

Credit Claiming, Party Politics, and the Rise of Legislative Entrepreneurship in the Postbellum Congress

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Abstract

Considerable scholarly attention has been given to the role and influence of parties in Congress. While most analyses have focused on recent history, this paper examines the era in which strong party leadership first emerged. Concurrent with changes in the electoral and institutional character of the U.S. House in the late 19th and early 20th centuries were dramatic changes in constituency service and the nature of the legislative agenda as it related to private legislation. These matters, arising in large part from the long-term ramifications of the Civil War, consumed an inordinate amount time and resources. Yet, despite the implications for existing legislative theories, we know relatively little about the dynamics of this area of legislative politics. With the rise of careerism, the private domain offered members of Congress an avenue of personal vote seeking that interacted in novel ways with the underlying partisan landscape of the era. Using data on nearly 100,000 bills, I examine the manner in which the House developed alongside the burgeoning demand for constituency service and demonstrate the interplay between electoral, constituency, and partisan motivations. The findings speak directly to contemporary theoretical perspectives as well as broaden our understanding of this period of congressional history.

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The period of American history straddling the Gilded Age and the Progressive Era was one of remarkable economic and political development. Congressional scholars have documented, for instance, the turn-of-the-century emergence of an “institutionalized” U.S. House of Representatives characterized by a stable committee system, careerist members, and a fundamentally evolving electoral landscape (Polsby 1968). On the economic front, significant growth provided opportunities for expansion of the role of government. Frequent surpluses in the federal budget, arising in part from protective tariffs, gave politicians an opening to increase government services and activities in ways that redounded to the mutual benefit of party politicians and the recipients of government distribution. There is perhaps no better example of this dual political-economic evolution than the provision of pension benefits to veterans of the Union Army (UA) and their dependents. By the turn of the century, the pension roll contained the names of nearly one million persons, and a considerable share of both congressional attention and federal spending was devoted to this program.

One fortunate legacy of the UA pension system is the wealth of data regarding ordinary citizens, including their interactions with legislators and the bureaucracy, contained in its historical record. While this legacy provides scholars with the opportunity to answer a host of diverse questions (Fogel 1993), of particular relevance here is the information to be gleaned about the development of Congress and American politics more broadly in late 18th and early 19th centuries. Included in the historical record are a vast number of private bills considered in Congress, as well as systematic constituency service records detailing congressional intervention and bureaucratic decision making in constituent business before the Bureau of Pensions. In addition to the intrinsic value in more fully understanding the story of Congress’ development in this period, this era offers a fertile testing ground in which to examine the traction and interplay

of modern theoretical perspectives. More specifically, much of the prevailing work on congressional organization has focused on the post-reform House and the extent to which partisan explanations square with universalistic, distributive, and majoritarian perspectives. One fundamental question, which to a large extent has been left unexplored, is the degree to which these theories are bound to the post-War Congress. In the historical period considered here, for instance, universalistic pressures in the realm of constituency service and careerism were expanding alongside an invigorated party apparatus in the House. While these might appear to be countervailing forces to our modern eyes, at least in terms of the literature's development, how did Congress handle these changes in the 19th and early 20th centuries? In what ways did the entrepreneurial activities of members of Congress (MCs) contribute to, and evolve alongside, the transformation of the institution? What was the nature of the congressional agenda, and how was it managed?

Why focus on the legislative agenda, particularly in light of the centrality of private bills, the lion's share of which dealt with the ostensibly uninteresting topic of UA pensions? For one, more of the federal budget went to paying pensions than to any other area of expenditure in the late 1800s. Similarly, private legislation made up the vast majority of the bills introduced and passed during the Gilded Age and Progressive Era. As such, pensions and private bills were highly salient in the politics of the day and, as I will argue, reveal novel dynamics related to the emergence of the institutionalized Congress. Of even more importance is the fact that members' activities in the realm of private bill sponsorship and deliberation speak directly to the functioning of the electoral connection, and its interplay with strong party leadership, at the turn of the century. It is in this regard that the era sheds light on contemporary legislative research, which often considers particularistic politics (i.e., personal vote seeking, with an emphasis on

clientelism) and programmatic parties as distinct theoretical and empirical concepts. In the U.S. context, first-generation theories of legislative organization focused predominantly on distributive politics, with partisan theories developing somewhat later. Yet, in this earlier period of congressional history, and unlike the post-World War II era, Mayhewian motivations seemed to be on the rise alongside centralized leadership. Thus, the key questions addressed in this paper will center on the emergence of personal vote motivations as a factor driving the growth in member's legislative entrepreneurship, and the degree to which legislative agenda setting in this arena corresponded to broader partisan and sectional tensions that were at work in a rapidly changing and highly partisan electoral context.

The paper proceeds as follows. In the next section, I discuss the workload of the House and the role of private claims within it during the antebellum era. This is followed by a brief review of the contours of legislative politics in the realm of constituent claims and the partisan dynamics underlying the politics of such matters. The third section considers the interwoven partisan and personal vote seeking motivations inherent in this domain of policymaking. I then present an empirical analysis at the member-bill level that considers the factors associated with bill introduction and subsequent legislative success. The results indicate that members' legislative activities were motivated to varying degrees by personal, constituent, electoral, and partisan motivations. The final section concludes with a discussion of the implications and some avenues for further research.

Private Claims and the Legislative Agenda in the Partisan Era

Rank and file members of the House during the era of heightened partisanship, disciplined voting, and strong speakers that ranged from roughly 1890 to 1910 were not in a

particularly advantageous position to affect the major issues of the day beyond, perhaps, casting a loyal party vote. The provision of staff was quite meager (Fox and Hammond 1977), and it was not until the 60th Congress (December of 1907) that a backbench congressman could expect his own office space. Yet this period witnessed a remarkable change in the nature and scope of business in the House—a change that may well have fueled members’ increasing demands for resources in the way of institutional support.

Scholars have observed that during the last decade of the 19th century and the first decade of the 20th century, more and more members of Congress were choosing to make a career out of service in the legislature (Kernell 1977; Fiorina, Rohde, and Wissel 1975).¹ However, a key part of the institutional development story, and one which has received little previous attention, is the amount of service activity pursued by MCs. Historical accounts attest to the fact that members were consumed with meeting the particularistic demands of constituents (White 1958), whether at the individual level through pension claims, land grants, and matters before the bureaucracy or at a broader level through traditional pork-laden bills dealing with public buildings and rivers and harbors. These interests meant that the demands upon the institution were enormous—more than 12,000 bills were introduced in the House in each Congress from 1897 to 1930 (peaking at more than 33,000 early in the 20th century), and a very large proportion of the measures that Congress passed were private in nature. In fact, the sheer volume of private legislation dwarfed that of public business.

Figure 1 plots the number of bills introduced in the House from 1867 to 1948 (the 40th through the 80th Congresses). Worth noting, first, is that after a general increase in activity from

¹ While a number of explanations have been given for the rise in careerism (e.g., Brady, Buckley, and Rivers 1999), it is evident that members developed and honed tools to aid in career-building. For instance, Katz and Sala (1996) argue that property rights over committee assignments arose out of this new-found desire for tenure in office—an ambition that became more obtainable with the introduction of the Australian ballot in the early 1890s.

the close of the Civil War through 1890 (51st Congress), the number of bills introduced fell slightly in the early- to mid-1890s (around the time the Australian ballot was introduced), and then resumed a more rapid acceleration through the celebrated 61st Congress (the last of Cannon's tenure as Speaker). While the number of bills declined steadily from that point forward, with a slight uptick in the mid- to late-1920s, it did not fall below the low mark set in the 53rd Congress (1893-4) until 1941-2.

[Figure 1 Here]

Table 1 presents corresponding data for a shorter range of the time series covered in the preceding figure, and identifies the number of committee reports, public enactments, and private enactments for the 55th through the 65th Congresses (1897-1919). The number of committee reports roughly approximates the general trend in the number of bills introduced through the 59th Congress, after which the number of reports drops off precipitously. The series for public and private enactments follow a similar trend. The dramatic decline in the number of private measures enacted from 6,248 in the 59th Congress to 234 in the 60th Congress, as well as in the number of committee reports, is largely an artifact of the House's shift toward using omnibus vehicles for many of the private and claims-related matters it acted upon.

[Table 1 Here]

A glance at the History of Bills and Resolutions in any volume of the *House Journal* or *Congressional Record* from this period testifies to the enormous number of private pension bills introduced in the House. While the universe of private legislation extends beyond pension bills to include measures modifying a soldier's military record (with the intent of making him eligible for a pension), requests for relief (often related to war claims), and a smattering of other topics,

the vast majority of private legislation dealt with pensions for former soldiers and their surviving dependents.

This is clearly evident when considering the division of labor between House committees. Using data collected for the 53rd, 56th, 58th, 61st, and 64th Houses, Table 2 shows the number of bills referred to each committee that received at least ten bills in any one Congress.² One point to note at the outset is just how many committees saw very little action in the way of bill referrals. While about a dozen (or one fifth of the total) consistently received at least 100 bills over the period, many received very few. Some committees received not even a single referral in any of the five Congresses. Of course, there are a handful of panels that initiated their own legislation with special privilege under House rules to bring a bill directly to the floor (e.g., Appropriations and Rules), while others dealt primarily with internal organizational or housekeeping matters (e.g., Accounts). Yet a major committee like Banking and Currency saw, on average, just 50 bills per Congress. So while the overall number of measures introduced in this period significantly exceeds that of the modern Congress, the difference is driven in large part by private legislation.

[Table 2 Here]

The subject matter contained in a private bill can be classified quite easily based on the committee of referral. Most private legislation at this time related to the aftermath of the Civil

² This data was collected using digital scans of the bill histories contained in the indices of the *House Journal*. The scans were processed with optical character recognition software, and the raw data then transferred to a text file and extensively “cleaned” using text editing software. The result is a dataset at the bill level that codes the bill number, short title, sponsor, committee of referral, and subsequent legislative actions for approximately 100,000 House bills. Simple, joint, and concurrent resolutions, all of which were comparatively rare, are not included. I am grateful to Andrew Laas and staff of the LexisNexis Serial Set digitization project for their generous assistance in the early stages of the collection process. The sampled Congresses include two with a Democratic speaker (the 53rd and 64th), the first of two terms as Speaker for Republican David Henderson of Iowa (56th), one under what some consider a tamer “Uncle Joe” Cannon (58th), and the well-known 61st Congress in which the office of Speaker was weakened. The totals in Table 2 slightly exceed the contents of the columns because some bills do not receive a committee referral and bills referred to the least active committees are omitted from the table.

War, and to a lesser degree, other military conflicts such as the Spanish-American and even the Revolutionary War.³ While there were a few other private matters before Congress, they were far surpassed by the volume of war- and service-related claims. As shown in the table, the Invalid Pensions, War Claims, Military Affairs, Pensions, and Claims Committees—the latter being the one exception in this class of war-related committees—significantly exceeded all others in terms of bill referral. Members during this period were quite busy with the introduction of private bills affecting the well-being of a single constituent, or in the case of certain claims, a small number of constituents (such as a church damaged in wartime).

In addition to a handful of general acts to change the pension laws, the House Committee on Invalid Pensions primarily dealt with bills to grant a pension or an increase of pension to a specific individual. The recipients were often those who had been turned down by the Pension Bureau and took their cause to a congressman. Since these cases essentially involved making an exception to public law (which had grown increasingly liberal over time), they were frequently subject to criticism as political favoritism or patronage. The Committee on Military Affairs focused much of its work on bills that if enacted would change a veteran's service record by granting an honorable discharge, removing the charge of desertion, and so forth. Such legislation effectively modified the records of the War Department to grant the claimant pensionable status. Not surprisingly, such bills were frequently unpopular, due in no small part to the fact that many veterans (from both sides of the Civil War) were seated in Congress. The Committee on Pensions had jurisdiction over pensions arising from military service in conflicts other than the Civil War. And the Claims and Military Claims Committees handled citizens'

³ Claims for pensions related to the War of 1812 were still being received by the Pension Bureau in 1921, at which time more than 60 pensioners remained on the rolls (*Report of the Commissioner of Pensions, 1921*, Washington, DC: Government Printing Office, pg. 13, 18).

petitions for remuneration based on losses suffered due to government action in general, and arising out of hostility or military conflict, respectively.

The Business of Constituent Claims

The data in Table 2 are indicative of both the overall increase in the amount of legislation before the House at the turn of the century, as well as the degree to which most of the increase occurred in the realm of private legislation. Two additional points are noteworthy. First is the fact that private legislation strained the institution throughout this period of time, not just when the press of such measures peaked around the 61st House. Second, the degree to which Congress worked to address claims varied across the domains of private business. And this variation is tied in important ways to the sectional nature of postbellum partisan politics.

Members who served during the late 1800s often expressed frustration with the amount of work involved in constituent matters, although they evidently felt compelled to offer legislation on behalf of their constituents. One indicator of the prevalence of service-related activities is the mass of correspondence between MCs and the Pension Bureau. For much of this time period, tens of thousands of written inquiries were made annually at the Bureau by senators and representatives who were chasing down information on an applicant's status.⁴ White's (1958: 70-84) treatment of congressional business with the executive departments gives a leading role to pensions and pension claims, and indicates that members spent from one-third to two-thirds of their time on such constituent business (see also La Follette 1913: 84).

Despite repeated attempts throughout the 19th century to cede claims-related authority on pension matters to judicial bodies, Congress was unable (or unwilling) to dispense with such

⁴ The Bureau of Pensions received nearly 200,000 written communications from Congress in both 1892 and 1898. In 1892, letters of inquiry and congressional calls totaled more than 1.2 million (Annual Report of the Commissioner of Pensions, 1898, pg. 8).

private business. Members often stated a conviction that the legislative branch is constitutionally mandated to oversee spending, making delegation to another branch inappropriate. However, the nature of private legislation in Congress at the time was closely related to sectional and partisan interests. The matters before the Committee on War Claims focused almost entirely on the South. In contrast, some of the most politically competitive regions of the country were home to large numbers of Union Army veterans.⁵ Although the history is well-documented elsewhere, it bears mentioning that the expansion of the pension system and even the manner in which pension claims were adjudicated by the Pension Bureau were highly politicized matters by the 1880s. Under pressure from the Grand Army of the Republic, one of the most powerful lobbies in the U.S. at the time, and in view of the convenient wedding of pro-tariff and pro-pension coalitions in national politics, Congress repeatedly liberalized pension laws until by 1890 even non-war-related disabilities qualified a veteran for coverage.⁶ In 1907, Congress formalized administrative practice making old age alone (defined as 62 years of age) a pensionable disability. Thus, by the 1890s and early 1900s, when nearly everyone who was a veteran and wanted a pension should have had one, opportunities for administrative discretion on behalf of political causes, which by many accounts characterized a fraud-laden system in the first few decades of expansion, may well have diminished (Sanders 1980, Logue 1992, and Skocpol 1992: 120-124).

Thus, it may well be the case that transferring responsibility for pension claims to an extra-legislative entity would have worked against the interests of the growing number of electorally-minded members seeking opportunities to build a personal vote. The state of affairs

⁵ Veterans of the Confederacy were excluded from the UA pension system, and even southern claimants seeking payment for losses incurred during the war were required to prove their loyalty to the Union.

⁶ On the role of the GAR in American politics, see Ainsworth (1995), Dearing (1952), and Thompson (1985). Glasson (1918) and Skocpol (1992) provide thorough narratives of the history of the Civil War pension system. While not their focus, Bensel (1984) and Costa (1998) offer further insights on federal pensions for UA veterans.

by the 1890s served the interests of many members quite well. The UA pensions that Skocpol (1992: 120) describes as “fuel for congressional and party patronage” were well within their grasp via the private calendar of the House, while more thorny (and often time consuming) claims such as those related to property damage were handled, at least initially, in outside venues such as the Court of Claims. Furthermore, because congressional action was required to finalize and pay those claims that were heard before the courts, Congress could very simply ignore them, which it often did.⁷ Thus, the Committee on Invalid Pensions takes a position front-and-center in the narrative of the personal vote seeking of members in the area of private legislation—both as a result of its management of the lion’s share of such business, and in the fact that other classes of claims were significantly less privileged in the order of business.

In the face of increasing demands, and knowledge that successful action was unlikely in general, and next to impossible on certain types of claims, MCs continued to introduce bills, the committees continued to process legislation, and specials acts of Congress added pensioners to the roll. What drew members to this realm of legislative activity, and what explains its growth during this period? Furthermore, how did the pursuit of private legislation interact with an increasingly top-down, partisan management of the House?

Universalistic, Partisan, and Institutional Tensions

I will turn first to the question of the appeal of private business, and then examine how the House allocated and managed its institutional resources regarding the agenda. Without question, granting (or increasing) a pension provided a significant benefit to an individual, but in

⁷ Between February 24, 1905 and March 4, 1915, not a single war claim was paid. Congress went most of the 1890s without any action, as well. See H. Rpt. 85, 1st session, 64th Congress, pg. 4-5. See Cowen, Nichols, and Bennett (1978) for a discussion of the role of the Court of Claims vis-à-vis Congress.

many cases there were spillover effects to the pensioner's family and community.⁸ Veterans were often visible and respected members of the community, and neighbors (to say nothing of business owners) took notice of their new-found financial well-being. The organizing activities of the GAR, when brought to bear in a congressional district, could swing hundreds if not thousands of votes, often enough to determine the outcome in a race. All of these factors suggest that a career-minded MC would have good cause to expend labor in this arena.

The realm of special legislation granting pensions to individuals is commonly perceived as representing a part of Congress' universalistic agenda at this time (Cooper and Young 1989: 92).⁹ These bills were typically considered on "pension days" in the House, usually with only a handful of members present. It was not uncommon for a multitude of bills to be passed in a matter of minutes under unanimous consent. Occasionally a dissatisfied Southern Democrat would rise and object to consideration of the legislation or note the lack of a quorum, effectively bringing the routine to a halt (Glasson 1918: 276-277). But for the most part, few took much notice, and many members admitted to neither participating in the sessions nor knowing the substance of most if not all of the bills. In his 1920 autobiography, Democratic Speaker Champ Clark argues that many of the private pension bills were in fact legitimate—he cites as an example the case of soldiers having served 89 of the 90 days necessary to be eligible for a pension (360). Contrary to Clark's assertion, however, most accounts argue that it would have been exceedingly difficult, if not impossible, for the institution to "act intelligently or according to rule in such an appellate capacity" (White 1958: 76) and that members may have enjoyed a

⁸ In those communities fortunate enough to be awarded a branch of the National Home for Disabled Volunteer Soldiers, the precursor to the modern VA hospital system, the financial benefits accruing from the concentration of pensioners were quite lucrative (Kelly 1997) and the political benefits were considerable since residents of the NHDVS made up a reliable bloc of voters. Perhaps not coincidentally, one branch of the NHDVS was located in Speaker Cannon's hometown of Danville, IL.

⁹ Universalism extended also to more traditional domains such as rivers and harbors legislation and bills to construct federal buildings. A distinction ought to be made between such conventional pork projects and constituency service on pensions, however, in that with the latter there existed a distinct and systemic regional disparity.

quota of special pension bills that could be apportioned according to their personal or political interests (Glasson 1918: 276).¹⁰

A similar state of affairs seems to have characterized the Committee on Invalid Pensions, which by the late 1800s was indisputably the “workhorse” of the House. The panel was one of the privileged few to receive the services of full-time clerks and it also enjoyed a work detail from the Pension Bureau. However, even with these resources in hand, members of the committee were unable to stay on top of the vast workload. In the twenty years leading up to the turn of the century, when committee records are available, Invalid Pensions members were broken into subcommittees on a state or regional basis.¹¹ As such, one or only a handful of members had responsibility to report to the full committee on those private bills introduced by fellow regional colleagues. For this reason, committee members presumably enjoyed significant prerogative and influence in the disposition of claims, an issue which will be explored in the empirical analysis to follow.

Given that members had good reason to respond to constituent pressure for private pension claims, can we observe legislative activity with regard to their disposition as simply a function of supply and demand? Figure 2 shows the number of pensions granted by special act of Congress from 1879 to 1925 alongside the total number of pensioners on the roll. To begin, one can observe the dramatic uptick in pensioners in the early 1890s following passage of the Dependent Pension Act. Interestingly, the number of pensioners peaked about ten years later in 1902 (57th Congress) just as the number of special acts passed by Congress began to take flight. What explains this variation and the divergence of the two series? As the number of pensioners steadily declined due to the death of aging veterans and their survivors, why were MCs

¹⁰ See also “A Rush of Pension Bills,” *Brooklyn Eagle*, Jan. 12, 1900, pg. 13.

¹¹ Minute Books; Committee on Invalid Pensions; Various Congresses; Records of the U.S. House of Representatives, Record Group 233; National Archives Building, Washington, DC.

intervening more frequently in particular cases? The relatively small number of special acts passed in the 52nd to 54th Congresses must be used cautiously as a benchmark. While the Harrison administration favored liberality in granting pensions—in no small part as an attempt to cast itself in a favorable light relative to the preceding Cleveland administration—the well of private bills dried up under Democratic control of the House in 52nd Congress. Grover Cleveland was reelected President in 1892, and upon resuming occupancy of the White House, continued in his opposition to the excesses of pensions by special act of Congress. While not marking a full return to his first-term practice, in which he used the veto on a number of occasions to highlight what he argued were frivolous and corrupt abuses of the pension system, he was certainly an ally of those who advocated moderation in this area (Glasson 1918: 278-279).¹² The number of special acts nearly doubled in the 55th Congress, with Republican dominance in both branches re-established following the 1896 election of McKinley, and continued to rise thereafter.

[Figure 2 Here]

This pattern suggests a partisan and electoral dynamic underlying the manner in which Congress managed the burgeoning workload and how organizational decisions affected policy outcomes. While parties and their leaders may well have dominated the process on the most salient legislation, to what degree did partisan politics spill over to the more voluminous particularistic legislative agenda? There is a great deal of anecdotal evidence to suggest that gaining the support of the leadership, in the office of the Speaker, was essential to a member's

¹² In fact, many tie Cleveland's hostility to such private legislation (he surpassed the number of vetoes exercised by all of his predecessors), and his resistance to expansion of the pension system more generally, to his defeat in 1888 (Ford 1919: 116-124; Glasson 1918: 275-280)

success in transacting business. And on occasion, even distributive legislation was tied directly to partisan support on substantive policy matters.¹³

Moreover, the nature of distributive politics in the late 18th and early 19th centuries may have worked against bipartisan and universalistic coalitions on even the more mundane aspects of legislative politics like disposing of private legislation. The residual effects of the Civil War, in tandem with a protective tariff that predominantly benefited northern industrial interests, created an environment in which sectional and partisan tensions ran high (Bensel 1984).

Sectional conflict was often characterized by a starkly partisan tenor in that large swaths of the country were relatively safe for one party or the other. The state of affairs is well characterized by the significant amount of government redistribution that occurred alongside the tariff. The South, and thus much of the Democratic Party coalition, was essentially written out of this arrangement in that the tariff's shielding of industry offered little help for southern agrarian interests, and war veterans of the Confederacy were ineligible for pensions from the federal government—the primary mechanism of redistribution.¹⁴ In this way, Congress' handling of private matters, whether they be requests to grant an individual a pension or claims for relief from war-related losses, had the potential to invoke deep-seated sentiment on the part of both Democrats and Republicans. These affairs potentially involved more than the usual disinterested constituent service that one associates with private bills, where members take little or no interest

¹³ The consideration of a public works bill in the 60th Congress is one such example. The legislation, containing projects for nearly every member's district, was held up until the resolution of a separate vote on a currency bill, which not coincidentally had a deep underlying partisan current to it. A number of members observed this implied, if not explicit, threat on the part of the leadership (*Congressional Record*, May 15, 1908, pg. 6349-6351). Recent research has come to mixed conclusions on the degree to which characteristics assumed to be true of heavy-handed leadership were the norm in this era (see, e.g., Krehbiel and Wiseman 2001, 2005; Lawrence et al., 2001).

¹⁴ In 1894, 37 percent of the federal budget was allocated to paying service-related pensions. Given that the government ran deficits in the mid to late 1890s, the ratio of pension payments to total federal revenue is even greater (Skocpol 1992: 113-114). The redistributive effects are evident at the per capita level of pension receipts by state in 1910: Alabama, Georgia, North Carolina, and South Carolina received 30 cents or less relative to the District of Columbia, Indiana, Maine, New Hampshire, Ohio, and Vermont which were the recipients of more than \$3 per capita in pension spending (Glasson 1918: 269).

in the actions of their colleagues because all stand to benefit at some point. As such, the pervasive effect of the “bloody shirt” may have extended to the more routine matters of legislative politics in a manner uncharacteristic of private business during other periods of American history. And electoral competition may well have fueled attempts at partisan advantage in even the most mundane of subject matter.

Is it reasonable to expect members to be motivated by reelection-minded behavior at this time? Numerous scholars have examined questions related to the existence and extent of the electoral connection (Mayhew 1974) in the 19th-century Congress (see, e.g., Bianco, Spence, and Wilkerson 1996; Swift 1997-1998; Carson and Engstrom 2005), and most have concluded that members were affected by considerations similar to those that impact contemporary congressional careers, even in the context of short tenures and rotation in office. Certainly members seemed to attend to credit-claiming and position-taking, so it seems reasonable to expect them to traffic in the “personal vote” (Cain, Ferejohn, and Fiorina 1987) as well. What makes this period and this issue area unique, both historically and theoretically, is the potential relationship between partisan and personal-vote motivations.

Thus, the dynamics of pension politics offer a basis for ascertaining the existence of a partisan undercurrent to the management of private pension legislation, as well as the degree to which members saw legislating in this area as a ticket to electoral success via personal vote seeking. The descriptive account presented so far is suggestive of both, but more systematic analysis is necessary in order to speak with greater authority. I consider these questions by looking at the entrepreneurial activities of members on bill introduction (Schiller 1995, Wawro 2000) and the subsequent response by the House. In the next section, I present analyses of (1) the introduction of private pension bills which were referred to the Committee on Invalid

Pensions and (2) the disposition of these bills relative to other classes of private and public legislation. The central issues explored are: (1) the degree to which members were motivated by constituency and electoral considerations in introducing private bills and (2) whether and, if so, how the politics of personal vote seeking in the realm of Civil War pensions were impacted by partisan considerations at the committee stage, which faced increasing demands for time and a progressively influential cadre of party leadership.

Exploring Bill Introduction and Subsequent Legislative Action

Table 2 showed that the number of bills referred to the Committee on Invalid Pensions increased dramatically from 1,262 in the 53rd House to about 10,000 in the 58th and 64th Houses, peaking along the way at nearly 20,000 in the 61st House. While most committees witnessed an increase in bills over the same period, none were as stark as Invalid Pensions, whose share of the House workload rose from 14 percent to roughly half (or in the case of the 61st, 60 percent). While the other committees dealing primarily with private claims also saw an elevated number of bill referrals, the change as a percentage of total bills was comparatively small.

What was the source of this increased activity? There is no clear explanation in the realm of pension policies themselves, in that nearly every veteran was eligible shortly after the turn of the century. Thus, one possibility is that members began to seek out and act upon credit claiming opportunities that presented themselves. To what degree did individual members seek out such opportunities by introducing legislation? Of the 51 members who served in both the 53rd and 58th Houses, 45 (or 88 percent) introduced more bills in the latter Congress. The difference for members elected to both the 58th and 61st Congresses is similar, as 75 percent of the 186 returning members introduced more bills in the 61st than they did in the 58th. Another

way to look at the data is in terms of the average number of bills introduced. Here again, the pattern of increasing activity is clear. From an average of 24 bills per member in the 53rd Congress, the corresponding figures rose to 48 and 80 for the 58th and 61st, respectively. Not surprisingly, the number of bills sponsored by an individual member that were referred to the Invalid Pensions Committee reveals much the same dynamic. In the 53rd, the most active member sponsored 46 such bills, and that figure rose to 144 for the 58th and 438 in the 61st.¹⁵

Analysis of Bill Introduction

To begin explaining the variation in sponsorship, I estimate a series of event count models to determine the impact of a variety of variables on the quantity of bills introduced by House members to grant or increase a pension by special act. The dependent variable is simply the number of bills introduced that were referred to the Committee on Invalid Pensions for each representative in the 53rd, 58th, and 61st Congresses.¹⁶ I use negative binomial regression (NBR) as opposed to Poisson regression because there is evidence of overdispersion, which is born out in likelihood ratio tests for the alpha parameter.

To tap into electoral considerations deriving from personal vote seeking, I include a measure of *Electoral margin*. If members are introducing pension legislation with the intent of garnering electoral credit for doing so, we might expect more vulnerable members to be especially prone to such behavior. I also control for *Majority party* status and an interactive effect between party and electoral margin (*Margin*Party*) to assess potential partisan effects. *Veteran population*, measured as the number of pensioners in the state divided by the number of congressional districts, taps the opportunity (and demand) for bill sponsorship, and as such

¹⁵ Similar vigor was exhibited in bureaucratic intervention. In less than eleven months in 1892, one member made 7,690 calls upon the Pension Bureau (Annual Report of the Commissioner of Pensions, 1892: 69).

¹⁶ For the sake of brevity, the analysis presented here and in the next section on committee reports is limited to the 53rd, 58th, and 61st Houses. The results for the 56th and 64th Houses parallel those of the 58th and 61st, respectively.

provides a fairly direct appraisal of constituency-based considerations. Similarly, *Invalid Pensions Committee membership* should be positively related to bill introduction to the degree that self-selection onto the committee was due to personal interest, constituency preference, or some combination of the two. And since a perquisite of membership on the committee seemed to have been a greater likelihood of success later in the legislative process, we might expect members to do more at this early juncture of the legislative process. Among the controls is prior *Military service*. While I am agnostic on the effect of this variable, one could imagine two competing tensions—former soldiers doing all they can for their fellow “boys in blue” contrasted with veterans exercising heightened reticence in the area of private pension bills. Additionally, I control for *Terms served*, which taps into potential proficiency gains with increased service (and serves as a proxy for careerism), and *Age*, which might negatively impact member initiative.

[Table 3 Here]

Table 3 presents the NBR estimates in separate columns corresponding to the three Congresses. Early on, in the Democrat-controlled 53rd House, there appears to have been little or no discernible relationship between bill introduction and electoral circumstance or party status. Older members introduced fewer pension bills, while those with longer terms of service were more likely to sponsor such bills. The substantive effect for each is rather modest, however, as indicated by the change in predicted bills as the variables range from +/- ½ standard deviation from the mean. Holding a seat on the Invalid Pensions Committee had a statistically marginal impact on bill introduction. The size of the veteran population also produced a significant, albeit not potent, effect. For instance, a member from a state like Indiana which had a very large veteran population would sponsor about twice as many bills as a colleague from Minnesota, which had an average-sized veteran population. To put the figures into perspective, the baseline

prediction from the model is a mere 2.4 bills, so a change in only a couple of bills represents nearly a 100% increase in activity.

The estimates for the 58th Congress reveal a number of interesting changes. First, and most noticeably, electoral margin is a significant predictor of bill sponsorship. This, in tandem with the positive coefficient for the number of veterans in the district, indicates that by the turn of the century, members responded to both the constituency *and* electoral contexts in which they operated when it came to introducing private legislation, and this may help to explain the dramatic increase of which this Congress was a part. Terms in office and age (which changes direction) remain significant in this model, as does membership on the Invalid Pensions Committee. Representatives seated on the committee sponsored about 20 more bills than their non-committee colleagues, suggesting that they were in fact high demanders. Additionally, those with military service sponsored on average about 4 fewer bills than non-veterans.

In the 61st Congress, electoral margin continued to be a major factor in the number of bills members introduced. In fact, the magnitude of the effect is greater here than in the 58th, as the baseline prediction for the two are 19 and 34, respectively. As such, a one standard deviation shift in electoral security carried with it a more than 50% decrease in pension bills introduced. While the number of terms served is no longer statistically significant (perhaps indicative of a more fully professionalized legislature), and age is only marginally significant ($p = .06$), the veteran population maintains its influence, underscoring the continued relevance of constituency interests. Membership on the committee of referral also continued to be a strong predictor, as MCs with seats on Invalid Pensions introduced about 60 more Civil War pension bills than their colleagues. In sum, the introduction of private bills dealing with UA pensions was consistently driven by constituency characteristics—members coming from states with a large concentration

of veterans and their survivors were the most active in this arena. Institutional position, perhaps driven by self-selection according to district demands, as well as tenure in the House also played a major role. Perhaps of the most interest, however, is that the increase in bill introduction observed over the course of the early 1890s through the early 1910s bears some correspondence to an emergent electoral connection, as members who were most vulnerable began to engage in more of this sort of personal-vote seeking activity.

Despite the macro-level linkage between pension policies and the party landscape, the preceding analysis did not reveal any partisan dynamics in the initial sponsorship of private pension bills after controlling for constituency characteristics. Of course, members were free to introduce legislation at will, and could likely claim some credit for simply introducing a bill regardless of whether it was subsequently acted upon. The next stage of the analysis examines the question of whether the institutional structures organized by the majority party had an impact on the disposition of legislation. Recall that throughout most of this period, the Speaker of the House made committee appointments for both parties (although on some occasions, after setting the ratios, he deferred to the minority leader for that party's assignments). Thus, an area to look for party influence is committee outputs, as committee chairmen (and members) served at the pleasure of the Speaker.

Analysis of Committee Reporting

Table 4 presents a series of logit models estimating the impact of a set of variables on the likelihood of a bill being reported out of committee.¹⁷ Committees were (as they continue to be) the primary gatekeepers in Congress, and success in that venue is a strong predictor of later

¹⁷ While the pattern on reports tracks closely with final passage on the House floor, the trend toward omnibus legislation makes tracing the full legislative history of the individual bills quite difficult. Further analysis will consider in greater detail the correspondence between reporting and passage.

success. To what degree did partisan, electoral, and member characteristics impact the probability of a bill surviving this first and typically most challenging hurdle of the legislative process? The analysis to follow includes many of the same variables employed in estimating bill introduction rates: electoral margin, majority party affiliation, an interaction of the two, military service, terms served, and membership on the Invalid Pensions Committee. To ascertain the degree to which partisanship extended to the politics of Union Army pensions, I divide the bills in the analysis into three categories: those referred to Invalid Pensions, other private bills handled by the various claims committees, and measures referred to committees with a predominantly public and/or programmatic focus (such as Appropriations, Banking and Currency, Foreign Affairs, and Ways and Means). Separate models are estimated for each class of legislation for each of three Congresses.

The first section of Table 4 presents the results for the 53rd House. Noteworthy is the fact that the bill sponsor's status as a member of the majority party has no significant effect upon the legislation's probability of receiving a favorable committee report, regardless of the type of legislation being considered. Thus, in this Democratic House, which also saw a Democrat in the White House and comparatively few efforts in the area of private pension bills, partisan politics seem not to have been much of a factor. Instead, membership on the committee with oversight made a small difference, raising the probability of a report from the baseline of 9 percent to about 17 percent. In the other areas of private legislation, both military service and the number of terms served are statistically significant predictors, although their substantive impact is rather small. Bills of a public nature, which were more infrequent, were influenced significantly by one key factor: the seniority of the measure's sponsor. Those with longer careers maintained significant advantages over their junior colleagues in moving legislation through the committee

system. A first-term member had about a five percent chance of committee action, while a senior member in his fifth term had a probability three times higher. A member in his tenth term enjoyed a 40 percent likelihood of action on legislation he sponsored.

[Table 4 Here]

The picture for the 58th Congress is, in most respects, not very different. For instance, membership on Invalid Pensions continued to improve a member's chances on legislation referred to that committee at about the same rate as in the 53rd. Members with prior military service enjoyed a five percent higher probability for positive committee action. While electoral margin is positive and significant, the substantive effect is minimal. The estimates for the category encompassing other private legislation are not remarkably different from those of the 53rd Congress—most notably, military service exerts a weak impact. However, on bills invoking policy (rather than private) issues, members of the majority party enjoyed significant advantages over their minority counterparts. The probability of a majority sponsor's bill receiving committee action exceeds that of the minority by more than 20 percent. Thus, at least in this realm of policymaking, the partisan account of the era receives some support. In Joseph G. Cannon's first term as Speaker, a clear partisan dynamic is evident in the committees responsible for programmatic policies. Also, as was true of the 53rd House, members with greater seniority had a higher likelihood of success.

The 61st Congress has been the subject of a great deal of attention elsewhere, as it represents the imposition of the first major limitations on the prerogatives of the Speaker. Many accounts argue that it was Speaker Cannon's use of the levers of power that brought about his downfall. Yet, as noted earlier, some recent analyses revisiting the period have questioned the degree to which Cannon exercised arbitrary and heavy-handed partisan power. Whether party

was a factor in the committee process of the 61st House can be assessed systematically by considering decisions on bill reporting. Interestingly, in each area of policy examined—private pension legislation, other types of private claims, and the typically more partisan policy domain—a member’s status in the majority party was a significant predictor of legislative success. Republicans saw an elevated rate of success of about 8 percent in the realm of invalid pension bills—no small figure considering the low baseline probability. The party effect is somewhat less for other classes of private legislation—here a marginal member (winning by 5 percent) would be about 3 percent more likely to receive favorable committee action. In contrast, the probability of success for bills of a public nature is markedly different based on the party affiliation of the sponsor. While a Democrat stood a three percent chance of extracting a bill from committee, a Republican with an otherwise identical profile enjoyed a 21 percent likelihood for action. Thus, at least relative to the 53rd and 58th Houses, the 61st was one of heightened partisanship that appears to have permeated the legislative agenda even in the area of private business.

Discussion

This paper addresses an aspect of the historical Congress that has been largely overlooked. While scholars have noted two disparate tracks of policymaking in Congress—those of public bills and the less frequently studied but more empirically common private bills—there has been little corresponding research into the manner in which Congress has managed its workload in private matters. Furthermore, and related to long-standing questions in the congressional literature, this realm of congressional politics speaks to issues touching upon the changing nature of the agenda in the Gilded Age and the Progressive Era, as well as the impact

of the electoral arena and the internal organization of the institution. The wealth of data on private legislation as well as pension-related politics more broadly offers a unique lens into the relationship between constituents, members of Congress, and even the bureaucracy during a key phase of America's political development.

The narrative and analyses I have presented lend insight into some long-standing questions about legislative development and organization. First, the quest for personal vote opportunities in the period under examination, specifically in terms of handling constituent requests by introducing special acts of Congress granting service and disability pensions, seems to have evolved over time alongside partisan and electoral competition. By the turn of the century, and corresponding to a spike in private bills, members of Congress from competitive districts ratcheted up their bill sponsorship, even beyond what might be predicted for those coming from "high demand" districts. The House's management of the legislative agenda also seems to have evolved over time. While partisan considerations seem not to have operated at all in House committees' management of bills in the 53rd Congress, party effects emerged in the area of public legislation in the 58th House, and across each type of legislation by the 61st House, suggesting an evolving role of party organization throughout this period. Existing accounts tend to treat this era as assiduously partisan, as in the historical work on the partisan era bracketed by Reed and Cannon, or remarkably majoritarian, as in the more recent work of Krehbiel and Wiseman (2001, 2005). Yet these findings suggest a somewhat different story. What is particularly notable here is the effect of partisanship on even the most mundane, constituency-centered business. This interplay between constituency business on matters that evoked sectional and partisan conflict and the emerging role of strong institutional leaders is certainly a matter that merits further analysis, and offers implications for contemporary American politics as

well. The fact that even administrative and service-related activities can become tools of a motivated majority party is telling, as is the variable nature of partisan influence across very different domains of policymaking and at various points in time.

One promising avenue for further examination lies in looking to the broader system. As Congress developed into the modern institution we see today, the bureaucracy was undergoing significant change as well, and managing the pension system was one of the foremost responsibilities of the executive branch. Thus, the story of bureaucratic development is richly evident in this area of public policy, as is the evolving relationship between legislators and executive agencies.¹⁸ Much of the material chronicling this history is now housed at the National Archives as part of the pension records, and represents a potentially fruitful avenue for studying the interaction between constituents, MCs, and the bureaucracy during this time period. Building on existing data drawn from the service and pension records of a sample of about 40,000 Union Army veterans (Fogel 1993), questions about the degree to which MCs intervened on behalf of constituents, how the bureaucracy responded to such intervention, and the political factors that worked to shape agency decision making on a case-by-case basis will paint a much richer portrait of the politics of this era.

¹⁸ Congressional interaction with the bureaucracy was so routine that the standard procedures within the Pension Bureau included notation on each pension application as to whether contact had been made by the applicant's MC, and standardized forms were prepared for various actions—including "call slips" at the Bureau and committee-prepared special acts containing the requisite blanks to be filled by the MC introducing an individual pension bill.

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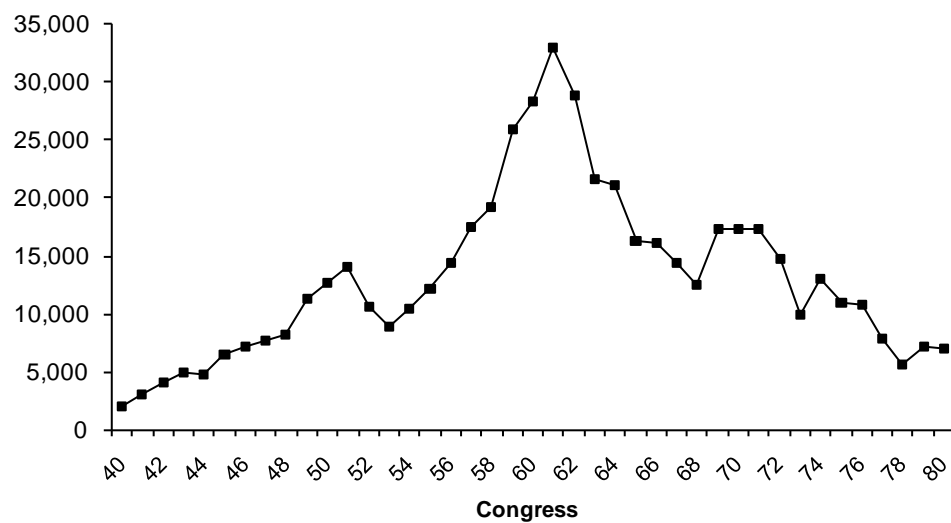
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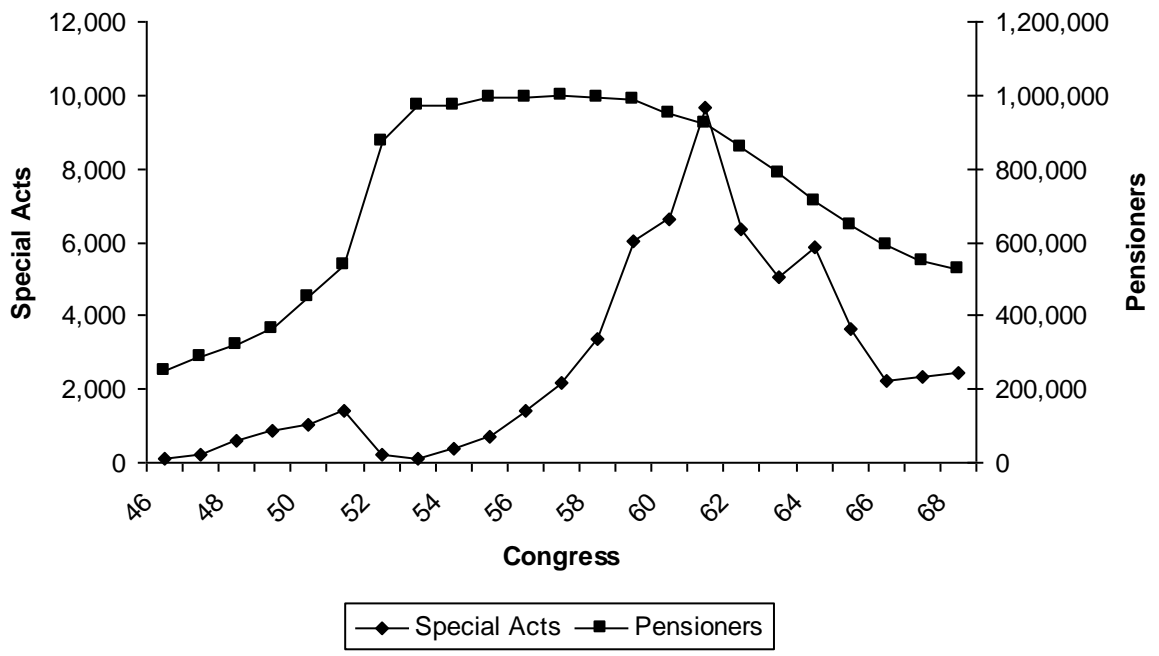
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Figure 1: Bills Introduced in the House, 1867-1948



Source: History of Bills and Resolutions, *House Journal*, each of 40th through 80th Congresses

Figure 2: Pensions Granted by Special Act of Congress and Total Number of Pensioners, 1879-1925



Sources: Annual Report of the Commissioner of Pensions, 1930, pg. 16; Annual Report of the Administrator of Veterans' Affairs, 1932, pg. 94.

Table 1: Bill Introduction and Disposition, 1897-1919

Congress	Bills & Resolutions Introduced	Reports	Public Enactments	Private Enactments
55	12,223	2,364	429	1,044
56	14,339	3,006	443	1,498
57	17,560	3,919	470	2,311
58	19,209	4,904	574	3,467
59	25,897	8,174	692	6,248
60	28,440	2,300	350	234
61	33,015	2,302	525	285
62	28,870	1,628	530	186
63	21,616	1,513	417	283
64	21,104	1,637	458	226
65	16,239	1,187	404	104

Source: Chiu (1928: 115) *Note:* Republican majorities in 55th through 61st Congresses.

Table 2: House Committee Referrals by Congress

Committee	53 rd	56 th	58 th	61 st	64 th
Agriculture	22	19	41	120	162
Appropriations	35	32	31	83	132
Banking and Currency	85	30	20	40	80
Census	0	7	6	20	11
Claims	757	805	1,010	1,110	1,290
Coinage, Weights, and Measures	60	36	8	9	25
District of Columbia	207	227	215	293	172
Election of President, Vice-president, etc.	24	0	7	10	13
Expenditures, Treasury Department	4	0	1	11	8
Foreign Affairs	36	27	16	34	62
Immigration and Naturalization	12	5	18	65	34
Indian Affairs	118	160	198	195	251
Insular Affairs	0	23	19	15	5
Interstate and Foreign Commerce	240	235	312	428	373
Invalid Pensions	1,262	5,237	9,423	19,256	10,029
Irrigation of Arid Lands	8	22	21	31	43
Judiciary	316	256	307	414	290
Labor	23	5	16	14	27
Library	43	56	70	119	67
Merchant Marine and Fisheries	52	64	104	147	175
Military Affairs	1,234	2,498	1,893	2,368	1,628
Mines and Mining	14	11	11	26	16
Naval Affairs	161	217	206	267	194
Pacific Railroads	14	4	2	0	0
Patents	48	44	34	42	38
Pensions	451	710	1,101	2,483	3,290
Post-Office and Post-Roads	103	100	127	188	222
Printing	9	13	13	10	9
Private Land Claims	19	0	15	36	0
Public Buildings and Grounds	217	287	454	894	821
Public Lands	198	215	239	291	339
Railways and Canals	13	8	4	9	10
Reform in Civil Service	25	21	21	21	45
Rivers and Harbors	103	149	194	287	186
Territories	33	38	67	97	50
War Claims	2,586	2,435	2,660	3,144	712
Ways and Means	181	172	173	247	158
<i>Total</i>	8,987	14,339	19,209	33,015	21,104

Note: Session dates are 53rd (1893-95), 56th (1899-1901), 58th (1903-05), 61st (1909-11), 64th (1915-17).

Table 3: Negative Binomial Regression of Introduction of Invalid Pension Legislation

<i>Independent Variables</i>	53 rd	58 th	61 st
<i>Electoral margin</i>	-0.011 (0.016)	-0.010** (0.004) [-5.96]	-0.018** (0.003) [-18.77]
<i>Majority Party</i>	0.371 (0.233)	0.131 (0.148)	0.071 (0.196)
<i>Margin*Party</i>	-0.015 (0.017)	0.003 (0.005)	0.009 (0.009)
<i>Military Service</i>	-0.019 (0.177)	-0.251* (0.115) [-4.33]	0.062 (0.146)
<i>Age</i>	-0.034** (0.009) [-0.73]	0.011* (0.006) [1.94]	0.011 (0.006)
<i>Terms</i>	0.159** (0.046) [0.83]	0.046* (0.023) [1.93]	-0.024 (0.024)
<i>Invalid Pensions Committee member</i>	.0601 (0.364)	0.753** (0.200) [20.22]	1.043** (0.194) [60.69]
<i>Veteran Population</i>	0.0006** (0.00008) [1.99]	0.0003** (0.00006) [2.69]	0.0003** (0.00006) [12.69]
<i>Constant</i>	.368 (.489)	1.624** (0.336)	2.717 (0.333)
<i>N observations</i>	371	391	401
<i>Wald χ^2</i>	130.71**	294.90**	251.68**

Note: Dependent variable is the number of bills introduced. Robust standard errors in parentheses. Substantive effects for significant variables in brackets, and represent the predicted change in the number of bills introduced as the independent variable moves from zero to one for dichotomous variables or +/- one-half standard deviation from the mean for continuous variables, holding all others at their mode or mean. * $p < 0.05$ ** $p < 0.01$

Table 4: Logit Model of Committee Action by Type of Legislation, 53rd, 58th, and 61st Houses

<i>Independent Variables</i>	<u>53rd House</u>			<u>58th House</u>			<u>61st House</u>		
	Invalid Pension	Other Private	Policy	Invalid Pension	Other Private	Policy	Invalid Pension	Other Private	Policy
<i>Electoral margin</i>	-0.015 (0.015)	-0.006 (0.008)	0.014 (0.018)	0.006** (0.001)	-0.002 (0.002)	0.010 (0.007)	-0.001 (0.001)	0.001 (0.001)	0.014* (0.007)
<i>Majority Party</i>	-0.239 (0.269)	-0.108 (0.148)	0.188 (0.473)	0.046 (0.074)	0.086 (0.152)	1.541** (0.561)	0.222** (0.046)	0.341** (0.104)	1.989** (0.528)
<i>Margin*Party</i>	0.005 (0.017)	0.001 (0.008)	-0.007 (0.020)	0.0001 (0.002)	0.003 (0.004)	-0.002 (0.010)	0.005** (0.002)	-0.009** (0.003)	-0.002 (0.010)
<i>Military Service</i>	0.162 (0.218)	0.294** (0.097)	—	0.295** (0.066)	0.378** (0.106)	—	0.227** (0.039)	-0.159 (0.091)	—
<i>Terms</i>	-0.078 (0.045)	-0.048* (0.023)	0.269** (0.060)	-0.025 (0.013)	-0.040 (0.026)	0.107* (0.049)	0.052** (0.006)	0.033* (0.013)	0.108** (0.041)
<i>Invalid Pensions Committee member</i>	0.724* (0.308)	—	—	0.403** (0.081)	—	—	0.382** (0.044)	—	—
<i>Constant</i>	-1.844** (0.249)	-1.856** (0.138)	-3.379** (0.469)	-1.433** (0.071)	-2.393** (0.133)	-3.316** (0.520)	-1.097** (0.039)	-2.345** (0.091)	-4.117** (0.513)
<i>N observations</i>	1,243	4,945	549	9,229	6,579	489	18,811	8,803	775
<i>Log likelihood</i>	-386.520	-1737.983	-184.660	-4827.542	-1818.141	-225.244	-11985.246	-3002.775	-291.930
<i>Wald χ^2</i>	15.66*	18.67**	22.27**	83.42**	20.24**	27.32**	341.21**	19.48**	41.94**

Note: Dependent variable is dichotomous, with “1” indicating the committee reported the bill. Robust standard errors in parentheses. * $p < 0.05$ ** $p < 0.01$