

STATEMENT OF KIT H. HAYNES, ASSISTANT LEGISLATIVE DIRECTOR, THE AMERICAN FARM BUREAU FEDERATION

Mr. HAYNES. Our statement is relatively brief, Mr. Chairman, and is in support of the bill before you.

We appreciate this opportunity to present views of the American Farm Bureau Federation in support of legislation which would assure landowners of trial by jury of disputes arising over compensation for property acquired by the Tennessee Valley Authority.

The American Farm Bureau Federation is the largest general farm organization in the country, with a voluntary paid membership of more than 1,753,000 families in some 2,770 county farm bureaus located in 49 States and Puerto Rico.

At the beginning of this year, Farm Bureau family memberships in the States in the area served by TVA were: Alabama, 100,024; Georgia, 51,733; Kentucky, 87,839; Mississippi, 66,462; North Carolina, 59,814; and Tennessee, 87,956.

The matter of trials by jury in litigation involving equitable settlement for land and other property required by the TVA as a result of construction of dams and other facilities and its transmission lines is of real concern to farmers residing in the TVA area. The purpose of the legislation now under consideration by this subcommittee is to allow owners whose property is essential to TVA's development access to a traditional and effective mechanism for determining fair and equitable compensation for the property which must be either flooded or otherwise rendered unsuitable for farming purposes.

During the fiscal year ended last June 30, TVA acquired more than 45,000 acres of land and easements for more than 400 miles of transmission lines. Thus far this year, the agency has acquired more than 29,000 acres and easements for 414 miles of transmission lines. Individual tracts of land involved numbered more than 2,600 in the 1967 fiscal year and about the same number so far this year.

In many instances, land covered by impounded water or essential for construction of transmission lines represents all or portions of relatively small farms which the owners have developed into productive units at great sacrifice in terms of long hours of hard labor and self-denial. Numerous instances in which landowners sincerely believe they were compelled to transfer land and other property without fair and adequate compensation have been cited during the course of this hearing and at a hearing on similar legislation in the Senate.

In the numerous negotiations required for the acquisition of the acreages and easements required by TVA, it is only natural and human that there have been inequities in determination of fair value for the property involved. There doubtless would have been some inequities even if each case which could not be settled through direct negotiations had been presented to a jury. But the fact remains that trial by jury continues to be considered to be the fairest means yet devised for determining what is equitable to all parties involved in litigation.

The subcommittee has before it five bills which would guarantee the right to jury trials in condemnation cases. The bill introduced by Senator Howard Baker, of Tennessee, already has been passed by the Senate, but with an amendment which provides for handling land condemnation cases under rule 71A of the Federal Rules of Procedures.