

I was at one time mayor of the city of Knoxville. The condemnation trial by jury is quite desirable, and certainly is nothing to fear by those in authority. It is easy to envision that upon repeal of the act that hundreds of people will flock to the courts demanding jury trials. The system does not work that way, and it is doubtful that a great deal, if any, more litigation will ensue with the right of jury trial.

The principle of trial by jury is one of the cherished rights of the American people, and the great majority of the people I talk to do not believe they should be denied this right.

I would like to quote from a letter from the U.S. Department of Justice, dated October 6, 1967:

The Department of Justice has every confidence in the jury system, for the determination of the issue of just compensation in land condemnation cases as well as for other purposes. The Department's long experience with both the jury system and the commissioner system in condemnation cases indicates a preponderance of advantages in the use of the jury system.

I would also like to point out and include herein a resolution adopted by the General Assembly of the State of Tennessee and approved by the Governor relating to this matter:

STATE OF TENNESSEE, GENERAL ASSEMBLY

HOUSE JOINT RESOLUTION No. 29

A resolution petitioning and memorializing the United States Congress to amend the Tennessee Valley Authority Act of 1933 to provide that either party, in cases involving the condemnation of land by the TVA, may demand a jury to try the issue of just compensation.

A resolution petitioning and memorializing the Congress of the United States to enact legislation amending the Tennessee Valley Authority Act of 1933 to provide that the issue of just compensation may be tried by a jury in any case involving the condemnation of the real property, by the Tennessee Valley Authority, and that the Congress give consideration to the passage of H.R. 4846, on this subject.

Whereas, The principle of trial by jury is a cherished part of the system of jurisprudence of the American people and has, since the birth of the Republic, been considered as the individual's greatest bulwark of freedom and;

Whereas, In practically every statute providing for the condemnation of private property under the laws of eminent domain, the land owner is entitled to have a jury trial for the determination of the compensation to which the property owner may be entitled for the taking of the land by condemnation proceedings and;

Whereas, The Tennessee Valley Authority Act of 1933 (16 U.S.C. 831x), is unique in that it provides for the taking of land under the powers of eminent domain by the Tennessee Valley Authority without granting to the property owner the safeguard of a jury trial, and in fact prohibits the use of a jury in such cases, and;

Whereas, Under the procedure now in effect under the TVA Act the only appeal is to a three Judge federal court, or upon waiver to a one Judge federal court, where the case is tried upon the written testimony adduced before the Commissioners appointed under the Act to award damages and;

Whereas, This procedure is expensive and cumbersome and may impose undue hardship and expense upon the property owner, who in many instances may not be able to withstand such expense and;

Whereas, Legislation has been introduced in the Congress of the United States by H.R. 4846, proposing to amend said Tennessee Valley Authority Act to provide that either party to such condemnation suits may demand a jury: Now, therefore, be it

*Resolved by the House of Representatives of the Eighty-Fifth General Assembly of the State of Tennessee, the Senate concurring, That we reiterate our belief in the principle of trial by jury, and that we memorialize and petition the*