

- 1 -

OFFICE OF THE INDEPENDENT COUNSEL

Date of transcription 4/20/98

FLOYD SPARKS, JR., Computer Consultant, sub-contractor from BOOZE, ALLEN, & HAMILTON, INC., and assigned to the Office of Information Resource Management (IRM), U.S. Department of Defense, was interviewed in the offices of the Pentagon General Counsel, on March 9, 1998. Also present was Ms. IVEY MARTINS, Corporate Counsel, from BOOZE, ALLEN, & HAMILTON, INC., 8283 Greensboro Drive, McLean, Virginia, and Deputy General Counsel for the Pentagon, BRADLEY WEIGMANN. Representing the Office of the Independent Counsel were Special Agents (SAs) [REDACTED] Federal Bureau of Investigation (FBI), and JIM RICKARDS, Computer Support, OIC.

After a brief explanation of the purpose of the interview, SPARKS advised that MONICA S. LEWINSKY had requested his assistance on how to erase certain files and e-mail messages from her desk computer located just outside the Office of the Secretary of Defense for Public Affairs, KENNETH BACON. This request came approximately one week prior to her resignation, because he had already been notified of her pending departure. He was not approached personally by LEWINSKY, but was assigned to assist her after she contacted the IRM help line. When they met, she acted excited and agitated about her concerns in erasing information and pressed SPARKS for instructions.

LEWINSKY told SPARKS that, based on discussions she had with LINDA TRIPP, LEWINSKY understood that deleted files and e-mail from her computer could still be retrieved later, unless erased. LEWINSKY was concerned that other employees who occasionally utilized her computer could retrieve and read her personal communications. She was specifically concerned about e-mail she had sent, more than ones she may have received.

SPARKS instructed LEWINSKY on how to erase her e-mails in a brief meeting just outside her office. He explained that e-mail messages received or sent, which were deleted the same day, did not get automatically backed up in the Pentagon's back-up system. All other messages were recorded and saved for four weeks on a rotational schedule at an off-site facility. This was done to maintain the integrity of the computer files in case of a

Investigation on 3/09/98 at Washington, D.C. File # 29D-OIC-LR-35063
 by SA [REDACTED]
 SA [REDACTED] Date dictated 4/20/98

29D-OIC-LR-35063

Continuation of OIC-302 of FLOYD SPARKS, JR. . On 3/09/98 . Page 2

national emergency. After four weeks, tapes were rotated back and used over again to record communications. Once new information was recorded over the backed up information, the old information was written over.

SPARKS advised that once he carefully explained the procedures to LEWINSKY she returned to her desk. He never physically went to her computer, and he was never re-contacted by LEWINSKY for further assistance. In his opinion, SPARKS believed that he had solved her problem. He also had no information, or knowledge, that any other IRM computer specialists were ever enlisted by LEWINSKY to provide further assistance.

According to SPARKS, his boss, BONNIE NICHOLSON, had instructed IRM employees that it was a department policy to provide instruction, but not actually perform operations for employees seeking advise. Additionally, there was a policy that IRM employees were forbidden from entering an employee's personal computer to delete files. However, IRM did issue bulletins encouraging employees to occasionally erase old temporary, cache, and e-mail files in order to make space on the hard drive which had a finite capacity.

SPARKS advised that neither he nor his IRM associates were provided the computer software tools such as "utilities," which could permanently erase information from a hard drive. He also advised that he had no software to perform image processing of a hard drive.

Ms. IVEY MARTINS, the BOOZ, ALLEN, & HAMILTON, INC. attorney, representing SPARKS and their employer requested any further contact with her client be channeled through her office. Thereafter, SPARKS provided a home address of [REDACTED]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

----- X
In re: :
GRAND JURY PROCEEDINGS :
----- X

Grand Jury Room No. 3
United States District Court
for the District of Columbia
3rd & Constitution, N.W.
Washington, D.C. 20001

Tuesday, May 12, 1998

The testimony of FLOYD SPARKS, JR. was taken in the
presence of a full quorum of Grand Jury 97-2, impaneled on
September 19, 1997, commencing at 12:05 p.m., before:

- SOLOMON L. WISENBERG
Deputy Independent Counsel
- JAMES CRANE
- STEPHEN BINHAK
- MICHAEL TRAVERS
- JULIE CORCORAN
Associate Independent Counsel
Office of Independent Counsel
1001 Pennsylvania Avenue, Northwest
Suite 490 North
Washington, D.C. 20004

PROCEEDINGS

1
2 Whereupon,
3 FLOYD SPARKS, JR.
4 was called as a witness and, after having been duly sworn by
5 the Foreperson of the Grand Jury, was examined and testified
6 as follows:

EXAMINATION

8 BY MR. BINHAK:

9 Q Would you state your full name and spell it for the
10 record, please?

11 A Floyd, F-I-o-y-d, Sparks, S-p-a-r-k-s, Jr., J-r.

12 Q Good morning, Mr. Sparks. How are you today?

13 A Fine, thank you.

14 Q My name is Stephen Binhak. I'm an Associate
15 Independent Counsel. I work at the Office of Independent
16 Counsel.

17 This is Misha Travers, this is Julie Corcoran, Jim
18 Crane and Sol Wisenberg. They are all also Associate
19 Independent Counsels and they work at the Independent
20 Counsel's office.

21 This is the grand jury and this is the court
22 reporter and this is the foreperson of the grand jury who
23 just swore you in. Okay?

24 A Okay.

25 Q Before we start with this examination, I just want

CONTENTS

WITNESS:	Page
Floyd Sparks, Jr.	3
GRAND JURY EXHIBITS:	
No. FS-1 Defense Department memorandum on Levinsky and Tripp computers	35

1 to give you a background on some of the rights and
2 responsibilities you have as a witness before the grand jury
3 and I'll ask you to give a verbal response to all the
4 questions and keep your voice up because the court reporter
5 is taking down everything that's being said today. Do you
6 understand that?

7 A Yes. #

8 Q All right. This is a grand jury impaneled by
9 United States district judge here in the District of Columbia
10 and the grand jury is conducting an investigation of possible
11 violations of federal law, including perjury, obstruction of
12 justice and subornation of perjury.

13 The Independent Counsel has authorization to
14 investigate these acts by a grant of jurisdiction by a
15 special division of the court, the United States Court of
16 Appeals. Do you understand that?

17 A Yes.

18 Q The first thing I want to make sure you understand
19 is that you have a right against self-incrimination. It's
20 your Fifth Amendment right. You do not have to answer any
21 question today if a truthful answer may tend to incriminate
22 you. Do you understand that?_

23 A Yes.

24 Q Anything that you do say could be used against you
25 in any kind of legal proceeding down the road and that's why

Page 5	Page 7
<p>1 you have that Fifth Amendment right. Do you understand that?</p> <p>2 A Yes.</p> <p>3 Q If you've got a lawyer that you've retained for the</p> <p>4 purpose of this proceeding, you may feel free to go out and</p> <p>5 consult with that lawyer, but the lawyer cannot be with you</p> <p>6 inside of this room. Do you understand that?</p> <p>7 A Yes.</p> <p>8 Q Please tell me if you would like to go speak to</p> <p>9 your counsel at any point.</p> <p>10 A Okay.</p> <p>11 Q For the record, do you have a lawyer that's</p> <p>12 representing you?</p> <p>13 A Yes.</p> <p>14 Q And could you give the grand jury the name of that</p> <p>15 lawyer?</p> <p>16 A Ivy Martin.</p> <p>17 Q Could you spell that please?</p> <p>18 A I-v-y M-a-r-t-i-n.</p> <p>19 Q Are you involved in any kind of agreement to share</p> <p>20 your testimony today with any other person or entity?</p> <p>21 A No.</p> <p>22 Q Let me tell you a bit about grand jury secrecy.</p> <p>23 All the people that I've identified as working with the</p> <p>24 Office of Independent Counsel and the grand jurors as well,</p> <p>25 we're bound by the laws of grand jury secrecy. That means</p>	<p>1 what you said here today. Do you understand that?</p> <p>2 A Yes.</p> <p>3 Q All right. There's three categories of people who</p> <p>4 can appear before a grand jury. The first is a target. A</p> <p>5 target is a person who is a putative defendant or someone who</p> <p>6 is likely to be charged in an indictment. You are not a</p> <p>7 target. Do you understand that?</p> <p>8 A Yes.</p> <p>9 Q Do you also understand that no prosecutor in any</p> <p>10 investigation can ever promise somebody that they will never</p> <p>11 become a target?</p> <p>12 A Yes.</p> <p>13 Q Okay. The second kind of person is called a</p> <p>14 subject. That's a person that the grand jury is interested</p> <p>15 in their conduct and it could be because there's possible</p> <p>16 wrongdoing down to the fact that they're just a person who</p> <p>17 has knowledge about what the grand jury is investigating.</p> <p>18 Do you understand that?</p> <p>19 A Yes.</p> <p>20 Q You are a subject in the broad sense. There's a</p> <p>21 third type of person called a witness which is an informal</p> <p>22 term that has come to encompass people who are simply</p> <p>23 witnesses. They're subjects in the sense that they have</p> <p>24 knowledge that the grand jury is interested about, but they</p> <p>25 have no involvement other than that they're witnesses. A</p>
<p>Page 6</p> <p>1 that we can't go out and reveal to anybody what you said</p> <p>2 inside this room. There are certain exceptions to that.</p> <p>3 The first exception is that there are people that</p> <p>4 we work with who help us with the investigation. We're</p> <p>5 entitled to share what you say with them so that we can</p> <p>6 further the goals of the investigation, but anybody who gets</p> <p>7 information like that, an FBI agent or a paralegal or another</p> <p>8 attorney in our office, is also bound by the rules of grand</p> <p>9 jury secrecy. Do you understand that?</p> <p>10 A Yes.</p> <p>11 Q The second exception is that some of the things</p> <p>12 that you say here could be used at a later proceeding or</p> <p>13 trial under certain circumstances, either to cross-examine</p> <p>14 you or as substantive evidence in a case. Do you understand</p> <p>15 that?</p> <p>16 A Yes.</p> <p>17 Q The third exception is that the Office of</p> <p>18 Independent Counsel has a reporting function. We have to</p> <p>19 prepare a final report and we under some certain</p> <p>20 circumstances have to issue a report to Congress. Some of</p> <p>21 what you say here today may be contained in portions of that</p> <p>22 report. Do you understand that?</p> <p>23 A Yes.</p> <p>24 Q You, on the other hand, are not bound by any of the</p> <p>25 grand jury secrecy laws. You can tell anybody anything about</p>	<p>Page 8</p> <p>1 perfect example would be the teller in a bank that gets</p> <p>2 robbed. Do you understand that?</p> <p>3 A Yes.</p> <p>4 Q You are a witness. Do you understand that?</p> <p>5 A Yes.</p> <p>6 Q And you also understand that no prosecutor in any</p> <p>7 investigation could ever promise somebody that they'll always</p> <p>8 be a witness or always be a subject or never a target. You</p> <p>9 understand that?</p> <p>10 A Yes. Could you clarify once more, you said I am a</p> <p>11 subject as well as a witness?</p> <p>12 Q Right. As I said, a subject is a very broad term</p> <p>13 that includes everyone from a mere witness, like the teller</p> <p>14 in a bank robbery who just handed over the money because</p> <p>15 there was a gun in her face, to someone who the grand jury</p> <p>16 might think had some kind of involvement in the robbery, a</p> <p>17 person who might have driven someone there and the grand jury</p> <p>18 is not sure whether this driver was part of the robbery or</p> <p>19 just didn't know and just drove someone there. So it's a</p> <p>20 very wide range of conduct. Do you understand that?</p> <p>21 A Yes.</p> <p>22 Q And that's why we have a subcategory of witness, to</p> <p>23 give you a better understanding of where you fit within</p> <p>24 subject. Do you understand that?</p> <p>25 A Yes.</p>

1 Q Okay. So you understand that you're a witness?
 2 A Yes.
 3 Q Okay. You're here because you received a subpoena.
 4 Is that correct?
 5 A Yes.
 6 Q And I don't believe that the subpoena called for
 7 any documents. Is that correct?
 8 A Yes. Correct.
 9 Q Okay. So you didn't bring any documents with you.
 10 A I did not.
 11 Q Now, you have to understand that you can't lie to
 12 us here today. If you knowingly tell something that's not
 13 true or misstate something and it turns out to be a material
 14 fact, then that is a crime, it's a violation of the perjury
 15 statute which is punishable by up to five years in jail and a
 16 \$250,000 fine. It's a felony. Do you understand that?
 17 A Yes.
 18 Q Is there anything that I've just explained to you
 19 that you don't understand or you'd like me to explain again?
 20 A No.
 21 Q If there's any question that I ask that you'd like
 22 me to make more clear, please ask me and I'll ask it again.
 23 And, again, I'll remind you that if you'd like to speak to
 24 your attorney at any time, please tell me and I'll let you go
 25 out right away. Do you understand that?

1 A Yes.
 2 Q Why don't you just very briefly explain what that
 3 is.
 4 A Management information systems?
 5 Q Yes.
 6 A It's information systems or using information
 7 systems to support conducting and handling computer
 8 technology.
 9 Q Now, you just said that you have this current
 10 contract over at the Pentagon. Why don't you tell the grand
 11 jurors what your assignment is as part of that contract and
 12 also what the general contract is for?
 13 A My responsibilities on the contract include task
 14 management of four other individuals who also work for
 15 Booz-Allen. We provide network, workstation, software,
 16 hardware support to the Public Affairs.
 17 Q Okay. When you say software and hardware, you
 18 talking about computer software and computer hardware,
 19 correct?
 20 A Yes. Operating systems as well as support
 21 utilities such as Microsoft Office, Word, Powerpoint, Exel,
 22 things of that sort.
 23 Q All right. Now, when you say support, I want to
 24 just discuss with you exactly what that means. Is it fair to
 25 say that when people have questions or problems with their

1 A Yes.
 2 Q All right. With all that said, let's begin.
 3 Mr. Sparks, where do you work?
 4 A I work for Booz-Allen & Hamilton.
 5 Q And what is your job title there?
 6 A I am an associate.
 7 Q And what are the general duties of an associate?
 8 A Supervisory task management duties as well as
 9 technical expertise on specific contracts.
 10 Q Are you working on a specific contract now?
 11 A Yes.
 12 Q How long have you been with Booz-Allen?
 13 A Four and a half years.
 14 Q Okay. And what's your specific contract right now?
 15 A My specific contract is with the Office of the
 16 Assistant Secretary of Defense for Public Affairs in the IRAM
 17 shop.
 18 Q Okay. Is that at the Pentagon?
 19 A Yes.
 20 Q Let me first ask you, what's your general
 21 background, your educational background?
 22 A High school graduate, college graduate.
 23 Q What was your major in college?
 24 A Management information systems.
 25 Q Does that have to do with computers?

1 particular computer or the software that's running on it,
 2 they can come to various members of your group and ask them
 3 questions and then people in your group will respond, give
 4 them advice about how to deal with those problems?
 5 A Yes.
 6 Q Do you ever actually go to people's workstations
 7 and do the work for them?
 8 A We assist them in doing their work. If it's
 9 somebody who needs help with Word or Powerpoint or anything
 10 else, we assist them in getting started. We do not do the
 11 work for them.
 12 Q All right. What's a typical kind of question that
 13 you might get or a request that you might get from an
 14 employee?
 15 A Creating a Word template for memos. Helping them
 16 send e-mail to individuals outside the Pentagon where an SMTP
 17 or Internet address is needed. Installing software that they
 18 need since they cannot install software themselves.
 19 Q All right. So in the case of someone who wanted to
 20 set up a template for a memo, they would ask you how to do
 21 it, you would give them instructions and then typically would
 22 they go back to their computer perform the operation?
 23 A Yes. And other times we will create the template,
 24 depending on the complexity.
 25 Q All right. And as far as installing software, you

Page 13	Page 15
<p>1 said that only people from your group install software?</p> <p>2 A Correct.</p> <p>3 Q So a normal employee at the Pentagon just can't put</p> <p>4 up, say, a spreadsheet or some kind of program on their</p> <p>5 machine?</p> <p>6 A A spreadsheet is part of Microsoft Exel, so we</p> <p>7 don't keep them from creating documents. We have a policy</p> <p>8 whereas they cannot go and buy a copy of Sidekick and load it</p> <p>9 on their machines.</p> <p>10 Q Okay. What kind of computers do the employees at</p> <p>11 the Pentagon in your area where you work, what do they have?</p> <p>12 A They have IBM Pentium PCs.</p> <p>13 Q So that's a standalone computer on each person's</p> <p>14 desk?</p> <p>15 A Correct.</p> <p>16 Q Is that connected to a network?</p> <p>17 A Yes.</p> <p>18 Q Why don't you briefly describe how that all works?</p> <p>19 A How the PC is connected to the network?</p> <p>20 Q Well, let me be a little more specific. The</p> <p>21 network, is it for the whole building or is it just for the</p> <p>22 area that these employees work?</p> <p>23 A We have a centralized network. We have network</p> <p>24 servers that maintain the post office, common shares that</p> <p>25 each different office uses to store documents, and also our</p>	<p>1 Q Did she have the capability of getting in and out</p> <p>2 of the Internet, of accessing the Internet from her computer?</p> <p>3 A Yes.</p> <p>4 Q All right. Did you ever speak to Ms. Lewinsky</p> <p>5 about e-mail on her computer?</p> <p>6 A I spoke to her on different occasions about mail.</p> <p>7 Q Did you ever talk to her on an occasion where she</p> <p>8 wanted to discuss with you how to erase electronic mail from</p> <p>9 her computer?</p> <p>10 A Yes.</p> <p>11 Q How did that request start? Did she come to you in</p> <p>12 your office? Did she call you on the phone? Did she send</p> <p>13 you an e-mail? Did she send you a note? Do you remember?</p> <p>14 A She called and I went over to the front office or</p> <p>15 on different occasions where I would answer the phone I would</p> <p>16 answer any question over the phone.</p> <p>17 Q Did she call you directly or did she call some sort</p> <p>18 of general number and the task was routed to you?</p> <p>19 A Everybody called a general number and typically the</p> <p>20 way our office was set up, whenever a request came from the</p> <p>21 front office, specifically for Mr. Bacon or for Monica</p> <p>22 Lewinsky, I would be tasked to take care of it.</p> <p>23 Q Okay. You spoke with some agents of the FBI about</p> <p>24 his on a previous occasion, correct?</p> <p>25 A Yes.</p>
<p>1 network equipment allows them access to the Internet.</p> <p>2 Q Okay. Are you familiar with a woman named Monica</p> <p>3 Lewinsky?</p> <p>4 A Yes.</p> <p>5 Q How do you know her?</p> <p>6 A She worked in the front office, one of the people</p> <p>7 that we supported.</p> <p>8 Q Did you have contact with her?</p> <p>9 A Yes.</p> <p>10 Q What kind of contact would you have with her?</p> <p>11 A The contact that I would have with other people</p> <p>12 regarding support.</p> <p>13 Q So professional advice regarding her computer and</p> <p>14 software needs?</p> <p>15 A Correct.</p> <p>16 Q Anything else other than that?</p> <p>17 A No.</p> <p>18 Q What kind of computer set up did Monica Lewinsky</p> <p>19 have at the Pentagon?</p> <p>20 A The same as everybody else, an IBM Pentium PC.</p> <p>21 Q Did Ms. Lewinsky's computer receive and send</p> <p>22 e-mail? Did it have that capability?</p> <p>23 A Yes. It was on the network.</p> <p>24 Q And it was connected to the network, then?</p> <p>25 A Right.</p>	<p>1 Q And it's my understanding that, am I'm going to</p> <p>2 just show you a calendar here, if you don't mind, it's my</p> <p>3 understanding that you told them that you had this</p> <p>4 conversation that we're talking about now with Ms. Lewinsky</p> <p>5 about a week before she left and it was after a weekend, is</p> <p>6 that correct?</p> <p>7 A It was the last day she was there at the Pentagon.</p> <p>8 I can't recall which date.</p> <p>9 Q If I represented to you that her last day on the</p> <p>10 payroll was on the 26th and it was after the weekend, would</p> <p>11 you agree that it was most probably the 22nd that you spoke</p> <p>12 to her?</p> <p>13 A It was between the 22nd and the 24th, I believe.</p> <p>14 Because I don't recall it being on a Monday.</p> <p>15 Q Okay. So it would have been either the 23rd or the</p> <p>16 24th, but it could have been the 22nd.</p> <p>17 A Yes. It's one of those days. It was before</p> <p>18 Christmas.</p> <p>19 Q Okay. And it was after the weekend.</p> <p>20 A Yes.</p> <p>21 A JUROR: Excuse me. What month?</p> <p>22 MR. BINHAK: We're talking about December 1998.</p> <p>23 I'm sorry.</p> <p>24 BY MR. BINHAK:</p> <p>25 Q All right. How long -- did you have a meeting with</p>

Page 17

1 her as a result of the phone call?

2 A Are you talking about that specific phone call?

3 Q Yes.

4 A I met her at the doorway and I believe it was like

5 a brief conversation. She asked pertaining to the mail.

6 Q And let me ask you a question. Do you remember her

7 demeanor at the time you spoke to her on this day, December

8 22nd, 23rd or 24th?

9 A The best I could describe it when I spoke with the

10 FBI agents was rushed. She just seemed rushed.

11 Q Did she seem nervous at all?

12 A The best I could describe it was rushed. I

13 couldn't really tell whether it was nervous or not. It could

14 have been.

15 Q Okay. You said that you had spoken to her before

16 on other occasions. Is that correct?

17 A Yes.

18 Q This demeanor that you're describing rushed, was it

19 the same demeanor that she had had on other occasions that

20 you had spoken to her?

21 A From time to time, specifically, if Mr. Bacon's PC

22 was not functioning, she would seem kind of hurried, but that

23 particular day, she seemed a bit more rushed than others.

24 Q Okay. How long was the conversation that you had?

25 A I can't recall. I believe it may have been no more

Page 18

1 than a minute. It's hard for me to tell from something that

2 happened in December.

3 Q Well, let's put it this way. Was it definitely

4 less than five minutes?

5 A I believe so. Yes.

6 Q And it was more than just a few brief seconds.

7 A You're right. Right.

8 Q Why don't you tell the grand jury what you

9 discussed during this meeting.

10 A She discussed -- the first question was about mail

11 because she had mentioned that Linda Tripp had told her

12 something to the effect of when she left the White House her

13 mail had gotten subpoenaed or something to that effect.

14 Q So Linda Tripp had told -- according to Lewinsky at

15 this meeting, Linda Tripp had told Lewinsky that when Linda

16 Tripp left the White House, Linda Tripp's e-mail had been

17 subpoenaed.

18 A Something to that effect. Correct.

19 Q And what else did she say?

20 A She had asked me about our backups and about the

21 way our e-mail was stored.

22 Q And what was your response?

23 A I explained to her the way that our e-mail

24 functions is that our e-mail is on the hard drives and if you

25 receive mail the same day or you send mail within the same

Page 19

1 day or receive mail within the same day before you close your

2 machine off, it is not saved into your mailbox.

3 Q So if you get a item of e-mail at, say, 10:00 in

4 the morning on a Wednesday and you read it and erase it by

5 2:00 in the afternoon on that same Wednesday, then it will

6 not be backed up overnight.

7 A Or if she did not turn her machine off. Our backup

8 procedure was a batch file that more or less ran an X copy

9 and it was performed in the mornings when people logged in or

10 when they logged into their PCs after a reboot. So if she

11 received mail the same day and deleted it or sent mail the

12 same day and deleted it, then when she exited out of mail it

13 would not be a part of her mail file.

14 Q And did she understand that when you told her that?

15 A - She seemed like she did.

16 Q Okay. Then did you further explain under what

17 circumstances mail would be backed up?

18 A I explained to her mail is backed up. Mail is

19 backed up. Our backup function is mail is backed up. We do

20 a full backup of all information stored on the network drives

21 on Mondays and Tuesdays through Fridays are differential.

22 Q Did you explain to her how long that backup would

23 last?

24 A I explained to her that we had a four-week

25 rotation.

Page 20

1 Q What does that mean?

2 A That means that on the fourth week we use the tape

3 set 1 in the tape drives.

4 Q So let me just make sure I understand. So you have

5 approximately 30 or so tapes -- or actually, 20 or so if it's

6 four -- do you backup on the weekends?

7 A No. Just Monday through Friday.

8 Q So there's approximately 20 tapes, then, and you

9 use number 1 on one day, then number 2 and then you go

10 through and then when you get to tape 20, you go back to one?

11 A The week took up six to seven tapes, so six to

12 seven times four, 28 tapes.

13 Q And then you'd go until those tapes were finished

14 and then go back.

15 A The fifth week, we used the set 1.

16 Q All right. So something that was backed up and on

17 the tape would be held on that tape until that tape was

18 reused.

19 A Right.

20 Q And that took approximately four weeks?

21 A Right.

22 Q Did she seem to understand when you told her that?

23 A I guess so. Yes.

24 Q Did she ask you for any particular help with

25 problems? Did she indicate what she was interested in doing

Page 21

1 other than asking you about general information?
 2 A She didn't go any further about why she was asking.
 3 Q Did she describe to you that she wanted to erase
 4 e-mail files from her own computer?
 5 A Not specifically.
 6 Q Did you get that impression from talking to her?
 7 A I got the impression that -- usually when people
 8 leave Public Affairs, generally people will ask me about how
 9 to go about removing their mailbox. They don't ask me about
 10 the backup procedures, but they do ask me about removing the
 11 mailbox. So I didn't really put that much relevance in it.
 12 Q Did you get a sense whether Ms. Lewinsky was more
 13 concerned with files that she sent or more concerned with
 14 files that she received?
 15 A She didn't really specify. She had asked me about
 16 other people sitting at her PC and whether they could send
 17 mail. That's the full extent to which she described it.
 18 Q Okay. After this short conversation that you've
 19 just described, did you hear from Ms. Lewinsky again about
 20 this issue?
 21 A No.
 22 Q Do you know where she went after you discussed this
 23 with her?
 24 A I believe she went back to her desk. I went back
 25 to my office.

Page 22

1 Q Did Ms. Lewinsky ask you any other questions about
 2 files on hard drives or on her hard drive or how to erase
 3 them?
 4 A I don't recall.
 5 MR. WISENBERG: Could I ask a question, Steve?
 6 MR. BINHAK: Of course, you may.
 7 BY MR. WISENBERG:
 8 Q Mr. Sparks, if I heard you right, you mentioned
 9 that Monica -- said originally came to you and said something
 10 to the effect that Ms. Tripp had told her that e-mail gets
 11 stored on hard drives. Is that correct?
 12 A Something to that effect. Right. She didn't
 13 specify that it was stored on the hard drive. She
 14 specifically more or less was saying that Linda Trip had told
 15 her that at the White House they were able to subpoena her
 16 mailbox. She didn't tell me the technique or where it was
 17 stored.
 18 Q Okay. I thought I had heard you mention hard
 19 drive. Did you tell her that -- maybe it was that you told
 20 her that e-mail was on the hard drive.
 21 A That e-mail was stored on the hard drive? Yes,
 22 sir.
 23 Q Okay. Then my question is we've talked about --
 24 that you mentioned to her the backup, the four-week backup.
 25 A Right.

Page 23

1 Q And you mentioned how to delete within 24 hours, I
 2 think, to delete right away before it ever got to be backed
 3 up.
 4 A Within the same window session.
 5 Q Okay. What, if anything, did she ask you or did
 6 you tell her about the problem of getting it off the hard
 7 drive itself?
 8 A I don't recall specifically telling her how to get
 9 it off the hard drive. I just instructed her that the way
 10 that our mail functions is that because it is a dynamic file,
 11 while you're in mail, when you receive mail, when you send
 12 mail, the file changes.
 13 And I instructed her that if she received mail at
 14 2:00, as soon as she read it she deleted it, when she exits
 15 out, it empties out her waste basket which is her delete mail
 16 folder. And the next morning when she logs in, that will not
 17 be a part of her mail file.
 18 Q But if she's an employee who's leaving and she's
 19 concerned about, among other things, past e-mail, erasing
 20 past e-mail, wouldn't you need -- wouldn't she need to know
 21 information about how to get rid of that e-mail that's stored
 22 there on the hard drive?
 23 A I assume so. Yes.
 24 Q Is it possible that you all discussed this and you
 25 just don't recall or what?

Page 24

1 A I explained to her that we back up, we do full
 2 backups on Monday and on a Monday, whatever was in her mail
 3 box or Tuesday through Friday, if she was at work and her
 4 mailbox was changed, it would be on a tape.
 5 Q Okay. But what about the issue of -- let me
 6 explain to you that you're probably talking to the most
 7 computer illiterate person in the room, so have a little
 8 patience with me here.
 9 A Yes, sir.
 10 Q But that still doesn't speak, what you just said,
 11 to the issue of the stuff that's still stored on the hard
 12 drive, right? I mean, she hasn't gotten rid of it within the
 13 window, it may even be beyond the four week period, but it's
 14 never been erased off of the hard drive. If she's concerned
 15 about that, about erasing her e-mails, wouldn't that still be
 16 a problem?
 17 A If you're asking me technically, yes. It would be
 18 backed up on one of the tapes. If you're asking me if she
 19 asked me specifically about that, I don't recall us ever
 20 getting that much in depth into that issue. I guess I'm
 21 misunderstanding what you're asking me.
 22 Q Probably it's just my ignorance. What do you mean
 23 by tape set?
 24 A We have, as I was explaining, we have a four-week
 25 rotation, so four weeks, for each week, we use a tape set of

Page 25

1 six to seven tapes. Now, last Monday, whatever was your
2 mailbox content, we have up on the backup. This Monday is a
3 different set. And if I want to restore what you had on your
4 tape set last Monday, I could go to the last week's set.

5 Q But that's a network wide system, correct? That
6 you're describing.

7 A The backup function?

8 Q Right. The tape backup function.

9 A Right.

10 Q And that doesn't -- correct me if I'm wrong, that's
11 not literally stored on the hard drive of her desktop
12 computer, is it?

13 A The mail file is stored on the hard drive of her
14 computer. When she backs up in the morning, when the person
15 logs into their machine in the morning, a batch file copies
16 all of the specific files, more specifically documents,
17 spreadsheets, mailboxes, up to a backup network drive.

18 Q Okay. What happens to the stuff that's on the hard
19 drive?

20 A It stays there.

21 Q Okay. And that's my question. If you've got a
22 person like Ms. Lewinsky who has apparently come to you, and
23 I'll try to shut up in a minute, and has a concern about
24 erasing among other things e-mail, she's still got -- just as
25 a theoretical issue, she's still got to worry about the stuff

Page 26

1 that's still stored on the hard drive itself, doesn't she?

2 A Well, not necessarily because as soon as you delete
3 mail messages and you exit out of mail, if you have 500 mail
4 messages on that mail file and you delete 400 of them, when
5 there was 500 mail messages, it could have been a mailbox
6 file of 4 megabytes. When you delete 400 messages of that,
7 it becomes maybe a 2 megabyte or a 1 megabyte file, so
8 actually that's what I was saying, it's a dynamic mail file
9 because once you delete all those out, then the only thing
10 that's left is whatever is in your mailbox.

11 MR. WISENBERG: I don't understand but maybe
12 someone else can pick up and help me on this.

13 A JUROR: Sol, the question that you're asking
14 relates to the hard drive itself wherein someone would have
15 deleted a stored message on the hard drive.

16 What Sol is referring to is that even though it's
17 been deleted, it can be accessed if it's not been written
18 over. He's referring to that. It can be retrieved, I should
19 say, rather than accessed, if it hasn't been written over.

20 THE WITNESS: Well, I mean, I guess the best
21 analogy I can think of is if you have a Word document, you've
22 created a letter you wrote to somebody. When you save it,
23 it's a certain file size. Tomorrow, you come in, you change
24 the contents of it and you save it and you save it three or
25 four different, three or four more iterations of it.

Page 27

1 The original file you will not be able to pull up
2 and retrieve because it's been written over and that's
3 what -- I guess that's why I'm trying to explain it. The
4 mailbox file itself, every time you receive mail, it creates
5 a new mailbox file. So it's one file. All your mail
6 messages go into that one file.

7 BY MR. WISENBERG:

8 Q Okay. And are you saying that when you do that
9 you're going over, you're writing over on the computer?

10 A You're writing over that file. Correct.

11 Q But you don't remember discussing this specific
12 issue with the issue of stuff stored on the hard drive and
13 how to get rid of it with Ms. Lewinsky?

14 A I explained the way -- and, again, the way I
15 remember the conversation, I was more so talking specifically
16 about the mail file that gets backed up. That's what I
17 thought she was asking me about.

18 Q Do you recall discussing software with her? That
19 is to say did she ask or did you recommend any software she
20 could purchase to help her erase files?

21 A Just do a full erase, to do a non-retrievable erase
22 on the hard drive?

23 Q Right.

24 A No, sir.

25 MR. WISENBERG: I'm sorry. I'm done.

Page 28

1 MR. BINHAK: Go ahead.

2 BY MR. TRAVERS:

3 Q Just to clarify, if you have, using your example,
4 500 messages in your mailbox and you delete 400 of them, then
5 on you hard drive, on your computer, you have 100 but on the
6 backups that you described from the network drives, you're
7 still going to have those 500 messages backed up.

8 A From the previous backup. Correct.

9 Q From the previous backup. And that will last for
10 approximately four weeks?

11 A Yes.

12 Q So if somebody has 500 messages on their hard drive
13 and they want to delete 400 and they want to delete those
14 permanently, it's important to know how long the backup is
15 going to be around.

16 A I guess so. Yes.

17 Q And you would also want to know exactly how
18 something is backed up.

19 A Yes.

20 Q How those are stored.

21 A Yes.

22 A JUROR: So on my e-mail screen that says I have
23 500 messages and I delete 400, so on the screen there's only
24 100, but on my hard drive, I still have those 500 because
25 they haven't been written over yet? E-mail is deleted off my

Page 29

1 screen, but still on the hard drive because it hasn't written
2 over?

3 THE WITNESS: With the way that our mail system,
4 the way that the client mail software worked, as soon as you
5 deleted something, it went into a deleted or a wastebasket
6 folder. On most of the PCs, the setting is as soon as you
7 exit out of mail, it purges that wastebasket so then those
8 files are no longer a part of -- those mail messages are no
9 longer a part of that mail file.

10 A JUROR: And you say that software like Norton
11 Utilities can pull those up sometimes?

12 THE WITNESS: Because it's the same file, I've
13 never tried to do a restore, especially on a file that
14 changes as often as the mailbox file, so as far as I know you
15 cannot.

16 A JUROR: Did Monica Lewinsky specifically ask you
17 how to delete mail messages?

18 THE WITNESS: Yes.

19 A JUROR: And what was your response to this fact
20 scenario you just gave us?

21 THE WITNESS: Just to hit the delete key. You find
22 the message, you delete the mail message. And actually that
23 kind of a question was, you know, most users will ask that
24 and once they figure it out, it's actually something you
25 don't even have to ask because it's rather intuitive with the

Page 30

1 tool bar.

2 A JUROR: Okay. Excuse me, then. Let me clarify,
3 during this discussion between December 22nd and 24th, did
4 she ask you about deleting messages, deleting her e-mail
5 messages?

6 THE WITNESS: Yes.

7 BY MR. TRAVERS:

8 Q And just to clarify, when you hit the delete key
9 and delete that message, most likely it's going to be around
10 for four more weeks on your backup system?

11 A Well, if on Monday you backup, Monday that you turn
12 on your machine, it backs up that mail file up to the
13 network, Monday night it gets backed up, Tuesday you come in
14 and you delete all those messages on your hard drive, those
15 mail messages will not be, but on the tape from the previous
16 night they will.

17 Q Right. So there will still be a backup of those.

18 A Right. On the network as well as on the tape.

19 Q And you explained to her the system by which those
20 backups are made.

21 A Yes.

22 Q And how long they're kept.

23 A Right.

24 A JUROR: What I understood you to say earlier is
25 that the e-mail that you receive is saved on your hard drive

Page 31

1 in a specific location such that even if you delete it, the
2 next morning when you have additional mail, one would store
3 it in that same spot, so it's written over the old deleted
4 messages. Is that correct?

5 THE WITNESS: No. The mail file itself, it's just
6 one large file. If you delete a mail message, it's just like
7 deleting a page off of a document. The page goes away. I
8 mean, that's the best way I can describe it. I can't figure
9 out a better way to describe it, but if you delete a page off
10 of a document, it's the same concept and you add in another
11 page and that's the way -- when you receive mail in, it's
12 like adding another page.

13 If you go to page 2, you decide you don't want it
14 any longer, you delete the entire contents of page 2 and you
15 save that document, then page 2 is no longer there.

16 BY MR. WISENBERG:

17 Q It's no longer where?

18 A It's no longer on the hard drive in that one
19 specific file.

20 A JUROR: Does it get written over?

21 THE WITNESS: Yes.

22 A JUROR: By the next message?

23 THE WITNESS: No. The messages -- it's like having
24 a pail and as you get messages you're throwing these items
25 into that same pail. If you decide that you don't want some

Page 32

1 of those items out of that pail, you just take them out of
2 the pail and the pail itself more or less will grow as you
3 add more items to the pail and the contents will decrease as
4 you take more items out. I'm trying to think of the best
5 analogy to describe it, but that's as close as I can get.

6 BY MR. WISENBERG:

7 Q And the pail is what? The pail is the hard drive
8 or the pail is your screen that's showing you all the
9 messages?

10 A The pail is the mailbox file. It's that one file.
11 Our mailbox -- the mailbox is just one file.

12 A JUROR: On the hard drive?

13 THE WITNESS: Yes.

14 BY MR. TRAVERS:

15 Q So if the pail is full with 500 messages and you
16 delete 400, the next day your pail is mostly empty.

17 A Mm-hmm.

18 Q Then it's going to be very difficult to get those
19 400 deleted messages from the hard drive, because you've
20 overwritten the mailbox file.

21 A Right. But it's not impossible to pull it from the
22 network backup.

23 Q Because there's a copy of the full pail on the
24 network.

25 A On the tape. Yes.

Page 33

1 A JUROR: Which will be in existence for four
2 weeks.
3 THE WITNESS: For a four-week rotation. Correct.
4 MR. WISENBERG: We had a question back here.
5 A JUROR: How many times did Monica talk to you or
6 contact you?
7 THE WITNESS: About this specific issue?
8 A JUROR: Yes.
9 THE WITNESS: That was the only time she asked me
10 about the backups and things of that sort, but she's asked me
11 about -- for instance, where her SMPT address was, where Mr.
12 Bacon's SMPT address was, when she couldn't open her mail or
13 anything else.
14 BY MR. TRAVERS:
15 Q Just for clarification, an SMPT address is
16 information she needs to send and receive e-mail with people?
17 A Across the Internet. Within our post office, you
18 don't need it, but if I was sending something to my sister
19 who works at a different office that's not within our post
20 office, I would have to send it to her through the Internet.
21 BY MR. BINHAK:
22 Q All right. Let me ask you a few more questions.
23 The first one is let me go back to this pail analogy for a
24 moment. You've got 400 e-mails in the pail, you erase 300
25 and you turn on the computer the next morning. Has the

Page 34

1 computer overwritten all 300 of those e-mails that you
2 erased? Or has it just taken away some kind of pointer or
3 notation so that they could still be found with the right
4 kind of utility?
5 A If you're talking about recovery of specific e-mail
6 messages off of a mailbox file, I couldn't tell you about
7 whether or not you can recover that, but once you delete
8 those messages, the mailbox file changes in size. When you
9 log in the next morning, it moves that copy of the mailbox up
10 to the network.
11 Q But I'm talking about now the hard disk, just
12 putting aside the network right now. You have the 500
13 e-mails in there and you erase 400 of them. You delete 400
14 of them from your machine on Tuesday night and Wednesday
15 morning you come in.
16 With the right utility, would it be possible to
17 restore from your hard drive those deleted -- or at least
18 some of those deleted -- messages or have all those been
19 overwritten absolutely for sure?
20 A I couldn't tell you. I'm not sure.
21 Q Okay. Did you or anyone that you know about from
22 your team of Booz-Allen people erase anything from Monica
23 Lewinsky's computer?
24 A Her hard drive?
25 Q Yes.

Page 35

1 A Documents or anything?
2 Q Right. Let me break that down again. Did you
3 erase anything from it?
4 A No.
5 Q Are you aware of anyone else on your team that
6 would have done that?
7 A No one else on the team typically would even go
8 over there. No. We're never in the habit -- whenever we're
9 going to help somebody, we're not going over there to help
10 them delete messages. Most people know how to do that
11 themselves.
12 MR. BINHAK: Let me talk about a meeting that
13 occurred on January 27, 1998 at the Pentagon. I'm going to
14 show you a grand jury exhibit which I'm going to mark as
15 FS-1.
16 (Grand Jury Exhibit No. FS-1 was
17 marked for identification.)
18 BY MR. BINHAK:
19 Q Have you seen this document before?
20 A I've seen it in passing. Yes.
21 Q Okay. Now, this meeting, it says "On Friday,
22 January 23, 1998, returned from meeting" and your name is --
23 well, "After a discussion about the turnover of computer
24 equipment to general counsel, I was told to take Monica's and
25 Linda's PC and give them another PC. The following actions

Page 36

1 took place with Rick Silva, Floyd Sparks," is that you, Floyd
2 Sparks?
3 A Yes.
4 Q Who is Rick Silva?
5 A Rick Silva is the chief of IRAM.
6 Q That's a person from your team?
7 A No, he's a government person. He's our client.
8 Q Chris Harrell?
9 A Yes.
10 Q Who's that?
11 A He's a member of my team.
12 Q Jody Johnson?
13 A A member of my team.
14 Q Tracey Antonson?
15 A A member of my team.
16 Q Nancy Gorsky?
17 A She's government.
18 Q Lieutenant Senum?
19 A I don't know who he is.
20 Q Quigley?
21 A I don't know him.
22 Q And Pat Purcell?
23 A She's a federal government person.
24 Q "The dates for the actions are from January 23,
25 1998 to January 27, 1998 at 12:30 for IRM." Have I correctly

Page 37

1 read that document to you?

2 A Mm-hmm.

3 Q Okay. These are actions that were taken in order

4 to -- in response to a subpoena from our office for Ms. Tripp

5 and Ms. Lewinsky's computer, is that correct?

6 A Mm-hmm.

7 MR. WISENBERG: You have to say yes or no.

8 THE WITNESS: Oh, I'm sorry. Yes.

9 MR. WISENBERG: Thank you.

10 BY MR. BINHAK:

11 Q Can you describe, and you can use that document to

12 refresh your recollection, if you'd like, what actions were

13 taken with regard to the subpoena.

14 A I remember taking Linda Tripp's PC and using

15 Laplink and making an exact duplicate of her PC and taking

16 that one back downstairs to her office.

17 Q And let me ask you a question about Linda Tripp's

18 computer and Laplink. When you use Laplink, my understanding

19 is that that's -- you take a cable and you connect two PCs

20 and by virtue of the cable and the software you make a

21 duplicate of the files that are on -- if you have computer A

22 and you have computer B and computer A is the computer you

23 want to make a backup of, you connect computer B to computer

24 A, you use the software and then computer B contains all the

25 files on computer A. Is that correct?

Page 38

1 A Yes.

2 Q Okay. That's what Laplink does.

3 A Correct.

4 Q That Laplink process will only copy and duplicate

5 live files, correct?

6 A Correct.

7 Q It will not duplicate the slack space on the

8 computer or any files that are not active.

9 A That were deleted, no. Not that I'm aware of.

10 Q Okay. Now, are you familiar with the subpoena that

11 our office sent over to the Department of Defense for Linda

12 Tripp's and Monica Lewinsky's computer?

13 A As far as I remember, we were just told to take

14 care of these items and that the FBI or somebody was going to

15 come and take possession of them.

16 Q Okay. Let me ask you this question. If you wanted

17 to preserve the integrity of a computer in the sense you

18 wanted a complete duplicate of the entire hard drive, would

19 you use Laplink to do that?

20 A Down to even the deleted files?

21 Q Yes.

22 A No.

23 Q All right. Is there a protocol that you're aware

24 of that Booze-Allen or at the Pentagon in general for

25 responding to subpoenas and maintaining the documents, the

Page 39

1 evidentiary integrity of computers?

2 A Can you repeat that?

3 Q Is there a protocol or a methodology that either

4 Booz-Allen has in place or the Pentagon has in place for

5 responding to subpoenas for computers in order to maintain

6 the evidentiary integrity of the computer? That is, to make

7 a full copy of everything, erased and non-erased, on a hard

8 drive? Are you aware of --

9 A Not that I'm aware of. No.

10 Q So you're not aware of one at Booz-Allen?

11 A No.

12 Q And you're not aware of one at the Pentagon.

13 A Correct.

14 Q When you were told to backup Linda Tripp's

15 computer, did you know that that was in response to the

16 subpoena?

17 A In the back of my mind, I figured it had to do with

18 something with that, but we were not ever told directly that

19 it was a subpoenaed item.

20 Q Did anybody tell you to use the Laplink process to

21 duplicate the files on her computer?

22 A In the capacity of my job, they asked me if there

23 was a way to make an exact copy of her hard drive, take the

24 copy or the duplicate machine down there to her desk site and

25 the only way that I knew of to do that was with Laplink.

Page 40

1 Q So it was your decision, then, to use the Laplink.

2 A Yes.

3 Q But you're saying right now that that would not

4 maintain the integrity of the unsaved or deleted or not live

5 files on the computer.

6 A As far as -- like I said, the way that the

7 information was disseminated to me was they wanted to take

8 possession of Linda Tripp's PC but at the same time have a

9 duplicate copy.

10 Based upon that information, given the fact that we

11 were going to take a duplicate down to her desk site, that

12 was not the PC that was going to be taken into custody or

13 whatever, so that was the recommendation that I had based

14 upon the utilities that we had.

15 Q All right. I'm just trying to find out exactly

16 what happened, so don't take it as though I'm accusing you or

17 anybody of anything. We're just trying to get to exactly who

18 made the decisions and what decisions were made, so let me go

19 over this thing again slowly.

20 Based on what you told, that there was a duplicate

21 machine coming down to Linda Tripp's desktop and that her

22 machine was going to be taken away and put somewhere else and

23 you were told to make sure that the new machine that was

24 coming down would be an exact duplicate of what Linda Tripp

25 had on her machine, is that correct?

1 A Correct.

2 Q And so in order to perform that task that you had

3 been assigned, you used this Laplink system to make the

4 duplicate machine, an exact copy of the machine that was

5 formerly on Linda Tripp's desk. Is that correct?

6 A Correct.

7 Q But you've just told the grand jury now that by

8 using the Laplink system that you are only duplicating the

9 live files on Linda Tripp's machine. Is that correct?

10 A Correct.

11 Q Okay. So then in fact it was not an exact

12 duplicate that you made, it was just a duplicate of the live

13 files and that anything that was erased or in the slack space

14 of Linda Tripp's computer would not have been on the

15 duplicated machine.

16 A Correct.

17 Q Now, is it accurate to say that just by doing the

18 Laplink process that some of the slack space on the Linda

19 Tripp original machine would be altered because there would

20 be some overwriting as part of the process of using Laplink

21 and duplicating?

22 A No.

23 Q That is not true?

24 A No. As far as I know, with Laplink, Laplink does

25 not affect the machine that you're copying from. It takes a

1 copy of those files. It's just like copying a file from your

2 hard drive to a floppy. You're not changing the composition

3 of that file that's on your hard drive when you copy it to

4 the floppy. And, in essence, that's all that Laplink does.

5 Q Okay. Now, when you booted up Linda Tripp's

6 computer, the original Linda Tripp computer, in order to

7 start the Laplink process, would that have changed or

8 overwritten the contents of the slack space in Linda Tripp's

9 hard drive?

10 A Only if when you run the backup it changes the

11 archive bit on those files, which does not change the file

12 composition, but it changes the archive bit because that's

13 the only way we can tell whether a file's been changed. And

14 I don't recall whether or not I canceled the backup when I

15 booted her machine up.

16 Q Okay. So it's possible, then, that some of the

17 contents of the hard drive would have been overwritten or

18 changed as a result of booting up the machine.

19 A The only thing that would change would be the file

20 attributes.

21 BY MR. TRAVERS:

22 Q What about Windows temporary files?

23 A When you boot up Windows, it will purge the

24 temporary files.

25 Q And when you say purge --

1 A It erases them.

2 Q It erases them?

3 A Actually, as soon as you exit out of Windows, if

4 you do not have an abrupt exit out of Windows, those

5 temporary files are for the most part deleted.

6 Q And when you booted up Linda Tripp's computer, did

7 you boot up Windows?

8 A Yes.

9 Q So when you booted up Linda Tripp's computer, it

10 did purge the Windows temporary files?

11 A It possibly could have. Yes. If you're asking me

12 definitely, no, I don't know.

13 BY MR. BINHAK:

14 Q Is there a way to copy a hard drive exactly such

15 that nothing will change, not even a purging of any temporary

16 files or any other files on the hard drive, saved or unsaved?

17 A I'm sure there is, but I don't know of it.

18 Q Did anybody tell you to not use such a process on

19 Linda Tripp's computer?

20 A The Laplink?

21 Q Did anybody instruct you to not use a system that

22 would completely copy exactly the contents of the hard drive

23 as it was when it was sitting on the desk before you got

24 there?

25 A I'm sorry. I'm trying to understand. You're

1 saying did anybody instruct me not to use a utility that

2 would make an exact copy?

3 Q Yes.

4 A No.

5 BY MR. WISENBERG:

6 Q Isn't that called imaging? Isn't there something

7 called imaging where you can make -- you're essentially

8 taking a picture of the hard drive and you don't lose

9 anything, like losing temp files you talked about?

10 A If the temp file was on the hard drive, then it

11 would have been copied over because it's an actual file.

12 Like I said, no one instructed me not to use something that

13 would make an exact copy. No one instructed me.

14 And, like I said, based upon my best professional

15 knowledge, I figured Laplink was the only way that I knew of

16 to make an exact copy of a hard drive regarding the files

17 that are visible to the user.

18 Q How about this imaging that I mentioned? Are you

19 familiar with that?

20 A I've heard that there is imaging software, but I

21 was more familiar with Laplink, so I couldn't speak to you of

22 this imaging software.

23 Q Do you know what imaging is? I mean, for those of

24 us who aren't experts. If you could give us a nutshell

25 definition of imaging.

Page 45

1 A I guess the best way to describe it would be if you
2 were looking -- it's like taking the hard drive and taking
3 its reflection out of the mirror and placing it at a
4 different destination.

5 BY MR. BINHAK:

6 Q So you did not do that process, the imaging
7 process.

8 A No, I did not.

9 Q And no one told you not to do that?

10 A No, they did not.

11 Q That was a decision you made on your own, based on
12 the tasks that you were given.

13 A Yes.

14 Q Do you remember who gave you the task to deal with
15 Linda Tripp's computer, duplicate it?

16 A To be honest, I don't recall. It would have been
17 either Rick Silva or Bonnie Nicholson.

18 Q Did anybody suggest to you or intimate to you or in
19 any way instruct you that it would be okay not to have a
20 complete image of Linda Tripp or Monica Lewinsky's hard drive
21 when you were doing the duplication?

22 A No.

23 Q Did you have anything to do with Monica Lewinsky's
24 computer and the duplication of that?

25 A As far as I remember, they just took possession of

Page 47

1 THE FOREPERSON: Absolutely had a quorum.

2 MR. BINHAK: Thank you very much.

3 (The witness was excused.)

4 (Whereupon, at 1:00 p.m., the taking of testimony
5 in the presence of a full quorum of the Grand Jury was
6 concluded.)

7 * * * * *

Page 46

1 hers because at that time a new person came in and they gave
2 her a new PC. I was not in the office at the time. There
3 were three or four days I was not in while they were doing
4 some of these things.

5 Q Okay. So you dealt with Linda Tripp's but not with
6 Monica Lewinsky's.

7 A Correct.

8 Q Were you at any of these meetings that surrounded
9 the decision -- let me ask it a different way. Did you
10 attend any of the meetings where there was a decision made
11 about what to do with Monica Lewinsky's computer or Linda
12 Tripp's computer in response to a subpoena from the Office of
13 Independent Counsel?

14 A No, I was not.

15 Q So you were simply following the instructions that
16 were given to you from people who attended the meeting.

17 A Correct.

18 MR. BINHAK: All right, Mr. Sparks. Let me ask you
19 to just step outside of the room for a moment. There's a
20 possibility that the grand jurors will have some additional
21 questions for you. If they do, I'll ask you to come back.
22 If not, you will be free to leave.

23 And, Madam Foreperson, just for the record, there
24 were no unauthorized people in the room and we had a quorum
25 the whole time.



MFR

To: WHOM IT MAY CONCERN
 From: Bonnie Nicholson
 Date: January 27, 1998
 Subject: Computer Requirements

On Friday, Jan 23, 1998, returned from meeting with CAPT Doubleday, Pat Bursell, Celia Hoke, Jamie Graybeal, Rick Silva, and Bonnie Nicholson after a discussion about the turnover of computer equipment to General Counsel. I was told to take Monica's and Linda's PC and give them another PC. The following actions took place with Rick Silva, Floyd Sparks, Chris Harrell, Jodi Johnson, Traci Antonson, Nancy Gorski, LT Seaman, Quigley, and Pat Bursell. The dates for the actions are from January 23, 1998 to January 27, 1998 at 12:30 P.M. for IRM.

- Friday - • (3:15 P.M., Jan 23) perform a backup of Monica's PC so the info could be copied to another PC for Ms. Shender (Monica's Replacement)
- checked Ms. Shender's backup for accuracy
- took PC from Ms. Shender's desk and put in IRM lab
- took another PC to Ms. Shender's desk and setup the calendars and update macros
- discussed in meeting that several copies of the info was required. At that time, Rick Silva went to BTG to purchase the ZIP disks for the copies
- Friday, (4:15 P.M.), Jan. 23) Rick Silva disconnected Tripp's PC and put in IRM lab for a backup and a laplink process of info to another CPU. Worked was completed and on Saturday, Floyd + Pat Bursell took the CPU to DPCR and installed at Tripp's desk
- Floyd Sparks did all of the backup copies which included Monica's and Linda's complete backup for three weeks and the mailboxes on Friday, Jan 23 and Saturday, Jan 24
- Monday, January 26, a meeting was held in the FO. Attendees were Mr. Bernath, Mr. Wilson, Pat Bursell, Bonnie Nicholson, Celia Hoke, CAPT Doubleday. At that time, the discussions were about Tripp working at home, who will print Tripp's e-mail, and status of computer printouts.
- Monday, January 26, Traci Antonson viewed all contractor's mailboxes for verification for mail to and from Tripp and Lewinsky. All documents were given to Pat Bursell. Rick Silva gave Pat Bursell his info on Friday, Jan. 23.
- Monday, January 26, Chris connected Tripp's and Lewinsky's old PC to the network. At that time, he started printing all info

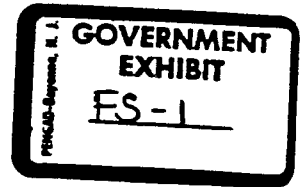
See Mrs's
submissions

(Sgt. Zuckerman)

- ~~in Lewinsky's mailbox. Around 5 P.M. the task was to be turned over to Gorski.~~ Around 10:15 A.M., Seaman (Tour Office) starting printing Tripp's e-mail. Around 4 P.M. the PC was relocated to DM, 2E811, for another person to pickup the task of printing Tripp's mailbox. As of Tuesday, 11:30 A.M., IRM doesn't know the status of the print task.
- On Monday, Jan. 26., Pat Bursell was having a telephone conversation with Brad, GC. Bonnie walked into Pat's office and was asked to join the conversation. Brad ask what the type of media would they be receiving. I explained to him that we used zip disk and he would need a zip drive and PKUNZIP software. He said ~~he wasn't~~ computer savvy and he would check with his computer support. I haven't heard or receive any messages from him on this subject.
 - On Tuesday, Jan. 27, a meeting was held in the FO with Mr. Bernath, Pat Bursell, Nancy Gorski, Jamie Graybeal, and Bonnie Nicholson. The only part of discussion IRM participated was the discussion of the computers. Previous info within that meeting that was discussed, IRM has no knowledge.
 - ~~On Tuesday, Jan. 27, Jodi Johnson printed the documents on the Dell laptop that was used by the FO travel team. We were told that the laptop had to be given to GC. The Dell laptop and all documents were given to Pat Bursell. A hand receipt was issued and Pat Bursell will follow-up with GC on the signatures.~~
 - On Tuesday, Jan. 27, three sets of zip disk (9 per set) were given to Pat Bursell. The contents of the tapes are Tripp and Lewinsky backups for 1/23/98; Tripp and Lewinsky backups for 12/29/97 and 1/5/98; Tripp's mailbox; Lewinsky's mailbox. Another set of tapes will be put in DM's safe in 2E811.
 - On Tuesday, Jan. 27, Lewinsky's CPU was given to Pat Bursell with a hand receipt. Pat Bursell will follow-up with GC for signatures.
 - On Tuesday, Jan. 27, some tapes of transcripts were found in the FO travel computer bag. All tapes were given to Mr. Bernath.

1/28/98 - Secured Tripp's R. (Lead DFOI Vault)

1/29/98 -- Requested all ^{of Lewinsky's} discs from J. Graybeal... I Kai duplicating and printing disc. index
 -- C. Hoke. Prov. de Tripp's ~~discs~~ ^{discs} - emphasized she needs a copy - mostly JCOC information



- 1 -

OFFICE OF THE INDEPENDENT COUNSEL

Date of transcription 4/20/98

FLOYD SPARKS, JR., Computer Consultant, sub-contractor from BOOZE, ALLEN, & HAMILTON, INC., and assigned to the Office of Information Resource Management (IRM), U.S. Department of Defense, was interviewed in the offices of the Pentagon General Counsel, on March 9, 1998. Also present was Ms. IVEY MARTINS, Corporate Counsel, from BOOZ, ALLEN, & HAMILTON, INC., 8283 Greensboro Drive, McLean, Virginia, and Deputy General Counsel for the Pentagon, BRADLEY WEIGMANN. Representing the Office of the Independent Counsel were Special Agents (SAs) [REDACTED] and [REDACTED], Federal Bureau of Investigation (FBI), and JIM RICKARDS, Computer Support, OIC.

After a brief explanation of the purpose of the interview, SPARKS advised that MONICA S. LEWINSKY had requested his assistance on how to erase certain files and e-mail messages from her desk computer located just outside the Office of the Secretary of Defense for Public Affairs, KENNETH BACON. This request came approximately one week prior to her resignation, because he had already been notified of her pending departure. He was not approached personally by LEWINSKY, but was assigned to assist her after she contacted the IRM help line. When they met, she acted excited and agitated about her concerns in erasing information and pressed SPARKS for instructions.

LEWINSKY told SPARKS that, based on discussions she had with LINDA TRIPP, LEWINSKY understood that deleted files and e-mail from her computer could still be retrieved later, unless erased. LEWINSKY was concerned that other employees who occasionally utilized her computer could retrieve and read her personal communications. She was specifically concerned about e-mail she had sent, more than ones she may have received.

SPARKS instructed LEWINSKY on how to erase her e-mails in a brief meeting just outside her office. He explained that e-mail messages received or sent, which were deleted the same day, did not get automatically backed up in the Pentagon's back-up system. All other messages were recorded and saved for four weeks on a rotational schedule at an off-site facility. This was done to maintain the integrity of the computer files in case of a

Investigation on 3/09/98 at Washington, D.C. File # 29D-OIC-LR-35063
 by [REDACTED] /pf Date dictated 4/20/98

29D-OIC-LR-35063

Continuation of OIC-302 of FLOYD SPARKS, JR. . On 3/09/98 . Page 2

national emergency. After four weeks, tapes were rotated back and used over again to record communications. Once new information was recorded over the backed up information, the old information was written over.

SPARKS advised that once he carefully explained the procedures to LEWINSKY she returned to her desk. He never physically went to her computer, and he was never re-contacted by LEWINSKY for further assistance. In his opinion, SPARKS believed that he had solved her problem. He also had no information, or knowledge, that any other IRM computer specialists were ever enlisted by LEWINSKY to provide further assistance.

According to SPARKS, his boss, BONNIE NICHOLSON, had instructed IRM employees that it was a department policy to provide instruction, but not actually perform operations for employees seeking advise. Additionally, there was a policy that IRM employees were forbidden from entering an employee's personal computer to delete files. However, IRM did issue bulletins encouraging employees to occasionally erase old temporary, cache, and e-mail files in order to make space on the hard drive which had a finite capacity.

SPARKS advised that neither he nor his IRM associates were provided the computer software tools such as "utilities," which could permanently erase information from a hard drive. He also advised that he had no software to perform image processing of a hard drive.

Ms. IVEY MARTINS, the BOOZ, ALLEN, & HAMILTON, INC. attorney, representing SPARKS and their employer requested any further contact with her client be channeled through her office. Thereafter, SPARKS provided a home address of [REDACTED]