you went to Pedrano's with Marilyn. I suspect
11 you rode in the same car?

12 A Yes.

13 Q Was there any concern on your part to be seen with
14 Marilyn at Pedrano's?

15 A No.

16 Q Is that because she often took you to Hispanic
17 events as part of her responsibility?

18 A Yeah. I mean there was a little bit of a risk but
19 not any rational risk. I thought it was -- we
20 didn't, you know, we didn't hold hands in the bar or
21 anything like that.

22 Q I understand. But my question is that is because
23 Marilyn took you to various community meetings,
24 restaurants --

25 A Yeah.

295

1 Q Sir, let me finish my question.

2 A Okay, sir.

3 Q Marilyn would take you to meetings, restaurants,
4 places to introduce you to the Spanish community;
5 true?

6 A Yeah.

7 Q So that was common as part of her job?

8 A Sure.

9 Q Is that right? On that particular issue, do you
10 recall ever going on dates with Marilyn not related
11 to work, not related to functions, just you and
12 Marilyn going to restaurants on a date?

13 A Well, Chicago.

14 Q Other than Chicago, any other times?

15 A We arranged a date which her friend Edie, I forgot
16 her last name, but who worked at Hope House and we
17 were going to meet at Shank Hall. There was a Cuban
18 band or salsa band playing. And that would have
19 been sort of like a date, but I couldn't go
20 comfortably. My wife was home. We, there were
21 things I had to do and so -- and I couldn't reach
22 her. So her and Edie went and I didn't show, which
23 that probably was a source of a little irritation.

24 Q So the only one time that you actually were alone
25 with Marilyn on a date would have been in Chicago;

296

1 true?

2 A As a real --

3 Q Couple?

4 A -- couple, yeah.

5 Q All right. The street where --

6 A Unless you count visits to house, you know, you
7 visit at each other's house, but that's not in
8 public.

9 Q Right. I mean other than those visits where you
10 went and had intercourse, the only other time when
11 you were together as a couple would have been in
12 Chicago?

13 A Yes.

14 Q All right. Now, this particular event at Pedrano's
15 and you stated that there was some oral exchange,
16 what street did this exchange occur?

17 A On Greenfield, east of 1st.

18 Q Right on the street?

19 A We parked along the side of the street. Both of us
20 were concerned about, you know, being seen, so we
21 didn't spend a lot of time there. But probably the
22 whole thing took maybe 10 minutes.

23 Q I didn't quite understand you. Was that in the
24 street or was it in a parking lot?

25 A No, it was along the street, parked along the

297

1 street. It's a dead end street. Saturday nothing's
 2 open. And it was, you know, isolated.
 3 Q Who suggested to pull into that area?
 4 A I did.
 5 Q Before that I suspect there was no touching or
 6 kissing at Pedrano's of any sexual nature?
 7 A No. That would have been -- everybody would have
 8 known we were having an affair then.
 9 Q During that time the only sexual exchange would have
 10 been at that dead end street?
 11 A Well, other than holding hands while we were riding
 12 in the car.
 13 Q Did you?
 14 A A little bit. I mean we didn't spend the entire
 15 time doing it.
 16 Q Who was driving?
 17 A Marilyn.
 18 Q And --
 19 A She had a manual shift, so she didn't have to
 20 constantly --
 21 Q Was there any other time --
 22 A I mean not a manual. She had an automatic shift, so
 23 she didn't --
 24 Q Was there any other time when you and Marilyn
 25 engaged in sexual contact of any nature?

298

1 A In her car?
 2 Q Anywhere after that incident?
 3 A After that incident. There was one other time. I
 4 had an appointment to speak to a group along
 5 Fond du Lac and North Avenue that was concerned of
 6 redevelopment of Fond du Lac and North Avenue, both
 7 the street and the neighborhood. Steve Taylor, who
 8 was a staff assistant in the office, was staffing
 9 the meeting. Marilyn and I arranged for her -- she
 10 was going to come and watch the meeting even though
 11 it wasn't her assignment. And then I rode home with
 12 her from that event. We stopped in the valley on an
 13 industrial street that was virtually empty, and we
 14 kissed for awhile but, you know, again, we were
 15 worried that a car might come.
 16 She at that time, one thing she did was that
 17 she had previously before we met on that date ripped
 18 her pantyhose open and told me that that was so I
 19 would have easier access to her.
 20 Q Is that what she did on that occasion?
 21 A Well, she had a rip in her pantyhose where her
 22 crotch is.
 23 Q Did she rip it in front of you?
 24 A No.
 25 Q All right. Now, what specific date are we talking

299

1 about?
 2 A I don't know. But I think we could probably try to
 3 find that one.
 4 Q We will.
 5 A And get it to you. It might take awhile but within
 6 a week or two.
 7 Q What year are we talking about?
 8 A Probably '98.
 9 Q Have you looked at any of your calendars in order to
 10 figure out any of these dates, Mr. Norquist?
 11 A Yeah. I've been doing that just recently trying to
 12 -- so I can have more specificity.
 13 Q Other than --
 14 A That's how I found the October 6 by looking for the
 15 Petak date. And I pledge to you that as soon as I
 16 can determine any date I will send it to you right
 17 away through the City.
 18 Q I'll take a pledge from a Mayor.
 19 A Thank you.
 20 Q On that occasion other than kissing, anything else
 21 happen?
 22 A We, without having either fornication or oral sex,
 23 we touched each other's genitals.
 24 Q What exactly did you do?
 25 A I touched her genitals and she touched mine.

300

1 Q Were your genitals exposed?
 2 A No. Actually through the pants.
 3 Q How long were you there while touching each other?
 4 A Oh, not very long. I'd say 10, 15 minutes at the
 5 most. We were worried that somebody might drive
 6 along and suddenly find us.
 7 Q And again just so I understand, are we talking about
 8 parked in the street?
 9 A Parked, parked on the side of the street. Yeah.
 10 Q Of which street again?
 11 A Canal Street near the, about where Webco and the
 12 Milwaukee Stockyard's property line is, right there.
 13 Q Do you remember the time when this occurred?
 14 A It would have been after the -- we left that
 15 meeting, probably 6, 6:30. It would have been dark
 16 but just dark.
 17 Q All right.
 18 A Twilight.
 19 Q Where did you go from there, from this specific
 20 location?
 21 A She took me home, dropped me off.
 22 Q Where did she drop you off?
 23 A At my house.
 24 Q At the door of your house?
 25 A Well, probably one or two houses away.

301

1 Q Did you ever tell her to drop you far from home?
 2 A No.
 3 Q Did you ask her to stop before she would get home?
 4 How did it happen that she would leave you two or
 5 three houses behind your house?
 6 A I'd just say leave me off here. It would be one or
 7 two houses away.
 8 Q You were at all times concerned about your wife
 9 finding out about this relationship?
 10 A Yeah, or neighbors, you know.
 11 Q Okay.
 12 A Probably the same mentality as the snoopy neighbor
 13 she had next to her.
 14 Q Now, we are in 1999. Was there any other additional
 15 sexual encounters of any nature with
 16 Marilyn Figueroa after that incident where you were
 17 parked on the street?
 18 A Well, the last time yesterday when we talked we
 19 talked about the night of the UMOS, and then we
 20 talked about either the November 29th or December 2,
 21 3, whenever it was. In between that on November 2nd
 22 or 3rd or 1st it was a very warm day, so if I look
 23 at whatever the warmest day was right at the
 24 beginning of November '99, we arranged for me to
 25 come over. We talked on the phone. I went over

302

1 And I tried to suck the words back into my mouth,
 2 but I don't think that that was -- I don't think
 3 that that made her feel very good. And then I took
 4 a shower and then she made coffee. We sat around
 5 and talked for awhile. She kind of cheered up a
 6 little bit. And she said she had to pick up her
 7 sister or take her to the hospital for something.
 8 And we hugged and kissed good-bye. And overall I
 9 thought it was okay but -- and the other thing I
 10 said, because this was after we had split up in
 11 early October and then reconciled after the UMOS
 12 dinner, I said the next time you dump me keep the
 13 jewelry. She had given me this jewelry, the
 14 necklace back.
 15 Q We'll get into that.
 16 A Okay.
 17 Q Let's go back to this incident. Apparently you
 18 believe that this incident occurred on November 2nd,
 19 3rd?
 20 A Yeah, probably -- whatever the warmest day is. It
 21 was a very warm day.
 22 Q Of 1999?
 23 A That's correct.
 24 Q Is that correct? And you were there for
 25 approximately one hour?

304

1 there on my bike. I had the morning off. She
 2 apparently had the morning off. I rode my bike. I
 3 rang the front doorbell. She said come to the side
 4 door. I went to the side door. I put the bike
 5 inside the entrance. This is the Pine Street, Pine
 6 Avenue. And she was wearing a blue negligee, high
 7 heels. She -- we went into her living room for a
 8 few minutes. We kissed and hugged and then we went
 9 into her bedroom. And we didn't have intercourse,
 10 but we did a lot of -- like I kissed her breasts and
 11 then she did oral sex on me. And toward the end I
 12 did oral sex on her. Then we laid around for
 13 awhile.

14 I made a comment that, you know, I had to go
 15 or, you know, I had to take a shower or whatever.
 16 Q How long were you there at this time?
 17 A I was probably there for an hour or so. We talked
 18 about, I meant it as a joke, but I don't think she
 19 took it very well. I asked her where she got the
 20 negligee from, and she said someplace at 27th and
 21 College Avenue. And I, I didn't mean to put her
 22 down, but I said, well, that's a place that got
 23 arrested for -- the sales women a few years before
 24 had been arrested for prostitution. And I think she
 25 was very offended that I said something about that.

303

1 A Yeah.
 2 Q Is that correct? Now, I want to make sure I
 3 understood your chronology here.
 4 A Okay.
 5 Q To your knowledge, did Marilyn know that you were
 6 coming?
 7 A Yes.
 8 Q How did she know that?
 9 A We had arranged, you know, several days before. It
 10 was a day that, a morning that I had off. It was a
 11 morning, you know, when typically I'd run or ride my
 12 bike or, you know, exercise. And it was on the
 13 schedule that way. She had complained that we never
 14 got to spend time together. I said, well, here's
 15 time when I'm going to be around. If you're around
 16 I'll come. So then --
 17 Q So you gave her November 2nd, November 3rd, whatever
 18 that day?
 19 A Whatever the day was. It was a day when I had the
 20 morning off.
 21 Q When did you make --
 22 A I called her --
 23 Q Go ahead. I was going to ask you, when did you make
 24 this arrangement?
 25 A Well, it would have been probably a week in advance.

305

1 And then the day of the event I would have called
 2 and said, well, I'm on my way. It will take me
 3 about a half hour to get there.
 4 Q Is that the day when you rode your bike?
 5 A Yeah.
 6 Q Is that correct? When you made the arrangement,
 7 were you calling from your office -- where exactly
 8 did this discussion occur?
 9 A Well, that morning I was calling from my house.
 10 Q I'm talking about when you made the previous
 11 arrangement.
 12 A It either would have been on the -- most likely on
 13 the phone, but it might have been in the office. I
 14 don't recall.
 15 Q At that time you gave her some dates which would
 16 have been the 2nd or the 3rd?
 17 A Yeah. We were looking for a time when we could be
 18 together.
 19 Q Did you look at your calendar before?
 20 A Yeah.
 21 Q Now you arrived here, you engaged in sexual acts,
 22 and then you talked to her after you were done and
 23 drank some coffee?
 24 A Yeah.
 25 Q How long were you talking after you were done with

306

1 something like 9 o'clock.
 2 Q In the morning?
 3 A I think so, yeah.
 4 Q During the weekday?
 5 A Yes.
 6 Q Was that a working day for Marilyn?
 7 A She may have had the day off, but it would have been
 8 a working day for the City. I would have been going
 9 in in the afternoon.
 10 Q Did you ever suggest to Marilyn to call sick or take
 11 a day off in order to spend time with you?
 12 A I didn't give her the specific, you know,
 13 suggestions on how to do it. But if she could get
 14 off when I could get off, you know, however she
 15 would do that.
 16 Q You would take that opportunity?
 17 A Well, it was an opportunity for both of us.
 18 Q The UMOS incident occurred in October of 1999; is
 19 that correct?
 20 A Correct. October 16th.
 21 Q And how do you know it was on October 16th?
 22 A Because that's the day of the UMOS banquet.
 23 Q Is that something that would be also in your
 24 calendar?
 25 A Yes.

308

1 the sexual exchange and drinking coffee?
 2 A Well, before I took -- we talked after we had the
 3 sexual exchange which was very torrid. I mean it
 4 was --
 5 Q For how long? How long did you talk after the
 6 sexual interaction?
 7 A We probably talked for about five or 10 minutes.
 8 Then I took a shower and then we talked again. She
 9 made coffee.
 10 Q How long did you spend having --
 11 A I think I had something to eat too. I think we had
 12 a sandwich or something.
 13 Q How long did you spend having sexual intercourse
 14 with Marilyn?
 15 A We didn't have intercourse that day.
 16 Q Strike that. How long did you spend having sexual
 17 contact?
 18 A I think it was a good half hour, maybe more.
 19 Q Okay. And then you left?
 20 A I left after having a shower and having a light
 21 lunch and coffee.
 22 Q And I may have asked you this question here. Do you
 23 recall the time exactly when you arrived at her
 24 home?
 25 A You didn't ask me that, and I think it was probably

307

1 Q And just so I understand this, how long were you at
 2 the UMOS gathering?
 3 A The whole thing. I mean stayed from the cocktail
 4 hour through the banquet, the speeches at the end.
 5 Marilyn and I were both --
 6 Q You know how long the whole matter lasted?
 7 A Probably three hours.
 8 Q Did you arrive separately?
 9 A Yes.
 10 Q Did you arrive alone to that conference at UMOS?
 11 A I would have had a ride from one of the security
 12 people. I don't know which one.
 13 Q And then when the event was over, where did you go?
 14 A I went home.
 15 Q Did you make any previous arrangements with Marilyn
 16 to meet?
 17 A Yeah. We talked when we were standing at the post,
 18 the post dinner, cocktail hour, whatever it was. At
 19 the end, they had a bar open at the end. We had a
 20 beer. In fact, Pedro Colon bought me a beer.
 21 Q What did you discuss at that time?
 22 A We were with lots of people, so we were, you know,
 23 saying hi to people. She was standing next to me.
 24 Q With respect to plans to meet, what did you discuss?
 25 A That either I said or she said, I don't remember

309

1 which, do you want to get together? Then call me.
2 I'll see whether, you know, Ben's asleep. If my
3 wife wasn't -- she was out of town but Ben was
4 asleep upstairs. She called and said, you know, is
5 it okay to come over? I said, yeah, Ben's asleep,
6 come on over.

7 Q Ben is your child?

8 A My son.

9 Q How old was he at that time?

10 A Six or seven.

11 Q And at what time did Marilyn arrive to your home?

12 A About, I don't know, probably 10:30 or 11 o'clock,
13 something like that.

14 Q And how long was she there?

15 A I'd say 45 minutes or an hour.

16 Q And that's the time when you engaged in another
17 sexual intercourse act?

18 A Yes.

19 Q During that time I believe you testified that you
20 watched TV for awhile?

21 A Yes.

22 Q Just to put it together.

23 A Yes.

24 Q And eventually I think you testified that you
25 watched TV for about 45 minutes?

310

1 A Well, I don't know for sure. I don't remember.

2 Q How was she dressed on that occasion?

3 A Well, she was dressed nicely because she had gone to
4 the UMOS banquet.

5 Q What did she have on?

6 A Well, the picture's in the newspaper. I mean you
7 can see.

8 Q Do you know what she had on?

9 A Well, I'm not going from my memory that night. I'd
10 go from the memory from seeing it in the Milwaukee
11 Journal.

12 Q Did you assist Marilyn in removing any part of her
13 clothing on that day?

14 A I don't think so. I might have helped a little bit
15 with something but I --

16 Q And Marilyn was there only for what, about how much
17 time do you think?

18 A Say an hour.

19 Q All right. You have told me about October 16, 1999.
20 Was there any other sexual exchange in October of
21 1999?

22 A I don't think so.

23 Q All right. So the next one would have been
24 November 2nd and 3rd which we already covered?

25 A Yes.

312

1 A Well, I don't know how long. We probably didn't
2 have the TV on very loud because I didn't want to
3 wake Ben up.

4 Q I understand that.

5 A I don't know how long we would have watched TV.
6 Probably not very long. It might have been on just
7 without the sound on just as background.

8 Q When Marilyn arrived to your home, did you go
9 straight to the living room area?

10 A I think we embraced and kissed for awhile in the
11 bigger part of the living room and then walked into
12 the parlor, the front, you know, the front of the
13 house.

14 Q Were you engaged in sexual intercourse?

15 A We engaged in -- we already talked about this.

16 Q I just want to make sure that I understand this.

17 A Sexual intercourse.

18 Q Did you undress completely?

19 A Yes.

20 Q What about Marilyn?

21 A Well, I might have had still had my T-shirt or boxer
22 shorts on, particularly my T-shirt. I think I left
23 that on. I think Marilyn probably undressed all the
24 way. I don't remember for sure.

25 Q When you say probably, I just want to know --

311

1 Q Is that correct? And when would have been the next,
2 if there was any?

3 A Well, there was. At the end of November or the
4 beginning of December she picked me up. We already
5 went through this. But she picked me up at my house
6 late morning. We sat in her living room. I gave
7 her the bracelet as a Christmas present. She said
8 she had a Christmas present for me, the oils. I
9 picked out one of the oils. I don't remember which
10 kind. I think it might have been lemon. She gave
11 me a back massage. Then we hugged, kissed and had
12 intercourse.

13 Q Was that the time when you had anal intercourse with
14 Marilyn?

15 A No. That was the night of the October 16th.

16 Q At your house?

17 A Yes.

18 Q And just so I can close this chronology here, you're
19 talking about late November, I believe you said it
20 was in late November when that last intercourse
21 occurred?

22 A It was either late November or early December. I'm
23 not sure about the exact date.

24 Q Was that the time when you gave her the bracelet?

25 A Correct. That was the last time we were intimate

313

1 together.
 2 Q You mentioned that there had been another previous
 3 occasion where she had dumped you. I believe you
 4 testified that?
 5 A Yeah.
 6 Q And when was that exactly?
 7 A That was the visit to my house in early October.
 8 Q When she told you she wanted to end the
 9 relationship?
 10 A Correct.
 11 Q Because you were not helping her with certain jobs?
 12 A Correct.
 13 Q Is that correct?
 14 A And she gave me the necklace and a silk chemise type
 15 garment back that I had given her.
 16 Q And I believe in this last episode of late
 17 November or early December, as I understand, that
 18 was the last time you believe sexual intercourse
 19 occurred?
 20 A The late November, early December? Yes.
 21 Q Is that correct?
 22 A Yeah.
 23 Q After that time do you recall any other time when
 24 you had any type of sexual exchanges with Marilyn?
 25 A At any time during the affair?

314

1 Q I'm talking after.
 2 A Not after --
 3 MR. PINES: He's talking about
 4 December '99.
 5 A No, I don't remember. There is no other time.
 6 Q Now, during that last episode of late November or
 7 early December, that's the time when you gave her a
 8 bracelet as I believe?
 9 A Yes.
 10 Q And I think you testified that it was a Christmas
 11 gift?
 12 A Yes.
 13 Q Is that correct? Did you ever -- up to that point
 14 did you have any disagreements or fights or sense
 15 that Marilyn was upset at you up to that point,
 16 November, the last episode when you had intercourse
 17 with her?
 18 A Well, I think I knew that she was not happy about
 19 Tricia Geraghty getting a position in the office
 20 that was at a higher pay rate than hers.
 21 Q So you sensed she was upset or not happy?
 22 A Yeah. I think -- I think I knew that she wasn't
 23 happy about that.
 24 Q Did you in any way give Marilyn that bracelet as a
 25 way to make her happier?

315

1 A Well, I mean that may have been part of it in the
 2 back of my mind. But I was giving her the bracelet
 3 for the same reason I had given her the necklace or
 4 the ring. You know, I was trying to express my
 5 regard for her.
 6 Q Did you give her anything for Thanksgiving?
 7 A No.
 8 Q All right.
 9 A Because you don't give gifts for Thanksgiving.
 10 Q The only thing you had given her, as I understand,
 11 was the necklace, the emerald -- I mean the ring?
 12 A Yeah, I think it was a ruby actually.
 13 Q And the bracelet; correct?
 14 A And the bracelet. And I gave her a chemise or
 15 whatever. I don't know the right word for it.
 16 Q Let's talk about the necklace. When did you give
 17 her the necklace?
 18 A Oh, I'd say '98.
 19 Q How did it happen that -- what led you to give her a
 20 necklace? What happened?
 21 A I wanted to show her that I like her.
 22 Q What kind of necklace was this?
 23 A It was sort of three-strand semi precious stones.
 24 Q Where did you get this necklace from?
 25 A Same place I got the bracelet. From -- not the name

316

1 of the actual business but Katie Gingrass's Gallery
 2 at Broadway and Buffalo. In the same building as
 3 the La Boulangerie Restaurant.
 4 Q What was this bracelet made out of?
 5 A The bracelet? Silver.
 6 Q How much did you pay for it?
 7 A I think about \$200, but we'll find the receipt.
 8 Whether -- I can't remember whether I gave it to the
 9 City Attorney or whether I still have it or not.
 10 I'm trying to find it.
 11 Q All right.
 12 A I don't think I gave it to them actually. I think
 13 I've got it somewhere.
 14 Q I understand.
 15 A I will find it. I mean I've got my credit card
 16 records. I can dig through it.
 17 Q Now you know why I hesitate to take pledges from a
 18 Mayor. How did you pay for that necklace?
 19 A With a credit card.
 20 Q And was there a special occasion, or did you just
 21 simply decide you wanted to give her a necklace?
 22 A Oh, the necklace? Oh, I paid cash for the necklace.
 23 I'm sorry, I thought you meant the bracelet. No, I
 24 don't think it was a special occasion. I think it
 25 was just that I wanted to show that I liked her.

317

1 Q All right. And then you mentioned that you also
2 gave her something else, chemise or something you
3 mentioned?

4 A Yeah. It's a -- yeah. A teddy, it wasn't a teddy,
5 but I don't know what you call it. It's like
6 something you could wear that's like a negligee or
7 you could wear it, you know, as a blouse. It
8 wasn't --

9 Q During all of these sexual exchanges that you had
10 with Marilyn during this period between '94 and
11 1999, did you ever suggest to her that she buy
12 certain sexual attires?

13 A No.

14 Q No? Any toys?

15 A No.

16 Q When you engaged in sexual acts with her, did you
17 talk dirty?

18 A No.

19 Q Use faulty language?

20 A No.

21 Q What about her?

22 A She did the one time. She said fuck me.

23 Q Other than that, it would just be straight sex?

24 A She might have said that one other time. But the
25 one I know for sure was in the office.

318

1 Q Other than that, it would be just straight sex?

2 A Well, in terms of affection, endearment, whatever.

3 Q Now, --

4 A She would say, she would say that she was wet.

5 Q What about you?

6 A I would say that I was aching and that I want,
7 longed for her, you know, that sort of thing.

8 Q Did you ever tell her you were wet?

9 A No. She said that to me. That was her way of
10 expressing that.

11 Q During all of the time that you were close,
12 physically close to Marilyn, did you ever tell her
13 that you were wet?

14 A No.

15 Q Were you ever wet?

16 A No. I was excited. You know, I had a sexual
17 attraction to her. There's no question about that.

18 Q When you were at the office anywhere within the
19 building, did you ever tell her that you had an
20 erection, ever?

21 A When I was in her office a few times when we were
22 talking, we were alone and talking intimately, I
23 told her I had to wait awhile to get up and that we
24 should change the subject because I didn't want to
25 get up. And when I, when we were talking about what

319

1 we were talking about and then we'd talk about
2 something else, and then I was able to walk out of
3 the room without creating an embarrassment for me or
4 her.

5 Q You testified -- strike that. I'll get back to that
6 in a minute.

7 MR. PINES: Don't wait too long.

8 Q You --

9 MR. ARELLANO: Lester, you almost
10 act like a chief. Keep it down.

11 MR. PINES: I'm just telling you
12 the time is fleeting.

13 Q You gave Marilyn this bracelet as a Christmas gift.
14 Is there a reason why you gave her a Christmas gift
15 on November 29th or December 2nd or whenever that
16 was?

17 A Well, I mean it could be as a gift of -- that you
18 give to someone you care about, whether it's
19 Christmas or not. I called it a Christmas gift.

20 Q Mr. Norquist, is there a reason why you gave her a
21 Christmas gift that early, November, late
22 November or December 2nd?

23 A Well --

24 Q Were you planning to be out --

25 A Well, yeah, I would have been out of town around

320

1 Christmas. I would be going to Bethesda to my
2 wife's parents' house.

3 Q Were you out of town in Christmas of '99?

4 A Yes.

5 Q For how long?

6 A From I think the 22nd until New Year's, something
7 like that.

8 Q When did you return, do you recall?

9 A I think the 30th. I think I came back on the 30th.

10 Q You also testified that you and Marilyn in some
11 fashion used to use apples or an apple as a way to
12 communicate sexual desires.

13 A I didn't testify to that.

14 Q But you mentioned at least occasions where an apple
15 was the subject?

16 A There were three occasions that I remember.

17 Q All right.

18 A And one occasion she brought an apple to me and I
19 assumed that she had rubbed it between her legs, but
20 I don't know that for a fact.

21 Another time she took an apple from my desk
22 and ate it in front of me in the office, and she had
23 thought that I had rubbed it between my legs. And
24 then later on I said I hadn't, and we laughed about
25 that.

321

1 And the third thing was the apple on the plate
 2 at her sister's house, which I just ignored because
 3 that wasn't something that I was particularly
 4 interested in pursuing.
 5 Q The first time that an apple was ever raised when
 6 she gave it to you, when was that?
 7 A I don't know. Probably '96, sometime in there.
 8 Q What about the second time?
 9 A I think they were both in '96.
 10 Q What about the third time?
 11 A I think that was '96 or whenever the period between
 12 when she was on 19th Street and going to Fardale.
 13 Q So a total of -- during the entire period of
 14 these sexual exchanges, '94 through 2000, is it your
 15 testimony that only on two occasions, the ones that
 16 you just described, she gave you an apple?
 17 A That's correct.
 18 Q All right. And then the third one would have been
 19 the one apple that was --
 20 A On the plate, but I just ignored that.
 21 Q At her sister's house?
 22 A Yeah. I remember it being there on the plate, but I
 23 ignored it.
 24 Q What was the significance of that apple in your
 25 mind?

322

1 A Between the elevators and the railing of the atrium.
 2 (Discussion off the record)
 3 Q Mayor Norquist, on January 4th when you saw Marilyn,
 4 I don't know if you got to tell me where exactly you
 5 saw her.
 6 A Okay. I saw her walking toward the stairs on the
 7 second floor of City Hall in front of the Mayor's
 8 office between the railing of the atrium and the
 9 elevator on her way. And I was on my way into the
 10 office.
 11 Q Did you say anything to her?
 12 A Yes, I did. I said, hello. How's your neck doing?
 13 Q And what, if any, was her response?
 14 A Because she had had a car accident.
 15 Q And what, if any, was her response specifically?
 16 A Not so good I think or something like that.
 17 Q What did she look like? Did she look sad, upset?
 18 A No. She looked like Marilyn Figueroa.
 19 Q All right. How long had you been -- strike that.
 20 Did you work that day?
 21 A I didn't work in City Hall until that afternoon.
 22 Q Before that day, as I understand, Marilyn was out of
 23 the office; is that true?
 24 A I think so. I'm not as well versed on that as you
 25 are probably.

324

1 A Not much. It's just a joke.
 2 Q What was the joke? Was that a way to communicate
 3 with you?
 4 A Well, it might have been. But I didn't think it was
 5 worth pursuing. We were together. We, we had
 6 intercourse and I was satisfied, it was satisfactory
 7 to me.
 8 Q But in some sexual way the apple was some sort of a
 9 symbol of the sexual communication between you and
 10 Marilyn, at least in the back of your mind?
 11 A Well, to me it was a joke. I mean it was like a,
 12 you know, an intimate joke, maybe not a very funny
 13 joke, but I didn't particularly take it that
 14 seriously.
 15 Q On January 4th of the year 2000, the day Marilyn
 16 left, I believe you testified that you saw her in
 17 the office; is that correct?
 18 A Yeah.
 19 Q And --
 20 A I didn't see her in the office, no.
 21 Q Where did you see her?
 22 A I saw her outside the office walking in the hallway
 23 toward the stairs on the second floor to go down to
 24 the first floor as I was walking in.
 25 Q Did --

323

1 Q Did you ever go into Marilyn's office before
 2 January 4th?
 3 A No. You mean anytime before January 4th back to
 4 1992?
 5 Q No. I'm talking about the week before January 4th.
 6 A No, no.
 7 Q Were you in the office the week before January 4th?
 8 A I would have been in the office briefly when we did
 9 the bell ringing on New Year's Day. I mean
 10 New Year's, at midnight on New Year's.
 11 Q Before January 4th did you --
 12 A With my wife. We would have hung our coats in the
 13 office while we had hot chocolate downstairs with
 14 people. And then we would have put our coats back
 15 on and go up to the bell tower which is open to the
 16 cold air.
 17 Q Before January --
 18 A And rung the bell.
 19 Q Before January 4th, or on January 4th did you ever
 20 learn that there was an apple in Marilyn Figueroa's
 21 office?
 22 A No.
 23 Q Do you know if there were any apples anywhere in
 24 City Hall in the area where you worked?
 25 A No.

325

1 Q Before January 4th or on January 4th?
2 A No.
3 Q Other than the two apples that you testified Marilyn
4 gave you, any other time --
5 A No. She gave me one and she took one from my desk
6 and then ate it in front of me. She thought that
7 somehow that was --
8 Q You had an apple on your desk and she took it?
9 A Right.
10 Q How many apples did you have on your desk?
11 A One.
12 Q Was it customary for you to keep apples on your
13 desk?
14 A No.
15 Q So other than that one apple that you mentioned she
16 gave you, any other time when she gave you apples?
17 A Not that I remember.
18 MR. ARELLANO: Let me go off the
19 record for a minute and I'll reserve my
20 minutes.
21 (Recess)
22 By Mr. Arellano: (Continuing)
23 Q Mayor Norquist, you have testified under oath for
24 the last two days, correct; is that right?
25 A Yes.

326

1 STATE OF WISCONSIN)
2) ss.
3 COUNTY OF DANE)
4 I, TAUNIA NORTHOUSE, a Registered Diplomate Reporter
5 and Notary Public in and for the State of Wisconsin, do
6 hereby certify that the foregoing deposition was taken
7 before me at the offices of Wisconsin Bar Association,
8 5302 Eastpark Boulevard, City of Madison, County of
9 Dane, and State of Wisconsin, on the 6th day of March
10 2002, that it was taken at the request of the
11 Complainant, upon verbal interrogatories; that it was
12 taken in shorthand by me, a competent court reporter and
13 disinterested person, approved by all parties in
14 interest and thereafter converted to typewriting using
15 computer-aided transcription; that said deposition is a
16 true record of the deponent's testimony; that the
17 appearances were as shown on Page 3 of the deposition;
18 that the deposition was taken pursuant to notice and
19 subpoena duces tecum; that said JOHN O. NORQUIST before
20 examination was sworn by me to testify the truth, the
21 whole truth, and nothing but the truth relative to said
22 cause.
23 Dated March 16, 2002.
24 Registered Diplomate Reporter
25 Notary Public, State of Wisconsin

328

1 Q And you have testified truthfully?
2 A Yes.
3 Q Tell me one thing. Is there any document or person
4 that confirms or can confirm your claim that your
5 relationship with Marilyn Figueroa was consensual
6 other than your testimony?
7 A It's on -- I don't -- I mean it was an affair which
8 I wanted to keep secret, so yeah. I'd say no. I
9 don't have any document that would do that.
10 MR. ARELLANO: We'll see you next
11 time. Thank you.
12
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15
16 (adjourning at 7:07 P.M.)
17
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327