

# CRS Report for Congress

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## Messages, Petitions, Communications, and Memorials to Congress

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The Constitution and the rules of the House and Senate identify various means that citizens, subordinate levels of government, and other branches of the federal government may use to communicate formally with either or both houses of Congress. The two houses of Congress also use written messages to communicate with each other.

### Messages

The Constitution authorizes the President to recommend to Congress "such measures as he shall judge necessary and expedient." Presidents communicate formally with Congress by written message. For many years, the President's State of the Union message was sent to Congress in writing only; in 1913, Woodrow Wilson resumed giving this message both in person (not done since Thomas Jefferson) and in writing.

Presidential messages are printed in full in both the *Congressional Record* and the *Journal* of each House, although accompanying supplemental materials are not. The Speaker of the House and the presiding officer of the Senate refer such messages to the appropriate committees. (For example, the House refers the State of the Union message to the Committee of the Whole House on the State of the Union; a veto message is not referred to a committee if the House or Senate votes immediately on overriding it.)

The two houses also formally communicate with each other by written message. Under Rule IX, the Senate may receive a message from the President or the House anytime, unless the Senate is voting, determining the presence of a quorum, having the *Journal* read, or acting on a question of order or a motion to adjourn. In the House, messages from the President and from the Senate (except those regarding Senate action on certain bills) are referred to the appropriate committees (Rule XII, cl. 1). If the Senate has passed a bill that the House (under its rules) will not consider in the Committee of the Whole, the House may act immediately on a message about that bill.

### Petitions

The First Amendment in the Bill of Rights guarantees that "Congress shall make no law respecting ... the right of the people peaceably to assemble and to petition the

Government for a redress of grievances." Individuals, groups, or organizations can petition Congress requesting it to act or not to act on a specific subject.

Petitions are normally addressed to individual Representatives or Senators. Members may present petitions from citizens or groups outside their constituencies. Under House Rule XII, cl. 3, Members forward petitions they receive to the clerk of the House for referral to committees having jurisdiction over the petition's subject. The text of the petition, the name of the first signer, the number of other signers and their general place of residence are printed in the *Journal* and published in the *Congressional Record*. In the Senate, petitions are presented from the floor or delivered to the secretary of the Senate and are referred to the appropriate committee; Senate Rule VII, par. 4 provides a rarely used procedure in which the Senate may vote without debate on the question of receiving a particular petition or memorial.

## **Communications**

Narrowly defined, a communication is a written submission from a federal government department, agency, or other entity. Most executive communications are sent to Congress to comply with statutes (see *Reports to Be Made to Congress*, House Document 105-23 for a full list of such reports), to comply with a specific request from either or both chambers, to suggest legislation to appropriate congressional committees or comment on measures already introduced. In both chambers, executive communications are numbered sequentially throughout each Congress for identification and are referred to the appropriate committee for possible further action.

## **Memorials**

The term "memorial" derives from the Latin, meaning literally "to remember" or to "keep in mind." A memorial is a request, usually from a state legislature, that the Congress take some action, or refrain from taking certain action. Memorials may be addressed to the House or Senate as a whole, to the Speaker or presiding officer of the Senate, or to individual Senators or Representatives.

In the 18<sup>th</sup> and 19<sup>th</sup> centuries when state legislatures elected Senators, many of them sent memorials to their Senators "instructing" them how to vote on certain pending controversial measures. Some Senators considered instructions as binding, but many did not. Since the popular election of Senators in 1913, state legislatures have ceased issuing instructions. Today, they use memorials or less formal means of communication to urge congressional action rather than demanding it. In recent times, several state legislatures have memorialized Congress, urging it to call (under Article V of the Constitution) a convention to consider various possible constitutional amendments.

House and Senate sections of the *Congressional Record* note each chamber's receipt and disposition of messages, petitions and memorials, and other formal communications. Committees rarely take any formal action on any of these items referred to them. Nevertheless, they may prompt the committees to hold oversight hearings or they may be cited in committee reports on related legislation. House precedents record instances in which a memorial prompted the House to begin an impeachment inquiry and to investigate the constitutional qualifications of a Member-elect.