

of the Commission system with the right to demand a trial by jury reserved to the parties, a demand which would be granted with no discretion left to the Court. In other words, the issue would be tried before a Commission, unless either party demanded a trial by jury, in which case a trial by jury would necessarily be granted.

The bill reported to the floor of the Senate by the Senate Committee on Public Works conformed to the latter of these alternatives. It is the bill that I would have preferred.

However, I was convinced by opponents of the bill during floor debate that the goals I sought could be accomplished by the adoption of the second alternative—the repeal of the original language of the Act so as to bring TVA under the umbrella of Rule 71A. I myself offered an amendment in the nature of a substitute incorporating language to that effect. It was carefully established in rather extended debate in the Senate on December 15 of last year that other supporters of the bill and I expected that, if the bill became law, the Commission would be the exception and the jury would be the rule. The language of Rule 71A is quite clear that this is the correct priority. Unfortunately, U S. District Courts in some areas have been fairly liberal with use of the Commission. If TVA is brought under the provisions of Rule 71A, and the employment of the Commission proves to be the rule rather than the exception, I cannot help but believe that the circumstances would demand another look at more explicit legislation.

Mr. Chairman, I am a life-long and unswerving admirer and supporter of the Tennessee Valley Authority. I have lived with what it has done for my section of the country. I would be the last person to want to hamper its operations unreasonably. I feel certain that everyone at TVA knows this. Our discussions on this matter have been frank and thorough.

Whether a jury would award greater compensation is not the issue. What is at issue is the confidence of the people in public officials and the judicial system. The determination of the issue of just compensation is the heart of the land condemnation process. Vitaly involved in this process is each man's right to own and control the disposition of private property, a right which is the essence of his individualism. As testimony will amply reveal, there is a surefit of evidence to indicate how bitterly low confidence in the fair-play of the acquiring agency is at the present time. While it is true that only a very small number of properties to be acquired are litigated, it is also common knowledge among residents of the Valley that the appraised price after condemnation can be as much as one-third less than the price originally offered for the same land. Mr. Chairman, because I believe deeply in the judicial process, and because I believe deeply that the effectiveness of a great government agency is in large degree dependent on its maintenance of public confidence, I respectfully urge that every consideration be given the pending legislation.

Thank you.

Mr. JONES. Our next witness is Mr. Joseph B. Roberts, 130 South Bragg Avenue, Lookout Mountain, Tenn.

Mr. Roberts, it is a pleasure to have you here.

STATEMENT OF JOSEPH B. ROBERTS, ATTORNEY AT LAW, CHATTANOOGA, TENN.

Mr. ROBERTS. Thank you for the opportunity of appearing here before this committee.

Mr. JONES. You are my neighbor.

Mr. ROBERTS. You come from a good section of the country.

I am accustomed of course, to ordinarily being on the other side of the table and not on the witness stand.

With your indulgence I will read what I think about this question, hoping to be of some help to the committee with the problem that it has before it.

I am Joseph B. Roberts, a practicing attorney, and my residence address is Lookout Mountain, Tenn., and office address is Volunteer