

some extent, compromised by the commission system's inclination toward uniformity.

The fifth amendment of our Federal Constitution specifically provides that private property shall not be taken for public use without "just compensation." It further states that "no person shall be deprived of life, liberty, or property without due process of law." These constitutional commands, I sincerely believe, are being violated by the present TVA land-condemnation procedures.

Since the introduction in May 1965 of my TVA jury trial bill, H.R. 4846, I have received a tremendous volume of mail from private citizens and organizations throughout the Tennessee Valley area pleading that action be taken on the measure—including the Tennessee State Legislature and Governor Ellington, the Quarterly Court of Loudon County, the National Milk Producers Association, the American Farm Bureau the Tennessee Bar Association, and the American Trial Lawyers Association.

The House Appropriations Committee, in the 1966 public works bill report, contended that the TVA should review its present condemnation proceedings, and the Department of Justice has twice tried to persuade the Congress that juries should be used in all condemnation cases.

The Senate already has enacted Senator Howard Baker's companion bill, S. 1637, with an amendment which would provide for handling disputed cases under rule 71A of the Federal Rules of Civil Procedure. This measure—which you have before you—leaves to the discretion of the court the granting or denial of a landowner's request for trial by jury.

I believe that the enactment of legislation guaranteeing citizens of the TVA area the right to a jury trial in land valuation disputes is of the highest priority. Not only will it have the effect of insuring equitable settlements, but it will also tend to promote mutual respect between the Federal Government and the individual citizen.

Thank you very much.

Mr. Chairman, I would be delighted to answer any questions you or the members may have.

Mr. JONES. Thank you very much.

Are there any questions?

Mr. CLAUSEN. I have no question, Mr. Chairman, but I do want to take this opportunity to compliment the gentleman for the very fine statement, as usual. He makes a very nice presentation.

Mr. JONES. Mr. Schwengel?

Mr. SCHWENGEL. I have a statement and then a question or two for the record.

First, I want to join my colleagues and commend you for your interest and I admire your support of the TVA and the proposition there. You are a fine representative. You made a fine statement for today on property and I have not always, as you know, supported everything the TVA stood for, though I think the installation was good. The principal argument was that it would be for all our utilities and this is a great justification for it. Besides, it is a facility for furnishing economic development in that area, which I think is not only good for your area, but the United States.