

data on a particular subject, the digesting of that data, and the drafting of an act based on the data digested. My experience (I once was a professor of economics in my younger days, but it has been a good many days since I studied an economic subject) is such as to make me tend to sympathize with your view—

Mr. NELSON. May I respond?

The CHAIRMAN. Yes, sir.

Mr. NELSON. You gentlemen are considering this, and are naturally the ones to say what the words shall be, but in preparing the bill we have had many good suggestions and criticisms, and we have thought that that section would accomplish what you desire, but in order that it should not be academic merely—if it is to be a useful thing—it should have some direction toward some useful information. It is for the purposes of legislation, therefore it is either prospective or present, and fixed data on legislation. It is very comprehensive, if you will read: "Gather, classify, and make available in translations, indexes, digests, compilations, and bulletins, and otherwise, data for or bearing upon legislation." It is as wide as language can make it on the gathering of data, but shall bear on legislation and not be merely academic.

Mr. PICKETT. I suggest we shall be called for roll call, and that if the committee is through with Dr. Lewis, Mr. Nelson call some one who has had experience with the actual working of a bureau of this kind.

The CHAIRMAN. I understand Dr. McCarthy is here and can be called, if Dr. Lewis has finished.

Dr. LEWIS. I have finished.

The CHAIRMAN. Are there any more questions for Dr. Lewis?

There were no more questions for Dr. Lewis, whereupon he was excused.

#### STATEMENT OF DR. CHARLES McCARTHY, WISCONSIN LEGISLATIVE REFERENCE DEPARTMENT.

Mr. NELSON. I take great pleasure in calling upon Dr. McCarthy, of our library, because I think the records will show he is the original reference library man, in so far as making it available for practical legislation. He has no set speech, but he will be glad to answer any question about the drafting work of a bureau of this kind.

The CHAIRMAN. We would like to hear from the Doctor.

Dr. McCARTHY. I am not an expert in this work, and I do not believe there are any such experts. I have been, however, for 11 years, drafting bills for my State as chief of the legislative reference department. Now, in that time I have tried to assist the State legislature, and I have drafted a great many bills for Congress, and so have some little experience in these matters.

I have studied in foreign countries, actually at first hand, the work Mr. Bryce has told you about this morning. I have seen the workings of these bureaus and compared them with ours. In our State we have a small appropriation of some \$20,000, which is very meager and affords comparatively poor resources for this work, but I want to say at this time that you gentlemen will find a pretty general appreciation of the work by members of the Wisconsin Legislature and those who are now your associates here in Congress.

It simply comes to this: Mr. Bryce was telling this morning about the English draftsmen. Now, they are men of very high standing and very highly paid. They are not merely lawyers, but do a great deal of gathering of material of all sorts in working up their bills. Sir Courtney Ilbert was for a great many years the English draftsman. He says in the drafting of many statutes the usual process is to set some committee of Parliament at work upon any agreed subject and then this committee forms what is known as a blue book. This blue book is the result of the investigations of the committee. Now, after Sir Courtney Ilbert got to work to follow the instructions of the men for whom he was working, he would take the statutes of England upon the particular subject and cut them up and put all the other material he could get together in one place, so that he could have in convenient form the material which must be readily available to go into the new bills. I do not think, in the formulation of a great statute, there is any other way to do it. Over there they have been greatly handicapped in the past by the fact that they have no machinery to get that data. There is a movement on foot now to form what is known as the permanent staff of the royal commissions. This would create, then, practically a department similar to the department I have in Wisconsin—the same as is contemplated in this bill—so that they will have the whole machinery soon to help in working out of that classified and condensed comparative material which should be in the hands of the draftsmen as soon as he receives his definite instructions and sets out to draft a bill.

Gentlemen, I recognize that institutions grow and become mighty dangerous sometimes. You have got to have everything of this sort checked in every way. It must be checked so it will not go to sleep and become a great big bureau full of red tape and checked so that it can not be made a football of politics. To work out the plans I have laid in Wisconsin I have studied out how these things had been worked out in foreign countries. It is absolutely essential that you have a high type of nonpartisan bureau so that no one can say it is working for some particular politician or set of politicians. It must be checked up to see that every piece of work that goes out will be high class, and yet the draftsmen and all connected with such a department must be absolutely the servants of the legislature. No piece of work goes out of our department that is not carefully laid down first by the legislators in carefully worded written instructions. The draftsman is purely the servant of the Wisconsin Legislature. He would be a danger if he were not.

Mr. NELSON. He is a collective secretary.

Dr. McCARTHY. Yes. I want to describe the kind of work we go into—I will give a few illustrations—

Mr. NELSON. Would you not prefer to trace the growth of your department and tell exactly how you met the demands?

Dr. McCARTHY. I shall try to give some illustrations of the method of doing business. The legislature in the State of Wisconsin wished to have railroad-commission and public-utility bills. The first thing they thought of doing in the public-utility matter was to get the gas-commission act of Massachusetts, but after a meeting they determined that was not the thing to do. Some of the members of the legislature met me and asked me to get information upon the subject of public-utility control to show how this works elsewhere. I enlisted the

State Department at Washington and similar departments all over the world. I got a certain professor of languages at the University of Wisconsin to make translations for me of different documents bearing upon the subject. The result of that was, in the end, after going over this for six or seven months, we were prepared by the coming of the session of the legislature. There was, for instance, a little collection to show how depreciation funds were kept in different countries; how sliding-scale schemes were worked out; administrative devices were used, etc. Finally these members of the committees agreed upon the system used by the Sheffield Gas Co. in England, and said that was the thing fit for Wisconsin conditions, and for me to get my draftsmen to make some rough drafts. After laying down the principles, these rough drafts were submitted to the committee. The committee took them, criticized them, and told me to do them over again. That was done over twenty-two times in the case of one bill, involving three or four months' hard work.

I have five draftsmen. They are well paid; not as well paid as they should be. I invite any man to say that any political party in the State of Wisconsin has any criticism to make of this bureau of ours.

Mr. NELSON. Was not the final result of that treatment of the bill that the legislators and public companies affected virtually agreed that that was a practical and fair way of treating all interests alike?

Dr. McCARTHY. Absolutely; in that they are unanimous. Since that time the citizens of Wisconsin are very favorable to it. The public-utility act was the basis of 10 or 15 laws now existing in other States throughout the United States.

You see, in that way you put efficient machinery in the hands of the legislators. My men do not have anything to say about the policy. They are servants. It is true, after training, they become expert servants; so expert, gentlemen, that some of them can get work from all over the country drafting bills. I can not hold them steadily at work for the State as our legislature meets only once in two years.

The committees of the legislature should have some of these men working with them constantly. The question is, Who are these men? One of these men (once in the legislature) was an attorney in Madison. He came up to me and said, "I would like to come up and give my services free." He is now an assistant professor at the university. He came in and started out and after awhile became a very scientific man. There is not a man in this country better than he is on this matter of drafting. He ranks, I believe, with the best English draftsmen. Another man was a student of mine while I was a lecturer in political sciences in the university. He went out, practiced law, and came back. They are men who have worked up. There was no other way to teach them or no other place but in our department. There are also clerks or junior draftsmen who we do not trust with anything important, whom we give a chance occasionally to draft a minor bill. I should say we draft about nine-tenths of the bills in the State of Wisconsin.

We had a workmen's compensation bill before a committee of the legislature. There did not seem at that time to be any way of getting around the constitutional provisions relating to it. Finally these men hit upon the device of taking away the common-law defenses and then saying to the employees, "You can get in under the compensation plan as we have it here." Now, then, the committee needed to find out actually how this would work out. We found out how that actual experience came in. I went over to Europe myself and spent three months going through hospitals and factories and listening in courts where these cases came up—in Germany and England especially—and kept sending that material I got over to men who were meanwhile working out this material here. Secretary Knox gave me all kinds of help. I sent the data as I found it. The translators who work for the committee handled it. The result of it was, if you will notice in the Wisconsin law, in the procedure, the provision for the arbitration court. This was a German procedure, and I do not suppose any of us would know that that condition existed in Germany unless we had looked it up. The committee had thought to adopt the English act. After I had gone over there I found we could not, because the third party—the insurance company—made the arrangement a bad one. The German system had been worked out by great experience and study, resulted in greater economy and greater humanity, and our committee adopted it without question when it had the evidence before it. Of course, here in Washington a great part of this would be done differently, but in Wisconsin our legislative reference department helps whenever it is called on.

All of this material in the library must be made available. It can not be left in a Spanish book, a German book, or any other foreign language. It must be collated, so that when a committee comes into the room the members can take up the data wanted at first hand.

Now, as Mr. Gardner says, some committees and some departments know all that. Sometimes some one in a department knows all that, and such men can be of great service to you, but there are two things you have to look out for. The men of these departments may not care to go ahead always and work at it—they have other work—and it would be a good thing sometimes for the legislature to have something to say about a department without going to it at all. We have not a German Government, depending upon bureaus; we have an American Government, dependent on legislators. Often there is no department dealing with new subjects before the legislature. For instance: Where could we go in Wisconsin before we got the railroad commission? There was not anything of real scientific importance in the experience of the different States of the Union which could really help us with the working out of new administrative devices. In these new problems you often have to get experts from all kinds of places. An insurance man who has made a specialty of some actuarial matters will have to be brought in here; a chemist who may know another kind of scientific fact brought in there. No; the departments can not get just this kind of material and have not men who make a life work of gathering it. It is a profession by itself. The whole study of statute law, comparative law, and jurisprudence, is a science of itself.

Mr. EVANS. I understood you to say you found the English provision would not do—

Dr. McCARTHY. Yes.

Mr. EVANS. How did you present that? Was it a digest of the English act and the German act set down conveniently for comparison?

Dr. McCARTHY. Suppose it is a question of insurance—as to the cost of certain kinds of insurance. I can go into the German and English and other insurance departments and get their facts and thus digest them. Suppose it was to compare the lumber risks in England with the Woodworkers' Insurance Co. in Germany. I go there and get the material and send it over to America, and that is the kind of material I secure. Of course, one of your investigating committees might get material like this much more completely, but, perhaps, not with the standpoint of comparative law in relation to the drafting of a particular bill for a committee.

Mr. EVANS. I was wondering in what form you passed that information on.

Dr. McCARTHY. I think any institution that is merely academic is not going to serve your purpose. It must have your data ready for you, and you gentlemen all know that the books on legislation are all written after the legislation is passed, while you want the data while you are working on the bill. Such a department would cull it out everywhere and have it at your service any time. You want not only the laws from all over the world, but you want most of all at hand, in convenient form, data which show you how they work. The draftsman working under your supervision and direction will find his work greatly helped if he has a scientific body of trained workers collecting such comparative data and doing the work quickly, accurately, and always to the point.

Gentlemen, I believe—yes, I know—the time is coming when you are going to demand that there shall exist here in Washington as your servants a body of men trained in the technique of statute law, who will be comparable with the men on the Supreme Bench itself in ability and learning, and you will have those men always at your command to help you as highly trained and well-paid servants to put into shape statutes which you wish to enact.

The CHAIRMAN. Why?

Dr. McCARTHY. You have before your committees and other committees the investigation of the trusts. Now, where are there bills in Congress to-day that satisfy you gentlemen at the present time? How many men are working on these bills to-day, notwithstanding the great amount of discussion before committees? It is a hard thing to work out, and if there was a body of men you could use—10 men we will say—of the type of the Supreme Court justices and your committee there would say to them: "Now, we would like to have a draft along the line of Federal incorporation." The committee could write out its ideas into a rough memorandum and sign their names to it, and the drafting bureau would proceed. When that draft is finished the committee will probably want another draft along that line, and so draft after draft will be made, so that the committees will finally say: "That is about what we agree on, so put it into shape."

Mr. GARDNER. Do you not think the Library would rather become the home of that bureau?

Dr. McCARTHY. Now, as to whether the Library does it or not, I do not care. But the Library is a complete institution already. It has the books and all the data and is convenient to you, and it is a question of efficiency and economy if you want this thing put there. As to the English department, as Sir James Bryce was telling you, this was started in the treasury department over there. So government grows. If this was a separate department you would have to have it near you here anyhow. There are already 70 libraries in Washington. Do you want to create another one? Where can you put it? You do not want to duplicate, as you have all that plant there. Yes; it seems to me it should be in the Congressional Library. It has every facility and splendid collections already. It is convenient in every way and nonpartisan.

I am a clerk in the free library commission in Wisconsin, and that looks after the traveling libraries sent out to the little towns in Wisconsin. I was up at the University of Wisconsin and found out they wanted a document clerk at the free library commission. This is a nonpolitical institution. I went down to get this position, and the legislators just naturally took me up and asked me if I would stay down there. From that time to this we have not asked the legislature for any money to run it. This shows you in what an irregular and yet perhaps effective way institutions grow.

Mr. GARDNER. You originated it?

Dr. McCARTHY. Yes. Something was started in New York in 1890, but that was a general sociology library. When I started in 1901 there was not anything like what we have now, and the only precedent I have gone by is the experience I have studied in foreign countries, with visits and talks with legislators, and a general study of statute law, and political institutions and the technique of drafting.

The CHAIRMAN. Are there any other States where similar institutions are maintained?

Mr. TOWNSEND. There are 25, more or less. Wisconsin, Indiana, Pennsylvania, and New York are leading, with the others rapidly developing. The difficulty is Dr. McCarthy has had to train men to take charge of these libraries. In New York, one of his men is in charge.

Mr. PICKETT. While this bill drafting is important, there are other important features. To illustrate, there is a committee of the House having hearings on the right of the United States to discriminate as to tolls on the Panama Canal. The Members will be divided. How would a bureau of this kind treat that question so that the Members of the House could get information in a condensed form—that is, both sides—so we could give it our study prior to the report of the committee?

Dr. McCARTHY. Is it a question of tolls?

Mr. PICKETT. It will involve the right of the United States to discriminate in favor of our ships. I simply use it as an illustration. How would a bureau such as you suggest treat it?

Dr. McCARTHY. There is one of those complicated questions.

Mr. PICKETT. How would you treat it?

Dr. McCARTHY. I can not say offhand how I would treat that question. I would like to study it awhile. There are, of course, questions

which are a matter of policy and about which there is no great amount of available data.

Mr. PICKETT. That is what I am getting at. On the one side it will be urged that under the terms of the treaty and the precedents that our Government can not favor our ships, while on the contrary the opposite view will be urged. Will it be the function of this bureau to do as a lawyer's assistant does in his office, make a brief on both sides of the question?

Dr. McCARTHY. I do not like that word "brief." We never make any such briefs. There is no reason why the experience of other countries could not be presented and put into a little pamphlet. There is no reason why any arguments or data could not be fairly summarized and presented in some little pamphlet.

Mr. PICKETT. The point is, would this bureau collate the authorities and references on both sides and have them for the use of the Members of the House?

Dr. McCARTHY. That is the way it will work out.

Mr. PICKETT. Ordinarily we do not get the reports of committees until a short time before we are required to act. I would like to read or study both sides in advance, before we are called upon to vote. I am seeking to ascertain if this bureau will perform that function.

Mr. TOWNSEND. As I understood the doctor, in answer to Mr. Evans's objection to a clerk—here for six months, of course, he knows that this question of canal tolls—the man in charge knows this question is coming up, and he starts his force collating information from every possible source, so that in the fall, when Congress comes here, it has a mass of information which no committee clerk could collect.

Dr. McCARTHY. That is a perfectly reasonable thing they could do.

Mr. GARDNER. I do not think that the canal question is a fair one. Suppose you were asked to report on contributory forms of old-age pensions—they are contributory or noncontributory—or something of that sort. What would you do in that case? Perhaps you have already done something on that in Wisconsin?

Dr. McCARTHY. Yes, I have. There are different systems for different parts of the world. These things could be digested in some way so that they can be useful. In these great German reports, there are things which come to the point on the things which arise in America. It would be good to have some digest made of these things. If I were in Congress, I would go to such a department and ask them to do it. I would select and take the material I wished. I do not think there would be any danger in getting the facts and data together in a convenient form. At least we have never found any such danger and I do not remember of any protest against it.

Mr. TOWNSEND. You translate and digest?

Dr. McCARTHY. Yes.

Mr. NELSON. The function of the bureau in Wisconsin has never been to give an opinion for or against anything. It is to collect the scientific data and let the legislature draw its own conclusions?

Dr. McCARTHY. Yes, sir.

Mr. TOWNSEND. I suppose you collate arguments. Suppose the question not only was how old-age pensions had worked out elsewhere, but whether or not it was wise to have them at all; you would collect the arguments of both sides, would you not? You would not

do what Mr. Nelson said, keep the arguments of one side entirely, but you would keep the arguments of all sides fairly?

Dr. McCARTHY. That is right.

Mr. NELSON. On the questions of the rules of the House—the moment a speech is delivered by Mr. Gardner on one side that would be collected. There would be Gardner's speech and other speeches and they all would be there. These things are collected irrespective of the side, so that the exact point can be known without waste of time and work?

Mr. GARDNER. Is there not danger of your giving biased information?

Dr. McCARTHY. I can conceive of it, but my experience in Wisconsin has been that the professional spirit of trained workers makes them eager to get the facts without bias. No doubt there will be accusation of bias, but I am not afraid of that, because I have an abiding confidence in the fairness of the average man. I do not remember that in all of the 11 years in Wisconsin any such accusation was ever made against my workers.

Now, the liquor dealers are anxious to send material to my library, and so are the prohibitionists. I tell them both if they want material put in my library to digest it and it will be put there.

You said this morning, Mr. Gardner, that sometimes the books are not the things a Congressman wants. Now, there is an immigration question in Wisconsin—immigrants go over into Canada—and we want that immigration question fixed in the northern part of our State, and I know it is coming. Right in my department are men now collecting data relating to the settlement of cut-over lands. This may include laws or letters or date or reports from the State Department at Washington, or data from wherever immigration bureaus have worked all over the country, or from countries like Australia or Canada. There may be a situation in Australia similar to what we have in Wisconsin about which we gather facts that will be arranged by a cataloguer and indexer, so that by fall I will have the best collection of data on immigration in relation to cut-over lands that exists in this country. That will be ready for the legislature, and there is no other way it could be gotten.

Mr. Cleveland, of the President's Efficiency and Economy Bureau, has been working on the question of the budget—we started in Wisconsin a similar investigation at the same time—

Mr. TOWNSEND. What is that, Doctor?

Mr. GARDNER. Revenue bills and appropriation bills?

Dr. McCARTHY. Yes, sir. The budget system is the system in vogue in most countries. Now, in the last two or three months, I have given attention to that. I was talking with Dr. Cleveland this morning about certain French material I had sent to him, giving an entirely new light on how the French budget works out. Now, when we start the budget in Wisconsin next winter we will know a good deal about it in the light of budget systems of different States and countries. So subject after subject is taken up, and if the legislature wishes to go on and make a bill on the budget system, the chances are the legislature will call on some of my men—the committees will—and say, "This is what we want. We do not know how it is going to work, but we will try it—now, get it ready."

He will make a rough draft and more drafts until they get what they want.

Mr. GARDNER. How many members are there of the Wisconsin Legislature?

Dr. McCARTHY. One hundred and thirty-three.

Mr. GARDNER. How many make use of your department?

Dr. McCARTHY. We keep statistics—all but two.

Mr. GARDNER. One hundred and thirty-one.

Dr. McCARTHY. Yes.

Mr. GARDNER. I want to know how much is "McCarthy" and how much is bureau.

Dr. McCARTHY. I am trying to standardize that work as much as possible. We do not want anything dishonestly or carelessly done by my men, so every piece of paper comes in there signed with a legislator's name. If there is a bill drafted the man who drafts it has his name on it, etc., so that we can trace down to every person who put his finger on that piece of paper. Every investigation I make in Wisconsin I have a carbon copy made of, and this is put in our catalogue, so that if I die or leave or get sick everything is in the catalogue—the whole machine is there if I leave, so that some other man can take it up.

The CHAIRMAN. Are you training some more "McCarthies"?

Mr. McCARTHY. Yes; I am training some boys; but they are in demand, and I can not keep them.

Mr. NELSON. They come from the university and work for nothing—just for the training.

Dr. McCARTHY. I have men from foreign countries also. Go to Tokyo and you will find one of our men there. I have boys from different States. I have a waiting list who are glad to work for me for nothing. It is a school for them. After they leave me they go all over the country and are eagerly picked up to do similar work at the different libraries of the country. In a way, the little work we have started in Wisconsin has had a decided effect upon the library work of the country; besides, it has had some effect upon the political science of the country, and it is going to have some effect upon the statute law of the country.

The CHAIRMAN. You spoke of liquor laws. That is a very lively topic in many States. Suppose you have such a measure in Wisconsin—just for illustration—suppose you have a member who wants to introduce a local-option law, county unit law, or county precinct unit law, does he introduce the bill in the house or senate, embodying his view, or does he come to your bureau first and ask you to lick his bill into shape?

Dr. McCARTHY. If there is an organized society such as a labor union or a prohibition society, the chances are they would have some attorney draft the bill in pretty good shape for them. When the bill comes up the chances are the legislator will submit it, with his instructions, to my department before it is presented, in order to have it put into the best form.

The CHAIRMAN. Before it is presented?

Dr. McCARTHY. Yes.

Mr. NELSON. Not before it is presented by the association to the legislator?

Dr. McCARTHY. No, no. The association takes it to some legislator before it can possibly come to me. I do not deal with any association. I work for the legislature only. Members of the legislature come up and say they want it modified. Probably 90 per cent of the bills at the legislature come to my department for modification.

Mr. PICKETT. Is there any provision in the Wisconsin laws that this work shall only be done for the members of the legislature?

Dr. McCARTHY. That is the rule.

The CHAIRMAN. Is it merely your practice or is it the law?

Dr. McCARTHY. It is a rule of the legislature, and I have made it a rule of my department. Here is a rule which I have laid down for the draftsmen:

#### RULES FOR THE DRAFTING ROOM.

1. No bills will be drafted in the reference room. A separate drafting room and a separate force have been provided.
2. No bill will be drafted nor amendments prepared without specific detailed written instructions from a member of the legislature. Such instructions must bear the member's signature.
3. The draftsman can make no suggestions as to the contents of the bill. Our work is merely clerical and technical. We can not furnish ideas.
4. We are not responsible for the legality or constitutionality of any measures. We are here to do merely as directed.
5. As this department can not introduce bills or modify them after introduction, it is not responsible for the rules of the legislature or the numbering of sections either at the time of introduction or on the final passage.

Every member sees these rules also.

A country member of our legislature came up to me once. He wished to make an issue of the appropriations, and wanted to cut them down for certain departments, so he came up to us and wanted to do this. On the list was the appropriation for my department. He came up to my department and looked at it, and said: "This is a good department, and will you help me out?" The bill provided for the repeal of our department. We drafted, without question, just the way he wanted it.

Mr. EVANS. We have had a good many investigations here during the past year and have had many hearings—take the sugar inquiry, for instance. If abstracted this would be about three or four hundred pages. It is impossible for the Members of this House to read the hearings we have had during the past year. Bills will be introduced and read, and we are not sufficiently advised about them, and it has occurred to me that we might be advised by utilizing the bureau for the purpose of abstracting these hearings.

The CHAIRMAN. These gentlemen spoke of preparing masses of data. Of course, if presented in that form, it is not of much value, but my understanding is that it shall digest and present in what you call tabloid form the information you desire. It is impossible to read four or five hundred pages of any hearing. I do not intend to do it.

Mr. EVANS. Would it be possible for you to simplify these things. Do you present your digests in Wisconsin in the form of documents, or do you have a statement which says: "The general authorities on this side are, etc., and on the other side, etc."?

Dr. McCARTHY. We have all kinds and forms.

Mr. PICKETT. Can you not send us down a sample of your goods?

Dr. McCARTHY. Yes; I will. On a great many of our bills I have prepared books [shows small flexibly bound book, in size about 2½ by 3½ by ¼ inch] containing about 30 pages, printed in big type. For instance, on the question of exemptions from garnishment there was the law of England summarized briefly, and after that the laws of the different States on that subject, with references as to where the full authority could be found.

Mr. TOWNSEND. In your department?

Dr. McCARTHY. Yes. Other members wanted something on this bill, and just wanted to get the authorities of the other States with laws just like them. You will find men in the Legislature of Wisconsin constantly pulling these books out of their pockets. We can not print many of them, because it takes quite a lot of clerical help to get them out. They are of great service.

Mr. GARDNER. I think we have plenty of printed matter; we have reports on pretty nearly every bill, majority and minority reports. I am afraid that people do not always read them.

Mr. EVANS. I know we have majority and minority reports—

Mr. NELSON. If the committee asked that that abstract be made, the chief would doubtless set some one to do the work. It is the collective secretary of Congress.

Dr. McCARTHY. Yes. A water-power bill came up in our State and we raked Europe for that water-power legislation and actually got hold of a bill that the Prussian Government was about to introduce over there to change the water-power legislation. We got hold of it and it was digested for the legislature, and when the bill came up we had that information. We have a great many instances where we are gathering material of that kind. The material from Washington is of great service to us. We keep track of your bureaus all the while. Mr. Meyer sends me quantities of material and Mr. Putnam send quantities of it. He must have sent me fifty or a hundred volumes in one year. We use the library of foreign law at the Northwestern University. We keep indexes not only of books, but we know men all over the country—experts—and we have indexes telling where the books are and the men are. Books are sent up to us from here and we make a card for each book in the index, and on the bottom of the card show "Congressional Library, Washington," etc. A couple of weeks before a bill comes up we have people working at that bill altogether.

The CHAIRMAN. Have you the university library at your disposition, or one of your own?

Dr. McCARTHY. We have but a very small library of our own. We do not want to duplicate. I keep only what I want for my bureau, and then I try to send the material I get out to the historical society and the university library and have them take care of it. They can get it back to me, if wanted, in a quarter of an hour. They take care of the material, and my people do the supplementary work, such as the data for the budget investigation, etc. We get supplementary information. For instance—

Mr. NELSON. Just indicate how you handle the newspaper clippings—how they are pasted on sheets and indexed so that everything is listed down and you can give the latest thing on any article.

Dr. McCARTHY. Take the primary-election law. When the primary-election bill went into force in Wisconsin I do not think there was a good book on that subject. Take the initiative and referendum—there is no really good book on that. We must gather the data and find out how it works. It is a good thing to gather this information before you come to the actual consideration of bills on such subjects. How was the State to get a collection of primary-election laws? We cut up the election laws of different States. It may be a question of open or closed primary. We rake in all the information and laws and clip, paste, and digest it and have it printed in small books, marking on the outside of one "Open primary" and on the other "Closed primary."

Mr. PICKETT. As soon as the opinions of the Supreme Court of the United States are published you would have them cut out?

Dr. McCARTHY. Oh, yes. There may be a man coming in demanding it to-morrow. There are all kinds of questions coming along, and the legal, comparative, and statistical data must be all classified together and readily accessible.

The CHAIRMAN. Your bureau is supported by a direct appropriation by the legislature of \$20,000 a year, is it not?

Dr. McCARTHY. Yes. If this bureau was located anywhere else it would be different, but I am able to get the university students and professors out there for research work. We know where there are a great many subjects being worked out at the university, and we know who is the man doing the work, and we can get his help—he is interested in the work, and when the committee meets they will want him before it. If I ran it any place else, or ran it upon a commercial basis, I would want \$40,000 for it.

Mr. GARDNER. I should rather anticipate this danger—for instance, that the material might get too voluminous, and the condenser or digester be either unfair or biased.

Dr. McCARTHY. You are absolutely right. That is the hardest thing I have had to do—to keep the dead stuff out and the live stuff in.

I can not find anybody to take my place on this work; that is the truth of it. It takes intelligent consideration of all this material to make it valuable. Anybody in this work will agree with me. It takes a great deal of training. The new library of to-day is trying to get at the value of things. It is now a question of selection rather than one of mere collection.

Mr. GARDNER. If you take all our statutes, there is the same difficulty as there is in searching the Congressional Record.

Mr. TOWNSEND. Has there been any diminution of bills introduced or passed in the Legislature of Wisconsin since 1901?

Dr. McCARTHY. Since 1901 there has been a slight increase in Wisconsin. If you go back of that time you will find that we had at one time annual sessions and had private bills for the incorporation of churches, cemeteries, etc. There you would find a great many more bills than now, but you will find an increase at present in every county and in every State. The Fifty-sixth Congress passed upon 20,000 bills; the Sixty-first Congress, 40,000 bills. In England the bills have increased fourfold. There it is simply because Lloyd George and his followers are trying to tear up the

statutes. Compared with Massachusetts last session Wisconsin has greatly decreased its output. We have probably one-half the bills of Massachusetts.

Mr. NELSON. Dr. McCarthy, you have been training young lawyers and getting their services free. Now, what do you have to pay them after they are experts?

Dr. McCARTHY. My men are now paid about \$100 a week when working for a short time. In the sessions of the legislature I get them for \$200 to \$300 a month. The way I have worked it, gentlemen, is I have taken them and given them a training, and now they are getting well paid for it.

Mr. NELSON. What is the competition you have to maintain with the business world now that there is outside demand for their services?

Dr. McCARTHY. My men are eagerly sought by all sorts of private institutions. I myself have been offered salaries many times my present salary, and my men have, I know, had similar experiences. You have got to pay a man a good wage to keep him in the service. There is a limited number of men who do work of this kind, and the demand for them has been so great that they can demand their price. We can not pay over a certain amount. You see, the governor of the State only gets \$5,000, and you certainly can not go much above that. I think, gentlemen, our men are all poorly paid in comparison with the pay of private institutions, considering things are the same as in our State—on a high grade, with stiff civil-service law.

Mr. TOWNSEND. Are you under the classified service?

Dr. McCARTHY. No, sir. My department, on the whole, is, but I am not. When I went to work for the legislature I went on the basis that they would allow me to take the men I wanted, without regard to politics, and I was allowed to do so; then, after the civil-service law become effective the legislature exempted my department from the civil service. The reason they gave was that they did not know how the civil-service law was going to operate, but they did know my bureau was a good institution. I am appointed by a board consisting of the president of the university, the superintendent of public schools for the State, and the head of the historical society, and two others, appointed for long terms. The department is non-partisan.

The CHAIRMAN. Has there ever been any effort to bring politics into appointments to your bureau?

Dr. McCARTHY. Yes, sir. At one time seven senators told me that they would drive me out of the capitol if I would not take certain men in my department. I did not take them. This is the most serious thing that has ever happened to me since I have been there.

The CHAIRMAN. Did they undertake to carry out their threat?

Dr. McCARTHY. No, sir; that was only a bluff. I want to say, gentlemen, that for years—eight years, at least—there has been no attempt to sway me one way or another politically, and I think any attempt to do it at any time would be found out.

The CHAIRMAN. The introduction of partisan politics into such a bureau as yours—such a bureau as is proposed in this bill here—would be fatal, would it not?

Dr. McCARTHY. Absolutely disastrous.

The CHAIRMAN. What about having it bipartisan?

Dr. McCARTHY. I do not believe in any such arrangement.

The CHAIRMAN. I asked because the suggestion has been made, not by a Member of Congress, but by a man interested in the measure.

Mr. NELSON. I would like, Mr. Chairman, to have the committee hear from a man who has had five years' practical experience—

The CHAIRMAN. Mr. Nelson, if Mr. Mann and Speaker Clark are coming over in the morning, would it not be well to hold some of your speakers for the morning session to-morrow?

The committee thereupon, on motion of the chairman, at 4 o'clock and 30 minutes p. m., adjourned to meet at 10 o'clock a. m. to-morrow, February 27, 1912.

COMMITTEE ON THE LIBRARY,  
HOUSE OFFICE BUILDING,

Washington, D. C., Tuesday, February 27, 1912.

The committee met at 10 o'clock a. m.

Present: Representatives Slayden (chairman), Townsend, Evans, and Pickett.

The CHAIRMAN. Gentlemen, Mr. Mann will make a statement in reference to these bills now.

STATEMENT OF HON. JAMES R. MANN, MEMBER OF CONGRESS  
FROM ILLINOIS.

Mr. MANN. Mr. Chairman, I am somewhat embarrassed in making this statement, because, like all of the rest of you—

The CHAIRMAN. Pardon me, would you like to have a copy of the bill?

Mr. MANN. I have a copy in my pocket. I do not know whether I have it in my head or not.

The CHAIRMAN. I dare say you have it in your head.

Mr. MANN. Like all the rest of us, we are groping somewhat in the dark on these propositions. I listened yesterday with considerable interest to the statement of Ambassador Bryce, but I beg to suggest that in the consideration of this proposition it should be kept in mind all the time that the situation as to legislation in this country is entirely different from that as to legislation in those countries which have a responsible ministry. Here the executive does not prepare bills for consideration, as a general rule, and our Senate has gone so far as to indicate a desire that the heads of the departments should not be permitted to send to committees of the Senate the draft of bills which they desire to have considered. Personally, I have always thought, and still think, that it is quite desirable to have any of the departments of the Government which proposes or recommends legislation to put that in the form of tentative draft of a bill, thereby expressing in the concrete an abstract proposition, which is usually much more difficult to express in the concrete than it is in the abstract; and sometimes when you come to express it in the concrete it changes the opinion of the man who has an abstract principle in his mind.

However, it is perfectly patent, I think, to anyone who has much the experience in any legislative body in this country that the great lack that we have is scientific procedure in legislation. That is more