



美国重要历史文献 赏析

贾笑然 编著



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• 沈 阳 •

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前 言

早在 20 年前，当我在英语专业学习的时候，就对美国的发展史很感兴趣，非常想了解在她 200 多年的发展历程中，那些影响其社会、文化及世界地位的重要文献。我想，其他的英语爱好者一定也有同感。因此，经过 2003~2004 年两年的努力，在查阅、参考了大量文献之后，在浩如烟海的文献中，挑选采撷了 13 篇最耀目的原文呈献给读者。文稿包括不同的类型——从治国兴邦的宪法到曾发挥过重要作用的多种形式的演说。虽说数量有限，但都堪称文献中的精品。这些名篇所用语言宛如行云流水，细细读来，一种内在的韵律美油然而生。它们是美利坚独特文化的结晶，是美国 200 多年历史发展潮流中溅起的浪花。通过阅读这些名篇，读者既可感受其中渗透的真情真理，又可增加历史和文学的素养。

本书中的各篇文献是按照发表年代编排的，意在勾勒出美国历史发展的大轨迹。读者会从中把握到美国社会前进的脉搏，解读其是如何从 19 世纪末的一个影响力颇小的国家崛起为 20 世纪的一个超级大国。笔者对文献作者和发表该文献的历史背景做了详细介绍，对文献中的语言难点也加了注释，旨在帮助读者有效阅读。

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The Declaration of Independence

July 4, 1776

独立宣言

背景介绍：

北美洲的原始居民是印第安人和因纽特人。1492年意大利航海家哥伦布的“地理大发现”为新兴的资产阶级开辟了新的活动场所。此后，美洲就像一块磁石一样吸引着世界各国的移民。因为饥饿他们来到美洲，此地拥有大量的土地供他们耕作。因为宗教原因，他们来到美洲，在此他们可以按自己的方式来信仰上帝。为了逃离政治迫害，自由地表达自己的思想和观点，他们来到了美洲。新大陆是一块广袤、富饶、尚待开垦的处女地，处处充满了机遇和挑战。随着移民队伍的不断壮大，北美殖民地迅速繁荣起来。17—18世纪前半期，英国在大西洋沿岸建立了13个英属殖民地（即美国独立时的13个州）。尽管当时的殖民地的人在思想意识、文化风俗上和英国没有太大区别，但他们还是逐渐形成了美洲特性。例如，他们很早就发展了代议制政府的概念，政府的存在是为了向选民负责。早期殖民地民主思想的萌芽和发展为独立战争奠定了基础。

此时的欧洲大陆，英法两国争权夺利。英法七年战争以后，英国为转嫁战费，支付在殖民地驻扎军队的开支而加紧对殖民地居民征收各种苛捐杂税，从而引起了北美殖民地居民的愤怒和反抗。1774年殖民地代表召开第一届大陆会议，拟就了呈交英王的请愿书和抵制英货的法案。1775年4月19日波士顿民兵与英军在列克

星敦发生冲突，正式揭开了北美独立战争的序幕。同年5月召开第二届大陆会议，通过组织军队的决议，任命华盛顿为总司令。1776年7月4日，在费城召开的大陆会议上正式通过了杰弗逊起草的《美利坚13个联合邦的一致宣言》（简称《独立宣言》），宣布建立美利坚合众国。在《独立宣言》中，杰弗逊提出应维护人类的天赋人权，发出了“人人生而平等”，人人赋有“生存、自由和追求幸福等权利”，以及人民有权建立新政府，废除妨碍实现“造物主”赋予的权利的旧政府等资产阶级革命原则的呼唤，继而谴责了乔治三世的暴行，并列举了殖民地居民遭受的压迫和掠夺。《独立宣言》的最重要的意义在于，他宣布13个殖民地正式独立，并向世界宣告，殖民地人民与英国王权和议会彻底脱离关系，他们将自己建立一个独立自主的政治实体。《独立宣言》极大地鼓舞了殖民地人民的独立信心和决心，号召他们拿起武器，为摆脱英国的殖民统治而斗争。战争期间，英军处于优势，但由于北美殖民地广大人民积极参战，采用灵活的战术，于1777年在萨拉托加战役中大败英军，扭转了战局，1781年9月，英军主力在约克镇被击溃，英国被迫投降讲和。1783年签订《巴黎和约》，正式承认美国独立。从此，北美十三个殖民地脱离英国的殖民统治，美洲出现了第一个资产阶级共和国。《独立宣言》成了美利坚合众国的立国文本，是美国最重要的历史文献。宣言主要起草人为杰弗逊。7月4日宣言发表的日子，也因此成了美国的国庆日。

The Declaration of Independence

In Congress, July 4, 1776

The Unanimous^① Declaration of The Thirteen United States of America

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the Powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness^②. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on

① unanimous: 全体的, 一致的

② We hold... happiness: 这是《独立宣言》中最著名的一句话。(译文) 我们认为下述真理是不言而喻的: 人人生而平等, 造物者赋予他们若干不可剥夺的权利, 其中包括生命权、自由权和追求幸福的权利。

such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath^① shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations^②, pursuing invariably the same object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain^③ is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good^④.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and

① hath: (旧或圣经) = has

② usurpations: 霸占, 强取豪夺

③ the present King of Great Britain: 乔治三世

④ He has refused... good: 他拒绝批准对公众利益最有益、最必要的法律。

formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people. He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise^①; the State remaining in the meantime exposed to all the dangers of invasion from without^②, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither^③, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the tenure of their offices^④, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies^⑤ without the consent of our legislatures.

① whereby...exercise: 立法权是无法取消的, 此权利仍由一般人民来行使。

② invasion from without: 外来侵略

③ hither: (old) to or towards this place

④ for the tenure of their offices: 任职期间

⑤ Standing Armies: 常备军

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For quartering large bodies of armed troops among us:

For protecting them by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent;

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences:

For abolishing the free System of English Laws in a neighbouring Province, establishing there in an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with Power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us^①.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to complete the works of death, desolation and tyranny, already begun

① waging War against us: 对我们作战

with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas^① to bear Arms against their Country, to become the executioners of their friends and Brethren^②, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions^③.

In every stage of these Oppressions we have petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred^④ to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity,

① high Seas: 公海

② Brethren: 弟兄们, 同胞

③ whose...conditions. 而众所周知, 印第安人的作战规律是不分老幼, 一律格杀勿论的。这句话带有种族主义倾向。

④ common kindred: 同祖同宗

which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends^①.

We, therefore, the Representatives of the United States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from^② all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

① Enemies in War, in Peace Friends: 和我们作战, 就是敌人; 和我们和好, 就是朋友

② Absolved from: 解除

The Constitution of United States of America and Its Twenty-Seven Amendments

March 4, 1789

美利坚合众国宪法及其 27 条宪法修正案

背景介绍：

随着民族意识的产生和加强以及英国殖民统治的变本加厉，北美殖民地的独立革命从一场本来是要求获得英国臣民基本权利的斗争转变为一场争取民族独立的斗争。这一转变具有十分深刻的历史意义，它促使赢得独立的革命领袖和美国人民思考如何建立新国家，确立什么样的机制来保障人民的自由和权利以及维护国家的生存和繁荣。

1787 年 8 月到 12 月间为了加强中央政府的领导，挽救岌岌可危的独立和共和，各州的 55 名代表集中在费城开始了历时三个多月的艰难讨论、协商、妥协。9 月 17 日，制宪会议举行签字仪式，绝大多数代表的签字使宪法得以通过联邦国会交由各州批准。1788 年 7 月 27 日，《美利坚合众国宪法》正式生效。

国有国法，家有家规。在一国法律体系中，宪法是居于金字塔顶端的法律文件。它是众法之法，其他各种法律的产生都要以宪法为依据。它又是具有最高效力的法，任何机构、组织以及个人都不得违反，任何与宪法相违背的法律或行为都将归于无效。古往今来，治国兴邦，仁者见仁，智者见智。1787 年的《美利坚合众国宪法》是人类历史上的第一部成文宪法。它与《独立宣言》、《权利

法案》（美国宪法前 10 条修正案的总称）一起被称为是美国政治的三大基本政治文献。实际上这部宪法的主体结构只有三条，它规定联邦政府由行政、立法和司法三个职能部门组成，各部门分别以总统、国会和最高法院为首，规定政府三个部门各自拥有相应的权力，同时相互制衡，相互约束。这些规定至今保持不变。宪法诞生后，鉴于某些变化和需要，又通过了一些宪法修正案，但是，迄今为止，二百多年来的修正案也只有寥寥 27 条。我们知道，立国之时，美国还是一个相当落后的国家，人烟稀少，满目荒漠。但是他们的“第一代领导集体”却制定出一部即使是在后工业时代也无需修改的宪法，这实在是一件令人称奇的事情。

制定宪法的人们需要有智慧，有先知般的预见力。他们要看清楚人类的弱点，从而预先为可能出现的弊病提供防范机制。他们应抱定崇高的信念，以便使宪法永远为人们追求自由、民主提供动力而不堕落为自由、民主的桎梏。他们要有以简洁的语言表达丰富而精确意义的能力。“我们，合众国人民，为建立更完善之联邦，树立正义，保障国内安宁，提供共同防务，增进共同福利，并使我们自己 and 后代得享自由之福，特为美利坚合众国制定本宪法”。这是美国宪法的序言。读者可以看出，这个序言大概再过二百年也无需修改。因此，美国的一些法学院的图书馆可以在最醒目的墙上镶嵌一块金属牌，上面镌刻着美利坚合众国宪法。

The Constitution of United States of America

March 4, 1789

Preamble

We the people of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the Common Defence, 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.

Article I

Section 1

[Legislative Power]

All legislative powers herein granted shall be vested in^① a Congress of the United States, which shall consist of a Senate and House of Representatives^②.

Section 2

[House of Representatives, Power of Impeachment]

The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the

① vested in: 归属于

② Senate and House of Representatives: 参议院和众议院