

高级实用英语系列教材



英文法律报刊文章选读

主 编 姜 栋
副主编 王雪梅

 中国人民大学出版社

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清风斜阳下，清茶一杯，报纸一卷，品茶香，嗅墨香，多么惬意！但是，如果手捧的是英文报刊，而且还是英文报刊中的法律评论版，恐怕就没有这样惬意的感觉了。在很多人看来，法律本身就是了无趣味，它是严谨的逻辑和复杂的专业名词，和休闲享受实在不沾边。不仅如此，英文法律文章更是让人望而却步，提不起阅读的兴趣，更何谈在阅读中学习英文。事实真的如此么？

法律源于生活。在崇尚实用主义的英美文化里，法律是经验而不是逻辑。法律体现了生活的智慧和社会方方面面千丝万缕的联系。法律离大众并不遥远，体会法律就是品味生活。而且，报纸也不是律师和法官的专属品。它属于大众，再复杂的法律问题，在报刊中也要用大众可以接受的语言来表达。这样一来，英美报刊中的法律文章实在是学习英文的“上好原材料”：法律的严谨性决定了法律文章的遣词造句要慎重斟酌，而报纸的大众性也让法律文章的语言去繁取精。因此，copy 英美报刊法律文章中的语言绝对能让我们学到英语的精华，然后再“顺手牵羊”学习一些基本的法律术语和知识，岂不是一举两得！

本书的编写与出版即是出于此种考虑，所选取的文章长度和难易适中，语言精确，读者群主要是非法律专业的英语学习者，意图让读者在阅读中体会和学习英文的华彩。为了更好地帮助读者消理解，选文前的导读部分言简意赅，旨在引起读者的阅读和学习兴趣。本书在选文后还附有以下几个部分帮助读者更好的把握语言的精髓和文章的思想：

(1) **Background Information** 主要是介绍和选文相关的背景知识，帮助读者理解选文的内容。

(2) **Vocabulary and Key Notes** 选取了文章中出现的重点词汇，方便读者体会作者运用语言的精妙和细微之处，而其中的法律词汇则是法律英语的敲门砖。

(3) **Reference Translation** 选取了选文中所出现的精彩句子进行翻译，特别是在翻译后附有的翻译提示，帮助读者掌握基本的翻译技巧，简单而实用。而对于细心的读者而言，如果能够试着将翻译的中文回译成英文，再比照原文，仔细品味两者的差别，实在是一种有效的学习方式，因为差别部分就是和英文作者之间的差距，找出了差距再进步就不难。



此外，本书在部分文章后还增加了和文章内容相关的补充阅读材料，目的是开拓读者视野，加深其对选文内容的理解。读者可以参照选文后的辅导部分，自己尝试寻找其中的语言要点和精彩句子进行翻译，锻炼语言能力。

总之，在众多的英语学习书籍中，编者希望本书能够从一个崭新的视角帮助英语学习者提高自己的英语水平，希望编者的努力能够使学生有所收获！由于编者的才智有限，书中如有疏漏谬误之处，尚祈各位同仁及广大读者不吝指正。

此外，在本书的编写过程中，何安然、南夷佳、赵丹、张竹涵、熊敏、时宁也为之付出了心血，在此一并致谢！

编 者

2009年5月

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导 读

20 世纪末，美国前总统比尔·克林顿与莱温斯基的绯闻案甚嚣尘上，克林顿不仅颜面扫尽，更是一度走到了被国会弹劾的边缘。而将克林顿一步步逼向尴尬境地的正是主导此案调查，几年来穷追不舍的独立检察官。独立检察官究竟是何方神圣？他何以有如此大的权力，连总统也惧他三分？相信下文能为您揭开独立检察官的神秘面纱。

1 Clinton, Independent Counsel Strike Deal: President Admits Misconduct, Avoids Criminal Indictment 克林顿与独立检察官达成交易：总统承认违法行为而免遭刑事指控

On his last full day in office, President Clinton today finally acknowledged he testified falsely about his affair with Monica Lewinsky, striking a deal with Independent Counsel Robert Ray that allows him to avoid criminal indictment.

“I tried to walk a fine line between acting lawfully and testifying falsely, but I now recognize that I did not fully accomplish this goal and that certain of my responses to questions about Ms. Lewinsky were false,” Clinton said in a statement read today by White House spokesman Jake Siewert.

The statement marks the first time Clinton has admitted giving false testimony in the Paula Jones sexual harassment case three years ago, when he denied having had a relationship with Lewinsky.

“I hope my actions today will help bring closure and finality to these matters,” Clinton said in the statement.

No Indictment

Shortly after Clinton's mea culpa was read, Ray announced he would decline to indict the outgoing president.

“President Clinton has acknowledged responsibility for his actions,” Ray said. “He has admitted that he knowingly gave evasive and misleading answers.”



“This matter is now concluded. May history and the American people conclude that it has been concluded justly,” Ray said. “The nation’s interests have been served, and therefore, I decline prosecution.”

In ending the legal saga, the White House continued to carefully parse the president’s words, insisting Clinton had not committed perjury. While he spoke untruths, aides say, he did not do so “intentionally”. In effect, they say, he tried to speak the truth—but failed.

“He did not lie. We have not admitted he lied.” Clinton attorney David Kendall said.

In fact, each word of the president’s official statement had been painstakingly hammered out in negotiations between Kendall and Ray that began several weeks ago.

Gives Up Law License for Five Years

In a separate deal with officials in Arkansas, Clinton agreed to relinquish his law license for five years and to admit that his false statements about Lewinsky broke the state bar’s rules.

As a result of the separate deal worked out in Little Rock, Clinton also will avoid facing trial in an Arkansas disbarment case. The Arkansas Supreme Court Committee on Professional Conduct had filed suit, arguing Clinton should lose his license to practice law in his home state because of false and evasive testimony in the Jones case. A deal struck with the bar panel will cost the president his license for five years. He also will pay a fine.

Ray took over the independent counsel’s office from Kenneth Starr in October. After clearing the president and the first lady Hillary Rodham Clinton in the five-year, \$50 million probe of the Whitewater land deal and the firing of White House travel office workers, Ray began beefing up his staff as a grand jury examining whether to indict Clinton for perjury in the Lewinsky case.

In his impeachment referral to Congress, Starr said he believed there was “substantial and credible information” Clinton lied under oath, both before a grand jury and in the Jones sexual harassment lawsuit. Starr also suspected Clinton obstructed justice in trying to cover up the Lewinsky affair.

Ray’s office will spend the next couple months wrapping up the final reports on the Lewinsky and Whitewater investigations.

Ray telegraphed the possibility of cutting a deal earlier this week in an interview with USA Today, saying a prosecutor must consider the question, “Are there other adequate remedies short of federal criminal prosecution?”

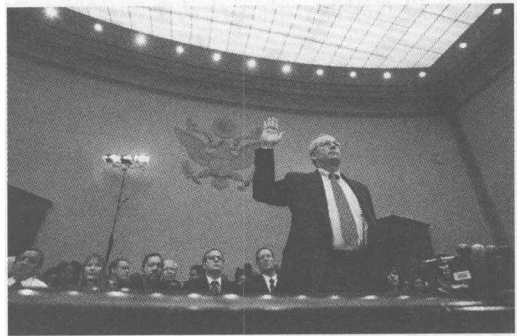
“Has there been cooperation with the investigation and a full acknowledgment of responsibility?” Ray continued. “The long and short of it is that every sustainable case a prosecutor sees is not a case that a prosecutor brings.”

The deal brings Clinton becoming the first president to be indicted, and gives him immunity



from further prosecution for the matter. But the admission adds another indignity to the list of scandals that have tarnished his legacy.

Because of his false testimony about Lewinsky, Congress impeached Clinton and a federal judge found him in contempt of court for lying under oath—another first for a president. He was ordered to pay more than \$90,000 for the contempt citation. Clinton also paid Jones \$850,000 to drop her case. And today, he has agreed to pay a \$25,000 fine and will agree not to sue the federal government to recover any of his legal fees.



Ari Fleischer, the incoming White House press secretary, said President-elect Bush was informed of the deal Thursday night and is looking forward to moving past this chapter in U.S. history.



Independent Counsel Kenneth Starr is sworn in to testify before the House Judiciary Committee for the impeachment inquiry of President Bill Clinton on Capitol Hill. After Ken Starr resigned as Independent Counsel, Robert Ray investigated further criminal action against President Clinton.

Independent Counsel Ray and Clinton Make Deal

Independent Counsel Robert W. Ray announces that he and U.S. President Bill Clinton agreed on a plea bargain deal January 19, 2001 during a press conference on the front steps of the Office of the Independent Counsel in Washington, D.C. Clinton will have immunity from further prosecution under the deal with Independent Counsel Robert Ray. The deal effectively brings to an end of the six-year Whitewater investigation that began with questions about a Clinton Arkansas land deal but expanded to his conduct in the Oval Office.

I Background Information

独立检察官

独立检察官 (Independent Counsel), 又称特别检察官 (Special Prosecutor), 是为调查美国政府舞弊案的专设职位。政府发生舞弊案时, 为避免调查程序受到政府大员及执政党的干涉, 司法部长得请求三名资深联邦法官组成的委任小组选择一名特别检察官来主持调



查。特别检察官必须公正客观，任命之后享有很大的权力，可以指挥联邦调查局办案、组织大陪审团、传唤证人、给予豁免权、与被告谈判条件式认罪（plea bargaining）。调查经费几乎没有限制，由司法部全额支付。特别检察官只要不犯明显的重大过失，几乎不会受到任何制约。

特别检察官一职由来甚早，始自格兰特总统（Ulysses S. Grant, 1869—1877）时对总统私人秘书逃税案的调查。最有名的案件则是特别检察官阿奇博尔德·考克斯（Archibald Cox）对尼克松水门事件的调查。当时的尼克松总统抗拒考克斯的传票，拒不交出与案件有关的录音带，反而想压迫司法部长将考克斯革职。司法部长愤然辞职，代理部长亦不屈服于总统的无理要求，辞职抗议。最后才由第三轮人选出面将考克斯免职。这一连串事件发生在同一天，媒体称为周六夜大屠杀（Saturday Night Massacre）。水门事件后国会随即通过立法，规定此后只有联邦法官委任小组，在特别检察官有重大疾病无法办案或犯有重大过失的前提之下，有权免除特别检察官的职务。

最近一次大出风头的特别检察官是肯尼斯·斯塔尔（Kenneth Starr），侦办对象是美国总统克林顿。他于1994年被委任调查美国第一夫人希拉里从前开设律师事务所时涉及白水（Whitewater）土地开发舞弊案，且矛头逐渐转向克林顿。几年来调查无甚进展，可是又陆续爆发了几件克林顿涉及的性丑闻案，女主角有保拉·琼斯（Paula Jones）与莫妮卡·莱温斯基（Monica Lewinsky）等人。特别检察官办案没有时间限制，且当时手头又只有一件案子，因此可以全力以赴、追查到底。斯塔尔在阿肯色州小岩城（白水案发生地）与华盛顿设有办公室，即两地都组成了大陪审团。莱温斯基原任白宫实习助理，据称曾与克林顿在白宫西厅进行口交。克林顿叫她否认此事，因而涉及教唆伪证罪。斯塔尔于是在莱温斯基泄露了此消息后，在弗吉尼亚州也组成了大陪审团。斯塔尔手下有20人的律师团、20名幕僚以及数10位联邦探员听命办事，并已征得司法部长雷诺（Janet Reno）与3人法官小组的同意，扩大侦办范围至教唆伪证案。

虽然希拉里大力抨击斯塔尔，说他是共和党的打手，可是这个案例充分表现出特别检察官制度不受政府钳制，独立办案，维护政府清廉守法的特性。

II Vocabulary and Key Notes

1. **misconduct**: *n.* a wrongful, improper, or unlawful conduct 不当行为，违法行为（行为人对行为的后果主观上持故意或过失的态度）
2. **indictment**: *n.* a formal accusation that a person has committed a criminal offense 起诉（公诉），控告。即根据大陪审团的判决而（对一方当事人）提出的正式指控或控告。indictment 还有一个含义是“起诉书”，是指 a written statement charging a party with the commission of a crime or other offense, drawn up by a prosecuting attorney and found and presented by a grand jury，即旨在指控某一当事人犯有某项罪行或过失的书面文本，



由起诉方律师提出而由大陪审团判决。下文出现了它的动词形式，即 *indict* (*indict Clinton for perjury*)。

3. **in office** 在职，当权

4. **President Clinton** 比尔·克林顿，第 42 任美国总统。

5. **testify**: *v.* to make a solemn declaration under oath for the purpose of establishing a fact (as in a court) 作证，其名词形式为 *testimony*。

testimony: *n.* (1) a formal statement that something is true, such as the one a witness makes in a court of law 证词；(2) a fact or situation that shows or proves something very clearly 证据。法律上的证据通常用 *evidence* 来表示。

下文中出现了“作假证”的英文表达：*give false testimony*。

下文还有一个相关的名词 *perjury* (伪证，伪誓，伪证罪)。“犯伪证罪”的英文表达为：*commit perjury*。

6. **Monica Lewinsky** 莫尼卡·莱温斯基，前美国白宫见习生，由于 20 世纪 90 年代在白宫工作时和当时美国总统比尔·克林顿发生性行为造成绯闻。

7. **strike a deal with somebody** 与某人达成交易，下文还出现了其他几个“达成交易”的表达方式，如 *work out a deal*, *cut a deal*。

8. **walk a fine line between**: to be in a difficult or dangerous situation where you could easily make a mistake 处于困境 (或险境)，如履薄冰

9. **the Paula Jones sexual harassment case** 保拉·琼斯事件。前饭店女雇员保拉·琼斯指控克林顿在担任州长的时候把她叫到僻室并对她暴露下体。琼斯指控所引发的调查引出了后来的莫尼卡·莱温斯基事件。

10. **bring closure and finality to something** 结束某事

11. **mea culpa** [拉丁语] 我的过失

12. **outgoing**: *adj.* retiring from a position or office 即将离职的

13. **evasive**: *adj.* not willing to give clear answers to a question 回避提问的，推托的，推诿的

14. **serve**: *v.* to be useful to somebody in achieving or satisfying something 对……有用，能满足……的需要

15. **prosecution**: *n.* (1) the legal party responsible for presenting the case against an individual suspected of breaking the law in a criminal trial (总称) 原告及其律师；(2) the act or process of prosecuting 诉讼 (尤指公诉)。

相关的词是 *prosecutor*, 原告, 起诉人, (通常指) 公诉人, 检察官。指“公诉人, 检察官”时, 等于 *public prosecutor*。它的动词形式是 *prosecute*, 指“对……提起民事或刑事诉讼”, 但多用于刑事诉讼。

16. **saga**: *n.* a long series of events or adventures and/or a report about them 一连串的事件 (或经历), 一连串经历的讲述 (或记述)



17. **parse**: *v.* analyze syntactically by assigning a constituent structure to (a sentence) 从语法上分析或描述(词句等)
18. **aide**: *n.* a person who assists another; an assistant 助手, 副官
19. **in effect** 实际上
20. **hammer out** 反复讨论出(一致意见), 充分研讨出(决定)
21. **relinquish**: *v.* part with a possession or right 放弃
22. **disbarment**: *n.* a revocation of a lawyer's ability to practice law or argue cases 取消律师资格。其动词形式是 **disbar**。
23. **the Arkansas Supreme Court Committee on Professional Conduct** 阿肯色州最高法院职业行为委员会
24. **suit**: *n.* a civil action 诉讼
下文还有一种“诉讼”的说法, 即 **lawsuit**。其他可以表达“诉讼”的单词还有 **action**, **litigation** 等。“起诉”的英文表达有: **file a suit against somebody**, **bring an action against somebody** 等。
25. **practice law** (律师) 执业
26. **home state** 家乡。比尔·克林顿 1946 年 8 月 19 日出生于阿肯色州霍普 (Hope, Arkansas)。
27. **take over** 接替, 接任
28. **clear**: *v.* to prove that somebody is innocent 证明无罪(或无辜)
29. **Hillary Rodham Clinton** 希拉里·罗德姆·克林顿, 比尔·克林顿的夫人。2007 年, 她开始了具有历史意义的总统竞选活动。2008 年, 她为巴拉克·奥巴马 (Barack Obama) 和乔·拜登 (Joe Biden) 助选, 并于 11 月被总统奥巴马提名为国务卿。2009 年 1 月 21 日, 她宣誓就任美国第 67 任国务卿。
30. **Whitewater land deal** 指比尔·克林顿执政期间爆发的政治丑闻之一——白水事件。
31. **the firing of White House travel office workers** 比尔·克林顿执政期间爆发的政治丑闻之一——旅行门事件
32. **beef up** 加强, 补充(人数、兵力等)
33. **impeachment**: *n.* the first of two stages in a specific process for a legislative body to consider whether or not to forcibly remove a government official from office 弹劾, 其动词形式是 **impeach**。
34. **referral**: *n.* the act of sending somebody who needs professional help to a person or place that can provide it 送交, 转送(到能提供专门帮助的人或地方)。例如: **referral to somebody/something**。
35. **obstruct justice** 妨碍司法
36. **cover up** 掩盖, 掩饰



37. **wrap up** 注意力完全集中于
38. **remedy**: *n.* an action taken by a court of law to enforce a right, impose a penalty, or make some other court order in order to resolve a dispute 救济
39. **short of** 除了……之外
40. **the long and short of it** 总而言之，总的情况
41. **immunity**: *n.* exclusion from legal obligations, such as liabilities and punishments 豁免。与介词 from 搭配，即 immunity from something。
42. **indignity**: *n.* an affront to one's dignity or self-esteem 侮辱，轻蔑
43. **tarnish**: *v.* to spoil the good opinion people have of somebody/something 玷污，败坏，损坏（名声等）
44. **in contempt of** 对……不屑一顾
45. **drop her case** 撤销案件
46. **sue**: *v.* the action of filing a lawsuit before a court of law 起诉，控告（一般是指民事诉讼，通常用 sue 一词表示能胜诉的案件，而 accuse of 则常用在刑事诉讼中）。
47. **President-elect**: *n.* a person who has been elected to be president but who has not yet begun the job 候任总统
48. **inform somebody of something** 将……告知某人

III Reference Translation

1. May history and the American people conclude that it has been concluded justly.
希望历史和美国人民能够得出这样的结论：对这个事件的最终处理是公正的。
提示：这是倒装句。may 表示祝愿，倒装的方法是直接将 may 提到主语的前面。又如：
May our country become prosperous and strong! 祝愿我们的国家繁荣强盛！
2. In fact, each word of the president's official statement had been painstakingly hammered out in negotiations between Kendall and Ray that began several weeks ago.
实际上，总统此项官方声明中的每一个字都是肯德尔与雷在几周前就开始的多次讨论中煞费苦心敲定的。
提示：在翻译本文时，应尽量保持原文简单句的结构，将 hammer out 翻译为“敲定”，保留了英文的韵味。此外，为了强调 each word，也可进行如下翻译：实际上，总统此项官方声明都是肯德尔与雷在几周前就开始的多次讨论中煞费苦心地逐字逐句敲定的。
3. The Arkansas Supreme Court Committee on Professional Conduct had filed suit, arguing Clinton should lose his license to practice law in his home state because of false and evasive testimony in the Jones case.