

This same complaint then about the jury system lacking consistency or uniformity insofar as the TVA cases apply, applies to each and every jury case where the jury sets an amount to award, does it not?

Mr. MARQUIS. Well, are you speaking, sir, of land cases?

Mr. SNYDER. I am talking about court cases or anything else where a jury sets an amount, that you have the same complaint.

What I am saying is that based upon that statement you are advocating doing away with the jury system in any case where they set amounts.

Mr. MARQUIS. Not at all, sir. As I tried to indicate in my statement, we are very happy with the fact that TVA, unlike the Federal Government generally, is subject to jury trials in contract and tort actions. These land cases, it would seem to us, are a very special kind of situation.

Mr. SNYDER. Well, would there be any more disparity between two verdicts and two similar pieces of land than there might be, that a jury gives for a broken arm or broken leg?

Mr. MARQUIS. The two situations are entirely different. The tort case is a personal case. It involves a situation where pain and suffering is involved on the part of the individual. That is a situation which juries know about, which they are perfectly competent, it seems to me, to judge as well as anyone else.

Land cases present a totally different situation in my judgment because you have land all up and down a reservoir or all along a transmission line. You have each individual knowing what his neighbor received and being in a position to evaluate his land against his neighbor's to know whether or not he got a fair deal.

It seems to us that in that type of situation consistency is an extremely important factor.

Mr. SNYDER. Would you give us the statistics on how often your three commissioners award or determine—whatever you might call them—where they are consistent with the TVA appraisal and how often they are raised or how often they are lowered? I would like to have those statistics.

Mr. MARQUIS. In 5 years ending in 1967, in contested cases before the commissions, there were 285 cases total; 216 resulted in increases above the TVA offer, 42 in decreases, and in 27 there was no change.

Mr. SNYDER. What was the average percentage of change in those that were changed?

Mr. MARQUIS. That I do not have, Mr. Snyder.

Mr. SNYDER. Would you supply that for the record, please?

Mr. MARQUIS. Yes.

Mr. SNYDER. I would appreciate it if you would at this point in the record.

Mr. JONES. Without objection, the information will be received and printed in the record at this point.
(The information follows:)

Since there are several alternative ways of computing percentage averages, we have set out below a complete tabulation of TVA offers and commission awards in the 285 contested cases tried from 1963 through 1967. However, some of these commission awards have been changed on appeal. For example, the District Judge reduced one (which is presently in the Court of Appeals) from \$121,700 to \$34,000. Some of the other larger cases are still on appeal.