

I think it is clearly a case for concern and I could not say that your solution to it is inequitable. I gather that the Budget Bureau is now opposed to it, but we will look at it, nevertheless.

Senator BAKER. Mr. Chairman, may I say a word in that respect. I agree that Senator Tydings addresses himself by this amendment to an area of real inequity and difficulty. I wonder, however, if we should entirely limit our consideration to the "Ma and Pa" aspects of it, because in my own experience I have seen young people just beginning and commencing in business who frequently are tenants and who are completely destroyed from a business standpoint because they do not happen to have a lease for a term of years or, as we lawyers say, any other freehold interest in the property.

I wonder if we should not give some thought to a change by this bill in the basic eminent domain relationship so that the court might hear proof on the probability of the tenant being permitted to remain in that location and then apply the general rules of capitalization of his reasonable expected profits, because I think that, really, is the underlying issue. The real issue is what under ordinary circumstances could a person expect to make in the reasonable time that he could be expected to remain in that location, and what compensation should be paid to keep him from being left unwhole by reason of the involuntary taking. I thank Senator Tydings for his contribution. I wonder though if we should not extend our consideration of this in the committee beyond just the Ma and Pa example which the Senator has been kind enough to give us.

Senator TYDINGS. I think you definitely should. You have a responsibility to do so, Senator, and the merits are all as you indicate.

Of course you will receive probably, stout opposition from the Bureau of the Budget at this time for any amendment in this direction because it will cost money. This whole area, the whole area of fair compensation for those displaced by Federal projects, urban renewal and highway projects deserves, as you point out, real overhauling, because the inequities and the unfairnesses that are visited are tragic in many instances.

And, of course, it is generally the people least able to protect themselves, least able to secure a day in court, who are hurt the most. The cost will be something that will have to be taken into consideration. I have limited my amendment because I think the older people, those over 50, are hurt a little harder than the young people. A young person is better able to land on his feet than someone who has had his life involved in a neighborhood and knows everyone—than the man who is going into the shadows in his declining years.

Senator BAKER. Well, I agree with you, Senator, but the likelihood is that we would have less resistance from the Bureau of the Budget because of the saving in money, but I am sure we all must bear in mind that in the involuntary taking, in the eminent domain field, unique among all fields, I think we owe a positive obligation to make sure that the person whose property is taken is not worse off after the taking than he was before the taking. I really wonder if the Government, this Government or any government, is not in bad faith to, in effect, say, "You must suffer for the common good in disproportion to the value of the project to the population generally."