

The Contours of American Congressional Petitioning, 1789-1949: A New Database

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Abstract

We introduce the Congressional Petitions Database (CPD), an original endeavor tracking virtually every petition introduced to Congress from 1789 to 1949. Exploiting Congress's ritual reading of petition prayers, we leverage a supervised machine learning algorithm to create a database comprising over 537,000 petitions. For each petition we code the prayer and its subject matter, geographic origin, initial disposition and other information. Initial analyses suggest that (1) per-capita petitioning peaked nationwide in the mid- and late-nineteenth century and remained at higher levels until World War I, declining appreciably thereafter; (2) the South exhibits lower petitioning from 1802 to 1870 (but not before 1800), cratering in the 1840s through 1860s and again later in the Jim Crow Era; and (3) the unenfranchised petitioned regularly and their petitions were afforded process similar to all others. The CPD will be useful for studies of legislative development, social movements, interest group advocacy, federalism and sectionalism.

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From colonial governments through the Revolution and beyond, legislatures have functioned as the primary positive lawmaking bodies of American government. While the United States Constitution recognizes at least two key mechanisms – elections and petitions – for connecting representatives in legislatures to their constituents,¹ only the first of these has been heavily studied – the second far less so, despite the petition’s indispensable role in both the development and day-to-day function of legislatures at least through the middle of the 20th Century. Pre-revolutionary legislatures seized power from colonial governors, appointed by the crown, by taking jurisdiction over petitions for public claims (Desan 1998a, 1998b); by the time of the Founding, petitions were considered firmly within the purview of the legislature and dominated the congressional docket (McKinley 2018). The right of petition was regarded as fundamental to a republican form of government, as an important mechanism of representation for individuals and minorities, and as a vital counterpoint to the majoritarian mechanism of the vote; the unenfranchised—women, African Americans, Native Americans, the foreign-born, and even children—leveraged the petition process, often with great success (Collins 2013; McKinley 2016; Carpenter 2016b).

The right of petitioning is protected in the First Amendment to the Constitution, whereas the right to vote was not protected explicitly in the Bill of Rights, being left to the states to regulate (Article I and II). Only later, with the Fifteenth Amendment and other changes wrought by the Reconstruction Amendments – including questions of equal protection raised by the Fourteenth – did voting rights start to become a matter of constitutional jurisprudence. State constitutions also protect the right to petition, ranging from the Massachusetts Constitution of 1780 to the Michigan

¹ One could add instruction, but note that the Founders explicitly debated the possibility of an instruction right in the Constitution of 1787 and rejected it, resolving that a republican form of government required the right to petition only (McKinley (2016), Carpenter (2017)). Some legal historians have argued that the right to petition was incorporated into the initiative and referendum process in the late nineteenth century (Abu El-Haj (2011)). Instruction has been little used since the colonial period, unless one regards plebiscitary institutions (initiative and referendum) as a form of instruction (but see McKinley (2016)).

Constitution of 1835 to the Colorado Constitution of 1876 and beyond (but see Lamoreaux and Wallis 2015). As both an expression and result of these institutional commitments, early American legislatures passed a majority of their statutes from bills introduced as petitions, and by a substantial margin they processed more petitions than they considered bills and held roll-call votes (Bailey 1979, Resch et al 2018). Ireland (2004) reports that seventy to ninety percent of early private bills originated from petitions.²

Petitions have a history well beyond that of the United States and its legislatures, of course. Indigenous North Americans incorporated petition procedures into their diplomatic and governance institutions (such as condolence rituals and confederacy meetings) centuries before contact with Europeans (Fenton 1985, p. 24). On a more global scale, petitions to emperors, monarchs and rulers are as old perhaps as human society itself. Petitions function in modern times as a central element in the development of a public sphere in the global East (Li, Liu and O'Brien 2012) as well as the West (Tilly 1993, Zaret 1993, 1996), while also playing a formative role in many transformative social movements (Zaeske 2003, Szymanski 2003, Portnoy 2005, Chase 2013, Carpenter and Moore 2014, Carpenter et al 2018). Petitions were sent to all manner of sovereign and ecclesiastical authorities, but traditions, norms and rules of Anglo-American parliamentary reception are quite particular. In Parliament and American legislatures, each petition's prayer (or part of it) is customarily read aloud

² The Massachusetts Constitution of 1780, Part the First, Article 19, states that "The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives; and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer." The Michigan Constitution of 1835 holds, similarly, that "The people shall have the right freely to assemble together, to consult for the common good, to instruct their representatives, and to petition the legislature for redress of grievances." The Colorado constitution of 1876 presents its petition right in Article 2, Section 24; https://www.colorado.gov/pacific/sites/default/files/CO_Constitution_150dpi_Signed.pdf (accessed most recently June 2, 2018).

Note that the United States Constitution's First Amendment explicitly protects the right to petition "the Government" for redress of grievances, whereas these exemplary petition rights in state constitutions target the legislature.

on the chamber floor and then disposed by tabling, by reference to a committee (select, standing or special), or by reference to another branch, commission, board, or agency for fact-finding and reporting. Relatedly, petitions also became the basis for bills that issued from monarchs and parliaments in the late medieval period (Petit-Renaud 2001) through the early modern and colonial period to the early U.S. (Foster 1974; Bailey 1979; Desan 1998a, 1998b).

Despite the acknowledged importance of petitioning in the U.S. Constitution, in state constitutions and in the development of American legislatures, scholars know little about its prevalence or patterns. Even setting aside possible causal or associational links with other patterns of political behavior, some basic questions about congressional petitions cry out for descriptive answers:

- How common was petitioning over the course of American national history?
Accounting for population, when was petitioning most common, and at what point did the most rapid quantitative transformations occur?
- Which themes and issues – slavery and civil rights, for instance, versus tariff concerns – were more common subjects of petitioning, and how did this topical frequency vary over time?
- Which constituencies sent more petitions to Congress than others?
- How often did the unenfranchised petition? And did their petitions receive procedural treatment similar to those of other petitioners?

Addressing these questions requires data of considerable breadth and quantity. In this paper we report the creation and initial descriptive analysis of a large, interconnected database – the Congressional Petitions Database (CPD) – that aims to document the vast majority of congressional petitioning in American history before the late-twentieth century (1789-1949). Our analytic strategy exploits the parliamentary practice of reading a petition's prayer upon the floor of the relevant

chamber to construct a comprehensive database of more than 500,000 petitions introduced before the Congress in the history of the United States. Harnessing the formal, published records of the Congress, the *Congressional Record* and *Journals*, we develop methods for extracting petitions and text-analytic techniques for coding them by topic. We supervise these algorithms via human coding of the journals.

The data will have many uses, including the study of (1) legislative and policy agendas over time, (2) bills and other legislative and policy proposals, (3) political and social movements, (4) protest activity and citizen grievance, (5) formal political activity of the unenfranchised, (6) lobbying and the politics of organized interests, and (6) a raw record of petitions that might later be located in archives.

These data also have particular shortcomings – the reliance upon the accuracy of legislative clerks, the lack of systematic data on signatories (their numbers, identity and sequence of signers), the possibility of missing petitions when a set of memorials is introduced as a bundle of “sundry petitions” and remain undifferentiated, and the undercount of petitions that were not introduced formally. Both the breadth and limits of our dataset speak in part to the particular publicity accorded to legislative proceedings in American political history, in contrast to the Hamiltonian ethic of “secrecy and despatch” that has often governed presidential and gubernatorial operations.³

The Need for More Systematic Petition Data

³ Since the passage of the Administrative Procedures Act of 1946 along with the Freedom of Information Act of 1967, the operations of the U.S. administrative state has been much more transparent than was historically the norm, yet for most of American history national agencies did little to publish the operations of their proceedings outside of annual reports.

Recent years have witnessed a surge in studies of historical political behavior in the context of American political development (Lee 2002, Campbell 2002, 2003, Szymanski 2003, Skocpol 2004, Parker 2009, Schickler 2016). In lieu of studying the traditional subjects and themes of American political development – the state (Skowronek 1982, Benschel 1990, Orren and Skowronek 2018), courts (Whittington 2005) and Congress (Stewart 1989, Schickler 2001, Jenkins and Stewart 2012, Schiller and Stewart 2014) – a number of these studies examine citizen behavior and mediating institutions such as interest groups, organizations and parties instead.

Petitions – connecting as they do citizen behavior directly with the disposition of requests and complaints by governmental bodies – would seem particularly useful for understanding the interface of society and the state as well as between citizens and their representatives. Several recent studies have begun to aggregate petitions data to study antislavery petitioning (Carpenter and Moore 2014), the Bank War of the 1830s (Carpenter and Schneer 2015), the decline in petitioning to the Senate after the 17th Amendment (Schneer 2017), the woman suffrage movement (Carpenter et al 2018), and the relationship between the decline in the congressional petition process and the rise of the modern “administrative state” (McKinley 2018). In each case, a social movement or institutional change was associated with an increase or decrease of many thousands of petitions. Yet how do these movement-specific numbers compare to each other, and to petitioning as a more aggregate activity in the United States or in particular regions or states thereof? We lack an aggregate empirical index that would permit scholars and students to understand these movements and their petitioning activity in quantitative context.

Or consider Wilton’s (2000) claim that even after the extension of suffrage in Upper Canada (contemporary Ontario, roughly), petitioning was *more* common than voting among those with suffrage rights. This is a striking claim about relative types of political activity. Is it also true – and if so, where and when is it true – for the United States? Despite abundant data on electoral

participation in American history, we have no way of addressing much less answering these questions, not least because even basic data on the totality of petitioning activity is unavailable.

In other cases, comprehensive data on petitioning would be useful to address related questions about agenda-setting. Take for instance Bailey's (1979) study of petitioning and lawmaking in the house of Burgesses and early House of Delegates in Virginia. Bailey infers that from 1730 onward, generally more than half of laws passed in Virginia had begun as petitions (1979, p. 64). Bailey stops his study in early national Virginia with the House of Delegates (1790), but one would easily ask the same question of early Congresses and even into the twentieth century. How commonly are bills derived from petitions, and to what extent does the resulting "agenda" reflect citizen preferences as opposed to those of elites or more organized interests? Clearly many petitions that become bills start from elite or organized interests, but it is only from studying these petitions that we can gain such answers as to the democratization of the legislative agenda.

Creating the Congressional Petitions Database

Here we describe the procedures we used to create the CPD, which draws on records from the *Journal of the House of Representatives*, the *Journal of the Senate*, and the *Congressional Record*. Given that one of our primary contributions is the data itself, we also go into some depth about the decisions made in gathering and processing this data.⁴

The database assembled draws on two complementary data-gathering efforts. The first effort focused on Congress from 1789 to 1881; the second effort focused on 1882 to 1949. The first effort

⁴ These methods were developed and used in past work by the authors, not identified here to preserve the anonymity of the manuscript.

draws on the House and Senate *Journals*, whereas the second effort draws on a combination of the *Congressional Record* and *Journals*.⁵

Less than one week after the House first achieved a quorum, the House formalized its procedures for processing petitions (McKinley 2018). Although there exists some variation in the information included with each petition presentation, the *Journals* and *Record* usually identify the member of Congress introducing the petition, names and/or descriptions of the petitioners, where the petitioners were from, the prayer or request contained in the petition, whether the petition was initially tabled or referred, and – in case of a referral – the destination of said referral.⁶ Petitions were frequently referred to committees, but also to members of the executive branch such as the Secretary of State or the Postmaster General and to the federal courts.

The rules for how the House treats petitions have evolved minimally over time. Initially, the rules adopted in 1789 provided that:

Petitions, memorials, and other papers addressed to the House shall be presented through the Speaker, or by a member in his place, and shall not be debated or decided on the day of their being first read, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order they were read.⁷

From the Founding until the 80th Congress, the House received the lion's share of congressional petitions—averaging over 70% of all petition volume (McKinley 2018). In 1842 the House rules were changed so that petitions were filed with the clerk. For instance, Rule XII, clause 3 of the *Rules of the House of Representatives* for the 59th Congress (1905) states: “Members having petitions or memorials or bills of a private nature to present may deliver them to the Clerk, endorsing their

⁵ Availability of data by source dictated some of these decisions; we did not have access to full digital records of the House and Senate Journals post 1882.

⁶ To “table” a petition meant that Congress would delay consideration of the petition for some period—at times indefinitely, while often for a much shorter interval.

⁷ See McKinley 2018; see also Jefferson and Sullivan 2011.

names and the reference or disposition to be made thereof; and said petitions and memorials and bills of a private nature, except such as, in the judgment of the Speaker, are of an obscene or insulting character, shall be entered on the *Journal* with the names of the members presenting them, and the Clerk shall furnish a transcript of such entry to the official reporters of debates for publication in the Record.”

In the Senate, the guidelines for dealing with petitions are outlined in the *Standing Rules of the Senate*. Similarly to the House, few if any substantive changes to the procedure for processing petitions have occurred over time. For instance, the *Rules of the Senate* in 1868 contain a section on “Morning Business, Petitions, Reports, etc.” that describes the procedure for handling petitions. The Presiding Officer calls for petitions and memorials; then,

[...] every petition or memorial, or other paper, shall be referred, of course, without putting a question for that purpose, unless the reference is objected to by a Senator at the time such petition, memorial, or other paper is presented. And before any petition or memorial, addressed to the Senate, shall be received and read at the table, whether the same shall be introduced by the Presiding Officer, or a Senator, a brief statement of the contents of the petition or memorial shall verbally be made by the introducer.⁸

By 1913, the *Senate Manual* had not changed meaningfully with regard to petitions. The rules noted that “a brief statement of the contents of each petition, memorial, or paper presented to the Senate, shall be entered” into the *Record*. “Every petition or memorial shall be signed by the petitioner or memorialist and have endorsed thereon a brief statement of its contents, and shall be presented and referred without debate.”⁹ The same language persisted all the way through the end of our sample period, with the 1947 *Senate Manual* including identical wording.

⁸ See *Rules of the Senate of the United States, and Joint Rules of the Two Houses: Also Rules of Practice and Procedure in the Senate when Sitting for the Trial of Impeachments* (1868).

⁹ See *Senate Manual Containing the Standing Rules and Orders of the United States Senate* (1913) and the *Senate Manual Containing the Standing Rules, Orders, Laws, and Resolutions Affecting the Business of The United States Senate* (1947).

Given these relatively consistent practices, many of the petitions sent to Congress in this time period were indeed recorded. Of course some variation occurred in specific practices and rigor;¹⁰ however, from the Founding, members of Congress sought to fulfill their obligations to record congressional proceedings under the Journal Clause (Art. I, Sect. 5) (McKinley 2016) and therefore faithfully recorded the presentation, processing, and adjudication of petitions. Moreover, even under the infamous Pinckney Gag Rule, which required petitions on the subject of slavery to be tabled, the following onslaught of slavery-related petitions was dutifully itemized and recorded in the House Journal (see, e.g., Figure 1).

The method that we apply to gather the petitions data relies on the fact that in recent years digitized versions of the House and Senate *Journals* and *Congressional Record* have become available. The three figures below illustrate snippets of text from the *Journals* and *Record*, which is also in machine-readable/digitized form. The text includes who presented the petition, the date it was presented, the petition's subject and purpose, sender, and the location of the petition's origin. In rare cases, the full text of the petition is printed.

Figures 1, 2, and 3 present three examples of how petitions were recorded for the House of Representatives in the *Journal* and *Congressional Record*. For Figures 1 and 2, the information is recorded in a relatively standardized manner that allows for straightforward harvesting of the relevant data points. In the *Journals*, we can identify newly presented petitions based on spacing and indentation along with the standardized format referring to the identity of the speaker. In the House post-1920, as displayed in Figure 2, the *Record* numbered the petitions presented. Given that this rich data on petitioning has been carefully recorded, our innovation has been to harvest it systematically.

¹⁰ Many sources have documented in great detail the breakdown of the petition process with respect to the highest volume areas of petitioning—largely pensions and claims—in the mid- and late-nineteenth century. See, e.g., Skocpol (1993) and McKinley (2018).

Petitions and memorials praying for the abolition of slavery, and the slave trade in the District of Columbia, and in the several States and Territories were presented as follows:

By Mr. Cushing: Of inhabitants of Chester, in the State of New Hampshire;

By Mr. Cushing: Of inhabitants of Windham, in the State of New Hampshire;

By Mr. Cushing: Of inhabitants of Concord, in the State of New Hampshire;

By Mr. Cushing: Of inhabitants of Lowell, in the State of Massachusetts;

By Mr. Phillips: Of citizens of Boston, in the State of Massachusetts;

By Mr. Slade: Of citizens of Bennington county, in the State of Vermont;

By Mr. Russell: Of citizens of the county of Washington, in the State of New York;

By Mr. Lay: Of citizens of Strykersville, in the State of New York;

By Mr. Ash: Of citizens of the State of Pennsylvania;

By Mr. Whittlesey, of Ohio: Of citizens of Clarksville and Wakeman, in the State of Ohio;

By Mr. Vinton: Of citizens of Washington county, in the State of Ohio;

By Mr. Love: Of four hundred females of the county of Erie, in the State of New York;

By Mr. Love: Of citizens of Lancaster, Erie county, in the State of New York;

By Mr. Love: Of citizens of the counties of Erie and Chautauque, in the State of New York;

which petitions and memorials were severally laid upon the table, under the order of the House, of the 26th of May last; which provides "that all petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatever, to the subject of slavery, or the abolition of slavery, shall, without being either printed or referred, *be laid upon the table*, and that no further action whatever, shall be had thereon."

Figure 1: Snippet from House Journal

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

865. By the SPEAKER (by request): Petition of users of motor vehicles of Brooklyn, N. Y., urging the repeal of all unfair war excise taxes; to the Committee on Ways and Means.

866. By Mr. BLOOM: Petition of the Republican Club of the twenty-third assembly district of New York, January 14, 1924, favoring an increase of salaries being granted to worthy employees of the United States; to the Committee on the Civil Service.

867. By Mr. BURTON: Petition of 250 residents of the city of Cleveland, requesting support of the measure now pending in Congress to amend the Volstead Act by permitting the manufacture and sale of beer and light wines; to the Committee on the Judiciary.

Figure 2: Snippet from Congressional Record Tracking House Petitions

Figure 3 presents an example of how the *Record* recorded petitions sent to the Senate. Senate petitions in the *Record* were not numbered; however, because the records again appear in a standardized format, we can identify each reference separately. By far the biggest challenge occurs in rare instances where a block of text references multiple petitions. This occurs primarily but not exclusively in the late 19th century and early 20th century *Congressional Record*. We take two approaches to this problem. First, we can rely on individual *introductions* and accept that the numbers from this approach represent a slight undercount of petitions. Second, we also attempt to estimate the true number of petitions in a single introduction by analyzing cases where the text, for example, refers to multiple or “sundry” petitions and then lists several different towns.

Mr. JONES of Washington presented a petition of sundry citizens of Ballard, Wash., praying for the passage of legislation granting adequate compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Seattle, Wash., praying for the passage of House bill 4123, for the reclassification of postal salaries, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Walla Walla, Wash., praying for the adoption of the so-called Mellon tax-reduction plan, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Walla Walla, Wash., praying an amendment to the Constitution regulating child labor, which was referred to the Committee on the Judiciary.

Mr. LADD presented the petition of Zack Shackman and 77 other citizens of Berlin, N. Dak., praying for an increased tariff on wheat and repeal of the drawback and milling-in-bond provision of the so-called Fordney-McCumber Tariff Act, which was referred to the Committee on Finance.

He also presented the petition of Ed. Mack and 75 other citizens of Lewistown, Mont., praying for increased tariff duties on wheat, flour, flax, and linseed oil, which was referred to the Committee on Finance.

He also presented resolutions adopted at a meeting of farmers and manufacturers assembled in Chicago, Ill., at the call of the Illinois Manufacturers' Association, opposing Government fixing of prices of agriculture or other commodities, favoring the cooperative marketing of farm products, utilization of the Muscle Shoals plant, etc., which were referred to the Committee on Agriculture and Forestry.

He also presented a resolution of the Finley Community Club, of Finley, N. Dak., favoring the passage of Senate bill 1597, providing a \$50,000,000 revolving loan to the livestock industry, which was referred to the Committee on Agriculture and Forestry.

Figure 3: Structure of Congressional Record Data Tracking Senate Petitions

Implementing the procedures described above involved processing primary source material consisting of records and minutiae of thousands of days of Congressional meetings. As a result, gathering and processing the data by hand was not feasible; instead we built and implemented algorithms that identify and extract the associated information for petitions read and presented to Congress. This task met with additional complications because the availability and sources of the underlying text vary over time. American Memory (a Library of Congress project) has digitized the *House Journal* and *Senate Journal* from 1789 to 1875. HathiTrust has digitized the *Journals* from 1789 onwards, however their coverage is spottier (i.e., not every session of Congress is available), and the OCR text has not been cleaned or formatted, unlike for American Memory. Finally, we can access the Congressional Record from 1883 onwards, though this too has occasionally messy OCR text. Fortunately, HathiTrust has full coverage of the “gap” years between 1875 and 1883.

The digitized text from American Memory had already been formatted and cleaned by staff at the Library of Congress in order to wrangle the messy OCR journal text into cleaned and formatted digitized text output. We constructed an algorithm that relied on regular expressions based on the formatting used by American Memory. In tests, this algorithm proved more accurate at extracting petitions from the American Memory text than human research assistants.

The challenge for us was that American Memory included *Journals* only through 1875, and it was not feasible (given the extremely intensive labor involved) for us to manually clean subsequent years. To make use of subsequent years of text from the *Journals*, we therefore needed to figure out how to apply our existing algorithm to text that had not been cleaned and formatted. We matched the cleaned and formatted pre-1875 *Journal* text to the corresponding unformatted text from the *Journals*. The resulting pairs included the same underlying textual content, but with one version cleaned and formatted and the other uncleaned and unformatted. We used this paired text to train neural networks learning how to automate the formatting.

With the newly-formatted digitized text in hand, we could then apply our existing algorithm based on regular expressions to the *Journal* for years after 1875.

As mentioned above, we relied upon an algorithm that searched for key terms using regular expressions to identify and then harvest petitions. A stylized version of our algorithm followed the steps outlined below:

- Find the section of the source (i.e, *Journals* or *Congressional Record*) in which information on petitions was contained (normally identified by phrase “PETITIONS, ETC.” or “PETITIONS AND MEMORIALS”)
- Identify first petition recorded along with its number (for House)
- Cycle through petitions until unable to find the next one in the sequence. This is the last petition recorded for the day.
- For each reference to a petition:
 - Extract and save name of person presenting petition using regular expressions
 - Extract location data from description using regular expressions and natural language processing
 - Extract text description of petition’s prayer using regular expressions
 - Extract information on referrals using regular expressions
- Proceed to next day of source
- Repeat...

Overall, while the data compiled are not fully exhaustive – as mentioned before any petition missed (or elided with others as “sundry”) by the chamber clerks poses a challenge – they do permit historical comparison on a more systematic scale than any previous efforts we are aware of.

The potential uses of the data are vast, but most directly they allow for an accounting of the petitioning activity directed towards the U.S. Congress. Further documentation of petitioning

practices to state legislatures – following upon the methods deployed here – would permit revealing analyses of federalism as well as venue choice. Furthermore, because each record includes a description of the petition, the data allow analysis of the types of issues that were the subject of petitions as well as tracking geographic patterns in petitioning activity over time.

Classification of Congressional Petitions

In addition to an overall accounting of total petitioning activity, the data gathered allows researchers to observe changes in the agendas expressed through petitions to Congress over time. In order to measure this systematically, we relied on a text classification approach similar to those used in studies of more modern phenomena such as individuals expressing themselves online.¹¹

The first step consisted of determining a set of mutually exclusive but exhaustive categories that we could use to classify petitions. By its very nature, such an exercise comes with the caveat that it will be ahistorical in some sense. The meanings of categories (or their very existence) change profoundly over time. That said, some fundamental dimensions of running a government have remained with us since the Founding, and Congress still exercises many of the de facto powers (and responsibilities) of the Article One branch laid out in the Constitution.

We have elected to use multiple sets of categories for robustness. Our primary approach employs a sweeping set of historical categories for those studying the history of Congress. The second approach, used as a supplement only for comparison with more recent studies of agenda-setting, reflects a more limited set of categories that relies heavily upon modern-day policy agendas. Supplemental Appendix 3 describes this alternative taxonomy in more detail.

Taxonomy from Categories of Historical Congressional Voting

¹¹ See for example King, Pan, and Roberts (2013) or King, Schneer and White (2017).

Our main strategy is to employ legislative topic codings based upon those used in studies of legislative voting over the long run (Poole and Rosenthal, 2000; and earlier, Peltzman, 1984) to describe a history of legislative roll call data.

We make two principal modifications to the existing codes from Poole and Rosenthal (2000). First, because Poole and Rosenthal and others developed their categories for the study of roll calls (reflecting a later stage of the legislative process), we also examine a set of categories developed by the Library of Virginia (LOV), which has digitized thousands of pre-Reconstruction legislative petitions.¹² One important addition from these is a category on Native Americans or “Indians,” which is missing from the Poole and Rosenthal categorization. The other categories drawn from the LOV include Private Relief/Compensation, Roads/Turnpike Companies, Schools/Universities, Free Negroes, Manufacturers/Manufacturing Companies and Militia/Public Guard. Second, the Poole and Rosenthal codes employ several categories, such as nuclear arms, that apply little or not at all to the period covered by our database.¹³ In the Appendix, we list the full set of specific categories used in coding petitions, along with broader topics grouping several categories together.

To classify petitions according to these categories, we had coders classify roughly 7000 randomly selected petition introductions in total, which spanned the time period of our sample (1789—1949). Two coders read the prayers of the petitions – without being exposed to information on committee referrals – and categorized the petition by topic. The coders agreed on the topic code for 70% of petitions. In instances of disagreement, a third coder broke the tie.

¹² See the petition database they have assembled at <http://www.virginiamemory.com/collections/petitions>.

¹³ These include Abortion/Care of deformed newborns, Airlines/Airports/Airline Industry, B-1 Bomber and Stealth (B-2), Breeder Reactor, CIA/Spying/Intelligence, Consumer Protection Agency/Consumer Protection, Election of the Speaker of the House, Exchange Rates, Food Stamps/Food Programs, Haiti, HIV & AIDS, Homosexuality, Iran and Iraq, Korean War, Legal Services Corporation, Medicare, Minorities (non-black), MX Missile, Neutron Bomb, Nuclear Weapons, OSHA, Ratio of Representatives to Population, School Prayer, South Africa/Rhodesia, Space Exploration/NASA, SST, Taiwan, U. N., Vietnam War, War on Terror (After 9-11), and WWI.

After training an ensemble classifier on this set of classified petition introductions, we then use the resulting model to predict the category of the remaining (hundreds of thousands) petitions in the sample. To implement our approach, we used the text of the description of the petition's prayer. For the text of each petition, we removed punctuation, put all characters in lower case, removed stopwords, stemmed the document, and stripped any remaining whitespace. With what remained, we created a document term matrix indicating the word frequencies for each petition. We removed sparse words (i.e., those that appear very rarely in any documents) and then normalized the word frequencies.

With the document term matrix in hand, we trained the classifier on the already-classified petitions and used the results to predict the category for unclassified petitions. The ensemble approach that we implemented consists of two different classifiers: a random forest model and a support vector machine model (Hastie 2001). To make a classification, each classifier yields a predicted probability for a given category. We averaged across the predicted probabilities to combine the results from both classifiers. This yielded a single predicted probability for each petition denoting the probability of being in a given class.

One point of complication is that any single petition can only be categorized into one of over 100 possible categories. Rather than model all categories simultaneously, we instead simplified the problem by performing separate binary classifications. For example, for the category "Voting Rights," we placed all coded petitions that fell in this category into the "on-topic" category and all other petitions into the "off-topic" category. We then ran the classifiers on the training set of petitions and recovered predicted probabilities for the full set of petitions in the sample. We repeated this process for each of the categories. As a result, for each petition we actually estimated the predicted probability that it was on the topic of each of the possible categories. To make our prediction, we placed the petition into the category with the highest predicted probability.

The classification procedure performed well. To test the accuracy of classification using this method, we initially trained the model on eighty percent of the total coded petitions, and then we made predictions on the remaining twenty percent of coded petitions. By comparing our prediction to the actual hand codings, we can assess the performance of the classification procedure implemented. Across all categories, the classifier placed the petition in the correct category 70% of the time. On average, our classification led to a precision value of 0.711, a recall value of 0.701, and an F-score of 0.724. While there is room for improvement, these statistics suggest that the bulk of the time classifications are being made correctly both in terms of petitions we coded as on-topic actually being on topic (precision) as well as actual on-topic petitions being coded as such (accuracy).

Nineteenth-Century Surges and Southern Valleys: Patterns in Congressional Petitioning

Gathering this comprehensive set of data on petitions sent to the U.S. Congress allows us to present a variety of stylized facts about the inflow of petitions over the history of Congress. The top left panel of the Figure 4 below depicts the time series of petitions sent to the House and Senate from 1789 to 1949. Several things stand out as notable. First, petitioning to Congress can be characterized in some sense by waves or “bursts” of activity. There is considerable variance in petitioning year to year. The highest single peak in terms of raw number of petitions that we observe occurred during the 52nd Congress (starting in 1891), for which we observe a total of 21,436 total petition introductions in Congress. Textual analysis reveals that a large majority of these petitions concerned issues surrounding Sabbatarianism/anti-Sabbatarianism and the World’s Fair in Chicago. The most common word stems during this Congress included “Sunday”, “world”, “fair” and “open”. Key secondary terms included “Columbian” (since the fair was known as the Columbian

Exposition) and “close”. A typical petition read: “Mr. HOAR presented the petition of A.G. Loomis and other citizens of Greenfield, Mass., praying that any loan to the Worlds Columbian Exposition shall be on condition that the Exposition be closed on Sunday; which was referred to the Committee on the Quadro-Centennial.”¹⁴ Other issues also attracted considerable petitioning activity at this time, including petitions regarding rural free delivery, immigration, taxes, tariffs, pure food, and a variety of economic issues. The description of another typical petition read: “Mr. ALLISON presented the petition of K.W. Kingsley and a large number of other citizens of Strawberry Point, Iowa, praying that Congress speedily enact a law giving the several States authority to control the manufacture and sale of oleomargarine, butterine, and all compounds in imitation of butter; which was ordered to lie on the table.”¹⁵

On a per capita basis, one of the greatest explosions of recorded legislative petitioning occurred in the early 1830s, primarily surrounding the issue of slavery. At its height, we have records of about 5 petitions per 10,000 citizens, and this does not include petitions unrecorded due to the Pinckney Gag Rule. Zaeske (2003) and Carpenter and Moore (2014) document the wave of abolitionist petitioning in this era in considerable detail.

Several other stylized facts stand out as well. In general, the House received considerably more petitions than the Senate, an issue discussed in some detail in Schneer (2017) and McKinley (2018). A long tradition of petitioning the lower House of a legislature, as well as the fact that there were more potential recipients in the House (i.e., more members of the House than the Senate), that representatives were more physically accessible, and that revenue bills originated in the House likely explains this stylized fact.

¹⁴ *Congressional Record* (Senate), December 15th, 1891.

¹⁵ *Congressional Record* (Senate), January 16th, 1891.

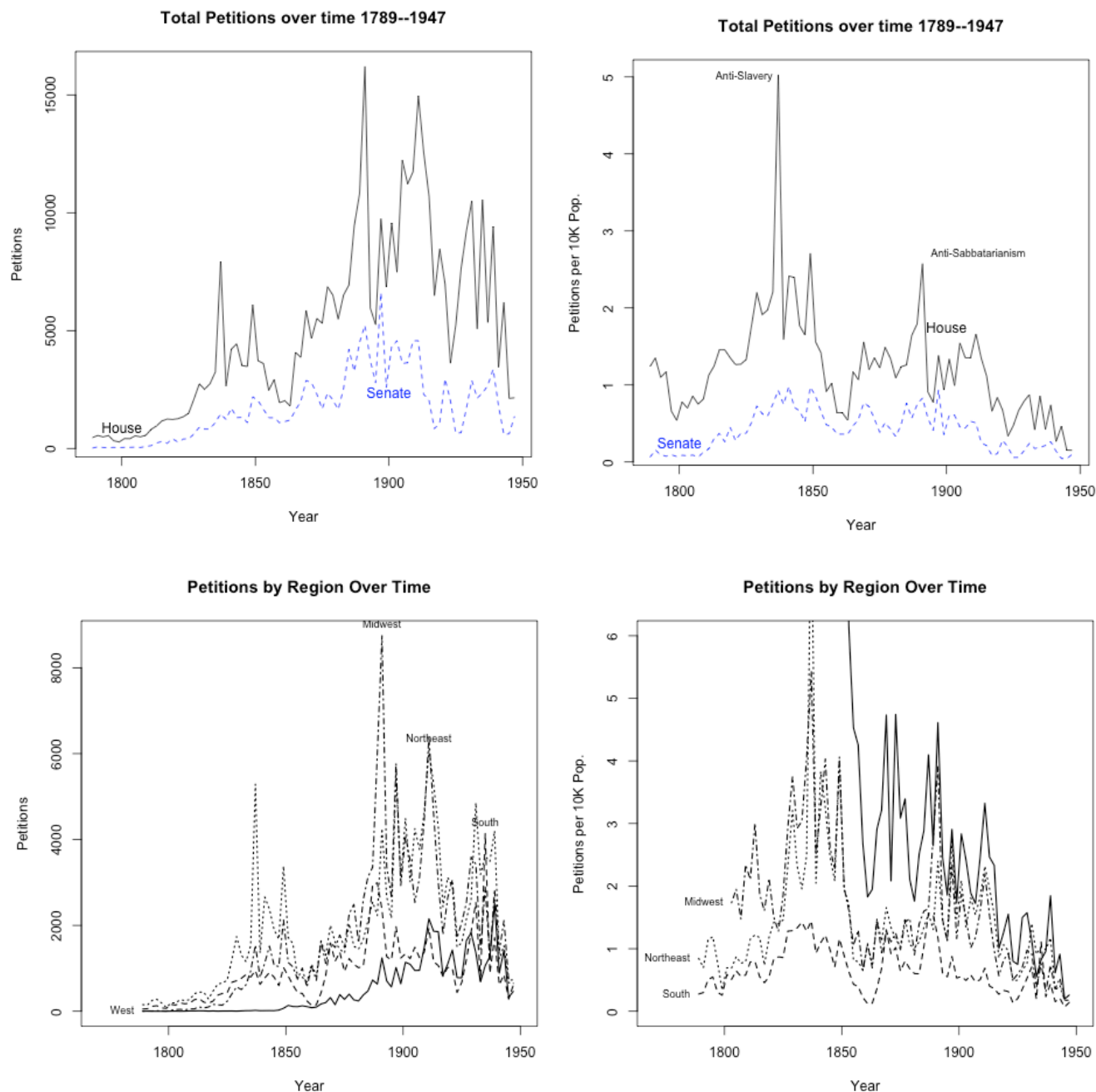


Figure 4: Petition Time Series

Figure 4 demonstrates – for the U.S. Congress – some basic empirical patterns over the course of U.S. history. The first, from Figure 4, is that total petitioning peaked in the late nineteenth century and early twentieth century and declined precipitously thereafter. The left-hand time series does not control for population, and when total U.S. population is added, the peak of per-capita

recorded legislative petitions to Congress in American history occurs in the early-to-mid nineteenth century, roughly 1830 to 1850. Still, congresses averaged one petition per 10,000 population until the First World War, with a number of late nineteenth century peaks. Following the First World War, the volume of petitions begins to decline, reaching per capita levels lower than the Founding in the late 1940s.

For several reasons, it is *not* yet possible to say that the early nineteenth century was the historical peak of petitioning in general. The first is that our data do not include signatory aggregates, and so the total number of individuals signing a petition to Congress may well have remained stable or possibly have risen. A safer conclusion is that the number of different petition documents was likely (though not certainly) higher in the early nineteenth century than in the early twentieth century. Second, a number of areas of policy in the later nineteenth century involved applications and claims sent to administrative agencies – such as pension claims (Skocpol 1993). The volume and importance of these claims helps us to understand Congress’ turn to administrative delegation through the course of American history, as well as evolution of the American state (Dauber 2013, McKinley 2018). Third, these aggregate figures omit a range of petitions that were presented to Congress after 1863-1864, when the Court of Claims was established and rendered independent of the Treasury Department (McKinley 2018). The question of whether a citizen could bring suit against governments in judicial court was initially decided in 1793 in the case *Chisholm v. Georgia*, which held that citizens could in fact sue states in federal court (Desan 2002).

It seems safer to conclude that *the antebellum period saw a rise in petitioning from the period of the early Republic*. After 1830 signatory lists appear to grow longer (Carpenter and Moore 2014), and so it is far less likely that a decline in signatory-weighted petitioning somehow compensated for the rise in petition documents themselves.

Figure 4 also breaks down the rate of per-capita recorded legislative petitioning by region. The petition introduction scripts do not often permit a good district-level tabulation (though this is certainly possible for tens of thousands of petitions), but our data on state-level origins of these petitions is reasonably comprehensive, as we are able to determine the state of origin for three quarters of the petitions in the database. In ways that reflect both the political and economic development of regions as well as denominator effects, the South saw consistently low rates of per-capita petitioning during the nineteenth century, while the West and Midwest saw higher rates of petitioning from the mid-nineteenth through twentieth centuries.

Upon closer inspection, however, the data reveal some interesting puzzles. As of about 1800, the per-capita petitioning rates of the South and the North were nearly indistinguishable. Thereafter petitioning grew quickly in the North, exploding during the period 1830 to 1850, but Southern petitioning did not. Southern petitioning to Congress also exhibits a distinct decline starting in the late 1840s. Only after Reconstruction do Southern and Northern (Northeastern) per-capita petitioning rates converge. Yet the South again plummets during the Jim Crow era. Of course these comparisons are of petitions taken as a whole and are not weighted for signatures. Still, certain historical puzzles become evident. Why did the South not experience the petitioning surge seen in the North in the early nineteenth century? Why after approaching the North during the time of War and Reconstruction did the South again decline? The data belie a static regional explanation and point toward an important historical puzzle.

Analysis of Petition Topics

Petitions can also be classified by the “topic” on which they are submitted. This is admittedly a difficult question, insofar as categories are human constructs and change over time and space. Our categorization scheme relies upon those used for cross-time, long-term studies of roll-call voting in Congress (Poole and Rosenthal 2000) and in other petition classification (LOV). For the purposes of graphical presentation, we then condensed the over 100 individual petition categories into a set of 19 broad topic categories. Supplemental Appendix 2 describes the individual categories and how they map into the broad topic categories.

Figure 5 shows the relative frequency of topics petitioned upon for the House and Senate for the entire dataset, while Figure 6 shows topic-specific time series.

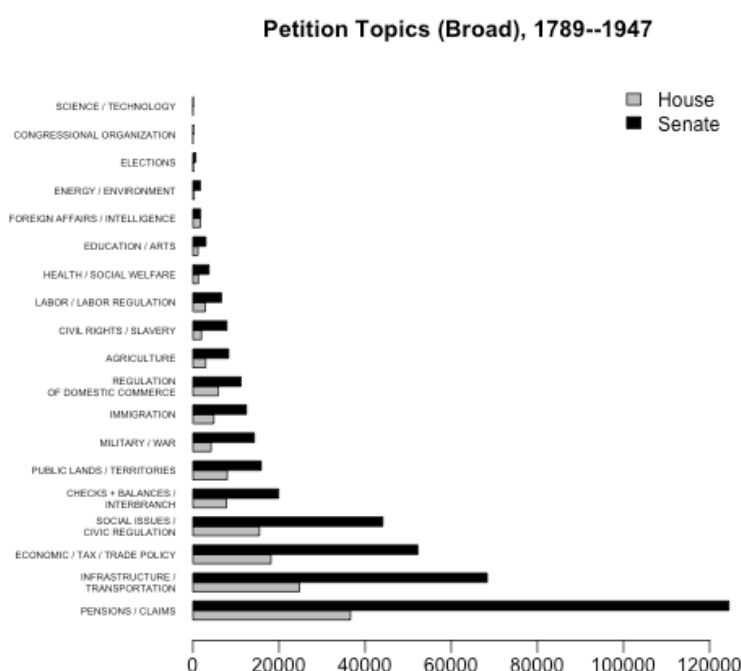


Figure 5: Petition Topics by Chamber

For both the House and the Senate, the “Pensions/Claims” category captures the greatest share of petitions. The most frequent word stems in this category, displayed in Table 2, confirm that the

bulk of petitions here regarded pensions, relief and other forms of compensation from the federal government. The keyword stems are consistent with the fact that there was considerable petitioning activity from former soldiers and widows seeking their (or their husbands') pensions or some other claim for relief, often for natural disasters or wars (Skocpol 1995, Dauber 2012, McKinley 2018).

Other common topics include "Infrastructure/Transportation", "Economy/Tax/Trade Policy", and "Social Issues". As seen in Table 2, Infrastructure/Transportation includes word stems such as "river," "improv", "mail", "appropri," and "rout." These keyword stems suggest that a common theme in petitions from this topic area included requests for improvement of rivers and harbors along with the building out of post offices and post roads. Because post offices and post roads fall under "Infrastructure/Transportation", any postal-related petition enters this category, which includes a large number of petitions in the early Republic (John 1995). Word stems from the "Economy/Tax/Trade Policy", and "Social Issues" topic include "duti," "tax," "repeal," "reduct," "import," and "currenc." Word stems from the "Social Issues" include "prohibit," "Sunday," "fair," and "liquor," suggesting the prevalence of issues including whether or not the World's Fair would be open on Sunday as well as the prohibition of liquor. Topics with less activity include ones such as "Science/Technology" and "Congressional Organization".

Table 2: Top Keywords (Stemmed) Associated with Petition Topics

PENSIONS / CLAIMS	INFRASTRUCTURE/TRANSPORTATION	AGRICULTURE	CHECKS + BALANCES / INTERBRANCH	IMMIGRATION
pension	establish	agricultur	measur	immigr
relief	mail	farm	constitut	restrict
bill	river	product	amend	favor
accompani	rout	bill	favor	chineseexclus
claim	appropri	option	bill	bill
increas	improv	gambl	court	law
war	postag	silk	state	natur
compens	post	favor	investig	reenact
servic	bill	passag	unit	passag
grant	favor	cultur	hepburndolliv	chines

ECONOMIC / TAX / TRADE POLICY	PUBLIC LANDS / TERRITORIES	ENERGY / ENVIRONMENT	REGULATION OF DOMESTIC COMMERCE	CIVIL RIGHTS / SLAVERY
duti	land	fish	patent	slaveri
tax	indian	forest	extens	abolit
tariff	public	bill	commerc	state
repeal	state	reserv	interst	suffrag
reduct	district	fire	law	slave
bill	columbia	indors	bill	compromis
favor	recognit	prevent	regul	inhabit
import	territori	preserv	amend	massachusett
passag	bill	bounti	copyright	new
currenc	protest	hous	passag	women

LABOR / LABOR REGULATION	HEALTH / SOCIAL WELFARE	SOCIAL ISSUES / CIVIC REGULATION	MILITARY / WAR	ELECTIONS
eighthour	health	prohibit	militari	seat
bill	purefood	sunday	navi	robert
labor	adulter	nation	train	elect
hour	bill	world	favor	repres
salari	hospit	fair	armi	utah
passag	bureau	open	record	special
socal	food	liquor	bill	case
employ	welfar	protest	embargo	vote
law	nation	favor	defens	committe
work	establish	legisl	univers	senat

FOREIGN AFFAIRS / INTELLIGENCE	CONGRESSIONAL ORGANIZATION	EDUCATION / ARTS	SCIENCE / TECHNOLOGY
treati	salari	educ	water
ratif	reduct	school	exempt
reciproc	feder	purpos	standard
arbitr	smith	aid	power
great	endors	bill	forest
britain	employe	appropri	behalf
canadian	propos	favor	preserv
propos	object	depart	station
remonstr	pay	passag	columbia
unit	oppos	feder	district

We also trace variation in the topics of petitions over time, presented in Figure 6 below. These allow for several instructive stylized facts to emerge. Some petition categories appear considerably more (or less) volatile than others. “Civil Rights/Slavery” stays constant at relatively low levels for most of the period, but is punctuated by a few extraordinarily large spikes, due in part to the 25th Congress and the massive amount of antislavery petitioning that accompanied both the gag rule as well as Angelina Grimke’s call to northern women (Zaeske 2003, Portnoy 2005, Carpenter and Moore 2014). Agriculture petitioning, by contrast, peaks much later, precisely when we might expect it to, given the populist movements of the late 1800s and early 1900s (Sanders 2000). Education/Arts and Military/War are also subjects with relatively higher levels of post-Civil-War petitioning, while Pensions/Claims, Infrastructure/Transportation, and Public Lands/Territories all decline markedly after the Civil War and are primarily antebellum petitioning phenomena, at least quantitatively.

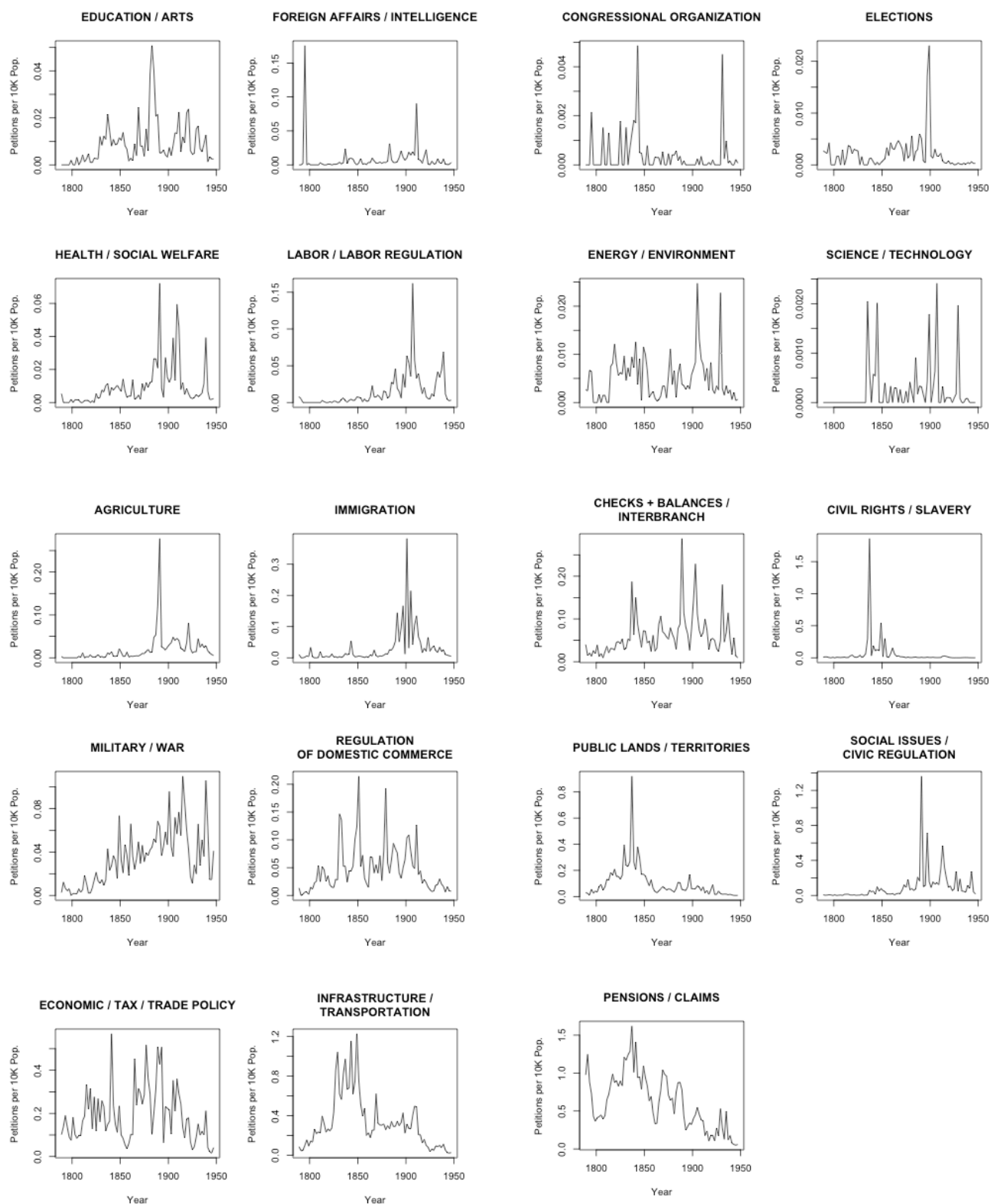


Figure 6: Petition Topics Over Time

Petitioning by the Unenfranchised: Native Americans and Women

Our data also display a considerable degree of petitioning from unenfranchised persons. Because voting rights were unequally distributed throughout American history (Keyssar 2000), the right of petition constitutes one of the most important avenues of political voice and participation available to these individuals and communities, especially those avenues of political participation that entail communication with officeholders. We examine how these petitions were initially treated using a simple indicator of whether petitions were initially tabled (that is, Congress would delay their consideration for a period of time, possibly short or possibly indefinite, by “laying them on the table” as opposed to referring the petition to a committee, referral to Committee of the Whole or other means). Other measures of petition treatment are possible – such as whether the petition generated debate or became a bill – but are much more complicated to trace systematically in the records, and we leave these measures for further research.

A thorough description and accounting of congressional petitioning by the unenfranchised awaits another paper, but we can begin to outline some initial results. Our petition prayers document when the petition or memorial in question is sent from a tribe, a chief or chiefs, or some other collection of warriors, sachems, or other members of indigenous nations. Our hand coding of these petition prayers yields a *minimum* of 983 petitions sent to Congress from 1789 to 1949 by tribes, by a chief or chiefs, warriors, delegates and from self-identified Native Americans. An alternative coding that includes societies and missionaries plausibly acting on their behalf – as Native leaders often worked in collaboration with such groups – produces a count of 1,139.¹⁶ This count

¹⁶ We arrived at this estimate by coding for keywords such as “*tribe*” or “*chief*” or “Indian*” in the prayer, then checking whether the prayer reliably indicates a petition sent by an indigenous nation, person or

excludes many petitions that were signed by self-identified Native Americans but where their identity was not published in the petition's recorded prayer. Beyond this, it is well known that Native Americans petitioned administrative agencies with great frequency from the colonial period well into the American nineteenth century (Carpenter 2016b). What is more, these self-identified Native petitions were slightly (1.2 percent) less likely than average petitions to be tabled, though the difference is not statistically significant ($p = 0.13$).¹⁷

Women also petitioned the Congress regularly from the Founding onward, not least while they were unenfranchised. (Despite the persistence of a "Petticoat Electorate" in New Jersey until 1808, this means roughly from the Founding to the early twentieth century and, on a universal basis, the ratification of the Nineteenth Amendment in 1920.) To construct measures of women's petitioning to Congress, we examined the text string produced by our algorithm for "petitioner" and located three sets of strings. The first, which measures women's identity not expressed in any familial capacity, includes "ladies*," "woman*," "women*" and "female*." The second adds to this count familial identities such as "widow*," "wife*," "wives*," "mother*," and "daughter*." The third codes the presence of female names as identified in the U.S. Census (IPUMS). The results of this exercise show that roughly one of every two hundred recorded petitioners (0.5%) was described by legislative clerks as women using generic terms, about 1.5 percent using familial terms, and fully seven percent using names. Women petitioned using general and familial terms to identify themselves more commonly before the 19th Amendment than afterwards, whereas non-generic

representative. We then systematically checked the list of returned items and eliminated false positives (such as petitions from the "chief engineer," or from a place name such as "Indian Key" or "Indianapolis"), leaving only petitions from self-identified Native Americans or from intermediaries on their behalf.

¹⁷ The descriptive estimate is retrieved from a model in which the binary tabled indicator is regressed on Native petitioner indicator, with fixed effects for year and standard errors clustered by year.

references using proper names were more common after the 19th Amendment than before. Clearly these patterns merit further analysis.

This exercise necessarily excludes women who petitioned as “citizens” or “inhabitants” but who were not described as women in any way by legislative clerks recording the petition. Since clerks tended to follow petitioners’ self-description, however, whatever changes occur over time likely have more to do with the identity of the petitioner (or the self-expression of that identity) than they do with any changes in recording practices. These are minimum estimates and can be productively enhanced and refined by other measurement strategies. Yet the estimate shows that petitioners’ self-presentation as women was common throughout American history, and roughly as common before universal woman suffrage as afterwards (Table 3). If the gag rule period (roughly 1836 to 1844 in the House) is included, generic-identity women’s petitions were roughly twenty percent more likely to be tabled ($p < 0.01$), but outside of this period the difference falls to 3.6 percent and is not statistically differentiable from zero at conventional levels ($p = 0.056$). Once familial identities are added, women’s petitions are no more statistically likely to be tabled in all periods (+2.4 percent, $p = 0.32$), and are slightly less likely to be tabled outside of the gag rule period (-1.2 percent, $p = 0.001$). This difference likely reflects the fact that thousands of widows were petitioning for pensions and benefits and that Congress accorded high significance to these requests (Collins 2013). Finally, using the most comprehensive measure included census-identified women’s names in the prayer yields a near-zero estimate (0.05 percent, $p = 0.80$). Overall, the roughly equalized treatment of women’s petitions before the U.S. Congress points to the minimal procedural equality that the petition process afforded the unenfranchised.

Table 3: Women’s Identities Explicitly Expressed in Petition Prayer Introductions, U.S. Congress, 1789-1949
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	Generic Identities (Woman/Women, Ladies, Female(s))	Include Familial Identities (Mother(s), Widow(s), etc.)	Include Census- Identified Female Names
Overall (N = 537,148 petitions)	0.51%	1.56%	7.07%
Before 19 th Amendment (N = 389,880 petitions)	0.53%	1.87%	6.10%
After 19 th Amendment (N = 147,268 petitions)	0.49%	0.74%	9.64%
Note: Measures are inclusive, such that each columns represents a measure that includes the measures to its left.			

Other disenfranchised groups, especially African-Americans, also petitioned over the course of American history. It is more difficult to trace African-American identity in legislative records of petition introductions, however, and we await the development of strategies and methods for doing so. So too, free blacks in the era before slavery were especially likely to target state legislatures in lieu of the U.S. Congress (see Carpenter, Griffin and Topich 2018).

Conclusion

We report the largest effort to catalog petitions introduced to Congress to date, drawing upon legislative petition introductions and a supervised algorithm to extract petition counts for the history of Congress from 1789 to 1949. Our estimates point to over 537,000 petitions introduced to Congress during this period, but we note that our algorithms are capturing only those petitions formally introduced and published within the *Congressional Record* or *Journals*.

Four stylized facts emerge from a historical examination of these data. First, on a document-by-document basis, American petitioning peaked in the nineteenth- century on a per-capita basis, especially during the turbulent 1830s and 1840s with multiple political movements, the emergence of slavery as a divisive issue within and across states, and the economic upheaval induced

by the Panic of 1837. If (as other estimates suggest (Carpenter and Moore 2014, Carpenter et al 2018)) petitions began to attract more signatures per document in the mid- to late-nineteenth century, then per capita signatory rates may well have rested at a sustained level through the late nineteenth century and into the early twentieth century. This would be consistent with recent studies of British petitioning to the House of Commons (Miller forthcoming), where more comprehensive data on petition signatures is available in published records.

Second, petitioning on a document-by-document basis did not experience a uniform decline in the nineteenth century. Instead, it had several peaks, and at the national level did not drop off appreciably until after the First World War, reaching per capita levels lower than the Founding period in the late 1940s.

Third, the South appears to have had a lower level of petitioning in the nineteenth century than the North, for reasons that likely admit of many explanations. Yet this trajectory also has an informative history, as petitions to Congress from the South and the North-east) were virtually identical on a per-capita basis in 1800 and then again in the 1870s. The question then becomes why the two regions diverged so much in the interim, and then again in the Jim Crow era.

Fourth, the unenfranchised utilized the petition process with some regularity and those petitions were afforded process similar to franchised petitioners. Using a rough measure of petitions to the U.S. Congress from Native American tribes, over 500 such petitions were introduced on the floor of one or both chambers of the Congress. (As studied elsewhere, Native Americans also petitioned the U.S. President and, much more commonly, administrative agencies and officials, so this represents but a smaller portion of their petitioning activity.) And women petitioned Congress regularly from the Founding period onward, as their collective and individual identities as women (not counting women's names) appeared on roughly two percent of all petitions sent to Congress before the ratification of the Nineteenth Amendment.

These broad contours established, much more remains to be done with the data, not least by linking it to historical patterns of bill consideration (including voting), hearings and reports, and other measures of constituent activity (at the state, territory, district, county and township levels). One interesting question might well be how often particular state legislatures petitioned Congress, which would permit a comparison across North American sovereignties and their petitioning to Congress. Another important question would be whether petitioners were more likely to take their case to Congress or the state legislature for the same kinds of requests, or whether Congress and state legislatures were supplements as much as substitutes in terms of venue.

Finally, one important extension of this data is to conduct the time-consuming but necessary process of locating the petition documents in the legislative records of the National Archives (Record Group 233 for the House and Record Group 46 for the Senate) and to add signatory and other data to the database. While some of the petitions may no longer be held by the National Archives, many thousands of them still are, and the combination of detailed information about the prayer and signatories could enhance a range of social science investigations.

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