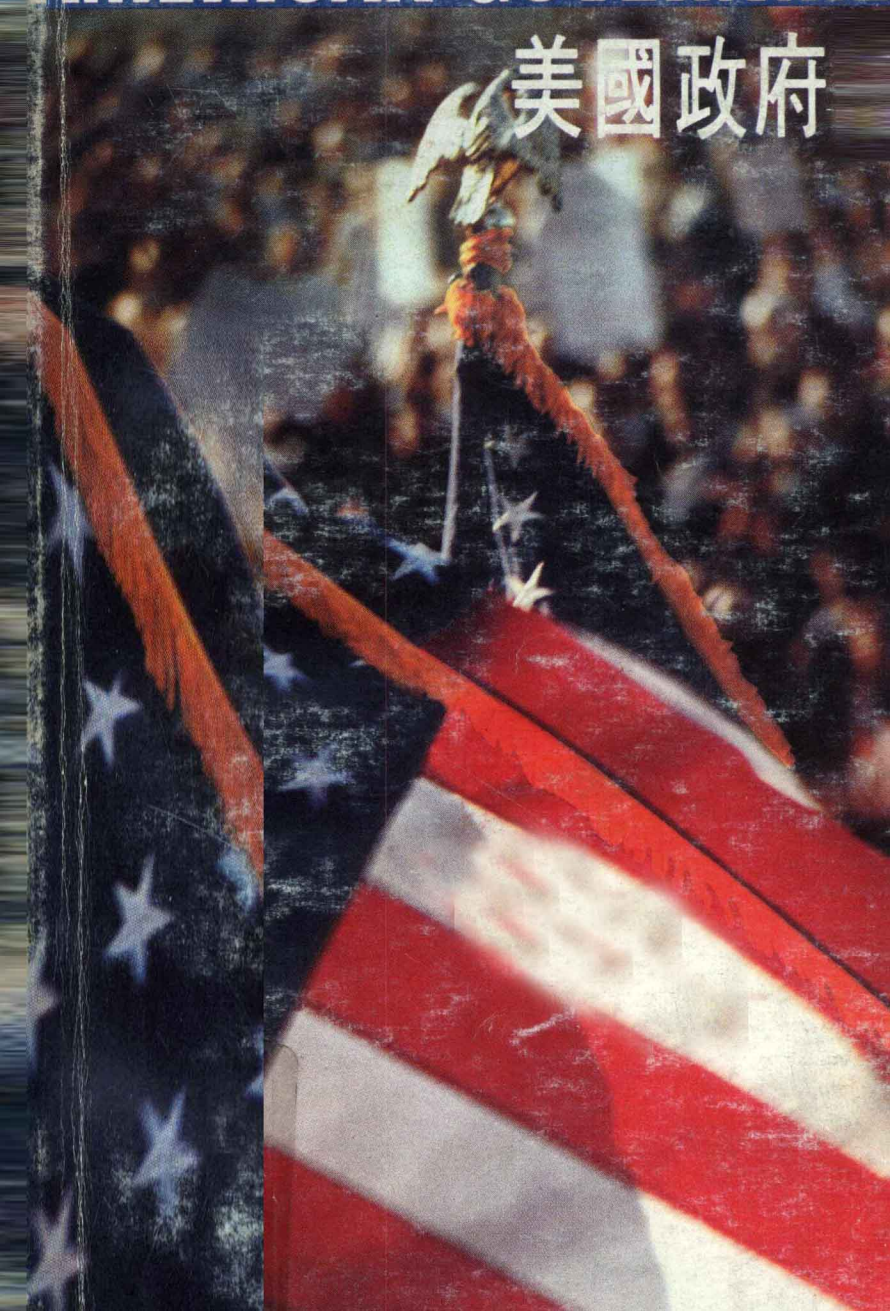


OUTLINE OF AMERICAN GOVERNMENT

美國政府



美國政府簡介

美國政府簡介

美國國際交流總署編譯

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Of the many inquiries that are received by the International Communication Agency, a large proportion are concerned with American government. This book is an attempt to supply some of the answers in a concise and convenient form. It is in no sense definitive; each of the subjects treated here within the space of a few pages has been the subject of many in-depth studies. On pages 92-93 are listed the titles of a few of the many works available for more thorough research. It is hoped that this volume will serve as a useful introduction to the subject and that it will add to the store of shared knowledge and mutual understanding between those who read it and the people of the United States.

美國國際交流總署所收到的許多詢問中，大部分是與美國政府的問題有關。本書目的在以簡便方式提供一些解答。它不是一本權威性的著作；每一個用短短數頁篇幅討論的問題，都是許多深入研討的對象。在92—93頁中所列的一些著作，可供更全面的研究之用。希望本書可作為一個有用的入門，並希望它可以增進讀者和美國人民之間分享的知識和相互的瞭解。

THE CONSTITUTION

*“... a constitution, intended to endure
for ages to come, and consequently, to be
adapted to the various crises of human affairs.”*

John Marshall
McCulloch v. Maryland, 1819

THE BASIS OF THE AMERICAN REPUBLIC

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

The American Constitution is the oldest written constitution in force in any nation of the world. Its precepts are the model for a number of other constitutions in the New World and the Old. The Constitution owes its remarkable longevity and its lasting influence to its simplicity and flexibility. Originally designed to provide a framework for governing 13 weak and disparate former colonies, its basic elements were so soundly conceived that it serves well the needs of more than 210 million people in 50 states.

The 13 British colonies, strung out along the eastern seaboard of what is now the United States, declared their independence from the mother country in 1776. A year before, war had broken out between the colonies and Great 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 which 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

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本書內文由理查·C·斯克羅德撰寫，他是華盛頓一家雜誌的撰稿人，專門研究社會科學，現任美國國務院顧問。

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The text of this volume was prepared by Richard C. Schroeder, a Washington-based magazine writer specializing in the social sciences, and a consultant to the U.S. State Department.

聯邦憲法

「……一套旨在傳諸永世，因而能夠適應人類事務中的種種危難的憲法。」

約翰·馬歇爾

聯邦最高法院對麥克洛克控訴馬里蘭一案的判詞，一八一九年

美利堅共和國的基礎

聯邦憲法是美國政府的基本文件和美國最高法律。兩世紀來，它指導政府組織和制度的演進，為政治安定，經濟成長和社會進步提供了基礎。

美國憲法是世界各國所實施的憲法中年代最久遠的成文憲法。它的原則是新世界和舊世界許多其它憲法的典範。聯邦憲法之能長存和具有持久影響力，該歸功於它的簡單明瞭和富於彈性。它的原來目的在提供一個基礎，以治理十三個軟弱無助的前殖民地。它的基本要素設想得非常健全，因此很可能符合五十州的二億一千多萬人民的需要。

當年分佈於現在的美國的東部海岸一帶的十三個英國殖民地，於一七七六年脫離了母國，宣佈獨立。前此一年，殖民地和大大不列顛之間爆發了戰爭，這是一次經過了六年苦戰的獨立戰爭。戰爭還在進行期間，殖民地——那時自稱為美利堅合眾國——草擬了使它們結合成為一個國家的盟約。該盟約定名為「十三州聯邦及永久聯邦憲法」，一七七七年由邦聯議會通過，一七

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 will of the state legislatures. It was not an arrangement conducive to stability or strength. Within a short time—less than six years—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, 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 to revise the Articles. The Constitutional, or Federal, 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 the Articles aside 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 of the new nation. They represented a wide range of interests, backgrounds and stations in life. All agreed, however, on one central objective, which is 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.”

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 was not original with the Americans; indeed, a measure of self-government existed in England at the time. But the degree to which the

七八年七月正式簽署。該憲法於一七八一年三月由第十三州馬里蘭批准後開始生效。

聯邦憲法制定了各州之間的鬆弛結合，並設立一個權力極為有限的聯邦政府。在諸如國防、公共財政及貿易等重大事務方面，聯邦政府要遵從各州議會的意志。這不是導致安定或強大的安排。在一個短時期內——不到六年——邦聯的弱點已是人所共見。新國家在政治上和經濟上都瀕於混亂。照喬治·華盛頓的話來說，十三州只是由「一條砂繩」結合起來。

美國聯邦憲法就是在這樣的不利的情况中草擬的。一七八七年二月，共和國立法機構大陸議會向各州發出號召，要它們派出代表到費城去修訂憲法。制憲會議或稱聯邦會議，於一七八七年五月二十五日在獨立會堂召開，獨立宣言就是於前此十一年即一七七六年七月四日在該堂通過。雖然代表們事先只受到授權修訂邦聯憲法，但他們把邦聯憲法放在一邊，為一個全新的，更加集中化的政府形式制定憲章。新的文件，也就是聯邦憲法，在一七八七年九月十七日草擬，在一七八九年三月四日正式通過。

起草聯邦憲法的五十五位代表，包括了這個新國家的大部分優秀領導人物。他們代表了廣大範圍的利益、背景和身份。但是大家都一致同意一個中心目標，這就是聯邦憲法序言中所表明的：

「我們，合衆國的人民，爲了組織一個更完善的聯邦，樹立公平和正義，保障國內的安寧，建立共同的國防，增進一般人民的福利，爲我們自己和我們的後代爭取自由幸福，因而給美利堅合衆國制定和確立這套憲法。」

聯邦憲法的主要目的在建立一個強大的民選政府，直接關心人民的意願。自治政府的概念並不是美國人的創見；事實上，當時在英國已經有相當程度的自治政府存在。但是和世界上其它政

Constitution committed the United States to rule by the people was unique, and even revolutionary, in comparison with other governmental forms around the world.

The Constitution departed sharply from the Articles of Confederation in that it 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, or the rigid economic patterns of the Old World which locked a man into a particular station in life regardless of his skill or energy. Personal freedom was highly prized by these settlers and they were wary of any power—especially that of government—which might curtail individual liberties. The fear of a strong central authority ran so deep that Rhode Island refused to send delegates to Philadelphia in the belief that a strong national government might be a threat to the ability of its citizens to govern their own lives.

The great diversity of the new nation was also a formidable obstacle to unity. The people who were to elect and control the government established by the Constitution were of widely differing origins, beliefs and interests. Most had come from England, but there were some from Sweden, Norway, France, Holland, Prussia, Poland and many other countries. Their religious beliefs were varied and generally strongly held. There were Anglicans, Roman Catholics, Calvinists, Huguenots, Lutherans, Quakers, Jews and agnostics. Economically and socially the Americans ranged from the landed aristocracy to indentured servants working off debts, but the backbone of the country was the middle class—artisans, farmers, tradesmen, mechanics, mariners, shipwrights, weavers, carpenters and a host of others.

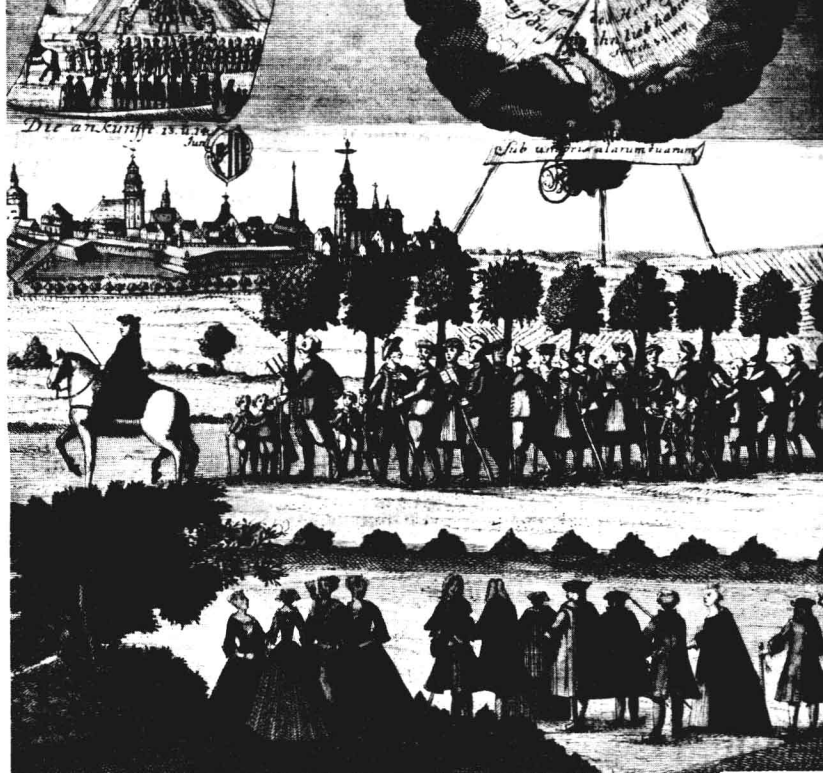
Americans then, as now, had widely differing opinions on virtually all issues, up to and including the wisdom of breaking free of the British Crown. During the Revolution, a large number of British loyalists—Tories as they were known—fled the country, settling mostly in eastern Canada. Those who stayed 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.

府形式相比較，聯邦憲法制定美國受人民治理的程度是無與倫比的，甚至是革命性的。

聯邦憲法和邦聯憲法最顯著的差別，在於它創立了一個強大的中央政府，亦即聯邦政府，並具有廣大的權力來調節和各州之間的關係，同時在諸如外交事務和國防方面負全部責任。中央集權業經證明很難為很多人接受。此時歐洲人已在美國大部分地區中定居，他們之所以離開祖國是爲了宗教或者政治迫害，或者由於舊世界的嚴格經濟型式把一個人固定在特定的身份地位中，不論他的技能或能力如何。這些移居者極重視個人自由，對任何足以限制個人自由的權力——特別是政府權力——都很厭惡。對一個強大的中央政權的畏懼非常深切，以致羅得島拒絕派代表到費城去，認爲強大的中央政府對於它的公民管理本身生活的能力來說是一種威脅。

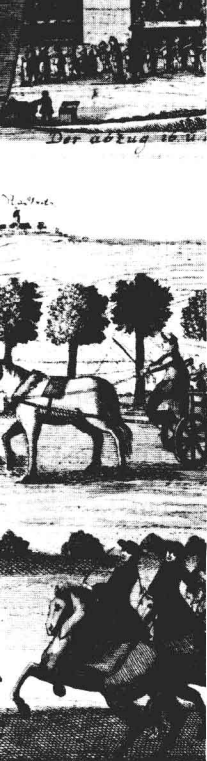
這個國家的重大分歧，也是統一的莫大障礙。人民是要選舉和控制聯邦憲法下成立的政府的，他們來自大不相同的地方，有大不相同的信仰和志趣。大多數是從英國來的，但是也有些是來自瑞典、挪威、法國、荷蘭、普魯士、波蘭以及其它很多國家。他們的宗教信仰不同，而且都堅持自己的信仰。他們之中有英國國教信徒，有羅馬天主教徒，有加爾文信徒，有法國新教徒，有路德信義宗教友，有教友派信徒，有猶太教人和不可知論派。在經濟上和社會上，美國人品流複雜，包括地主貴族以至爲了還債而訂契作傭工的各種人士，但是美國的中堅是中層階級——手工匠、農人、店主、機器匠、造船匠、航海人員、織布匠、木匠和很多其它行業中人。

當時美國人和現在一樣，幾乎對所有問題，包括脫離英國統治是否明智的問題在內，意見極爲分歧。在革命期間，許多英國保皇黨人——他們被稱爲保守黨徒——逃離美國，大多定居在加拿大東部。那些留下來的，則形成了很大的反對集團，雖然他們反對革命的理由各不相同，而對應該如何遷就新的美利堅共和國，也有頗爲分歧的看法。



In the past two centuries, the diverse character of the people of the United States has increased, and yet the essential unity of the American nation has grown stronger. From the original 13 states along the Atlantic seaboard, America spread westward across the entire continent. 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 Appalachians, settled the Mississippi Valley and the Great Plains, 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 coal, copper, iron and oil, abundant water power, and fertile soil.

The wealth of the new nation generated its own kind of diversity. Special regional and commercial interest groups sprang up. East coast shipowners advocated free trade. Midwest manufacturers argued for import duties to protect



Among the diversified groups in the new land were people such as these Lutherans from Austria, shown in this 18th-century engraving ready to depart for the wilds of Georgia.

移居到新大陸去的有種種不同集團的人，從奧地利去的路德信義宗會教友是其中之一。這幅十八世紀雕版圖，繪出他們啟程前往喬治亞州的情形。

在過去兩世紀中，美國人民的多樣性有增無已，但是美國國家的基本團結卻日益增強。美國從原來沿大西洋海岸的十三州向西擴展，橫過整個大陸。在整個十九世紀及進入二十世紀後，絡繹不絕的移民源源而來，把他們的技巧和文化傳統貢獻給這個成長中的國家。拓荒者們越過了阿帕勒契安山脉，定居在密西西比河流域和大平原區，他們越過了落磯山而到達了太平洋沿岸——位於最早的殖民者們定居的大西洋沿岸以西四千五百公里。同時，在這個國家擴展時，大家都看到了它廣大的自然資源寶藏：大片的原始林木，大量的煤、銅、鐵和石油礦藏，豐富的水力和肥沃的土地。

這個新國家的富源促成了它本身的多樣化。特殊的區域性和商業性的事業集團紛紛崛起。東岸的船主們擁護自由貿易。中西部的製造商們要求用進口稅來保護他們在逐漸增長中的美國市場中的地位。農人們要求運費低而商品價格高；磨粉廠主和麵包師

their positions in the growing U.S. market. Farmers wanted low freight rates and high commodity prices; millers and bakers sought low grain prices; railroad operators wanted the highest freight rates they could get. New York bankers, southern cotton growers, Texas cattle ranchers and Oregon lumbermen all had different views on the economy and the government's role in regulating it.

It was the continuing job of the Constitution and the government it had created to draw all these disparate interests together, to create a common ground and at the same time to protect the fundamental rights of all the people. When the Constitution was drafted, there was little precedent to go by, since the Articles of Confederation had set up a federal government, but its powers were so limited that the states were united in name only. However, although the people's experience with federalism was limited, their expertise in the art of self-government was considerable. Long before independence was declared, there were functioning governmental units, controlled by the people, at the state and local levels. Between January 1, 1776, and April 20, 1777, 10 of the 13 states had adopted their own constitutions. Each state had a governor and a state assembly, elected by popular vote.

Compared with the complexities of contemporary government, the problems of governing four million people in much less developed economic conditions seem small indeed. But the authors of the Constitution were building not only for the present but for the future of the nation. They were keenly aware of the need for a structure of government that would work for them and for generations to come. Hence, they included in the Constitution a provision for amending the document when social, economic, or political conditions demanded it. Twenty-six amendments have been passed since ratification, and the flexibility of the Constitution has proven to be one of its greatest strengths. Without such flexibility, it is inconceivable that a document drafted nearly 200 years ago could effectively serve the needs of 210 million people, and the thousands upon thousands of governmental units at all levels of the United States today. Nor could it have applied with equal force and precision to the problems of small towns and great cities.

The Constitution and the federal government thus stand at the peak of a governmental pyramid which includes local and

尋求低廉的穀物價格；鐵路經營者則爭取最高的運費。紐約的銀行家，南部的棉花種植者，德克薩斯的牧場場主以及俄勒岡的伐木人，對經濟以及政府調度經濟的責任，各有不同的見解。

聯邦憲法以及它所創立的政府經常不斷進行的工作，是要把所有這些分歧的利害關係拉在一起，創造一個共同的基礎，同時並要保護所有人民的基本權利。在起草聯邦憲法時，並無前例可援，因為邦聯憲法雖然制定成立一個聯邦政府，但它的權力，非常有限，使各州只是在名義上團結而已。不過，人民對聯邦主義雖然經驗有限，對自治政府的技巧卻非常熟悉。在宣佈獨立之前很久，在州和地方級上已經有由人民控制的有效行政單位。在一七七六年一月一日和一七七七年四月二十日之間，十三州中有十州通過了它們自己的憲法。每一州都有一個州長和一個州議會，都是由民衆投票選出來的。

和現代政府的複雜性相比較，在遠較落後的經濟情況中治理四百萬人的問題，確實似乎不大。但是聯邦憲法的起草人們不是為眼前，而是為國家的未來在工作。他們深知有必要建立一個對他們以及對以後世代代都有用的政府體制。因此，他們在聯邦憲法中加入一項條款，規定在社會、經濟或者政治情況需要時，可以修訂憲法。憲法批准以來，已經通過了二十六項修正案，而聯邦憲法的彈性已被證明是它的最巨大力量之一。沒有這種彈性，很難想像一項在差不多二百年以前草定的文件，能夠有效地適合二億一千萬人民以及美國今天數以萬計的各級政府單位的需要。同時，它也無法以同樣的力量和精確度應用在小城鎮和大城市的種種問題上。

因此，聯邦憲法和聯邦政府是位於一個包括了地方及州的轄權在內的政府系統金字塔的頂端。在美國的制度中，每一級的政府都有很大程度的自治，將某些權力特別保留給自己。不同的轄