APPENDIX

This Appendix describes the data collection methodology that I used to search for all instructing resolutions enacted in 2006 and all newspaper stories about such resolutions. The two Sections below discuss these issues in turn.

A. Instructing Resolutions

The dataset consists of all 253 instructing resolutions enacted in 2006.[237] I searched for resolutions that instructed, urged, recommended, requested, petitioned, or memorialized[238] members of Congress to perform a certain act.[239] I used the LexisNexis State Net Bill Text database, with manual limits placed on the date range, as the pre-labeled 2006 bills frequently did not match the date of passage.[240]

For each bill, I recorded the principal sponsors, the month the resolution was enacted or introduced, a synopsis of the request, and the topic. To standardize the topic category, I used the same nineteen categories that the Congressional Bills Project and the Policy Agendas Project use to categorize federal legislation.[241] Although placing resolutions into a single category is sometimes arbitrary, the fact that

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[237] A total of 525 results were obtained for the search for adopted resolutions in 2006, all of which were viewed, and 1109 hits were obtained for introduced resolutions, a random sample of 200 of which were viewed. I considered as irrelevant those results that did not urge or request a member of Congress to act in a certain way. I excluded resolutions that were forwarded to the state's congressional delegation but made no requests of the delegation, *e.g.*, H.R. 1184, 94th Gen. Assemb. (Ill. 2006), 2005 Bill Text IL H.R. 1184 (LEXIS) (simply urging a federal agency to take action). While I separately listed resolutions from different houses of a legislature, I did not count a resolution and a concurrent resolution from a house separately unless the latter was adopted, in which case it was counted as legislative activity for both houses.

[238] BLACK'S LAW DICTIONARY 1074 (9th ed. 2009) (defining "memorial" as "[a] written statement of facts presented to a legislature or executive as a petition").

[239] The search for adopted resolutions used the following string: "resol! and ((instruct! or urge! or recommend! or request! or petition! or memorialize!) w/p ((senator! or representative! or congress!) w/p ("united states" or federal))) and (VERSION(enacted) or VERSION(adopted) or VERSION(Passed) or VERSION(engrossed))." For introduced resolutions, I replaced the VERSION references with one for "introduced" bills. Instead of trying to narrow the search for introduced bills (only one in four results contained an introduced but not adopted bill), which risked omitting results (and introducing additional sources of bias), I coded only a random subset of the bills.

[240] The LexisNexis database TXTARC (combined archive) "contains the full text of bills for the current and past sessions in all 50 states" and is updated "[w]ithin 4–5 days of publication by the state." LexisNexis Source Information, http://w3.lexis.com/research2/source/srcinfo.do?_m=E7e672f7b542a4752978cc62588795ba&src=286356&wchp=dGLbVzz-zSkAB&_md5=842c57aa49be69a9a7e6d705789634fc (last visited September 23, 2009).

[241] Congressional Bills Project, Codebooks and Crosswalks, http://www.congressionalbills.org/codebooks.html (last visited Sept. 23, 2009); Policy Agendas Project, Codebooks-Policy Agendas Project, http://www.policyagendas.org/codebooks/topicindex.html (last visited Sept. 23, 2009).

researchers studying different hypotheses created the categories and subcategories constrained my coding.[242]

B. Newspaper Articles About Instructing Resolutions

I limited the search to the 198 instructing resolutions enacted in 2006 outside of Louisiana.[243] For each, I searched Access World News's database to see if a major newspaper in the legislature's state mentioned the resolution's introduction or passage.[244] Although it was difficult to develop standardized criteria to search for the mention of a resolution, I searched articles that mentioned the author of the resolution or the general topic and then winnowed the pool by reading the articles. The searches were always overbroad (and sometimes painfully so), but this was necessary to avoid missing news stories about the resolution that in fact existed.

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[242] The standard caveat applies: A researcher who performs the data selection himself, aware of the study's hypothesis, may be influenced by unconscious bias. Orin S. Kerr, *Shedding Light on* Chevron*: An Empirical Study of the* Chevron *Doctrine in the U.S. Courts of Appeals*, 15 YALE J. ON REG. 1, 22 (1998) ("[K]nowledge of the hypothesis creates biases in the study itself in favor of finding the hypothesis to be true. Unfortunately, like most others who have published empirical studies [regarding the application of the *Chevron* doctrine], I was unable to comply with this tenet.").

[243] I excluded Louisiana because the bulk of their instructions dealt with a unique event, Hurricane Katrina, and may not be representative of the instructions usually adopted in that state.

[244] As of September 28, 2009, Access World News contains 706 different United States newspapers, classified by the primary place of publication. Access World News, Locations: North America-Selected Source Types, http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_product=AWNB&p_theme=aggregated5&p_action=explore&d_loc=North%20America&d_place&f_view=loc&d_selLoc=&d_selSrc= (last visited September 28, 2009). California has 93 sources, while some states like Arizona or Hawaii have very few. *Id.* (expand "United States" results). I searched for articles published in 2005, 2006, and 2007, to catch resolutions that had been introduced in 2005 but passed in 2006, and resolutions that had been passed in late 2006. Unfortunately, Access World News does not contain every newspaper in a state. Thus, we may miss a number of stories in smaller newspapers. For example, in Alaska only three newspapers are covered—*Anchorage Daily News*, *Fairbanks Daily News-Miner*, and *Juneau Empire*, *see* Access World News, Locations: Alaska-Selected Source Types, http://infoweb.newsbank.com/iw-search/we/InfoWeb?p_product=AWNB&p_theme=aggregated5&p_action=explore&d_loc=AK&d_place=&f_view=src&d_selLoc=&d_selSrc= (last visited September 20, 2009)—leaving out smaller newspapers or weeklies like the *Capital City Weekly*, *see, e.g.*, *House Wants Exxon Valdez Damages Paid*, CAPITAL CITY WEEKLY (Juneau), Apr. 27, 2005, http://www.capitalcityweekly.com/stories/042705/news_20050427004.shtml (reporting passage of resolution by Representative LeDoux); Gabrielle LeDoux, *Representative Report: Fisheries Bills Pending in State Legislature*, KODIAK DAILY MIRROR Apr. 19, 2005, at 4, *available at* http://www.kodiakdailymirror.com/?pid=19&id=1383 (describing legislative accomplishments). I used a separate Google search to try to catch these omissions.