

What Happens When the States Regulate First? Analyzing Governance of the Telegraph Industry in the Antebellum United States

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ABSTRACT

Studies of regulation in the United States often assume that the federal government has been the major initiator of regulatory behavior and that the emergence of a regulatory state has been a modern phenomenon. This view, to some degree, belies the experience of the U.S. states, who engaged in regulatory behavior prior to the Civil War. In this paper, I utilize data on the adoption of telegraph regulation policies by the U.S. states in the 1840s and 1850s (when the telegraph was new and cutting-edge technology) in an attempt to gain purchase on what explains the rise of regulatory behavior in an era considered to be largely devoid of such activity. Using pooled event history analysis to fully capture temporal and cross-sectional variation in state policy adoption activity and employing a bevy of explanatory variables across multiple empirical specifications, I find evidence suggesting that the emergence of mass public schooling corresponds with a greater likelihood of regulatory behavior. I argue that mass schooling (usually financed through public taxation) helped create legitimacy in the view that government should utilize policymaking power toward the public good, which furthered regulatory behavior. I find additional evidence that public schooling also corresponds with state enactment

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of three progressive policies: allowing the general incorporation of firms, allowing married women to own property, and allowing for homestead exemption for debt obligations. The result potentially sheds light on the emergence of regulatory behavior in the U.S. states in the nineteenth century and may help us understand attempts to deprofessionalize American state government in the twenty-first century.

Keywords: Regulation, political economy, state politics, technology, education policy

Introduction

Modern theories of regulation often assume that government possesses the capacity to regulate.¹ For instance, accounts of whether state legislatures are able to create policy that is adequate enough to address societal challenges — to create the scope conditions under which effective regulation can occur, as it were — often emphasize the level of professionalism (or resource capacity) that a legislature can marshal in performing its duties. Research on the ease with which states embraced electricity restructuring (Ka and Teske, 2002); the ability to inspect nursing homes effectively (Boehmke and Shipan, 2015); the rapidity with which states were able to engage in competition for luring corporate investment (Arel-Bundock and Parinandi, 2018); and the thoroughness with which state medical and pharmacy boards enforce opioid prescription policies (Fortunato and Parinandi, 2022) all points to the pivotal role that highly professional legislatures — taken by Squire (2017) and others to imply full-time and salaried legislators equipped with extensive staff to help with legislative work — have played in making the states a major locus of policy adoption and implementation within the United States. Another strand of research focusing on contemporary bureaucratic behavior in the U.S. states has shown that greater resource capacity (in a word, professionalization) has fueled the rise of increasingly consequential state agency actors in state-level policymaking (Boushey and McGrath, 2017, 2020). Indeed, a common view positing that the states could serve as the primary policymakers and problem solvers in the United States (and thereby bypass federal government dysfunction) is predicated in large part on the idea that state governments are well-resourced in the first place.²

¹By *regulation*, I refer to the idea that government possesses the wherewithal to establish the ground rules through which private interests interact with the general public (Dal Bo, 2006).

²For a summary of this view, consult the introductory chapter of Parinandi (2023).

The early history of the United States, however, provides a glimpse into what state-led policymaking looked like in an era when the states largely lacked what we today would call a professionalized level of resources. Aided by a belief that it was not the place of the federal government to dictate or distort the policy preferences of the states (Bednar, 2009; Volden, 2004), the states were the main drivers of policymaking in the United States for much of the nineteenth century. The state governments, and particularly the state legislatures which were the chief organs of state government, were skeletal outfits, employing “a clerk or two, a doorkeeper, and a sergeant-at-arms.” (Squire, 2019, p. 420). The lack of substantial resources among state legislatures occurred in the midst of technological innovation, which created the possibility of a scenario where resource-poor legislatures would be tasked with adopting policy dealing with novel regulatory issues. This scenario was arguably manifested in the decades immediately preceding the Civil War, when citizen (or nonprofessionalized)³ state legislatures developed various approaches to regulating the new technology of the telegraph (Nonnenmacher, 2001).

The issue of what motivated citizen state legislatures to develop policy in the novel regulatory area of the telegraph has been understudied, is enormously important, and is the goal of this paper. Studying this topic is worthwhile for three reasons. First, since much esteemed work on state policymaking emphasizes the key prominence of professionalism in the development and adoption of state policy (for exemplars of this work, see, Boehmke and Skinner, 2012, Kousser, 2005 and Walker, 1969), it behooves us as analysts to evaluate how state adoption occurs when professionalism is largely absent from state government (as was the case in the years after the invention of the telegraph). Understanding how state policy adoption occurs in the absence of professionalism leads to the second and third benefits of exploring this topic: one of these is that we may be able to use the example of state policy adoption absent professionalism to add to the conversation about what fueled the rise of state governmental professionalism in the first place. The final benefit has more of a contemporary spin. Recent decades have seen dedicated attempts to *de-professionalize* state legislatures and potentially return them to the nineteenth-century model of citizen-driven bodies (Kousser, 2005; Squire, 2006). Knowing the factors that propelled some states into devising and adopting policy solutions in an era of nonprofessionalized government may help us identify potential factors that can forestall deprofessionalization in the current era.

³Although twenty-first century state legislative politics scholars refer to current less professionalized legislatures as “semi-professional” to avoid the pejorative implication of the term “nonprofessional,” pre-Civil War state legislatures were arguably actually nonprofessional in the sense that they did not possess the staff, salary, and session length resources that would even make them semi-professional in character (Squire, 2019).

My choice of analyzing regulatory policy adoption concerning the telegraph industry is appropriate. Samuel Morse's successful demonstration of a working telegraph in 1844 catalyzed state-level attempts to regulate the industry that began in earnest in 1845 (Du Boff, 1980; Nonnenmacher, 2001). In the period over the next 15 years, the states grappled with and adopted a number of different design choices — pertaining to protecting the physical infrastructure of telegraph installations; establishing where telegraph lines could be constructed; establishing sanctions for if a message transmitted over a telegraph system were given to a third-party; establishing the types of messages that must be carried by a telegraph operator; and establishing the order through which messages must be carried by a telegraph operator — that collectively made up America's state-level telegraph regulatory patchwork prior to the Civil War.⁴ The emergence of telegraph technology and state attempts to regulate this technology potentially comports with the classic policy diffusion paradigm (Rogers, 1962) that has been established in the political science literature and applied to a myriad number of contemporary issues, including lottery systems (Berry and Berry, 1990); antismoking regulation (Shipan and Volden, 2006); criminal justice reform (Boushey, 2016); and renewable energy regulation (Parinandi, 2020, 2023). Viewing state telegraph regulation policy adoption as a possible part of a classic diffusion process and using event history analysis to differentiate internal and external (i.e., diffusion-related) drivers of adoption, we can get purchase on how adoption occurred in the era of nonprofessional state legislatures and sort out a number of different possibilities that may have engendered such adoption. Key determinants of adoption gleaned from the telegraph case can then be evaluated against other instances of regulatory policymaking behavior that occurred in the U.S. states in the early nineteenth century to establish whether there may be general explanations accounting for the incidence of regulatory activity across the U.S. states. My analysis here links telegraph regulation adoption to the prevalence of public schooling in the U.S. states, and I find preliminary evidence tying public schooling to other state attempts to establish ground rules for economic transaction such as mandating the general incorporation of firms (Cohn, 2010); permitting married women to own property (Khan, 1996); and allowing for one's home (or amount of property) to be exempt from debt obligations (Goodman, 1993). A takeaway is that the rise of public schooling may have increased the likelihood of state regulatory policymaking by providing legitimacy to the idea that governmental action can be utilized in service of trying to benefit the public.

This paper proceeds as follows. I first discuss the importance of the telegraph invention and how it spawned attempts at state regulation. Included in this discussion is a description of a seminal paper on telegraph regulation

⁴After the Civil War, the firm Western Union established a monopoly over the telegraph industry (Nonnenmacher, 2001). Additionally, Nonnenmacher (2001) refers to the state design features as “protect,” “right-of-way,” “disclose,” “accept,” and “order.”

by Nonnenmacher (2001). My paper builds substantially on this prior work, and I therefore give space to describing that previous scholarship here. I then describe how my paper builds on Nonnenmacher's, and I explain how the use of pooled event history analysis allows us to ascertain how a wide variety of factors — including potential temporal, diffusion, educational, industrial, demographic, and political explanations — can be evaluated to account for the adoption of state-level telegraph regulation (here, I also discuss why these different explanations could account for the adoption of state-level telegraph regulation). Nonnenmacher's piece is impactful, but it reduces the number of cases of telegraph regulation adoption (by classifying all adoptions as one of two types and then combining individual same state adoptions sharing the same type) and uses one variable (a postbellum measure of state policy progressivism) to predict that telegraph regulation adoption. As a result, we do not know how temporally relevant right-hand-side variables (variables that are from the same Antebellum period as the dependent activity that we are examining) influence the full probability of telegraph regulation adoption, nor do we know how a comprehensive set of right-hand-side variables (beyond the variable capturing state policy progressivism) influences the probability of telegraph regulation adoption. My goal in this paper is to evaluate how a comprehensive set of Antebellum-era explanatory variables influence the full probability of telegraph regulation adoption, and my empirical strategy facilitates this goal. After sharing telegraph regulation adoption results and discussing the relevance of public schooling, I conduct a secondary analysis where I demonstrate that public schooling has a positive association with states embracing other prominent Antebellum regulatory policies (in this case, general incorporation law, permitting married women to own property, and allowing for homestead exemption on debt obligations). I close with a discussion urging researchers to better explore the possible link between public schooling and the rise of professionalized legislatures who view regulation as an integral part of their toolkit.

Building on Existing Work about Telegraph Regulation Adoption

The creation of the telegraph was a seminal event of the nineteenth century and promised to spark a revolution in communication across the United States. This event has received attention from scholars, and one example is Nonnenmacher (2001). In his piece, Nonnenmacher provides a chronology of state-level adoption of telegraph regulation in the pre-Civil War period and starts in 1845, when the first state (New Jersey) promulgated a telegraph regulation policy, and ends in 1860. Nonnenmacher identifies five different facets of state telegraph regulation, and he identifies when each state adopted

each facet of telegraph regulation.⁵ Although some states (e.g., California) adopted all five facets in the same year, some states (e.g., New York) adopted different facets in different years. Some states, such as Oregon, had not adopted any of the five facets — and hence had not adopted any telegraph regulation policy — by 1860. Table 1, created from information presented in Nonnenmacher (2001), displays when each state adopted its specific telegraph regulation policies.

As can be discerned from the table, states from every region that then encompassed the United States, including states that would remain in the Union and those that would secede as well as states that were original states in

Table 1: Telegraph Regulation policy adoption across the U.S. states.

State	Regulation policy	Adoption year
<i>Alabama</i>	Protect installation	1848
	Establish right-of-way	1848
	Penalty for message disclosure	1848
	Establish message acceptance rules	1848
<i>Arkansas</i>	Protect installation	1859
	Establish right-of-way	1859
<i>California</i>	Protect installation	1850
	Establish right-of-way	1850
	Penalty for message disclosure	1850
	Establish message acceptance rules	1850
<i>Connecticut</i>	Establish message sending order	1850
	Protect installation	1846
	Establish right-of-way	1848
	Establish message acceptance rules	1848
<i>Delaware</i>	Establish message sending order	1848
	Protect installation	1852
<i>Georgia</i>	Protect installation	1847
	Establish right-of-way	1847
	Penalty for message disclosure	1852
	Establish message acceptance rules	1852
<i>Florida</i>	Establish message sending order	1852
	Protect installation	1855
	Establish right-of-way	1855
	Establish message acceptance rules	1856

(Continued)

⁵These are, as discussed earlier, protecting the physical infrastructure of telegraph installations; establishing where telegraph lines could be constructed; establishing sanctions for if a message transmitted over a telegraph system were given to a third-party; establishing the types of messages that must be carried by a telegraph operator; and establishing the order through which messages must be carried by a telegraph operator.

Table 1: (Continued)

State	Regulation policy	Adoption year
<i>Illinois</i>	Protect installation	1849
	Establish right-of-way	1849
	Penalty for message disclosure	1849
	Establish message acceptance rules	1849
<i>Indiana</i>	Establish message sending order	1849
	Protect installation	1848
	Establish right-of-way	1848
	Penalty for message disclosure	1852
<i>Iowa</i>	Establish message acceptance rules	1852
	Establish message sending order	1852
	Establish right-of-way	1860
	Penalty for message disclosure	1860
<i>Kentucky</i>	Establish message acceptance rules	1860
	Protect installation	1848
	Establish right-of-way	1848
<i>Louisiana</i>	Penalty for message disclosure	1848
	Establish message acceptance rules	1848
	Establish message sending order	1848
	Protect installation	1848
	Establish right-of-way	1848
<i>Maine</i>	Penalty for message disclosure	1848
	Establish message acceptance rules	1848
	Establish message sending order	1848
	Establish right-of-way	1848
<i>Maryland</i>	Penalty for message disclosure	1848
	Protect installation	1847
	Establish right-of-way	1847
	Penalty for message disclosure	1852
	Establish message acceptance rules	1852
<i>Massachusetts</i>	Establish message sending order	1852
	Protect installation	1846
	Establish right-of-way	1849
<i>Michigan</i>	Establish message acceptance rules	1849
	Protect installation	1847
	Establish right-of-way	1847
	Penalty for message disclosure	1851
<i>Minnesota</i>	Establish message acceptance rules	1851
	Establish message sending order	1847
	Protect installation	1859
	Establish right-of-way	1859
	Penalty for message disclosure	1859

(Continued)

Table 1: (Continued)

State	Regulation policy	Adoption year
<i>Mississippi</i>	Protect installation	1848
	Establish right-of-way	1848
<i>Missouri</i>	Protect installation	1851
	Establish right-of-way	1851
	Penalty for message disclosure	1851
	Establish message acceptance rules	1851
	Establish message sending order	1851
<i>New Hampshire</i>	Protect installation	1846
	Establish right-of-way	1849
	Establish message acceptance rules	1854
	Establish message sending order	1854
<i>New Jersey</i>	Protect installation	1845
	Establish right-of-way	1845
	Penalty for message disclosure	1855
<i>New York</i>	Protect installation	1845
	Establish right-of-way	1848
	Penalty for message disclosure	1850
	Establish message acceptance rules	1848
	Establish message sending order	1848
<i>North Carolina</i>	Protect installation	1847
	Establish right-of-way	1847
<i>Ohio</i>	Protect installation	1849
	Establish right-of-way	1849
	Establish message acceptance rules	1851
<i>Pennsylvania</i>	Establish message sending order	1851
	Protect installation	1847
	Establish right-of-way	1847
	Penalty for message disclosure	1851
	Establish message acceptance rules	1849
<i>Rhode Island</i>	Establish message sending order	1849
	Protect installation	1847
	Establish right-of-way	1847
<i>South Carolina</i>	Protect installation	1854
	Establish right-of-way	1854
<i>Tennessee</i>	Protect installation	1847
	Establish right-of-way	1847
	Penalty for message disclosure	1858
	Establish message acceptance rules	1858
	Establish message sending order	1858
<i>Texas</i>	Penalty for message disclosure	1860
	Establish message acceptance rules	1854
	Establish message sending order	1860

(Continued)

Table 1: (Continued)

State	Regulation policy	Adoption year
<i>Vermont</i>	Protect installation	1847
	Establish right-of-way	1847
<i>Virginia</i>	Protect installation	1847
	Establish right-of-way	1847
	Penalty for message disclosure	1847
	Establish message acceptance rules	1852
	Establish message sending order	1852
<i>Wisconsin</i>	Establish right-of-way	1856
	Penalty for message disclosure	1851
	Establish message sending order	1858

the Union alongside those that had just gained statehood, adopted telegraph regulation policies. Most states adopted the protection of installation and right-of-way facets while some states embraced all five telegraph regulation policy options. In his 2001 paper, Nonnenmacher followed his chronology of state telegraph regulation with a short analysis of which states were most likely to adopt telegraph regulation policies. Distinguishing between “enabling” policy adoption (which he argues contains the protect installations and right-of-way policy options) and “regulatory” policy adoption (which he argues contains the other three policy options), Nonnenmacher conducts probit analyses on whether a state adopted enabling and regulatory policy, respectively — the sample size of each probit analysis is 34 representing the number of states in the analysis — and finds that having a high score on the Savage Index predicts state adoption of telegraph regulation policy. The Savage Index is a measure of late nineteenth century policy innovativeness devised by Savage (1978). This index captured the speed at which states adopted “policies such as compulsory school attendance, complete female suffrage, maximum hours for labor, professional licensing, prohibition of alcohol, and income taxes” in the “postbellum” period (Nonnenmacher, 2001, p. 31). The Savage Index was the only predictor used in Nonnenmacher’s quantitative analysis. A takeaway from this analysis is that future propensity to adopt policies increasing the scope of governance increases the likelihood that a state adopts telegraph regulation policy.

The analysis provided by Nonnenmacher is useful but leaves room for exploration. First, the inclusion of a predictor from the future goes against the unidirectionality of time and assumes that state attributes in the postbellum period (an era including the 1870s and 1880s) are the same as state attributes in the 1840s and 1850s. Second, the use of one predictor variable ignores the

possibility that other explanatory variables could account for the embrace of telegraph regulation policy. Third, Nonnenmacher's probit analysis discards valuable information from temporal and data granularity perspectives. The use of only one observation per state means that we lack full longitudinal data on policy adoption activity within and across states to gauge how the passage of time and other covariates influence the adoption of telegraph regulation policy. The lumping of five different telegraph regulation policy facets into two types deflates the number of instances of telegraph regulation policy adoption that actually occurred in the states, suggesting a need for an updated analysis that utilizes the full range of dependent data.

In this paper, I offer such an updated analysis and employ event history analysis using all five telegraph regulation policy facets to uncover potential causes of telegraph regulation policy adoption in view of the longitudinal history of such adoption. In employing my analysis, I am able to ascertain how multiple factors, including those which are intrinsic to a state as well as those that describe linkages between states, influence telegraph regulation adoption. In explaining potential motivators of telegraph regulation adoption in this section, I am agnostic and employ an open mind; nonetheless, I am able to provide theoretical justification for variables that receive consistent statistical support. There are good reasons to think that a number of different factors could have impacted state-level decisions to regulate the telegraph industry. First, several studies of policy adoption (Boushey, 2010; Box-Steffensmeier and Jones, 2004; Carter and Signorino, 2010; Kreitzer and Boehmke, 2016) indicate that the passage of time itself may spur adoption. In the case of telegraph regulation, this takes the form of the passage of time increasing the pressure on states to utilize regulatory power to allow the telegraph industry to develop in an orderly fashion. Another possible motivator of states adopting telegraph regulation (that also comes from the policy adoption literature) is that a state may be more likely to adopt a telegraph regulation policy if another state has done so. This is emblematic of a diffusion process (Karch, 2007) and can occur for different reasons, including if one state wants to compete with another state in developing an industry; if one state wants to cooperate with another state in pursuing a common interest; and even if one state wants to imitate what another state is doing (Shipan and Volden, 2008). Regardless of motivation, a positive diffusion process entails a state trying to replicate the decision-making of a benchmark state or group of benchmark states. Although diffusion processes have, to my knowledge, rarely been explored in such an early (pre-Civil War) context, it is possible that diffusion may have occurred among the states in the 1845–1860 period. Indeed, the comparable (relative to the present) localness of American politics as well as the importance of the states as major loci of policymaking in this era (see Bates (2021) for good insight into the debate about how much power the federal government actually wielded in the nineteenth century) suggest that geographic neighbor-based

policy diffusion might have occurred in the U.S. states in the decades before the Civil War.

There are other potential drivers of telegraph regulation adoption. The telegraph was designed to promote quick communication across long distances; this benefit may have made the technology particularly desirable to policymakers in states with low population densities who may have embraced telegraph regulation as a means to spur telegraph development in their states. Another potential driver of telegraph regulation adoption is whether a state has significant railroad mileage or not. A state's level of railroad mileage may predict its likelihood of adopting telegraph regulation for two reasons: first, a high amount of railroad mileage suggests that a state is already transitioning to an industrial economy, and the telegraph (along with concordant regulation dictating how telegraph lines should be constructed and operated) was a core component of industrialization (Lubrano, 2012); and second, railroads were ostensibly subject to some level of regulation, possibly suggesting that having high railroad mileage better familiarized a state with the nuance of regulation and made a state more amenable to regulating the emergent telegraph industry. A third potential driver of telegraph regulation adoption is the existence of organs of public education in a given state. A sizeable literature in economics (Go and Lindert, 2010; Goldin and Katz, 1997; Stoddard, 2009) details how the growth of public schooling in the United States created a tolerance for utilizing public intervention toward action that could lead to public benefit and also helped to create legitimacy in public intervention by espousing the idea (albeit in a limited form) that such intervention can engender a nascent advance of equality of opportunity among the public. Given that much regulation in its very essence involves (1) the use of government intervention to secure public benefit through establishing bounds for how regulated entities interact with the public and (2) a claim for establishing some modicum of equality of opportunity among the public as a justification for government action, it is possible that a state's embrace of public schooling may have increased that state's propensity of adopting telegraph regulation.

Another set of potential drivers of state telegraph regulation adoption centers on the preferences of state-level policymakers themselves. Much focus has been placed on the difference between political parties in early American history with respect to regulation and specifically with respect to the Federalists compared to the Democratic-Republicans on the issue of the use of regulation as an accepted and valuable tool of public policy (Elkins and McKittrick, 1993).⁶ Given that the Democratic Party was the successor to the Democratic-Republicans, it is possible that states with higher levels of Democratic Party officeholders would be less likely to adopt telegraph regulation policies. A

⁶The division is typically thought to be that the Federalists favor economic regulation as a means of industrial development while the Democratic-Republicans were disinclined toward economic regulation.

final possibility is that telegraph regulation adoption occurred as a result of a state's existing commitment to utilizing policymaking to establish rules for economic transaction. Panic in the late 1830s and resulting economic crises in the 1840s may have placed pressure on legislatures to enact policies geared toward making economic transaction more equitable (Wallis *et al.*, 2004); in this vein, telegraph regulation adoption may have been a continuation of previous legislative policymaking. In sum, there are many potential catalysts of state telegraph regulation policy adoption and in the next section, I will elaborate further about the empirical procedure used in this paper.

The Empirical Procedure Utilized Here

As discussed earlier in the paper, I employ pooled event history analysis to investigate the determinants of state telegraph regulation policy adoption. A major issue in event history modeling concerns when the period of observation begins for adopting a given policy or, to put it differently, when a state is "at risk" or has the opportunity to adopt a given policy (Box-Steffensmeier and Jones, 2004). In this paper and for each of the five distinct telegraph regulation policy choices, I start the period of observation for all states in the year when the first state (of any state) adopted that same distinct policy. I start the period of observation at this point (when the first state of any state adopts a given distinct policy) based on the idea that we do not know when a state could have adopted a distinct policy prior to its first adoption in the states; hence, I am using a conservative approach for accounting for left-censoring. I follow the dictates of event history modeling and remove a state from being at risk of adopting a telegraph regulation policy once it has already adopted that policy. A state that never adopts a given telegraph regulation policy by the end of the study period (1860) still is at risk of adopting that policy at the conclusion of the study period.

An illustration helps to solidify the aforementioned description of data structure. In 1845, New Jersey was the first state in the U.S. states to adopt a policy regulating the right-of-way for telegraph lines. Since New Jersey was the first state to enact this policy, *every* state (including New Jersey) is at risk of adopting a right-of-way policy beginning in 1845. No other state adopted this policy in 1845. Therefore, in 1846, New Jersey has been removed from being at risk of adopting a right-of-way policy (it did this in 1845 and hence is no longer at risk of adopting right-of-way policy in 1846). Every other state, however, is at risk of adopting a right-of-way policy in 1846 (no other state does). In 1847, nine states — Georgia, Maryland, Michigan, North Carolina, Pennsylvania, Rhode Island, Tennessee, Vermont, and Virginia — adopt right-of-way policy and drop out of being at risk for doing so in subsequent years (e.g., they no longer have the opportunity to adopt right-of-way policy from 1848 to 1860).

Delaware, which never adopted a right-of-way policy as of 1860, is still at risk of adopting a right-of-way policy from 1845 through 1860.

I use the framework described in the previous paragraph for all five telegraph regulation policy choices, I pool the risk sets of each of the five telegraph regulation policy choices together, and I then conduct analysis on what made a state more or less likely to adopt telegraph regulation policy. There are some points worth mentioning here. First, some states come into existence in the middle of the 1845–1860 study timeframe. For example, Minnesota became a state in 1858. Since Nonnenmacher’s data details state (and *not* territorial) telegraph regulation policy adoption, I add Minnesota to the risk sets of adopting each of the five telegraph regulation policies once it became a state in 1858 (this is to say that I do not capture the adoption risk structure of U.S. territories).⁷ Second, adopting one of the five distinct telegraph regulation policies does not impact the risk structures of the other four telegraph regulation policies. The states embraced an *a la carte* approach to adopting telegraph regulation policies with some states (California, for example) adopting all five policies while others (Arkansas, for example) adopted some but not all telegraph regulation policies; it bears repeating that Delaware chose to not even specify right-of-way demarcation for its telegraph lines! Keeping the five distinct policy risk sets unconditional in nature reflects the *a la carte* approach that many states took to adopting telegraph regulation policy.

Lastly, even though 1845 is the beginning of the study timeframe (corresponding to when New Jersey and New York are the first states to adopt telegraph regulation policies when New Jersey adopts right-of-way and telegraph installation protection policies while New York adopts telegraph installation protection policy) and 1860 is the end of the study timeframe (corresponding to the impending onset of the Civil War), it warrants emphasizing that states only gain the risk or opportunity to adopt a given telegraph regulation policy in the year when that policy is first adopted by a U.S. state. Policies establishing penalties for disclosing the contents of a telegraph message, establishing which telegraph messages had to be accepted by an operator, and establishing the order through which an operator had to relay messages were first adopted by any U.S. state in 1847, 1848, and 1847, respectively; therefore, no state was at risk of adopting any of these three policies until 1847, 1848, and 1847, respectively.

The dependent variable, *Adoption*, is binary and takes a value of 1 if a state adopts a telegraph regulation policy and 0 otherwise. I include a number of right-hand-side variables to account for the possibility that any of potential explanations discussed earlier in the paper could be influencing

⁷While it is possible that territories adopted telegraph regulation policy, I additionally restrict my attention to U.S. states based on the idea that it is easier to compare states to each other than it is to compare states and territories to each other.

the adoption of telegraph regulation policy. I account for the possibility that the passage of time itself may increase the likelihood of state adoption of telegraph regulation policy by including three time variables: *Year*, a linear parameterization of the advance of time from 1845 through 1860; *Quadratic Year*, a squared parameterization of the linear time variable; and *Cubic Year*, a cubed parameterization of the linear time variable. I include all three to follow the sage advice of Carter and Signorino (2010), who argue that all three time variables together guard against the possibility that year fixed effects do not capture a potential smoothed relationship between time and the probability of telegraph regulation adoption (Beck *et al.*, 1998). As suggested by Carter and Signorino (2010), I square and cube a demeaned measure of the linear year variable to reduce multicollinearity in the time parameterizations.

I account for the possibility that states could look to each other in making policy decisions (e.g., diffusion) by including *Fraction of Neighbors*. The denominator of this variable simply captures the number of states bordering a given state; the numerator of this variable, on the other hand, captures the number of number of states bordering that same state that had adopted some telegraph regulation policy as of year $t - 1$. This variable captures whether or not a state is located in a geographic neighborhood of states where telegraph regulation policy is being embraced and might relate positively with the likelihood of whether a state adopts a telegraph regulation policy.

I include other variables to address potential explanations behind the adoption of telegraph regulation policy. A state's *Population Density* is simply its population divided by its land area (these values are taken from the most recent previous edition of the United States Census for a given year in the data); a state with lower density may be more likely to adopt telegraph regulation policy. State-level *Railroad Mileage* comes from Wicker (1960) and captures a state's estimated mileage of railroad track as of the most recent previous decennial point (estimates were reported for 1840, 1850, and 1860; hence, a state's railroad mileage value for 1856 would be the 1850 estimate for that state).⁸ If a state's emergent industrialization (and I assume here that railroad mileage varies positively with industrialization) leads to a greater push for telegraph regulation policy adoption, then railroad mileage may relate positively with the likelihood of a state adopting telegraph regulation policy. I account for the possibility that the existence of public education in a state could be facilitating telegraph regulation policy adoption by including the number of *Public Schools* in a state; this variable comes from United States Census estimates for 1840, 1850, and 1860 and should relate positively with adoption if states with a greater public school infrastructure are more likely to embrace telegraph regulation policymaking.

⁸I generally use the Poor's estimates from the railroad mileage data. When a Poor's estimate is not available for a given state-decade, I use the Pacific Railway Report. A no value in the railroad data report (Wicker, 1960) is assumed to be a zero value.

I account for the preferences of state policymakers by including a variable capturing whether the winner of a state's most recent gubernatorial election was a Democrat (the variable is called *Democratic Governor* and comes from Dubin (2003)), a variable capturing the percentage of Democrats who won seats in a state's lower chamber in the most recent legislative election (this variable is called *Democratic House Percentage* and comes from Dubin (2007)), and a variable capturing the percentage of Democrats who won seats in a state's upper chamber in the most recent legislative election (this variable is called *Democratic Senate Percentage* and comes from Dubin (2007)). Assuming that the Democratic Party had greater antiregulatory preferences than alternative parties in this period, states with a stronger Democratic Party presence (reflected by the three aforementioned variables) may be less likely to adopt telegraph regulation policy.

I account for the possibility that telegraph regulation adoption may have been a consequence of prior state attempts to intervene and establish ground rules of economic transaction by including an *Antebellum Progressivism* index. The index spans from 0 to 3, and it rises in value if a state adopts any one of three policies: providing for a common process for firm incorporation (referred to as general incorporation; see Cohn, 2010); permitting married women to own property (Khan, 1996); and allowing for homestead exemption on debt obligations (Goodman, 1993). The index takes a value of 0 if a state has adopted none of the three policies as of year t , takes a value of 1 if a state has adopted one of the three policies as of year t , takes a value of 2 if a state has adopted two of the three policies as of year t , and takes a value of 3 if a state has adopted all three of the policies as of year t . This variable functions as a kind of Antebellum Savage Index and might capture a state's propensity to use policy intervention as a means to benefit the public.

I also include a few control variables in my analysis. *Prior Adoption* captures the fraction of available telegraph regulation policies that have already been adopted by a state as of year $t - 1$. *Slave Population* captures the number of slaves reported in a state's population according to the most recent and prior United States Census; states with slavery may have been especially keen to regulate the telegraph industry so as to emphasize the finding of runaway slaves. *Higher Education Institutions* captures the number of colleges and universities in a state (there is no distinguishing information articulating whether these colleges and universities are public or private, and they are probably private given that this time period occurred before the passage of the Morrill Act) and reflects the possibility that a state with a higher number of post-secondary institutions may be more likely to adopt telegraph regulation policy; this is based on the thinking that exposure to new ideas may have been more likely to occur given a large number of post-secondary institutions. I finally include *White Adult Illiteracy* (taken from decennial United States Censuses), which captures the number of illiterate White adults in a state,

in my analysis. The telegraph may have been viewed as a human capital enrichment mechanism, which if so may have made states with large White illiterate populations interested in developing and regulating their telegraph sectors.

I utilize different empirical model specifications. In model 1, I employ logistic regression with standard errors clustered by state. In model 2, I employ logistic regression with state fixed effects and standard errors clustered by state. In model 3, I employ logistic regression with state fixed effects and year fixed effects (to account for temporal shocks that may be driving the adoption of telegraph regulation policy) with standard errors clustered by state. Finally, as a robustness check, in model 4, I employ logistic regression with state random effects.

Results and Discussion

Table 2 displays the results from my various regression analyses. There are findings worth noting. First, the passage of time (especially in the linear year parameterization) is strongly linked to the adoption of telegraph regulation policy (and is significant in the same direction across all four model specifications), and this finding makes sense considering that states should be more likely to regulate an industry as time from the introduction of a technological breakthrough elapses.⁹ Another finding worth mentioning concerns whether geographic diffusion (captured with the Fraction of Neighbors variable) has occurred in telegraph regulation policy adoption; results here are inconclusive as only two models indicate that geographic diffusion occurred in the telegraph regulation area. The inconsistent result reflects the possibility that diffusion may have become more pronounced in American federalism as technological change elicited faster travel and communication; one would need to gather policy adoption information over a span of hundreds of years (incorporating information about various dimensions of technological change) to assess this possibility, and such an endeavor should be pursued in the future.

The lack of consistent significance in population density and railroad mileage suggests that these explanations probably do not account for telegraph regulation policy adoption (although the consistently positive relationship gleaned from the Railroad Mileage variable suggests that a higher level of industrialization may spark a greater likelihood of regulation; this is an insight

⁹Readers may be concerned about the use of time smoothing variables along with year fixed effects in model 3. In Table A1 of the Online Appendix, I display results for model 3 with the time smoothing variables dropped from the specification with year fixed effects (look at the “full risk set” column). The public schooling variable is robust to dropping smoothed time variables from the specification with year fixed effects.

Table 2: Determinants of state telegraph regulation adoption.

Variable/model	(1)	(2)	(3)	(4)
Year	0.416*** (0.145)	0.660*** (0.214)	5.524** (2.396)	0.546*** (0.127)
Quadratic year	-0.013 (0.009)	0.044** (0.022)	0.264*** (0.070)	0.033** (0.014)
Cubic year	-0.007** (0.003)	-0.009** (0.004)	-0.020** (0.010)	-0.010*** (0.002)
Fraction of neighbors	-1.055 (0.842)	4.612*** (1.485)	-1.758 (1.763)	3.363*** (0.884)
Population density	0.012** (0.006)	-0.101 (0.083)	-0.135* (0.082)	-0.013 (0.018)
Railroad mileage	0.001 (0.000)	0.001 (0.002)	0.003 (0.003)	0.001 (0.001)
Public schools	0.0002*** (0.0000)	0.001** (0.0004)	0.002** (0.0009)	0.0005** (0.0002)
Democratic governor	0.073 (0.378)	-0.533 (0.668)	-1.825 (1.228)	-0.300 (0.468)
Democratic house percentage	-0.002 (0.014)	-0.006 (0.023)	0.0007 (0.020)	-0.003 (0.017)
Democratic senate percentage	0.005 (0.014)	0.002 (0.018)	0.040 (0.032)	-0.001 (0.014)
Prior adoption	-5.727*** (1.387)	-19.987*** (4.621)	-35.541*** (9.867)	-14.020*** (2.222)
Slave population	3.57*10 ⁻⁶ ** (1.63*10 ⁻⁶)	0.00001 (9.08*10 ⁻⁶)	-0.00001 (0.00002)	3.86*10 ⁻⁶ (4.83*10 ⁻⁶)
Higher education institutions	0.010 (0.034)	-0.413 (0.279)	-0.438* (0.264)	-0.082 (0.097)
White adult illiteracy	1.50*10 ⁻⁶ (0.00001)	0.00001 (0.0001)	0.00008 (0.00009)	0.00002 (0.00002)
Antebellum progressivism	0.188 (0.271)	1.075 (0.672)	0.875 (0.605)	0.761** (0.373)
Observations	996	984	887	996
Model description	Logistic/state clustered errors	Logistic/state FE/state clustered errors	Logistic/state FE/year FE/state clustered errors	Logistic/state RE

*** Critical value = 0.01; ** Critical value = 0.05; * Critical value = 0.10.

that dates back to Woodrow Wilson and should perhaps be expected here).¹⁰ Political (or preference) variables also fail to explain telegraph regulation policy adoption, as the Democratic Governor, Democratic Senate Percentage, and Democratic House Percentage variables all remain insignificant across all model specifications. One possibility here is that Democratic Party policymakers' antiregulatory tendencies did not extend onto telegraph technology in the same way that those tendencies may have been applied to issues such as free trade. Another possibility is that party labels in this era map on poorly to preferences for or against regulation; indeed, there was enough within-party heterogeneity (Democrats included those who "hardly endorsed market expansion without reservation" as well as those who "wanted to pilfer the Whig economic agenda and claim credit for its success") that party affiliation may have been a bad predictor of regulatory preference (Ford, 2008, p. 130–131). The variable capturing slave population is also mostly insignificant, suggesting that the presence of slavery in a state did not directly influence the likelihood of telegraph regulation policy adoption.

One variable that does relate positively and significantly (albeit at a small magnitude) to telegraph regulation policy adoption is the Public Schools variable, which captures the number of common and public schools in a state as reported in the decennial United States Census. Figure 1 displays the predicted probability of telegraph regulation policy adoption as the number of public schools variable changes.

As Figure 1 demonstrates, as a state's number of public schools increases, that state's propensity to adopt telegraph regulation policy also increases. Naturally, uncertainty in the predicted estimate increases as the number of public schools increase (the mean value of this variable is 1753, meaning the centroid of the estimate is located near 2000 public schools in a state); however, the trend is unmistakably positive and implies a positive association with the likelihood of telegraph regulation policy adoption. States with the highest number of public schools include some of the most dynamic and pro-regulatory states of the era, including New York and Ohio, which each numbered over 10,000 common and public schools according to Census data. States with the lowest number of public schools include Arkansas, Delaware, and Florida, which were all slow in adopting telegraph regulation policy.

One argument linking acceptance of public schooling to a greater likelihood of regulation could be derived from scholars like Goldin and Katz (1997), Stoddard (2009), and Go and Lindert (2010), who investigate the origins of mass schooling in the United States. Mass schooling emerged (mainly in what are today the Great Lakes states as well as the Northeast) through channeling public taxation toward the building of school infrastructure and the hiring of personnel. The acceptance of utilizing public monies toward a

¹⁰See Wilson (1941) for details.

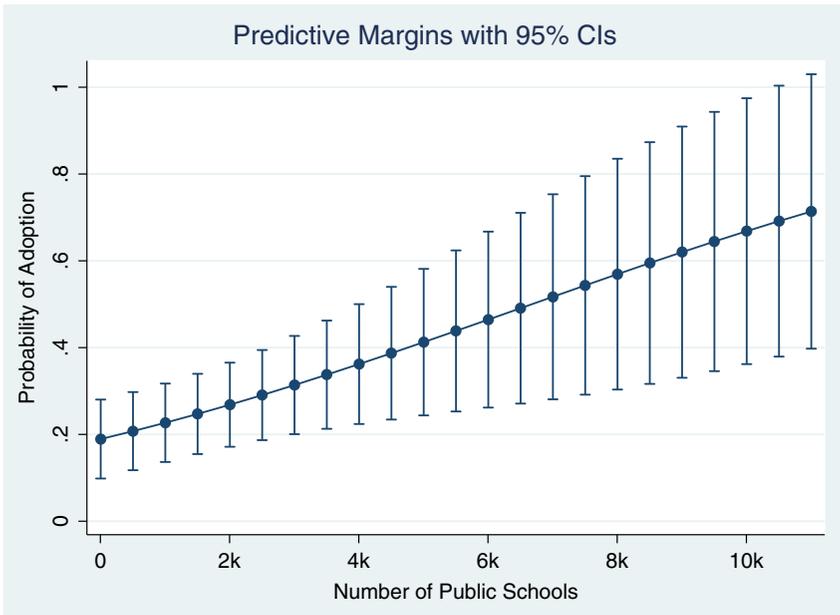


Figure 1: How number of public schools influence telegraph regulation policy adoption.

goal that is supposed to ostensibly benefit the public (mass schooling) requires great legitimacy in the idea that governmental action is an appropriate means of working in the direction of goals deemed beneficial to the public, and I would argue that accepted deployment of intervention in one area (education) increases the probability that the use of governmental power is accepted in other areas (telegraph regulation). The emergence of telegraph regulation among frontrunners could therefore be an indication of acceptance in the authority of government to manage the public good through policymaking. My finding comports with the work of Nonnenmacher (2001), who found that a state’s score on the postbellum Savage Index (which includes a slew of progressive reforms including compulsory school attendance) predicted adoption of telegraph regulation; I use temporally contemporaneous and prior predictors and incorporate a host of controls — including an Antebellum version of the Savage Index — and model specifications to provide heft to the idea that attitudes toward public education may drive regulatory behavior.

A potential concern with the analysis discussed above is that state legislatures may not have met during all of the years in the 1845–1860 period, possibly inflating the pooled risk set during which adoption could have occurred. One solution to this issue is to identify whether state legislatures met annually or

biennially, drop year observations corresponding to when state legislatures did not meet regularly, and rerun the analysis. Squire (2023) has identified whether regular state legislative sessions were annual or biennial during the time period of this study, and I utilize this information to adjust each state's risk set. One issue here is that some states adopted telegraph regulation during what should have been off-years; a possible implication is that these states adopted that telegraph regulation during special sessions, and I, therefore, keep off-years where a state adopted telegraph regulation in the dataset. Of course, one might assume that a state legislature could meet any year based on the logic that a state legislature could call a special session in any year, and the full dataset (displayed in Table 2) already explores this possibility.

As results in Table 3 indicate, the finding regarding public schooling is robust to adjusting the risk set of states to correspond to states having annual or biennial regular legislative sessions.¹¹ There are, to be sure, lacunae worth mentioning. The variable capturing a state's number of higher education institutions, for starters, fails to achieve a systematic and consistent relationship with a state's likelihood of adopting telegraph regulation policy and actually relates negatively with telegraph regulation adoption in cases where there is statistical significance. My argument for why this occurred is that the number of public schools and the number of higher education institutions does not capture the same phenomenon. While public schools were funded through public taxation and tasked with providing a modicum of general access, institutions of higher education were "finishing schools" largely occupied by the elite (Elliott, 1975). If these finishing schools were private, as accounts of the 1862 Morrill Act suggest they were (Gavazzi and Gee, 2018), then we should not expect the number of institutions of higher education to impact the adoption of telegraph regulation and might even expect a negative relationship insofar as the existence of higher education instances in this era comports with trying to restrict knowledge and wealth to a small elite.

A related issue pertains to the external validity of my finding. If a larger public school infrastructure corresponds with a greater likelihood of adopting telegraph regulation policy, then we should see a similar result with respect to states embracing other kinds of policy geared toward regulating economic transaction in the interest of the public. Recall that I constructed an Antebellum Savage Index — consisting of whether a state enacted laws providing for the general incorporation of firms, for married women to own property, and for the claiming of homestead exemption in the service of debt obligations — and utilized this index as a control variable in my analysis of telegraph regulation adoption. The Antebellum Savage Index variable (labeled "Antebellum

¹¹As in the previous table, I estimate a version of the specification including year fixed effects where time smoothing variables are dropped. Results of this procedure are visible in Table A1 of the Online Appendix (look at the column titled "truncated risk set") and demonstrate robustness of the public schooling variable.

Table 3: Determinants of state telegraph regulation adoption with truncated risk set.

Variable/model	(1)	(2)	(3)	(4)
Year	0.422*** (0.137)	0.665*** (0.212)	4.638* (2.592)	0.517*** (0.125)
Quadratic year	-0.010 (0.009)	0.050** (0.021)	0.227*** (0.062)	0.031** (0.014)
Cubic year	-0.007** (0.003)	-0.010*** (0.003)	-0.021** (0.009)	-0.009*** (0.002)
Fraction of neighbors	-0.739 (0.822)	5.199*** (1.650)	-0.823 (1.754)	3.148*** (0.901)
Population density	0.008 (0.005)	-0.104 (0.100)	-0.139 (0.099)	-0.009 (0.016)
Railroad mileage	0.001 (0.000)	0.003 (0.003)	0.004 (0.003)	0.001 (0.001)
Public schools	0.0001** (0.0000)	0.001* (0.0006)	0.002*** (0.000)	0.0005** (0.0002)
Democratic governor	0.006 (0.354)	-1.004 (0.831)	-1.793 (1.298)	-0.418 (0.489)
Democratic house percentage	0.002 (0.013)	0.003 (0.020)	0.022 (0.025)	0.002 (0.017)
Democratic senate percentage	0.004 (0.012)	0.010 (0.024)	0.032 (0.033)	-0.002 (0.015)
Prior adoption	-5.517*** (1.287)	-21.134*** (5.221)	-33.019*** (8.628)	-12.953*** (2.292)
Slave population	3.35*10 ^{-6**} (1.39*10 ⁻⁶)	0.00002* (0.00001)	-5.19*10 ⁻⁶ (0.0002)	6.40*10 ⁻⁶ (4.96*10 ⁻⁶)
Higher education institutions	0.008 (0.033)	-0.502** (0.199)	-0.469* (0.239)	-0.103 (0.099)
White adult illiteracy	5.45*10 ⁻⁶ (0.00001)	0.0000 (0.0001)	0.0000 (0.0001)	0.00001 (0.00002)
Antebellum progressivism	0.156 (0.248)	1.314* (0.716)	0.981 (0.651)	0.647* (0.375)
Observations	786	776	719	786
Model description	Logistic/state clustered errors	Logistic/state FE/state clustered errors	Logistic/state FE/year FE/state clustered errors	Logistic/state RE

***Critical value = 0.01; **Critical value = 0.05; *Critical value = 0.10.

Progressivism") only achieved statistical significance in some of the models of telegraph regulation adoption but was consistently positive, suggesting that this prior governmental policymaking may have similar antecedents to the telegraph regulation adoption. If we use a state's value on the Antebellum Savage Index as a dependent variable (corresponding to whether a state has enacted 0, 1, 2, or 3 of the policies making up this index) and the public schooling variable as an independent variable, we can start to ascertain whether the public schooling variable has external validity. In Table 4, I use ordinary least squares (OLS) with state clustered standard errors (model 1); OLS with state fixed effects and state clustered standard errors (model 2); OLS with state and year fixed effects with state clustered standard errors (model 3)¹²; and OLS with state random effects (model 4) to evaluate the relationship between the public school variable and a state's value on the Antebellum Savage Index. The unit of analysis in Table 4 is state-year rather than the state-telegraph policy-year unit used previously in the paper.

In Table 4, notice that the public schooling variable is statistically significant and positive with respect to a state's Antebellum Index score across all four model specifications. This suggests that states with more extensive public schooling infrastructures were more likely to have enacted the policies encompassed in the index (allowing general incorporation of firms, permitting married women to own property, and allowing for homestead exemption for debt obligations) compared to states with less extensive public schooling infrastructures, in turn suggesting that acceptance of public schooling itself might create legitimacy in the belief that government should use policymaking authority to act in the general interest of the public. Table 4 does not omit observation-years based on whether legislatures are annual or biennial; accounting for this (as in Table A3 of the Online Appendix, where I drop the same state-years as were dropped in Table 3) does not change substantive results.¹³ Readers may wonder whether a specification utilizing ordered logit may be preferable to OLS here. I do not display results here, but utilizing ordered logit with the same models used in Table 4 reveals a positive and significant relationship for the public school variable for an ordered logit with state clustered standard errors; a nonsignificant but positive relationship for the public school variable for an ordered logit with state fixed effects and state clustered standard errors (59 observations are completely determined with an indication of questionable standard errors); a nonsignificant but positive relationship for the public school variable for an ordered logit with state fixed

¹²Readers may be concerned that I use time smoothing variables with year fixed effects in model 3. In Table A2 of the Online Appendix, I drop time smoothing variables from models with year fixed effects. Notice that the public schooling variable retains its significance.

¹³Table A2 of the Online Appendix also contains dropping time smoothing variables from a model with year effects corresponding with the truncated (adjusting states for annual versus biennial sessions) dataset. The public schooling result is still robust.

Table 4: Number of public schools on state Antebellum Index Score.

Variable/model	(1)	(2)	(3)	(4)
Year	0.094*** (0.020)	0.074*** (0.020)	-0.011 (0.058)	0.078*** (0.010)
Year Squared	-0.010*** (0.002)	-0.006*** (0.001)	0.002 (0.007)	-0.006*** (0.001)
Year Cubed	-0.0006* (0.0003)	-0.0002 (0.0003)	0.001 (0.0008)	-0.0002 (0.0002)
population density	-0.001 (0.003)	0.014 (0.010)	0.014 (0.011)	0.005* (0.002)
Public schools	0.0001*** (0.00004)	0.0001*** (0.00004)	0.0001*** (0.00004)	0.0001*** (0.00002)
democratic governor	-0.183 (0.132)	-0.117* (0.067)	-0.143* (0.079)	-0.122** (0.056)
Democratic house percentage	-0.00004 (0.004)	0.0005 (0.001)	0.001 (0.001)	-0.00006 (0.001)
Democratic senate percentage	0.001 (0.005)	-0.0004 (0.002)	-0.0009 (0.002)	0.0006 (0.001)
Slave population	-1.68*10 ⁻⁷ (7.65*10 ⁻⁷)	-5.05*10 ⁻⁶ *** (1.37*10 ⁻⁶)	-5.39*10 ⁻⁶ *** (1.73*10 ⁻⁶)	-3.30*10 ⁻⁶ *** (7.20*10 ⁻⁷)
Higher education institutions	-0.033* (0.018)	-0.013 (0.016)	-0.010 (0.017)	-0.021** (0.008)
White adult illiteracy	-0.00001** (5.28*10 ⁻⁶)	8.22*10 ⁻⁷ (6.40*10 ⁻⁶)	9.79*10 ⁻⁷ (7.05*10 ⁻⁶)	1.88*10 ⁻⁶ (3.29*10 ⁻⁶)
Railroad mileage	0.0006** (00002)	0.00008 (0.0001)	0.00004 (0.0002)	0.0002** (0.00009)
Observations	449	449	449	449
Model description	OLS/state clustered errors	OLS/state FE/state clustered errors	OLS/state FE/year FE/state clustered errors	OLS/state RE

effects, year fixed effects, and state clustered errors (59 observations are again completely determined with an indication of questionable standard errors); and a failure to obtain estimates (as of 2,000 iterations) for the ordered logit with state random effects.¹⁴

¹⁴In a similar vein, use of negative binomial regression (rather than OLS or ordered logit) reveals a positive and statistically significant relationship between the public schooling variable and the Antebellum index for a model analogous to model 1 of Table 4 (state clustered standard errors), a model analogous to model 2 of Table 4 (state fixed-effects and state clustered standard errors), and a model analogous to model 3 of Table 4 (state and year fixed-effects and state clustered standard errors); the model utilizing state random effects with a negative binomial does not produce estimates (as of 1,000 iterations). Using Poisson regression (rather than OLS, ordered logit, or the negative binomial) reveals a positive and statistically significant relationship for the public schooling variable for models analogous (except that I use Poisson regression) to models 1–4 from Table 4.

Conclusion

In this paper, I substantially expand upon the important work of Nonnenmacher (2001) and utilize pooled event history analysis along with a number of model specifications to determine the possible drivers of state telegraph regulation policy adoption. I find that the passage of time predicted telegraph regulation adoption (suggesting that temporal cascades of policy adoption are not merely twentieth and twenty-first century phenomena) and find important and preliminary evidence suggesting that a state's embrace of public schooling may have engendered the rise of pro-regulatory climate by legitimizing the use of government policymaking power to work toward conceptualizations of the public good. The public schooling finding persists even when an Antebellum index of progressive policymaking is accounted for; moreover, the public schooling variable has a positive and significant relationship with respect to a state's score on the Antebellum policymaking index, suggesting that the rise of public schooling itself may have played a role in creating an atmosphere where governments feel emboldened to marshal policymaking toward the goal of benefitting the public.

To be sure, there are areas where the current study could be improved. It is possible that interest group activity from telegraph companies could have influenced the development of state telegraph regulation policy.¹⁵ However, I doubt that such interest group activism would have invalidated the influence that public schooling had on telegraph regulation adoption. It is not clear, for example, that different telegraph companies would want a state legislature to behave the same way; rival demands by telegraph companies of a state legislature may even provide that legislature with an opportunity to invoke the general interest of the public in pursuing regulation. Furthermore, the positive and significant relationship between public schooling and the Antebellum policy index (where telegraph interest group activity should not matter) gives added heft to the idea that public schooling may have helped fuel the rise of regulation in the name of the general public. My finding that there was no discernible diffusion could also be broadened if one had better measures of telegraph line construction and measures of information spread about telegraph policymaking across the states. One exciting possibility suggested by this paper is that diffusion may have become more prominent as technological change intensified in the late nineteenth and early twentieth centuries, and scholarship should explore this issue. Future research should utilize the full scope of state regulatory policy activity in the nineteenth century along with more granular measures of the rise of public schooling (if they exist) to ascertain how public schooling impacted regulation. Likewise, contemporary observers of state

¹⁵To be fair, I could not locate comprehensive telegraph interest group activity across the states for the time period.

deprofessionalization may do well to analyze whether increased support for deprofessionalization is tied to changing attitudes about the legitimacy of public schooling and public taxation.

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