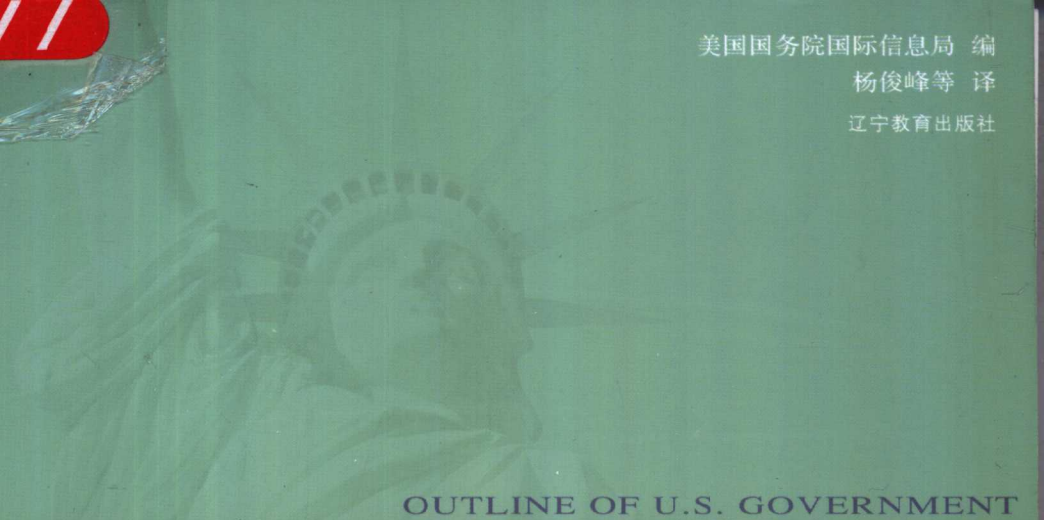




美国国务院国际信息局 编  
杨俊峰等 译  
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OUTLINE OF U.S. GOVERNMENT



# 美国政府概况





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美国国务院国际信息局 编

杨俊峰 王宗文 刘畅 译

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## 图书在版编目(CIP)数据

美国政府概况 / 美国国务院国际信息局编; 杨俊峰等译. —沈阳: 辽宁教育出版社, 2003.8 (2004.9 重印)

书名原文: Outline of U.S. Government

ISBN 7-5382-6738-7

I. 美… II. ①美… ②杨… III. 国家行政机关—概况—美国—英、汉 IV. D771.231

中国版本图书馆 CIP 数据核字 (2003) 第 096632 号

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辽宁教育出版社出版发行  
(沈阳市和平区十一纬路 25 号 邮政编码 110003)  
沈阳六〇六所印刷厂印刷

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开本: 890 毫米×1240 毫米 1/32 字数: 200 千字 印张: 8 1/4

印数: 5 001—8 000 册

2003 年 8 月第 1 版

2004 年 9 月第 2 次印刷

---

责任编辑: 唐日松 吴晓红

责任校对: 张小沫

助理编辑: 王轶群 王 俊

封面设计: 吴光前

责任印制: 袁启江 宋奎成

版式设计: 李 爽

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定 价: 17.00 元



AC103/05

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In this painting called *The Foundation of American Government*, George Washington leans across his desk to watch a delegate sign the U.S. Constitution while other delegates to the Constitutional Convention look on.

在这幅名为《美国政府的基础》的油画中，乔治·华盛顿向前倾着身子看一位代表在宪法上签字，其他参加制宪会议的代表在一旁注视。

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Chapter 1 (第一章)

# 美国宪法

THE CONSTITUTION

## 一部不朽的文献

*AN ENDURING DOCUMENT*

“……将该项规定写入宪法中，就是使其永不过时，从而使其适应人类活动中出现的种种危机。”——约翰·马歇尔，最高法院首席法官，麦克库勒奇诉马里兰州案，1819年

“...This provision is made in a Constitution, intended to endure for ages to come and, consequently, to be adapted to the various crises of human affairs.”

— John Marshall, Chief

Justice of the Supreme Court,

*McCulloch v.*

*Maryland, 1819*





An 18th-century engraving shows citizens of Philadelphia outside Independence Hall, where the U.S. Constitution was drafted in 1787.

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The Constitution of the United States is the central instrument of American government and the supreme law of the land. For 200 years it has guided the evolution of governmental institutions and has provided the basis for political stability, individual freedom, economic growth, and social progress.

The American Constitution is the world's oldest written constitution in force, one that has served as the model for a number of other constitutions around the world. The Constitution owes its staying power to its simplicity and flexibility. Originally designed in the late 18th century to provide a framework for governing 4 million people in 13 very different states along America's Atlantic coast, its basic provisions were so soundly conceived that, with only 27 amendments, it now serves the needs of more than 260 million Americans in 50 even more diverse states that stretch from the Atlantic Ocean to the Pacific.

The path to the Constitution was neither straight nor easy. A draft document emerged in 1787, but only after intense debate and six years of experience with an earlier federal union. The 13



一幅 18 世纪的雕版画生动地表现了费城人民正聚集在费城独立厅外，美国宪法正是 1787 年在费城独立大厅内起草的。

《美国宪法》是美国政府最有力的治国武器，也是这个国家的最高法律。两百多年来，它一直指引着美国政府机构的变迁，并为政治稳定、个人自由、经济增长和社会进步提供了基础。

美国宪法是当今世界上仍在生效的最古老的成文宪法，是世界上许多国家制定宪法的样板。美国宪法的持久力应归功于它的简洁性与灵活性。这部宪法在 18 世纪晚期制定时只是为治理大西洋沿岸迥然不同的 13 个州的 400 万人口而提供的一个框架，但其基本条款考虑得非常周到，后来只在原有的基础上增加了 27 项修正案，就满足了治理从大西洋沿岸到太平洋沿岸 50 个比原先更不相同的州 2.6 亿人口的需要。

宪法的制定充满了坎坷和艰辛。宪法草案在 1787 年出台，之前经过了激烈的辩论，并在早期邦联地区已经有了 6 年的实践。英国在北美的 13 个殖民地于 1776 年宣布脱离英国统治。一年之前， 9

British colonies in America declared their independence from their motherland in 1776. A year before, war had broken out between the colonies and Britain, a war for independence that lasted for six bitter years. While still at war, the colonies—now calling themselves the United States of America—drafted a compact that bound them together as a nation. The compact, designated the “Articles of Confederation and Perpetual Union,” was adopted by a congress of the states in 1777 and formally signed in July 1778. The Articles became binding when they were ratified by the 13th state, Maryland, in March 1781.

The Articles of Confederation devised a loose association among the states and set up a federal government with very limited powers. In such critical matters as defense, public finance, and trade, the federal government was at the mercy of the state legislatures. It was not an arrangement conducive to stability or strength. Within a short time the weakness of the confederation was apparent to all. Politically and economically, the new nation was close to chaos. In the words of George Washington, who would become the first president of the United States in 1789, the 13 states were united only “by a rope of sand.”

It was under these inauspicious circumstances that the Constitution of the United States was drawn up. In February 1787 the Continental Congress, the legislative body of the republic, issued a call for the states to send delegates to Philadelphia, in the state of Pennsylvania, to revise the Articles. The Constitutional Convention convened on May 25, 1787, in Independence Hall, where the Declaration of Independence had been adopted 11 years earlier, on July 4, 1776. Although the delegates had been authorized only to amend the Articles of Confederation, they pushed aside the Articles and proceeded to construct a charter for a wholly new, more centralized form of government. The new document, the Constitution, was completed September 17, 1787, and was officially adopted March 4, 1789.

The 55 delegates who drafted the Constitution included most of the outstanding leaders, or Founding Fathers, of the new nation. They represented a wide range of interests, backgrounds,

这些殖民地与英国之间的战争就已爆发，这场艰苦的独立战争持续了6年。在战争期间，这些殖民地——它们管自己叫做美利坚合众国——就已起草了一份公约，这份公约把它们联合在一起作为一个国家。这份被称作《邦联和永久联盟条例》的文件于1777年被大陆会议采纳并于1778年7月正式签署。当第13个州——马里兰州于1781年3月批准该条例时，该条例开始生效并具有法律约束力。

根据《邦联条例》，各州之间的联盟是松散的，邦联政府的权力也是非常有限的。在国防、财政和商贸等一些重大问题上，邦联政府都要听从各州立法机关的摆布，这对国家的稳定和强大非常不利。在很短的时间内，邦联制的这种缺陷便暴露无遗，无论是政治上还是经济上，这个新兴国家很快陷入混乱。用1789年成为美国第一任总统的乔治·华盛顿的话来说，这13个州简直就是“一盘散沙”。

美国宪法正是在这种非常不利的情况下草拟出台的。1787年2月，大陆会议——合众国的立法机构——呼吁各州派代表到宾夕法尼亚的费城来修改《邦联条例》。制宪会议于1787年的5月25日在费城独立大厅召开，这里正是11年前，即1776年7月4日，《美国独立宣言》通过的地方。尽管代表们仅被授权修改《邦联条例》，但他们却把《邦联条例》放到一边，开始着手为一个全新的、更中央集权化的政府制定一个宪章。这部新宪法于1787年9月17日起草完毕，1789年3月4日正式通过生效。

起草宪法的55名代表包括了大多数这个新兴国家的领导人——或称他们为缔造者。他们代表着广泛的利益，来自不同的背景，而且在社会生活中有着不同的地位。然而，他们都一致同意宪法序言中所表达的中心目标：“我们合众国人民，为建立更完善的联

and stations in life. All agreed, however, on the central objectives expressed in the preamble to the Constitution: "We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

## UNITING A DIVERSE PEOPLE

The primary aim of the Constitution was to create a strong elected government, directly responsive to the will of the people. The concept of self-government did not originate with the Americans; indeed, a measure of self-government existed in England at the time. But the degree to which the Constitution committed the United States to rule by the people was unique, even revolutionary, in comparison with other governments around the world. By the time the Constitution was adopted, Americans had considerable expertise in the art of self-government. Long before independence was declared, the colonies were functioning governmental units, controlled by the people. And after the Revolution had begun—between January 1, 1776, and April 20, 1777—10 of the 13 states had adopted their own constitutions. Most states had a governor elected by the state legislature. The legislature itself was elected by popular vote.

The Articles of Confederation had tried to unite these self-governing states. The Constitution, by contrast, established a strong central, or federal, government with broad powers to regulate relations between the states and with sole responsibility in such areas as foreign affairs and defense.

Centralization proved difficult for many people to accept. America had been settled in large part by Europeans who had left their homelands to escape religious or political oppression, as well as the rigid economic patterns of the Old World that locked individuals into a particular station in life regardless of their skill or energy. These settlers highly prized personal

邦，树立正义，保障国内安宁，规划共同防务，促进公共福利，并使我们自己和后代得享自由之赐福，特为美利坚合众国制定本宪法。”

## 团结各民族

宪法的主要目的是要建立一个强大的民选政府，能够直接反映人民的意志。自治的概念并不是美国人所独创的，实际上，在当时的英国就存在一些自治措施。同世界上其他政府相比，美国宪法所赋予人民治理国家的权力从程度上来说却是独一无二的，甚至是革命性的。到宪法通过的时候，美国人民在自治这门艺术上已经积累了相当的经验。在宣布独立很久以前，各殖民地由人民控制的就在行使政府职能。独立战争爆发后——在1776年1月1日到1777年4月20日之间——13个州中的10个州都已通过了自己的宪法。大多数州的州长都是由州立法机关选举产生的，立法机关本身是由民众投票选举产生的。

《邦联条例》也曾经试图将这些各自为政的州统一起来。相比之下，宪法设立了一个强大的中央或称联邦政府，并赋予它更大的权力来规范各州之间的关系，而且在外交和国防事务等方面联邦政府是负有全责的。

对很多人来说中央集权化是令人难以接受的。在美洲定居的大多是欧洲人，他们之所以来到美洲抑或为逃避宗教的或政治迫害，抑或为躲避欧洲旧有的经济模式，在那种模式下个人的社会地位被固化，根本不考虑你的技术和能量。这些欧洲移民非常珍视个人自由，对任何可能剥夺个人自由的权力特别是政府的权力保持着相当的警惕。

freedom, and they were wary of any power—especially that of government — that might curtail individual liberties.

The diversity of the new nation was also a formidable obstacle to unity. The people who were empowered by the Constitution in the 18th century to elect and control their central government represented different origins, beliefs, and interests. Most had come from England, but Sweden, Norway, France, Holland, Prussia, Poland, and many other countries also sent immigrants to the New World. Their religious beliefs were varied and, in most cases, strongly held. There were Anglicans, Roman Catholics, Calvinists, Huguenots, Lutherans, Quakers, Jews. Economically and socially, Americans ranged from the landed aristocracy to slaves from Africa and indentured servants working off debts. But the backbone of the country was the middle class — farmers, tradespeople, mechanics, sailors, shipwrights, weavers, carpenters, and a host of others.

Americans then, as now, had widely differing opinions on virtually all issues, including the wisdom of breaking free of the British Crown. During the American Revolution a large number of British loyalists — known as Tories — had fled the country, settling mostly in eastern Canada. Those who stayed behind formed a substantial opposition bloc, although they differed among themselves on the reasons for opposing the Revolution and on what accommodation should be made with the new American republic.

In the past two centuries, the diversity of the American people has increased, and yet the essential unity of the nation has grown stronger. Throughout the 19th century and on into the 20th, an endless stream of immigrants contributed their skills and their cultural heritages to the growing nation. Pioneers crossed the Appalachian Mountains in the east, settled the Mississippi Valley and the Great Plains in the center of the continent, then crossed the Rocky Mountains and reached the shores of the Pacific Ocean — 4,500 kilometers west of the Atlantic coastal areas settled by the first colonists. And as the nation expanded, its vast storehouse of natural resources became apparent to all: great stands of virgin timber; huge deposits of



这个新兴国家的多元化也是统一道路上的一道巨大障碍。18世纪的宪法授权选举和控制中央政府的那些人有着不同的背景、信仰和利益。北美的移民大多数来自英国，但也有移民来自瑞典、挪威、法国、荷兰、普鲁士、波兰和其他许多国家。他们的宗教信仰各异，而且根深蒂固。其中有英国国教徒、天主教徒、加尔文教徒、胡格诺教徒、路德宗教徒、教友派信徒和犹太教徒。从社会和经济地位上看，既有拥有大量地产的贵族阶层，也有从非洲运来的黑奴，而且还有通过劳动逐步偿清债务的契约佣工。但是，这个国家的主要组成部分是中产阶级——农场主、商人、机械工、海员、造船工人、纺织工、木工和其他劳动者。

当时的美国人就如现在的美国人一样几乎在所有问题上都持有不同见解，当然也包括脱离英国王权的统治是否明智的问题。在美国独立战争期间，大批亲英分子——即人们所说的支持英国一方的人——逃离了这个国家，多数定居在加拿大东部。那些留下来的亲英分子则在国内形成了一个牢固的反对派集团，尽管在反对独立的原因上以及如何适应新生的合众国的问题上他们有着不尽相同的观点。

在过去的两个世纪里，虽然美利坚的民族数量不断增加，但其民族的凝聚力却相应得到增强。从整个19世纪一直到20世纪，大量的移民源源不断地涌入美国，为这个正在发展中的国家带来了技术和各自的优秀文化遗产。拓荒者越过东部的阿巴拉契亚山脉，在中部的密西西比河谷和大草原定居下来；接着又跨过落基山脉，到达太平洋沿岸——这里距离首批殖民者定居的大西洋沿岸有4500公里之遥。随着国家地盘的不断扩大，它所蕴藏的丰富的自然资源也逐渐显现在人们面前：大量的原始木材，储量丰富的煤炭、铜矿、铁矿和石油资源，丰富的水力资源和肥沃的土地。