

February 5, 1998

Federal Election Commission  
Office of General Counsel  
999 E Street, N.W.  
Washington, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

FEB 9 10 14 AM '98

AOR 1998-04

Dear Sir or Madam:

This letter and attached exhibits are being submitted in order to request an Advisory Opinion regarding acceptable use of FEC contributor data.

**Background:**

White Oak Technologies, Inc. (WOTI) develops software systems to perform specialized analyses of transaction databases (commonly known as "Data Mining"). One area of particular emphasis is the system's ability to detect in databases hidden patterns of collaborations among people or organizations.

In order to demonstrate its corporate capabilities to potential clients, WOTI has applied its pattern detection technologies to FEC contributor record databases. The results of this experiment clearly illustrate to potential clients WOTI's ability to identify collaborative, and possibly improper, behavior among individuals represented in FEC records. Exhibits 1 and 2 provide example displays of results obtained from this process.

Exhibit 1 illustrates the detection of synchronized contributions being made to various campaigns, apparently by members of a family. In this example, WOTI's technology has detected five instances where contributions from members of a family arrive simultaneously at various campaign offices across the US, even though the family member donors live on opposite coasts of the US.

Exhibit 2 illustrates the detection of a more subtle collaborative pattern. In this example, contributions made by a donor in Maryland to ten different campaigns are repeatedly followed within eight days by contributions from an apparently unrelated person in Texas.

**FEC Regulatory Issues:**

WOTI wishes to demonstrate the results of its experiments to potential clients by displaying actual data (including full names, dates, and contribution amounts) extracted from FEC databases. In phone conversations on this matter, FEC staff have indicated that WOTI's display of FEC data records as part of the marketing of its technology services may constitute unacceptable commercial use. FEC staff have recommended that WOTI modify names and other identifying elements in displayed FEC data in order to avoid possible violations of FEC regulations.



**White Oak**

**Technologies, Inc.**

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WOTI believes that the display of actual FEC data is crucial to establishing the veracity of its detection technologies, since potential clients are free to independently obtain FEC data and validate WOTI's results.

In this context, WOTI believes that regulations prohibiting "commercial use" of FEC data are vague. WOTI contends that these regulations were not intended to prohibit the display of results typical of the exploratory analyses that WOTI is performing – even if the display of such analyses have the beneficial commercial side effect of increasing the sales of WOTI's services. WOTI's use of FEC data should enjoy the same protection afforded to newspapers and other publications that display newsworthy analyses of FEC records, though they, too, obtain commercial benefit by their increased circulation and advertising revenue.

We are therefore requesting that the Commissioners of the FEC issue an Advisory Opinion confirming WOTI's right to display or publish all data elements of FEC contributor records – when used for the purpose of marketing its Data Mining services and technologies.

Please direct all correspondence regarding this Request for Advisory Opinion to the undersigned.

Sincerely,



Alan J. Broder, President  
White Oak Technologies, Inc.  
10907 Wheeler Drive  
Silver Spring, MD 20901

Phone: (301)681-8920  
Facsimile: (301)754-3856

Attachments: Exhibits 1, 2

# Exhibit 1

## Detected Synchronized Contributions: Parents & Possible Offspring

Recipient Campaign	Donor	State	Occupation	Date	Amount
CLINTON/GORE '96 PRIMARY COMMITTEE INC	SMITH, JOHN K	MA	PHYSICIAN	09-29-95	1000
CLINTON/GORE '96 PRIMARY COMMITTEE INC	SMITH, BETTY	MA	HOUSEWIFE	09-29-95	1000
CLINTON/GORE '96 PRIMARY COMMITTEE INC	SMITH, DAVID	CA	UCLA	09-29-95	1000
TOM BRUGGERE FOR US SENATE	SMITH, JOHN	MA	PHYSICIAN	10-02-96	1000
TOM BRUGGERE FOR US SENATE	SMITH, BETTY	MA	HOMEMAKER	10-02-96	1000
TOM BRUGGERE FOR US SENATE	SMITH, DAVID	CA	UCLA	10-03-96	1000
KERRY/MDP VICTORY FUND	SMITH, JOHN K	MA	RETIRED PHYSICIAN	10-22-96	1000
KERRY/MDP VICTORY FUND	SMITH, BETTY	MA		10-22-96	1000
KERRY/MDP VICTORY FUND	SMITH, DAVID	CA		10-22-96	1000
MASSACHUSETTS DEMOCRATIC PARTY	SMITH, JOHN K	MA	RETIRED PHYSICIAN	10-22-96	1000
MASSACHUSETTS DEMOCRATIC PARTY	SMITH, BETTY	MA		10-22-96	1000
MASSACHUSETTS DEMOCRATIC PARTY	SMITH, DAVID	CA		10-22-96	1000
CITIZENS FOR JOE KENNEDY 1988	SMITH, JOHN K MD	MA	PHYSICIAN	12-31-96	1000
CITIZENS FOR JOE KENNEDY 1988	SMITH, BETTY	MA	AT HOME	12-31-96	1000
CITIZENS FOR JOE KENNEDY 1988	SMITH, DAVID	CA	UCLA	12-31-96	1000

Note: This table represents actual contributions contained in FEC databases. Names and other identifying elements have been changed.

Source: White Oak Technologies, Inc. - (301)681-8920

## Exhibit 2

**Detected Influential Contributor:  
Contributions from "STEVEN JONES" are followed  
within 8 days by contributions from "FRED WILLIAMS"**

Recipient Campaign	Donor	State	Occupation	Date	Amount
JOHN THUNE FOR CONGRESS COMMITTEE	JONES, STEVEN	MD		07-08-96	1000
JOHN THUNE FOR CONGRESS COMMITTEE	WILLIAMS, FRED B	TX	RETIRED	07-16-96	500
VOLUNTEERS FOR SHIMKUS	JONES, STEVEN Q	MD	METROPOLITAN PAINTINGS	07-11-96	1000
VOLUNTEERS FOR SHIMKUS	WILLIAMS, FRED B	TX	RETIRED	07-12-96	500
MIKE PAPPAS FOR CONGRESS	JONES, STEVEN Q	MD	METROPOLITAN PAINT	07-14-96	1000
MIKE PAPPAS FOR CONGRESS	WILLIAMS, FRED	TX	RETIRED	07-22-96	500
BOB NEY FOR CONGRESS	JONES, STEVEN Q	MD	METROPOLITAN PAINTINGS	07-18-96	1000
BOB NEY FOR CONGRESS	WILLIAMS, FRED B	TX	RETIRED	07-22-96	500
BILL WITT FOR CONGRESS COMMITTEE 1996	JONES, STEVEN Q	MD	METROPOLITAN PAINTINGS	07-29-96	1000
BILL WITT FOR CONGRESS COMMITTEE 1996	WILLIAMS, FRED	TX	RETIRED	07-30-96	500
HUTCHINSON FOR SENATE	JONES, STEVEN Q	MD	METROPOLITAN PAINTINGS	07-23-96	1000
HUTCHINSON FOR SENATE	WILLIAMS, FRED B	TX	RETIRED	07-25-96	1000
ROBERT ADERHOLT FOR CONGRESS	JONES, STEVEN Q	MD	METROPOLITAN PAINTINGS	07-30-96	1000
ROBERT ADERHOLT FOR CONGRESS	WILLIAMS, FRED B	TX	RETIRED	08-04-96	500
RICK HILL FOR CONGRESS COMMITTEE	JONES, STEVEN	MD	ATTORNEY	08-09-96	1000
RICK HILL FOR CONGRESS COMMITTEE	WILLIAMS, FRED	TX	RETIRED	08-16-96	500
PAUL R YOUNG (PCC)	JONES, STEVEN	MD	METROPOLITAN PAINTING	08-24-96	1000
PAUL R YOUNG (PCC)	WILLIAMS, FRED	TX	RETIRED	08-27-96	500
FRIENDS OF STEVE STOCKMAN	JONES, STEVEN	MD		11-20-96	1000
FRIENDS OF STEVE STOCKMAN	WILLIAMS, FRED	TX	RETIRED	11-25-96	1000

**Note: This table represents actual contributions contained in FEC databases. Names and other identifying elements have been changed.**

Source: White Oak Technologies, Inc. - (301)681-8920