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During the Bicentennial year, it would be good for us to stop and think about the events that occurred after the Revolutionary War was won, in the years in which the principles by which this nation has lived were laid down.

I think we ought to do this because so many of the problems the founding fathers wrestled with then are the same problems we are still having to wrestle with. It would do us good, I think, because it would show us what it is we have to do to remain free as a people.

Almost 200 years ago, in 1788, an event happened here in Hillsborough which is still relevant today. I refer to the North Carolina Convention on the Ratification of the

Constitution under which we now live, which had just then been written. In that convention, the representatives of the people of North Carolina, refused to ratify the Federal Constitution as it was then written. North Carolina was the next to the last state to ratify the Constitution. I think we ought to remember and be proud that the people of North Carolina did this, because they had a very good reason for refusing,

There was much dissatisfaction with the Constitution as it was drafted. But the biggest problem that the people of North Carolina recognized was that there was no bill of rights guaranteeing the liberties of individual Americans, in the face of a powerful central government. Unless Federal power were restricted and individual liberty and states rights duly safeguarded

by the adoption of amendments to the Constitution, the anti-federalists meeting here in Hillsborough were determined that North Carolina should not ratify.

The Hillsborough resolution passed by the North Carolina Convention stated that the United States Constitution must include "A Declaration of Rights, asserting and securing from encroachment the great principles of civil and religious liberty, and the unalienable rights of the people." The Convention then proposed a list of rights, some of which were latter adopted as parts of the Bill of Rights.

Now there is a great lesson in this for us. What the Convention meeting here in Hillsborough did was to refuse to pass a basically good law because it had some very serious

defects. This is still going on. Well intentioned and basically sound laws are continually passed by the Congress, but they are bills which contain some fatal flaw that means they will be more of a harrassment to the people than they are a boon. This is one of the hardest things that I have to face as a Senator. And I am getting to be pretty conservative about it, and agree with the folks here at the Hillsborough Convention nearly 200 years ago. There will never be any such thing as a perfect bill, but there is ample reason to slow down and not rush into something which looks good on the surface, but which may have some underlying defect.

Oddly enough, the problems these bills have are usually either in the area of fiscal responsibility or in the area of

civil liberties, especially due process. Recently we saw introduced in the Congress a bill to save the New River here in North Carolina by making it part of the Wild and Scenic River System, heading off the Appalachian Power Company's plan to build a dam there. This is a typical example of a well-intentioned law which contains a defect that must be noticed. It may be well and good to make the New River part of the Wild and Scenic River System, but nobody noticed that there was a proposal to do so by a means which would deny the landowners along the River their constitutional right to compensation. The problem was that the way the land was going to be legally secured was by zoning. Thus the people owning land along the River could do nothing but sit there and pay taxes on it while having their right to use their property restricted. My objection

was that in spite of all the haste and all the rush to get this well-intentioned bill passed, we ought to guarantee the rights of the property owners to compensation for the devaluation of their property. It was my insistence that the land be taken outright or that a scenic easement be arranged so that the property owners would have due compensation. It was wrong to try to establish the Scenic River by going in through the back door and just zoning the land as a flood plain. The delay involved I think will be worth it.

The problem is, this is just one example out of hundreds of examples which have come up in recent years. Time and time again well-intentioned bills have been passed and become law, which permit the bureaucrats in Washington to write regulations

or establish procedures which ride rough shod over the constitutional right of due process. On other occasions bills are passed which simply have an unforeseen result, and produce a nightmare for the people who have to bear the burden of the law. This is what makes people lose faith in their government.

The reason the folks here in Hillsborough were so anxious to correct defects in the Constitution was that they realized that the Federal Government was going to be awesomely powerful. This is still the problem with defective law.

I would like to quote what a Baptist preacher who was present at the Hillsborough Convention, one Lemuel Burkitt, said about the provision in the Constitution which set aside the area known as the District of Columbia. He made a prediction.

He said "This my friends, will be walled in or fortified.

Here an army of 50,000, or, perhaps 100,000 men, will be finally embodied, and will sally forth and enslave the people, who will gradually disarmed."

The only problem with Preacher Burkitt's prediction, as a description of our Federal bureaucracy, is that his numbers are too small. In one part of government alone we now have 228 health programs, 83 housing programs, and 156 different income security and social service programs. There are more than 1,000 Federal Advisory Boards, Committees, Commissions, and Councils, and more than 4,000 quasi-governmental units. Clearly, there is plenty of room for governmental mistakes in the drafting of laws or rules to have tremendous effect.

I think the people who gathered here at Hillsborough to pass on the proposed Constitution were right. More of us who are the people's elected representatives in Washington should follow the example, and be much slower about passing laws which are good in general intention, but defective in important detail. That "army" of Preacher Burkitt's is just too big and too powerful for any of its mistakes to be "little" mistakes.