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1960 年代：罗素自传序言《我为何而活》（**Bertrand Russell : What I Have Lived For**）

Three passions, simple but overwhelmingly strong, have governed my life: the longing for love, the search for knowledge, and unbearable pity for the suffering of mankind. The three passions, like great winds, have blown me hither and thither, in a wayward course, over a deep ocean of anguish, reaching to the very verge of despair.

三种单纯而极其强烈的激情支配着我的一生，那就是对于爱情的渴望，对于知识的寻求，以及对于人类苦难痛彻肺腑的怜悯。这些激情犹如狂风，把我在伸展到绝望边缘的深深的苦海上东抛西掷，使我的生活没有定向。

I have sought love, first, because it brings ecstasy-ecstasy so great that I would often have sacrificed all the rest of life for a few hours of this joy. I have sought it, next, because it relieves loneliness-that terrible loneliness in which one shivering consciousness looks over the rim of the world into the cold unfathomable lifeless abyss. I have sought it, finally, because in the union of love I have seen, in a mystic miniature, the prefiguring vision of the heaven that saints and poets have imagined. This is what I sought, and though it might seem too good for human life, this is what --- at last--- I have found.

我追求爱情，首先因为它叫我销魂，爱情令人销魂的魅力使我常常乐意为了几小时这样的快乐而牺牲生活中的其他一切。我追求爱情，又因为它减轻孤独感---那种一个颤抖的灵魂望着世界边缘之外冰冷而无生命的无底深渊时所感到的可怕的孤独。我追求爱情，还因为爱的结合使我在一种神秘的缩影中提前看到了圣者和诗人曾经想象过的天堂。这就是我所追求的，尽管人的生活似乎还不配享有它，但它毕竟是我终于找到的东西。

With equal passion I have sought knowledge. I have wished to understand the hearts of men. I have wished to know why the stars shine. And I have tried to apprehend the Pythagorean power by which number holds sway above the flux. A little of this, but not much, I have achieved.

我以同样的热情追求知识。我想理解人类的心灵。我想了解星辰为何灿烂。我还想试图弄懂毕达哥拉斯学说的力量，是这种力量使我在无常之上高踞主宰地位。我在这方面略有成就，但不多。

Love and knowledge, so far as they were possible, led upward toward the heavens. But always pity brought me back to earth. Echoes of cries of pain reverberate in my heart. Children in famine, victims tortured by oppressors, helpless old people a hated burden to their sons, and the whole world of loneliness, poverty, and pain make a mockery of what human life should be. I long to alleviate the evil, but I cannot, and I too suffer.

爱情和知识只要存在，总是向上导往天堂。但是，怜悯又总是把我带回人间。痛苦的呼喊在我心中反响、回荡。孩子们受饥荒煎熬，无辜者被压迫者折磨，孤弱无助的老人在自己眼中变成可恶的累赘，以及世上触目皆是的孤独、贫困和痛苦---这些都是对人类应该过的生活的

嘲弄。我渴望能减少罪恶，可我还做不到，于是我也感到痛苦。

This has been my life. I have found it worth living, and would gladly live it again if the chance were offered me.

这就是我的一生，我觉得这一声势值得活的。如果真有可能在给我一次机会，我将欣然重活一次。

1776年2月14日：托马斯佩恩宣传册《常识》企业家誓言(Thomas Paine : Entrepreneur's Credo excerpt from Common Sense)

(Excerpt from Common Sense, written in 1776 by Thomas Paine)

I do not choose to be a common man,
It is my right to be uncommon ... if I can,
I seek opportunity ... not security.
I do not wish to be a kept citizen.
Humbled and dulled by having the
State look after me.
I want to take the calculated risk;
To dream and to build.
To fail and to succeed.
I refuse to barter incentive for a dole;
I prefer the challenges of life
To the guaranteed existence;
The thrill of fulfillment
To the stale calm of Utopia.
I will not trade freedom for beneficence
Nor my dignity for a handout
I will never cower before any master
Nor bend to any threat.
It is my heritage to stand erect.
Proud and unafraid;
To think and act for myself,
To enjoy the benefit of my creations
And to face the world boldly and say:
This, with God's help, I have done
All this is what it means
To be an Entrepreneur.

译文：

我是不会选择做一个普通人的。

如果我能够做到的话，我有权成为一位不寻常的人。

我寻找机会，

但我不寻求安稳，

我不希望在国家的照顾下成为一名有保障的国民，

那将被人瞧不起而使我感到痛苦不堪。

我要做有意义的冒险。

我要梦想，我要创造，我要失败，我也要成功。

我拒绝用刺激来换取施舍；

我宁愿向生活挑战，而不愿过有保证的生活；

宁愿要到达目的时的激动，而不愿要乌托邦式毫无生气的平静。

我不会拿我的自由与慈善作交易，也不会拿我的尊严去与发给乞丐的食物作交易。

我决不会在任何一位大师面前发抖，也不会为任何恐吓所屈服。

我的天性是挺胸直立，骄傲而无所畏惧。

我勇敢地面对这个世界，自豪地说：在上帝的帮助下，我已经做到了。

1954 年：罗素《我们可以选择死亡吗》：SHALL WE CHOOSE DEATH?

Bertrand Russell December 30, 1954

I am speaking not as a Briton, not as a European, not as a member of a western democracy, but as a human being, a member of the species Man, whose continued existence is in doubt. The world is full of conflicts: Jews and Arabs; Indians and Pakistanis; white men and Negroes in Africa; and, overshadowing all minor conflicts, the titanic struggle between communism and anticommunism.

Almost everybody who is politically conscious has strong feelings about one or more of these issues; but I want you, if you can, to set aside such feelings for the moment and consider yourself

only as a member of a biological species which has had a remarkable history and whose disappearance none of us can desire. I shall try to say no single word which should appeal to one group rather than to another. All, equally, are in peril, and, if the peril is understood, there is hope that they may collectively avert it. We have to learn to think in a new way. We have to learn to ask ourselves not what steps can be taken to give military victory to whatever group we prefer, for there no longer are such steps. The question we have to ask ourselves is: What steps can be taken to prevent a military contest of which the issue must be disastrous to all sides?

The general public, and even many men in positions of authority, have not realized what would be involved in a war with hydrogen bombs. The general public still thinks in terms of the obliteration of cities. It is understood that the new bombs are more powerful than the old and that, while one atomic bomb could obliterate Hiroshima, one hydrogen bomb could obliterate the largest cities such as London, New York, and Moscow. No doubt in a hydrogen-bomb war great cities would be obliterated. But this is one of the minor disasters that would have to be faced. If everybody in London, New York, and Moscow were exterminated, the world might, in the course of a few centuries, recover from the blow. But we now know, especially since the Bikini test, that hydrogen bombs can gradually spread destruction over a much wider area than had been supposed. It is stated on very good authority that a bomb can now be manufactured which will be 25,000 times as powerful as that which destroyed Hiroshima. Such a bomb, if exploded near the ground or under water, sends radioactive particles into the upper air. They sink gradually and reach the surface of the earth in the form of a deadly dust or rain. It was this dust which infected the Japanese fishermen and their catch of fish although they were outside what American experts believed to be the danger zone. No one knows how widely such lethal radioactive particles might be diffused, but the best authorities are unanimous in saying that a war with hydrogen bombs is quite likely to put an end to the human race. It is feared that if many hydrogen bombs are used there will be universal death - sudden only for a fortunate minority, but for the majority a slow torture of disease and disintegration...

Here, then, is the problem which I present to you, stark and dreadful and inescapable: Shall we put an end to the human race¹ or shall mankind renounce war? People will not face this alternative because it is so difficult to abolish war. The abolition of war will demand distasteful limitations of national sovereignty. But what perhaps impedes understanding of the situation more than anything else is that the term 'mankind' feels vague and abstract. People scarcely realize in imagination that the danger is to themselves and their children and their grandchildren, and not only to a dimly apprehended humanity' And so they hope that perhaps war may be allowed to continue provided modern weapons are prohibited. I am afraid this hope is illusory. Whatever agreements not to use hydrogen bombs had been reached in time of peace, they would no longer be considered binding in time of war, and both sides would set to work to manufacture hydrogen bombs as soon as war broke out, for if one side manufactured the bombs and the other did not, the side that manufactured them would inevitably be victorious...

As geological time is reckoned, Man has so far existed only for a very short period one million years at the most. What he has achieved, especially during the last 6,000 years, is something utterly new in the history of the Cosmos, so far at least as we are acquainted with it. For

countless ages the sun rose and set, the moon waxed and waned, the stars shone in the night, but it was only with the coming of Man that these things were understood. In the great world of astronomy and in the little world of the atom, Man has unveiled secrets which might have been thought undiscoverable. In art and literature and religion, some men have shown a sublimity of feeling which makes the species worth preserving. Is all this to end in trivial horror because so few are able to think of Man rather than of this or that group of men? Is our race so destitute of wisdom, so incapable of impartial love, so blind even to the simplest dictates of self-preservation, that the last proof of its silly cleverness is to be the extermination of all life on our planet? - for it will be not only men who will perish, but also the animals, whom no one can accuse of communism or anticommunism.

I cannot believe that this is to be the end. I would have men forget their quarrels for a moment and reflect that, if they will allow themselves to survive, there is every reason to expect the triumphs of the future to exceed immeasurably the triumphs of the past. There lies before us, if we choose, continual progress in happiness, knowledge, and wisdom. Shall we, instead, choose death, because we cannot forget our quarrels? I appeal, as a human being to human beings: remember your humanity, and forget the rest. If you can do so, the way lies open to a new Paradise; if you cannot, nothing lies before you but universal death.

我们该选择死亡吗？

伯特兰·罗素

1954 年 12 月 30 日

我不是作为一个英国人、一个欧洲人、一个西方民主国家的一员，而是作为一个人，作为不知是否还能继续生存下去的人类的一员在讲演。世界充满了争斗：犹太人和阿拉伯人；印度人和巴勒斯坦人；非洲的白人和黑人；以及使所有的小冲突都相形见绌的共产主义和反共产主义之间的大搏斗。

差不多每个有政治意识的人都对这类问题怀有强烈的感受；但是我希望你们，如果你们能够的话，把这份感受暂搁一边，并把自己只看作一种具有非凡历史、谁也不希望它灭亡的生物的一员。可能会迎合一群人而冷落另一群人的词语，我将努力一个字都不说。所有的人，不分彼此，都处在危险之中；如果大家都看到了这种危险，那么就有希望联合起来避开它。我们必须学习新的思想方法。我们必须学习不自问能采取什么措施来使我们所喜欢的人群获得军事上的胜利，因为不再有这样的措施。我们必须自问的问题是：能采取什么措施来避免必然会给各方造成灾难的军事竞赛？

普通群众，甚至许多当权人士，不清楚一场氢弹战所包含的会是什么。普通群众仍旧从城市的毁灭上思考问题。不言而喻，新炸弹比旧炸弹更具威力——一颗原弹能毁灭广岛，而一颗氢弹能毁灭像伦敦、纽约和菲斯科这样的大都市。毫无疑问，一场氢弹战将会毁灭大城市。但这只是世界必须面对的小灾难中的一个。假如伦敦人、纽约人和莫斯科人都灭绝了，

世界可能要经过几个世纪才能从这场灾难中恢复过来。而我们现在，尤其是从比基尼核试验以来很清楚：氢弹能够逐渐把破坏力扩散到一个比预料要广大得多的地区。据非常权威的人士说，现在能够制造出一种炸弹，其威力比毁灭广岛的炸弹大 2.5 万倍。这种炸弹如果在近地或水下爆炸，会把放射性微粒送入高层大气。这些微粒逐渐降落，呈有毒灰尘或毒雨的状态到达地球表面。正是这种灰尘使日本渔民和他们所捕获的鱼受到了感染，尽管他们并不在美国专家所确认的危险区之内。没有人知道这种致命的放射性微粒怎么会传播得这么广，但是这个领域的最高权威一致表示：一场氢弹战差不多就是灭绝人类的代名词。如果许多氢弹被使用，死神恐怕就会降临全球——只有少数幸运者才会突然死亡，大多数人却须忍受疾病和解体的慢性折磨……

这里，我要向你提起一个直率的、令人不快而又无法回避的问题：我们该消灭人类，还是人类该抛弃战争？人们不愿面对这个抉择，因为消灭战争太难了。消灭战争要求限制国家主权，这令人反感。然而“人类”这个专门名词给人们的感觉是模糊、抽象的，它可能比任何其他东西都更容易妨碍认识这种形势。人们几乎没有用自己的想象力去认识这种危险不仅指向他们所模模糊糊理解的人类，而且指向他们自己和他们的子子孙孙。于是他们相信只要禁止使用现代武器，也许可以允许战争继续下去。恐怕这个愿望只是幻想。任何不使用氢弹的协定是在和平时期达成的，在战争时期这种协定就被认为是没有约束力的，一旦战争爆发，双方就会着手制造氢弹，因为如果一方制造氢弹而另一方不造的话，造氢弹的一方必然会取胜……

按照地质年代来计算，人类到目前为止只存在了一个极短的时期——最多 100 万年。在至少就我们所了解的宇宙而言，人类在特别是最近 6000 年里所达到的认识，在宇宙史上是一些全新的东西。太阳升升落落，月亮盈盈亏亏，夜空星光闪烁，无数岁月就这样过去了，只是到人类出现以后，这些才被理解。在天文学的宏观世界和原子的微观世界，人类揭示了原先可能认为无法提示的秘密。在艺术、文学和宗教领域里，一些人显示了一种崇高的感情，它使人们懂得人类是值得保全的。难道因为很少有人能考虑整个人类多于这个或那个人群，这一切就会在毫无价值的恐怖行动中结束吗？人类是否如此缺少智慧，如此缺少无私的爱，如此盲目，甚至连自我保存的最简单命令都听不见，以致要用灭绝地球上的所有生命来最后证明它那缺乏理智的小聪明？——因为不驻人会被消灭，而且动物也会被消灭，没有人能指责它们是共产主义或反共产主义。

我无法相信结局会是这样。人们如果想让自己生存下去，他们就应暂时忘掉争吵，进行反省，人们有千万条理由期待未来的成就极大地超过以往的成就，如果让我们选择，那么插在我们面前的有幸福、知识和智慧的持续增长。我们能因为无法忘掉争吵而舍此去选择死亡吗？作为一个人，我向所有的人呼吁：记住你们的人性，忘掉其余的一切。如果你们能这样做，通向一个新的天堂的路就畅通无阻；如果你们做不到这一点，摆在你们面前的就只有全世界的毁灭。

节选：1936 年：尼古拉·奥斯特洛夫斯基《钢铁是怎样炼成的》：Nikolai Alexeevich Ostrovsky (Russian) How the Steel Was Tempered

Man's dearest possession is life. It is given to him but once, and he must live it so as to feel no torturing regrets for wasted years, never know the burning shame of a mean and petty past; so live that, dying, he might say: all my life, all my strength were given to the finest cause in all the world—the fight for the Liberation of Mankind.

人生最宝贵的是生命。生命对于人来说只有一次。一个人的生命应该这样度过：当他回首往事时，不因虚度年华而悔恨；也不会因为碌碌无为而羞耻。在临死的时候他能够说：我的整个生命和全部精力都已经献给了世界上最壮丽的事业——为人类的解放事业而斗争！

节选：1933 年 3 月 4 日：罗斯福就职演讲节选

Happiness lies not in the mere possession of money, it lies in the joy of achievement, in the thrill of creative efforts, the joy and moral stimulation of work no longer must be forgotten in the mad chase of evanescent profits. These dark days, my friends, will be worth all they cost us, if they teach us that our true destiny is not to be ministered on to , but to minister to ourselves, to our fellow men.

幸福并不在于单纯的占有金钱，幸福还在于取得成功后的喜悦，在于创造努力时的激情。务必不能再忘记劳动带来的喜悦和激励，而去疯狂追逐那转瞬即逝的利润。如果这些黯淡的日子能使我们认识到，我们真正的使命不是要别人侍奉，而是要为自己和同胞们服务的话，那么，我们付出的代价是完全值得的。

节选：1963 年马丁路德金演讲节选

I have a dream that one day this nation will rise up and live out the true meaning of its creed—we hold theses truths to be self-Oevident, that all men are created equal. I have a dream that one day on the red hills of Georgia, sons of former slaves and sons of former slave owners will be able to sit together at the table of brotherhood. I have a dream my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character. i have a dream today! When we allow freedom to ring, when we let it ring from every village and hamlet, from every state and city, we will be able to speed up that day when all of God's children-black men and white men , jews and Gentiles, Catholics and Protestants-will be able to join hands and to sing in the words of the old Negro spiritual, "free at least ,free at last . Thank God Almighty, we are free at last."

我有一个梦：有一天，这个国家将站起来，并实现他的信条的真正含义：我们将捍卫这些不言而喻的真理，即所有人生来平等。我有一个梦：有一天在乔治亚洲红色的山丘上，从前的奴隶的子孙们能和奴隶主的子孙们像兄弟一样坐在同一张桌旁；我有一个梦我的四个孩子有一天将生活在这样一个国度，在那里，人们不以肤色，而是以品格来评价他们。当自由的钟声响起的时候，当我们让它从每一个村庄，每一个州，每一个城市响起的时候，我们将能够加速这一天的到来。那是，上帝所有的孩子，无论黑人白人还是犹太人，异教徒。天主教徒，还是新教徒，他们都能够手挽手歌唱那古老的黑人圣歌：“终于自由了，终于自由了，感谢上帝，我们终于自由了！”

节选：1940 年温斯顿·丘吉尔前英国首相演讲节选（Winston Churchill - May 13, 1940）

I have nothing to offer but blood, toil, tears and sweat. We have before us an ordeal of the most grievous kind. We have before us many, many months of struggle and suffering. You ask, what is our aim? I can answer in one word, it is victory. Victory at all costs—victory in spite of all terrors—victory, however long and hard the road may be, for without victory there is no survival. Let that be realized, no survival for the British Empire, no survival for all that British Empire has stood for, no survival for the urge, the impulse of the ages, that mankind shall move forward toward his goal. I take up my task in buoyancy and hope. I feel sure that our cause will not be suffered to fail among men. I feel entitled at this juncture, at this time, to claim the aid of all and to say, “Come then, let us go forward together with our united strength.”

我能奉献的唯有热血、辛劳、泪水和汗水。我们所面临的将是一场极为残酷的考验，我们面临的将是旷日持久的斗争和苦难。你若问我们的目标是什么？我可以用一个词来概括，那就是胜利。不惜一切代价去夺取胜利，不畏惧一切恐怖去夺取胜利，不论前路再长再苦也要多去胜利，因为没有胜利就无法生存！我们必须意识到，没有胜利就没有大英帝国，没有胜利就没有大英帝国所象征的一切，没有胜利就没有多少世纪以来强烈的要求和冲动：人类应当向自己的目标迈进。此刻，我的精神振奋，满怀信心地担当起自己的人物。我确信，只要我们大家联合，我们的事业就不会挫败。此时此刻千钧一发之际，我觉得我有权要求各方面的支持。我要呼吁：“来吧，让我们群策努力，并肩迈进！”

节选：1961 年约翰·肯尼迪就职演讲节选（John F. Kennedy）

My fellow Americans, ask not what your country can do for you, ask what you can do for your country. My fellow citizens of the world, ask not what America will do for you, but what together we can do for the freedom of men. Finally whether you are citizens of America, or citizens of the world, ask of us here, the same high standards of strength and sacrifice which we ask of you. With a good conscience of our only sure reward, with history the final judge of our deeds, let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth, God's work must truly be our own.--By John F. Kennedy

译文：

美国同胞们，不要问美国能为你们做些什么，应该问你们能为美国贡献些什么。全世界的同胞们，不要问美国将为你做些什么，应该问我们一同能为人类的自由做些什么。最后，无论你是美国公民还是其他国家的同胞，你们应该要求我们献出我们同样要求于你们的高度的力量和牺牲。无愧于心是我们惟一可靠的奖赏，历史是我们行动最终的裁判。这一切让我们大步向前，去引领我们所热爱的这片土地。我们祈求上帝的保佑和帮助，但我们很清楚，上帝在尘世的工作必定是我们自己的工作。

节选：1933 年弗兰克林·罗斯福就职演讲节选

Let me express my firm belief that the only thing we have to fear is fear itself-nameless, unreasoning, unjustified terror, which paralyzes needed efforts to convert retreat into advance. In every dark hour of our national life, a leadership of frankness and vigor has met with that understanding and support of the people themselves, which is essential to victory and I am convinced that you will again give that support to leadership in these critical days. In such a spirit on my part and on yours, we face our common difficulties. They concern, thank God, only material things.--By Franklin D. Roosevelt

译文：

让我来表明我坚定的信念：我们不得不害怕的其实就是害怕本身--一种莫名奇妙的、丧失理智的、毫无根据的恐惧。它把人们转退为进所需要的种种努力化为泡影。但凡在我国生活阴云密布的时刻，坦率而有活力的领导都得到过人民的理解和支持，从而为胜利准备了不可缺少的必要条件。我相信，在目前危机的时刻，大家会再次给与同样的支持。我和你们都要以这种精神来共同面对困难。感谢上帝，这些困难只是物质方面的。

节选：1931 年奥利佛·文德尔·荷默斯演讲节选（Oliver Wendell Holmes）

Brief introduction to the speaker : Oliver Wendell Holmes (1841-1935) Oliver Wendell Holmes, Jr., was known as "the great dissenter". In 1902 President Theodore Roosevelt appointed him an associate justice of the United States Supreme Court. He served until he was almost 91 years old.

In this symposium, better is it to only sit in silence. To express one's feelings as the end draws near is too intimate a task. That I would mention only one thought that comes to me as a listener-in: the riders in a race do not stop short when they reach the goal, there is a little finishing canter before coming to a standstill, there is time to hear the kind voice of friends, and to say to oneself, the work is done. But just as one says that, the answer comes, the race is over, but the work never is done while the power to work remains. The canter that brings you to a standstill need not be only coming to rest; it cannot be while you still live. But to live is to function, that is all there is in living. So I end with a line from a Latin voice: death, death, clutches my ear, and says, live, I am coming.--By Oliver Wendell Holmes

译文：

此刻，沉默是金。要在生命即将完结之时表达个人感受并非易事。但我只是想谈谈作为一名倾听者的看法。骑士们并非一到终点就立刻止步。他们继续缓步向前，倾听朋友们的欢呼。他们虽然告诉自己行程已经结束了。正如人们所说结果出来了，比赛结束了。但只要动力仍在，人生之旅就尚未结束。终点之后的慢跑并非停止不前，因为活着便不能如此。活着就要有所作为，这才是生命的真谛。最后谨以一句古拉丁格言与各位共勉：死神不止，奋斗不止。

节选：2011 年乔治·布什就职演讲节选（George Walker Bush）

The grandest of these ideals is an unfolding American promise that everyone belongs, that

everyone deserves a chance that no insignificant person was ever born. Americans are called to enact this promise in our lives and in our laws. And though our nation has sometimes halted, and sometimes delayed, we must follow no other course. Through much of the last century, America's faith in freedom and democracy was a rock in a raging sea. Now it is a seed upon the wind, taking root in many nations. Our democratic faith is more than the creed of our country, it is the inborn hope of our humanity, an ideal we carry but do not own, a trust we bear and pass along. And even after nearly 225 years, we have a long way yet to travel. --By George W.Bush

译文:

这些理想中最伟大的是正在慢慢实现的美国的承诺，这就是：每个人都有自身的价值，每个人都有成功的机会，每个人天生都会有所作为的。美国人民肩负着一使命，那就是要竭力将这个诺言变成生活中和法律上的现实。虽然我们的国家过去在追求实现这个承诺的途中停滞不前甚至倒退，但我们仍将坚定不移地完成这一使命。在上世纪的大部分时间里，美国自由民主的信念犹如汹涌大海中的岩石。现在它更像风中的种子，把自由带给每个民族。在我们的国家，民主不仅仅是一种信念，而是全人类的希望；民主，我们不会独占，而会竭力让大家分享；民主，我们将铭记于心并且不断传播。225年过去了，我们仍有很长的路要走。

1776年7月4日：美国《独立宣言》中英文对照

The Declaration of Independence

IN CONGRESS, JULY 4,
1776 THE UNANIMOUS
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 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. That to secure these rights, governments are instituted among them, deriving their just power 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 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 shown that mankind are more disposed to suffer, while evils are

sufferable, than t right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, 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 is usurpations, all having in direct object 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.

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 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 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 invasion on the rights of the people.

He has refused for a long time, after such dissolution, to cause others to be elected ; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the State remaining in the meantime exposed to all the dangers of invasion from without and convulsion within.

He has endeavored to prevent the population of these states; for that purpose obstructing the laws of naturalizing of foreigners; refusing to pass others to encourage their migration hither, and raising the condition of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent of laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their office, and the amount and payment of their salary.

He has erected a multitude of new officers, and sent hither swarms of officers to harass our people, and eat out our substances.

He has kept among us, in times of peace, standing armies without the consent of our legislatures.

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 murder 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 offenses;
For abolishing the free systems of English laws in a neighboring Province,
establishing therein 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 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.

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 with circumstances of cruelty and
perfidy scarcely parallel 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 to bear arms
against their country, to become the executioners of their friends and brethren, or to fall
themselves by their hands.

He has excited domestic insurrection amongst us, and has endeavored 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.

In every stage of these oppressions we have petitioned for redress in the most
humble terms: our repeated petition 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 to disavow these usurpation, 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, which denounces our separation, and hold them., as we hold the rest of
mankind, enemies in war, in peace friends.

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 the good people of these Colonies,
solemnly publish and declare, That these United States Colonies and Independent States;
that they are absolved by from all allegiance to the British Crown, and that all political
connection between them and the State, 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.

在人类事务发展的过程中，当一个民族必须解除同另一个民族的联系，并按照自然法则和上帝的旨意，以独立平等的身份立于世界列国之林时，出于对人类舆论的尊重，必须把驱使他们独立的原因予以宣布。

我们认为下述真理是不言而喻的：人人生而平等，造物主赋予他们若干不可让与的权利，其中包括生存权、自由权和追求幸福的权利。为了保障这些权利，人们才在他们中间建立政府，而政府的正当权利，则是经被统治者同意授予的。任何形式的政府一旦对这些目标的实现起破坏作用时，人民便有权予以更换或废除，以建立一个新的政府。新政府所依据的原则和组织其权利的方式，务使人民认为唯有这样才最有可能使他们获得安全和幸福。若真要审慎的来说，成立多年的政府是不应当由于无关紧要的和一时的原因而予以更换的。过去的一切经验都说明，任何苦难，只要尚能忍受，人类还是情愿忍受，也不想为申冤而废除他们久已习惯了的政府形式。然而，当始终追求同一目标的一系列滥用职权和强取豪夺的行为表明政府企图把人民至于专制暴政之下时，人民就有权也有义务去推翻这样的政府，并为其未来的安全提供新的保障。这就是这些殖民地过去忍受苦难的经过，也是他们现在不得不改变政府制度的原因。当今大不列颠王国的历史，就是屡屡伤害和掠夺这些殖民地的历史，其直接目标就是要在各州之上建立一个独裁暴政。为了证明上述句句属实，现将事实公诸于世，让公正的世人作出评判。

他拒绝批准对公众利益最有益、最必需的法律。

他禁止他的殖民总督批准刻不容缓、极端重要的法律，要不就先行搁置这些法律直至征得他的同意，而这些法律被搁置以后，他又完全置之不理。

他拒绝批准便利大地区人民的其他的法律，除非这些地区的人民情愿放弃自己在自己在立法机构中的代表权；而代表权对人民是无比珍贵的，只有暴君才畏惧它。

他把各州的立法委员召集到一个异乎寻常、极不舒适而有远离他们的档案库的地方去开会，其目的无非是使他们疲惫不堪，被迫就范。

他一再解散各州的众议院，因为后者坚决反对他侵犯人民的权利。

他在解散众议院之后，又长期拒绝另选他人，于是这项不可剥夺的立法权便归由普通人民来行使，致使在这其间各州仍处于外敌入侵和内部骚乱的种种危险之中。

他力图阻止各州增加人口，为此目的，他阻挠外国人入籍法的通过，拒绝批准其他鼓励移民的法律，并提高分配新土地的条件。

他拒绝批准建立司法权利的法律，以阻挠司法的执行。

他迫使法官为了保住任期、薪金的数额和支付而置于他个人意志的支配之下。

他滥设新官署，委派大批官员到这里骚扰我们的人民，吞噬他们的财物。

他在和平时期，未经我们立法机构同意，就在我们中间维持其常备军。

他施加影响，使军队独立于文官政权之外，并凌驾于文官政权之上。

他同他人勾结，把我们置于一种既不符合我们的法规也未经我们法律承认的管辖之下，而且还批准他们炮制的各种伪法案，以便任其在我们中间驻扎大批武装部队；不论这些人对我们各州居民犯下何等严重的谋杀罪，他可用加审判来庇护他们，让他们逍遥法外；他可以切断我们同世界各地的贸易；未经我们同意便向我们强行征税；在许多案件中剥夺我们享有陪审制的权益；以莫须有的罪名把我们押送海外受审；他在一个邻省废除了英国法律的自由制度，在那里建立专制政府，扩大其疆域，使其立即成为一个样板和合适的工具，以便向这里各殖民地推行同样的专制统治；他取消我们的许多特许状，废除我们最珍贵的法律并从根本上改变我们各州政府的形式；他终止我们立法机构行使权力，宣称他们自己拥有在任何情况下为我们制定法律的权力。

他们放弃设在这里的政府，宣称我们已不属他们保护之列，并向我们发动战争。

他在我们的海域里大肆掠夺，蹂躏我们的沿海地区，烧毁我们的城镇，残害我们人民的生命。

他此时正在运送大批外国雇佣兵，来从事其制造死亡、荒凉和暴政的勾当，其残忍与卑劣从一开始就连最野蛮的时代也难以相比，他已完全不配当一个文明国家的元首。

他强迫我们在公海被他们俘虏的同胞拿起武器反对自己的国家，使他们成为残杀自己亲友的刽子手，或使他们死于自己亲友的手下。

他在我们中间煽动内乱，并竭力挑唆残酷无情的印地安蛮子来对付我们边疆的居民，而众所周知，印地安人作战的准则是不分男女老幼、是非曲直，格杀勿论。

在遭受这些压迫的每一阶段，我们都曾以最谦卑的言辞吁请予以纠正。而我们一次又一次的情愿，却只是被报以一次又一次的伤害。

一个君主，其品格被他的每一个只有暴君才干的出的行为所暴露时，就不配君临自由的人民。

我们并不是没有想到我们英国的弟兄。他们的立法机关想把无理的管辖权扩展到我们这里来，我们时常把这个企图通知他们。我们也曾把我们移民来这里和在这里定居的情况告诉他们。我们曾恳求他们天生的正义感和雅量，念在同种同宗的分上，弃绝这些掠夺行为，因为这些掠夺行为难免会使我们之间的关系和来往中断。可他们对这种正义和同宗的呼声也同样充耳不闻。因此，我们不得不宣布脱离他们，以对待世界上其他民族的态度对待他们：同我交战者，就是敌人；同我和好者，即为朋友。

因此我们这些在大陆会议上集会的美利坚合众国的代表们，以各殖民地善良人民的名义，并经他们授权，向世界最高裁判者申诉，说明我们的严重意向，同时郑重宣布：

我们这些联合起来的殖民地现在是，而且按公理也应该是，独立自由的国家；我们对英国王室效忠的全部义务，我们与大不列颠王国之间大不列颠一切政治联系全部断绝，而且必须断绝。

作为一个独立自由的国家，我们完全有权宣战、缔和、结盟、通商和采取独立国家有权采取的一切行动。

我们坚定地信赖神明上帝的保佑，同时以我们的生命、财产和神圣的名誉彼此宣誓来支持这一宣言。

〔说明〕

杰斐逊起草了《独立宣言》的第一稿，富兰克林等人又进行了润色。大陆会议对此稿又进行了长时间的、激烈的辩论，最终作出了重大的修改。特别是在佐治亚和卡罗来纳代表们的坚持下，删去了杰斐逊对英王乔治三世允许在殖民地保持奴隶制和奴隶买卖的有力谴责。这一部分的原文是这样的：

他的人性本身发动了残酷的战争，侵犯了一个从未冒犯过他的远方民族的最神圣的生存权和自由权；他诱骗他们，并把他们运往另一半球充当奴隶，或使他们惨死在运送途中。

托马斯·杰斐逊(1743-1826)，生于弗吉尼亚的一个富裕家庭。曾就读于威廉-玛丽学院。1767 年成为律师，1769 年当选为弗吉尼亚下院议院。他积极投身于独立运动之中，并代表弗吉尼亚出席大陆会议。他曾两次当选弗吉尼亚州长。1800 年当选美国总统。

杰斐逊在为自己的墓碑而作的墓志铭中这样写到：

这里埋葬着托马斯·杰斐逊，美国《独立宣言》的作者，弗吉尼亚宗教自由法规的制定者和弗吉尼亚大学之父。

1775 年 3 月：帕特里克·亨利《不自由毋宁死》(Give Me Liberty or Give Me Death)

By Patrick Henry March 23, 1775

No man thinks more highly than I do of the patriotism, as well as abilities, of the very worthy gentlemen who have just addressed the house. But different men often see the same subject in different lights; and, therefore, I hope it will not be thought disrespectful to those gentlemen if, entertaining as

I do opinions of a character very opposite to theirs, I shall speak forth my sentiments freely and without reserve. This is no time for ceremony. The question before the house is one of awful moment to this country. For my own part, I consider it as nothing less than a question of freedom or slavery; and in proportion to the magnitude of the subject ought to be the freedom of the debate. It is only in this way that we can hope to arrive at the truth, and fulfill the great responsibility which we hold to God and our country. Should I keep back my opinions at such a time, through fear of giving offense, I should consider myself as guilty of treason towards my country, and of an act of disloyalty toward the Majesty of Heaven, which I revere above all earthly kings.

Mr. President, it is natural to man to indulge in the illusions of hope. We are apt to shut our eyes against a painful truth, and listen to the song of that siren till she transforms us into beasts. Is this the part of wise men, engaged in a great and arduous struggle for liberty? Are we disposed to be of the numbers of those who, having eyes, see not, and, having ears, hear not, the things which so nearly concern their temporal salvation? For my part, whatever anguish of spirit it may cost, I am willing to know the whole truth, to know the worst, and to provide for it.

I have but one lamp by which my feet are guided, and that is the lamp of experience. I know of no way of judging of the future but by the past. And judging by the past, I wish to know what there has been in the conduct of the British ministry for the last ten years to justify those hopes with which gentlemen have been pleased to solace themselves and the House. Is it that insidious smile with which our petition has been lately received?

Trust it not, sir; it will prove a snare to your feet. Suffer not

yourselves to be betrayed with a kiss. Ask yourselves how this gracious reception of our petition comports with those warlike preparations which cover our waters and darken our land. Are fleets and armies necessary to a work of love and reconciliation? Have we shown ourselves so unwilling to be reconciled that force must be called in to win back our love? Let us not deceive ourselves, sir. These are the implements of war and subjugation; the last arguments to which kings resort. I ask gentlemen, sir, what means this martial array, if its purpose be not to force us to submission? Can gentlement assign any other possible motive for it? Has Great Britain any enemy, in this quarter of the world, to call for all this accumulation of navies and armies? No, sir, she has none. They are meant for us: they can be meant for no other. They are sent over to bind and rivet upon us those chains which the British ministry have been so long forging. And what have we to oppose to them? Shall we try argument? Sir, we have been trying that for the last ten years. Have we anything new to offer upon the subject? Nothing. We have held the subject up in every light of which it is capable; but it has been all in vain. Shall we resort to entreaty and humble supplication? What terms shall we find which have not been already exhausted? Let us not, I beseech you, sir, deceive ourselves. Sir, we have done everything that could be done to avert the storm which is now coming on. We have petitioned; we have remonstrated; we have supplicated; we have prostrated ourselves before the throne, and have implored its interposition to arrest the tyrannical hands of the ministry and Parliament. Our petitions have been slighted; our remonstrances have produced additional violence and insult; our supplications have been disregarded; and we have been spurned, with contempt, from the foot of the throne! In vain, after these things, may we indulge the

fond hope of peace and reconciliation.

There is no longer any room for hope. If we wish to be free--if we mean to preserve inviolate those inestimable privileges for which we have been so long contending--if we mean not basely to abandon the noble struggle in which we have been so long engaged, and which we have pledged ourselves never to abandon until the glorious object of our contest shall be obtained--we must fight! I repeat it, sir, we must fight! An appeal to arms and to the God of hosts is all that is left us! They tell us, sir, that we are weak; unable to cope with so formidable an adversary. But when shall we be stronger? Will it be the next week, or the next year? Will it be when we are totally disarmed, and when a British guard shall be stationed in every house? Shall we gather strength but irresolution and inaction? Shall we acquire the means of effectual resistance by lying supinely on our backs and hugging the delusive phantom of hope, until our enemies shall have bound us hand and foot? Sir, we are not weak if we make a proper use of those means which the God of nature hath placed in our power. The millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us. Besides, sir, we shall not fight our battles alone. There is a just God who presides over the destinies of nations, and who will raise up friends to fight our battles for us. The battle, sir, is not to the strong alone; it is to the vigilant, the active, the brave. Besides, sir, we have no election. If we were base enough to desire it, it is now too late to retire from the contest. There is no retreat but in submission and slavery! Our chains are forged! Their clanking may be heard on the plains of Boston! The war is inevitable--and let it come! I repeat it, sir, let it come.

It is in vain, sir, to extenuate the matter. Gentlemen may cry,
Peace, Peace--but there is no peace. The war is actually begun! The next gale
that sweeps from the north will bring to our ears the clash of resounding arms!
Our brethren are already in the field! Why stand we here idle? What is it that
gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to
be purchased at the price of chains and slavery? Forbid it, Almighty God! I know
not what course others may take; but as for me, give me liberty or give me
death!

1863 年 11 月 19 日: 林肯: 葛底斯堡演讲(Abraham Lincoln : The Gettysburg Address)

Four score and seven years ago our fathers brought forth on this continent, a new nation,
conceived in Liberty, and dedicated to the proposition that all men are created equal.

在八十七年前，我们的国父们在这块土地上创建一个新的国家，乃基于对自由的坚信，并致
力于所有人皆生而平等的信念。

Now we are engaged in a great civil war, testing whether that nation, or any nation so
conceived and so dedicated, can long endure. We are met on a great battle field of that
war. We have come to dedicate a portion of that field, as a final resting place for those
who here gave their lives that that nation might live. It is altogether fitting and proper that
we should do this.

当下吾等被卷入一场伟大的内战，以考验是否此国度，或任何肇基于和奉献于斯者，可永垂
不朽。吾等现相逢于此战中一处浩大战场。而吾等将奉献此战场之部分，作为这群交付彼者
生命让那国度勉能生存的人们最后安息之处。此乃全然妥切且适当而为吾人应行之举。

But, in a larger sense, we can not dedicate—we can not consecrate—we can not
hallow—this ground. The brave men, living and dead, who struggled here, have
consecrated it, far above our poor power to add or detract. The world will little note, nor
long remember what we say here, but it can never forget what they did here. It is for us the
living, rather, to be dedicated here to the unfinished work which they who fought here
have thus far so nobly advanced. It is rather for us to be here dedicated to the great task
remaining before us — that from these honored dead we take increased devotion to that
cause for which they gave the last full measure of devotion — that we here highly resolve

that these dead shall not have died in vain — that this nation, under God, shall have a new birth of freedom — and that government of the people, by the people, for the people, shall not perish from the earth.

但，于更大意义之上，吾等无法致力、无法奉上、无法成就此土之圣。这群勇者，无论生死，曾于斯奋战到底，早已使其神圣，而远超过吾人卑微之力所能增 减。这世间不曾丝毫留意，也不长久记得吾等于斯所言，但永不忘怀彼人于此所为。吾等生者，理应当然，献身于此辈鞠躬尽瘁之未完大业。吾等在此责无旁贷献身 于眼前之伟大使命：自光荣的亡者之处吾人肩起其终极之奉献—吾等在此答应亡者之死当非徒然—此国度，于神佑之下，当享有自由之新生—民有、民治、民享之政府当免于凋零。

1963 年 8 月 28 日在华盛顿林肯纪念堂马丁路德金演讲《我有一个梦想》(Martin Luther King: 《I have a dream》)

I am happy to join with you today in what will go down in history as the greatest demonstration for freedom in the history of our nation.

今天，我高兴地同大家一起，参加这次将成为我国历史上为了争取自由而举行的最伟大的示威集会。

Five score years ago, a great American, in whose symbolic shadow we stand today, signed the Emancipation Proclamation. This momentous decree came as a great beacon light of hope to millions of Negro slaves who had been seared in the flames of withering injustice. It came as a joyous daybreak to end the long night of their captivity.

100 年前，一位伟大的美国人——今天我们就站在他象征性的身影下——签署了《解放宣言》。这项重要法令的颁布，对于千百万灼烤于非正义残焰中的黑奴，犹如带来希望之光的硕大灯塔，恰似结束漫漫长夜禁锢的欢畅黎明。

But one hundred years later, the Negro still is not free. One hundred years later, the life of the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination. One hundred years later, the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity. One hundred years later, the Negro is still languished in the corners of American society and finds himself an exile in his own land. And so we've come here today to dramatize a shameful condition.

然而，100 年后，黑人依然没有获得自由。100 年后，黑人依然悲惨地蹒跚于种族隔离和种族歧视的枷锁之下。100 年后，黑人依然生活在物质繁荣翰海的贫困孤岛上。100 年后，黑人依然在美国社会中间向隅而泣，依然感到自己在国土家园中流离漂泊。所以，我们今天来到这里，要把这骇人听闻的情况公诸于众。

In a sense we've come to our nation's capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall

heir. This note was a promise that all men, yes, black men as well as white men, would be guaranteed the "unalienable Rights" of "Life, Liberty and the pursuit of Happiness." It is obvious today that America has defaulted on this promissory note, insofar as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check, a check which has come back marked "insufficient funds."

从某种意义上说，我们来到国家的首都是为了兑现一张支票。我们共和国的缔造者在拟写宪法和独立宣言的辉煌篇章时，就签署了一张每一个美国人都能继承的期票。这张期票向所有人承诺——不论白人还是黑人——都享有不可让渡的生存权、自由权和追求幸福权。然而，今天美国显然对她的有色公民拖欠着这张期票。美国没有承兑这笔神圣的债务，而是开始给黑人一张空头支票——一张盖着“资金不足”的印戳被退回的支票。

But we refuse to believe that the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. And so, we've come to cash this check, a check that will give us upon demand the riches of freedom and the security of justice.

但是，我们决不相信正义的银行会破产。我们决不相信这个国家巨大的机会宝库会资金不足。因此，我们来兑现这张支票。这张支票将给我们以宝贵的自由和正义的保障。

We have also come to this hallowed spot to remind America of the fierce urgency of Now. This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of democracy. Now is the time to rise from the dark and desolate valley of segregation to the sunlit path of racial justice. Now is the time to lift our nation from the quicksands of racial injustice to the solid rock of brotherhood. Now is the time to make justice a reality for all of God's children.

我们来到这块圣地还为了提醒美国：现在正是万分紧急的时刻。现在不是从容不迫悠然行事或服用渐进主义镇静剂的时候。现在是实现民主诺言的时候。现在是走出幽暗荒凉的种族隔离深谷，踏上种族平等的阳关大道的时候。现在是使我们国家走出种族不平等的流沙，踏上充满手足之情的磐石的时候。现在是使上帝所有孩子真正享有公正的时候。

It would be fatal for the nation to overlook the urgency of the moment. This sweltering summer of the Negro's legitimate discontent will not pass until there is an invigorating autumn of freedom and equality. Nineteen sixty-three is not an end, but a beginning. And those who hope that the Negro needed to blow off steam and will now be content will have a rude awakening if the nation returns to business as usual. And there will be neither rest nor tranquility in America until the Negro is granted his citizenship rights.

忽视这一时刻的紧迫性，对于国家将会是致命的。自由平等的朗朗秋日不到来，黑人顺情合理哀怨的酷暑就不会过去。1963年不是一个结束，而是一个开端。如果国家依然我行我素，那些希望黑人只需出出气就会心满意足的人将大失所望。在黑人得到公民权之前，美国既不会安宁，也不会平静。

The whirlwinds of revolt will continue to shake the foundations of our nation until the bright day of justice emerges.

反抗的旋风将继续震撼我们国家的基石，直至光辉灿烂的正义之日来临。

But there is something that I must say to my people, who stand on the warm threshold which leads into the palace of justice: In the process of gaining our rightful place, we must not be guilty of wrongful deeds. Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred. We must forever conduct our struggle on the high plane of dignity and discipline. We must not allow our creative protest to degenerate into physical violence. Again and again, we must rise to the majestic heights of meeting physical force with soul force.

但是，对于站在通向正义之宫艰险门槛上的人们，有一些话我必须要说。在我们争取合法地位的过程中，切不要错误行事导致犯罪。我们切不要吞饮仇恨辛酸的苦酒，来解除对于自由的饮渴。我们应该永远得体地、纪律严明地进行斗争。我们不能容许我们富有创造性的抗议沦为暴力行动。我们应该不断升华到用灵魂力量对付肉体力量的崇高境界。

The marvelous new militancy which has engulfed the Negro community must not lead us to a distrust of all white people, for many of our white brothers, as evidenced by their presence here today, have come to realize that their destiny is tied up with our destiny. And they have come to realize that their freedom is inextricably bound to our freedom.

席卷黑人社会的新的奇迹般的战斗精神，不应导致我们对所有白人的不信任——因为许多白人兄弟已经认识到：他们的命运同我们的命运紧密相连，他们的自由同我们的自由休戚相关。他们今天来到这里参加集会就是明证。

We cannot walk alone.

我们不能单独行动。

And as we walk, we must make the pledge that we shall always march ahead.

当我们行动时，我们必须保证勇往直前。

We cannot turn back.

我们不能后退。

There are those who are asking the devotees of civil rights, "When will you be satisfied?" We can never be satisfied as long as the Negro is the victim of the unspeakable horrors of police brutality. We can never be satisfied as long as our bodies, heavy with the fatigue of travel, cannot gain lodging in the motels of the highways and the hotels of the cities. We cannot be satisfied as long as a Negro in Mississippi cannot vote and a Negro in New York believes he has nothing for which to vote. No, no, we are not satisfied, and we will not be satisfied until "justice rolls down like waters, and righteousness like a mighty stream."

有人问热心民权运动的人：“你们什么时候会感到满意？”只要黑人依然是不堪形容的警察暴行恐怖的牺牲品，我们就决不会满意。只要我们在旅途劳顿后，却被公路旁汽车游客旅社和城市旅馆拒之门外，我们就决不会满意。只要黑人的基本活动范围只限于从狭小的黑人居住区到较大的黑人居住区，我们就决不会满意。只要我们的孩子被“仅供白人”的牌子剥夺个性，

损毁尊严，我们就决不会满意。只要密西西比州的黑人不能参加选举，纽约州的黑人认为他们与选举毫不相干，我们就决不会满意。不，不，我们不会满意，直至公正似水奔流，正义如泉喷涌。

I am not unmindful that some of you have come here out of great trials and tribulations. Some of you have come fresh from narrow jail cells. And some of you have come from areas where your quest -- quest for freedom left you battered by the storms of persecution and staggered by the winds of police brutality. You have been the veterans of creative suffering. Continue to work with the faith that unearned suffering is redemptive. Go back to Mississippi, go back to Alabama, go back to South Carolina, go back to Georgia, go back to Louisiana, go back to the slums and ghettos of our northern cities, knowing that somehow this situation can and will be changed.

我并非没有注意到你们有些人历尽艰难困苦来到这里。你们有些人刚刚走出狭小的牢房。有些人来自因追求自由而遭受迫害风暴袭击和警察暴虐狂飙摧残的地区。你们饱经风霜，历尽苦难。继续努力吧，要相信：无辜受苦终得拯救。回到密西西比去吧；回到亚拉巴马去吧；回到南卡罗来纳去吧；回到佐治亚去吧；回到路易斯安那去吧；回到我们北方城市中的贫民窟和黑人居住区去吧。要知道，这种情况能够而且将会改变。

Let us not wallow in the valley of despair, I say to you today, my friends. And so even though we face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream.

我们切不要在绝望的深渊里沉沦。朋友们，今天我要对你们说，尽管眼下困难重重，但我依然怀有一个梦。这个梦深深植根于美国梦之中。

I have a dream that one day this nation will rise up and live out the true meaning of its creed: "We hold these truths to be self-evident, that all men are created equal."

我梦想有一天，这个国家将会奋起，实现其立国信条的真谛：“我们认为这些真理不言而喻：人人生而平等。”

I have a dream that one day on the red hills of Georgia, the sons of former slaves and the sons of former slave owners will be able to sit down together at the table of brotherhood.

我梦想有一天，在佐治亚州的红色山岗上，昔日奴隶的儿子能够同昔日奴隶主的儿子同席而坐，亲如手足。

I have a dream that one day even the state of Mississippi, a state sweltering with the heat of injustice, sweltering with the heat of oppression, will be transformed into an oasis of freedom and justice.

我梦想有一天，甚至连密西西比州——一个非正义和压迫的热浪逼人的荒漠之州，也会改造成成为自由和公正的青青绿洲。

I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.

我梦想有一天，我的四个小女儿将生活在一个不是以皮肤的颜色，而是以品格的优劣作为评判标准的国家里。

I have a dream today!

我今天怀有一个梦。

I have a dream that one day, down in Alabama, with its vicious racists, with its governor having his lips dripping with the words of "interposition" and "nullification" -- one day right there in Alabama little black boys and black girls will be able to join hands with little white boys and white girls as sisters and brothers.

我梦想有一天，亚拉巴马州会有所改变——尽管该州州长现在仍滔滔不绝地说什么要对联邦法令提出异议和拒绝执行——在那里，黑人儿童能够和白人儿童兄弟姐妹般地携手并行。

I have a dream today!

我今天怀有一个梦。

I have a dream that one day every valley shall be exalted, and every hill and mountain shall be made low, the rough places will be made plain, and the crooked places will be made straight; "and the glory of the Lord shall be revealed and all flesh shall see it together."?

我梦想有一天，深谷弥合，高山夷平，歧路化坦途，曲径成通衢，上帝的光华再现，普天下生灵共谒。

This is our hope, and this is the faith that I go back to the South with.

这是我们的希望。这是我将带回南方去的信念。

With this faith, we will be able to hew out of the mountain of despair a stone of hope. With this faith, we will be able to transform the jangling discords of our nation into a beautiful symphony of brotherhood. With this faith, we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day.

有了这个信念，我们就能从绝望之山开采出希望之石。有了这个信念，我们就能把这个国家的嘈杂刺耳的争吵声，变为充满手足之情的悦耳交响曲。有了这个信念，我们就能一同工作，一同祈祷，一同斗争，一同入狱，一同维护自由，因为我们知道，我们终有一天会获得自由。

And this will be the day -- this will be the day when all of God's children will be able to sing with new meaning:

到了这一天，上帝的所有孩子都能以新的含义高唱这首歌：

My country 'tis of thee, sweet land of liberty, of thee I sing.

我的祖国，可爱的自由之邦，我为您歌唱。

Land where my fathers died, land of the Pilgrim's pride,
这是我祖先终老的地方，这是早期移民自豪的地方，

From every mountainside, let freedom ring!
让自由之声，响彻每一座山岗。

And if America is to be a great nation, this must become true.
如果美国要成为伟大的国家，这一点必须实现。

And so let freedom ring from the prodigious hilltops of New Hampshire.
因此，让自由之声响彻新罕布什尔州的巍峨高峰！

Let freedom ring from the mighty mountains of New York.
让自由之声响彻纽约州的崇山峻岭！

Let freedom ring from the heightening Alleghenies of Pennsylvania.
让自由之声响彻宾夕法尼亚州的阿勒格尼高峰！

Let freedom ring from the snow-capped Rockies of Colorado.
让自由之声响彻科罗拉多州冰雪皑皑的洛基山！

Let freedom ring from the curvaceous slopes of California.
让自由之声响彻加利福尼亚州的婀娜群峰！

But not only that:
不，不仅如此；

Let freedom ring from Stone Mountain of Georgia.
让自由之声响彻佐治亚州的石山！

Let freedom ring from Lookout Mountain of Tennessee.
让自由之声响彻田纳西州的望山！

Let freedom ring from every hill and molehill of Mississippi.
让自由之声响彻密西西比州的一座座山峰，一个个土丘！

From every mountainside, let freedom ring.
让自由之声响彻每一个山岗！

And when this happens, when we allow freedom ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual:

当我们让自由之声轰响，当我们让自由之声响彻每一个大村小庄，每一个州府城镇，我们就能加速这一天的到来。那时，上帝的所有孩子，黑人和白人，犹太教徒和非犹太教徒，耶稣教徒和天主教徒，将能携手同唱那首古老的黑人灵歌：

Free at last! free at last!

“终于自由了！终于自由了！”

Thank God Almighty, we are free at last!

感谢全能的上帝，我们终于自由了！”

1961 年 1 月 20 日：约翰·肯尼迪就职演讲词（John F. Kennedy Inaugural Address）

Heavy snow fell the night before the inauguration, but thoughts about cancelling the plans were overruled. The election of 1960 had been close, and the Democratic Senator from Massachusetts was eager to gather support for his agenda. He attended Holy Trinity Catholic Church in Georgetown that morning before joining President Eisenhower to travel to the Capitol. The Congress had extended the East Front, and the inaugural platform spanned the new addition. The oath of office was administered by Chief Justice Earl Warren. Robert Frost read one of his poems at the ceremony.

Vice President Johnson, Mr. Speaker, Mr. Chief Justice, President Eisenhower, Vice President Nixon, President Truman, reverend clergy, fellow citizens, we observe today not a victory of party, but a celebration of freedom—symbolizing an end, as well as a beginning—signifying renewal, as well as change. For I have sworn before you and Almighty God the same solemn oath our forebears prescribed nearly a century and three quarters ago. 1

The world is very different now. For man holds in his mortal hands the power to abolish all forms of human poverty and all forms of human life. And yet the same revolutionary beliefs for which our forebears fought are still at issue around the globe—the belief that the rights of man come not from the generosity of the state, but from the hand of God. 2

We dare not forget today that we are the heirs of that first revolution. Let the word go forth from this time and place, to friend and foe alike, that the torch has been passed to a new generation of Americans—born in this century, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage—and unwilling to witness or permit the slow undoing of those human rights to which this Nation has always been committed, and to which we are committed today at home and around the world. 3

Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty. 4

This much we pledge—and more. 5

To those old allies whose cultural and spiritual origins we share, we pledge the loyalty of faithful friends. United, there is little we cannot do in a host of cooperative ventures. Divided, there is little we can do—for we dare not meet a powerful challenge at odds and split asunder.

6

To those new States whom we welcome to the ranks of the free, we pledge our word that one form of colonial control shall not have passed away merely to be replaced by a far more iron tyranny. We shall not always expect to find them supporting our view. But we shall always hope

to find them strongly supporting their own freedom—and to remember that, in the past, those who foolishly sought power by riding the back of the tiger ended up inside. 7

To those peoples in the huts and villages across the globe struggling to break the bonds of mass misery, we pledge our best efforts to help them help themselves, for whatever period is required—not because the Communists may be doing it, not because we seek their votes, but because it is right. If a free society cannot help the many who are poor, it cannot save the few who are rich. 8

To our sister republics south of our border, we offer a special pledge—to convert our good words into good deeds—in a new alliance for progress—to assist free men and free governments in casting off the chains of poverty. But this peaceful revolution of hope cannot become the prey of hostile powers. Let all our neighbors know that we shall join with them to oppose aggression or subversion anywhere in the Americas. And let every other power know that this Hemisphere intends to remain the master of its own house. 9

To that world assembly of sovereign states, the United Nations, our last best hope in an age where the instruments of war have far outpaced the instruments of peace, we renew our pledge of support—to prevent it from becoming merely a forum for invective—to strengthen its shield of the new and the weak—and to enlarge the area in which its writ may run. 10

Finally, to those nations who would make themselves our adversary, we offer not a pledge but a request: that both sides begin anew the quest for peace, before the dark powers of destruction unleashed by science engulf all humanity in planned or accidental self-destruction. 11

We dare not tempt them with weakness. For only when our arms are sufficient beyond doubt can we be certain beyond doubt that they will never be employed. 12

But neither can two great and powerful groups of nations take comfort from our present course—both sides overburdened by the cost of modern weapons, both rightly alarmed by the steady spread of the deadly atom, yet both racing to alter that uncertain balance of terror that stays the hand of mankind's final war. 13

So let us begin anew—remembering on both sides that civility is not a sign of weakness, and sincerity is always subject to proof. Let us never negotiate out of fear. But let us never fear to negotiate. 14

Let both sides explore what problems unite us instead of belaboring those problems which divide us. 15

Let both sides, for the first time, formulate serious and precise proposals for the inspection and control of arms—and bring the absolute power to destroy other nations under the absolute control of all nations. 16

Let both sides seek to invoke the wonders of science instead of its terrors. Together let us explore the stars, conquer the deserts, eradicate disease, tap the ocean depths, and encourage the arts and commerce. 17

Let both sides unite to heed in all corners of the earth the command of Isaiah—to "undo the heavy burdens ... and to let the oppressed go free." 18

And if a beachhead of cooperation may push back the jungle of suspicion, let both sides join in creating a new endeavor, not a new balance of power, but a new world of law, where the strong are just and the weak secure and the peace preserved. 19

All this will not be finished in the first 100 days. Nor will it be finished in the first 1,000 days, nor in the life of this Administration, nor even perhaps in our lifetime on this planet. But let us

begin. 20

In your hands, my fellow citizens, more than in mine, will rest the final success or failure of our course. Since this country was founded, each generation of Americans has been summoned to give testimony to its national loyalty. The graves of young Americans who answered the call to service surround the globe. 21

Now the trumpet summons us again—not as a call to bear arms, though arms we need; not as a call to battle, though embattled we are—but a call to bear the burden of a long twilight struggle, year in and year out, "rejoicing in hope, patient in tribulation"—a struggle against the common enemies of man: tyranny, poverty, disease, and war itself. 22

Can we forge against these enemies a grand and global alliance, North and South, East and West, that can assure a more fruitful life for all mankind? Will you join in that historic effort? 23

In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger. I do not shrink from this responsibility—I welcome it. I do not believe that any of us would exchange places with any other people or any other generation. The energy, the faith, the devotion which we bring to this endeavor will light our country and all who serve it—and the glow from that fire can truly light the world. 24

And so, my fellow Americans: ask not what your country can do for you—ask what you can do for your country. 25

My fellow citizens of the world: ask not what America will do for you, but what together we can do for the freedom of man. 26

Finally, whether you are citizens of America or citizens of the world, ask of us the same high standards of strength and sacrifice which we ask of you. With a good conscience our only sure reward, with history the final judge of our deeds, let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth God's work must truly be our own.

译文：

朝气蓬勃的约翰·菲茨杰拉德·肯尼迪是美国口才最好的总统之一，他于一九六三年十一月三十三日在得克萨斯州达拉斯城被暗杀，事业悲惨以终。一九六一年一月二十日在就职演讲词中，他呼吁以果断与牺牲的精神来应付当前的许多挑战。这一演讲词重新肯定了杰佛逊与威尔逊的第一任就职演讲词所立下的原则。

我们今天庆祝的并不是一次政党的胜利，而是一次自由的庆典；它象征着结束，也象征着开始；意味着更新，也意味着变革。因为我已在你们和全能的上帝面前，作了跟我们祖先将近一又四分之三世纪以前所拟定的相同的庄严誓言。

现今世界已经很不同了，因为人在自己血肉之躯的手中握有足以消灭一切形式的人类贫困和一切形式的人类生命的力量。可是我们祖先奋斗不息所维护的革命信念，在世界各地仍处于争论之中。那信念就是注定人权并非来自政府的慷慨施与，而是上帝所赐。

我们今天不敢忘记我们是那第一次革命的继承人，让我从此时此地告诉我们的朋友，并且也告诉我们的敌人，这支火炬已传交新一代的美国人，他们出生在本世纪，经历过战争的锻炼，受过严酷而艰苦的和平的熏陶，以我们的古代传统自豪，而且不愿目睹或容许人权逐步被褫

夺。对于这些人权我国一向坚贞不移，当前在国内和全世界我们也是对此力加维护的。

让每一个国家知道，不管它盼我们好或盼我们坏，我们将付出任何代价，忍受任何重负，应付任何艰辛，支持任何朋友，反对任何敌人，以确保自由的存在与实现。

这是我们矢志不移的事——而且还不止此。

对于那些和我们拥有共同文化和精神传统的老盟邦，我们保证以挚友之诚相待。只要团结，则在许多合作事业中几乎没有什么办不到的。倘若分裂，我们则无可作为，因为我们在意见分歧、各行其是的情况下，是不敢应付强大挑战的。

对于那些我们欢迎其参与自由国家行列的新国家，我们要提出保证，绝不让一种形成的殖民统治消失后，却代之以另一种更为残酷的暴政。我们不能老是期望他们会支持我们的观点，但我们却一直希望他们能坚决维护他们自身的自由，并应记取，在过去，那些愚蠢得要骑在虎背上以壮声势的人，结果却被虎所吞噬。

对于那些住在布满半个地球的茅舍和乡村中、力求打破普遍贫困的桎梏的人们，我们保证尽最大努力助其自救，不管需要多长时间。这并非因为共产党会那样做，也不是由于我们要求他们的选票，而是由于那样做是正确的。自由社会若不能帮助众多的穷人，也就不能保全那少数的富人。

对于我国边界以内的各姐妹共和国，我们提出一项特殊的保证：要把我们的美好诺言化作善行，在争取进步的新联盟中援助自由人和自由政府来摆脱贫困的枷锁。但这种为实现本身愿望而进行的和平革命不应成为不怀好意的国家的俎上肉。让我们所有的邻邦都知道，我们将与他们联合抵御对美洲任何地区的侵略或颠覆。让其它国家都知道，西半球的事西半球自己会管。

至于联合国这个各主权国家的世界性议会，在今天这个战争工具的发展速度超过和平工具的时代中，它是我们最后的、最美好的希望。我们愿重申我们的支持诺言；不让它变成仅供谩骂的讲坛，加强其对于新国弱国的保护，并扩大其权力所能运用的领域。

最后，对于那些与我们为敌的国家，我们所要提供的不是保证，而是要求：双方重新着手寻求和平，不要等到科学所释出的危险破坏力量在有意或无意中使全人类沦于自我毁灭。

我们不敢以示弱去诱惑他们。因为只有当我们的武力无可置疑地壮大时，我们才能毫无疑问地确信永远不会使用武力。

可是这两个强有力的国家集团，谁也不能对当前的趋势放心

——双方都因现代武器的代价而感到不胜负担，双方都对于致命的原子力量不断发展而产生应有的惊骇，可是双方都在竞谋改变那不稳定的恐怖均衡，而此种均衡却可以暂时阻止人类最后从事战争。

因此让我们重新开始，双方都应记住，谦恭并非懦弱的征象，而诚意则永远须要验证。让我们永不因畏惧而谈判。但让我们永不要畏惧谈判。

让双方探究能使我们团结在一起的是什么问题，而不要虚耗心力于使我们分裂的问题。

让双方首次制订有关视察和管制武器的真诚而确切的建议，并且把那足以毁灭其它国家的漫无限制的力量置于所有国家的绝对管制之下。

让双方都谋求激发科学的神奇力量而不是科学的恐怖因素。让我们联合起来去探索星球，治理沙漠，消除疾病，开发海洋深处，并鼓励艺术和商务。

让双方携手在世界各个角落遵循以赛亚的命令，去「卸下沉重的负担……(并)让被压迫者得自由。」

如果建立合作的滩头堡能够遏制重重猜疑，那么，让双方联合作一次新的努力吧，这不是追求新的权力均衡，而是建立一个新的法治世界，在那世界上强者公正，弱者安全，和平在握。

凡此种种不会在最初的一百天中完成，不会在最初的一千天中完成，不会在本政府任期中完成，甚或也不能在我们活在地球上的毕生期间完成。但让我们开始。

同胞们，我们事业的最后成效，主要不是掌握在我手里，而是操在你们手中。自从我国建立以来，每一代的美国人都曾应召以验证其对国家的忠诚。响应此项召唤而服军役的美国青年人的坟墓遍布全球各处。

现在那号角又再度召唤我们——不是号召我们肩起武器，虽然武器是我们所需要的；不是号召我们去作战，虽然我们准备应战；那是号召我们年复一年肩负起持久和胜败未分的斗争，「在希望中欢乐，在患难中忍耐」；这是一场对抗人类公敌——暴政、贫困、疾病以及战争本身——的斗争。

我们能否结成一个遍及东西南北的全球性伟大联盟来对付这些敌人，来确保全人类享有更为富裕的生活？你们是否愿意参与这历史性的努力？

在世界的悠久历史中，只有很少几个世代的人赋有这种在自由遭遇最大危机时保卫自由的任务。我决不在这责任之前退缩；我欢迎它。我不相信我们中间会有人愿意跟别人及别的世代交换地位。我们在这场努力中所献出的精力、信念与虔诚、将照亮我们的国家以及所有为国家服务的人，而从这一火焰所聚出的光辉必能照明全世界。

所以，同胞们：不要问你们的国家能为你们做些什么，而要问你们能为国家做些什么。

全世界的公民：不要问美国愿为你们做些什么，而应问我们在一起能为人类的自由做些什么。

最后，不管你是美国的公民或世界它国的公民，请将我们所要求于你们的有关力量与牺牲的高标准拿来要求我们。我们唯一可靠的报酬是问心无愧，我们行为的最后裁判者是历史，让我们向前引导我们所挚爱的国土，企求上帝的保佑与扶携，但我们知道，在这个世界上，上帝的任务肯定就是我们自己所应肩负的任务。

1933 年 3 月 4 日：罗斯福就职演讲（Inaugural Speech of Franklin Delano Roosevelt）

Given in Washington, D.C.

March 4th, 1933

President Hoover, Mr. Chief Justice, my friends:

This is a day of national consecration, and I am certain that my fellow-Americans expect that on my induction into the Presidency I will address them with a candor and a decision which the present situation of our nation impels.

This is pre-eminently the time to speak the truth, the whole truth, frankly and boldly. Nor need we shrink from honestly facing conditions in our country today. This great nation will endure as it has endured, will revive and will prosper.

So first of all let me assert my firm belief that the only thing we have to fear. . .is fear itself. . . nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert retreat into advance.

In every dark hour of our national life a leadership of frankness and vigor has met with that understanding and support of the people themselves which is essential to victory. I am convinced that you will again give that support to leadership in these critical days.

In such a spirit on my part and on yours we face our common difficulties. They concern, thank God, only material things. Values have shrunk to fantastic levels: taxes have risen, our ability to pay has fallen, government of all kinds is faced by serious curtailment of income, the means of exchange are frozen in the currents of trade, the withered leaves of industrial enterprise lie on every side, farmers find no markets for their produce, the savings of many years in thousands of families are gone.

More important, a host of unemployed citizens face the grim problem of existence, and an equally great number toil with little return. Only a foolish optimist can deny the dark realities of the moment.

Yet our distress comes from no failure of substance. We are stricken by no plague of locusts. Compared with

the perils which our forefathers conquered because they believed and were not afraid, we have still much to be thankful for. Nature still offers her bounty and human efforts have multiplied it. Plenty is at our doorstep, but a generous use of it languishes in the very sight of the supply.

Primarily, this is because the rulers of the exchange of mankind's goods have failed through their own stubbornness and their own incompetence, have admitted their failures and abdicated. Practices of the unscrupulous money changers stand indicted in the court of public opinion, rejected by the hearts and minds of men.

True, they have tried, but their efforts have been cast in the pattern of an outworn tradition. Faced by failure of credit, they have proposed only the lending of more money.

Stripped of the lure of profit by which to induce our people to follow their false leadership, they have resorted to exhortations, pleading tearfully for restored conditions. They know only the rules of a generation of self-seekers.

They have no vision, and when there is no vision the people perish.

The money changers have fled their high seats in the temple of our civilization. We may now restore that temple to the ancient truths.

The measure of the restoration lies in the extent to which we apply social values more noble than mere monetary profit.

Happiness lies not in the mere possession of money, it lies in the joy of achievement, in the thrill of creative effort.

The joy and moral stimulation of work no longer must be forgotten in the mad chase of evanescent profits. These dark days will be worth all they cost us if they teach us that our true destiny is not to be ministered unto but to minister to ourselves and to our fellow-men.

Recognition of the falsity of material wealth as the standard of success goes hand in hand with the abandonment of the false belief that public office and high political position are to be values only by the standards of pride of place and personal profit, and there must be an end to a conduct in banking and in business

which too often has given to a sacred trust the likeness of callous and selfish wrongdoing.

Small wonder that confidence languishes, for it thrives only on honesty, on honor, on the sacredness of obligations, on faithful protection, on unselfish performance. Without them it cannot live.

Restoration calls, however, not for changes in ethics alone. This nation asks for action, and action now.

Our greatest primary task is to put people to work. This is no unsolvable problem if we face it wisely and courageously.

It can be accompanied in part by direct recruiting by the government itself, treating the task as we would treat the emergency of a war, but at the same time, through this employment, accomplishing greatly needed projects to stimulate and reorganize the use of our national resources.

Hand in hand with this, we must frankly recognize the over-balance of population in our industrial centers and, by engaging on a national scale in a redistribution, endeavor to provide a better use of the land for those best fitted for the land.

The task can be helped by definite efforts to raise the values of agricultural products and with this the power to purchase the output of our cities.

It can be helped by preventing realistically the tragedy of the growing loss, through foreclosure, of our small homes and our farms.

It can be helped by insistence that the Federal, State, and local governments act forthwith on the demand that their cost be drastically reduced.

It can be helped by the unifying of relief activities which today are often scattered, uneconomical and unequal. It can be helped by national planning for and supervision of all forms of transportation and of communications and other utilities which have a definitely public character.

There are many ways in which it can be helped, but it can never be helped merely by talking about it. We must act, and act quickly.

Finally, in our progress toward a resumption of work we require two safeguards against a return of the evils of the old order: there must be a strict supervision of all banking and credits and investments; there must be an end to speculation with other people's money, and there must be provision for an adequate but sound currency.

These are the lines of attack. I shall presently urge upon a new Congress in special session detailed measures for their fulfillment, and I shall seek the immediate assistance of the several States.

Through this program of action we address ourselves to putting our own national house in order and making income balance outgo.

Our international trade relations, though vastly important, are, to point in time and necessity, secondary to the establishment of a sound national economy.

I favor as a practical policy the putting of first things first. I shall spare no effort to restore world trade by international economic readjustment, but the emergency at home cannot wait on that accomplishment.

The basic thought that guides these specific means of national recovery is not narrowly nationalistic.

It is the insistence, as a first consideration, upon the interdependence of the various elements in and parts of the United States. . . a recognition of the old and permanently important manifestation of the American spirit of the pioneer.

It is the way to recovery. It is the immediate way. It is the strongest assurance that the recovery will endure.

In the field of world policy I would dedicate this nation to the policy of the good neighbor. . .the neighbor who resolutely respects himself and, because he does so, respects the rights of others. . .the neighbor who respects his obligations and respects the sanctity of his agreements in and with a world of neighbors.

If I read the temper of our people correctly, we now realize, as we have never realized before, our interdependence on each other: that we cannot merely take, but we must give as well, that if we are to go forward we must move as a trained and loyal army willing to sacrifice for the good of a common discipline,

because, without such discipline, no progress is made,
no leadership becomes effective.

We are, I know, ready and willing to submit our lives and property
to such discipline because it makes possibly a leadership which aims
at a larger good.

This I propose to offer, pledging that the larger purposes
will bind upon us all as a sacred obligation with a unity
of duty hitherto evoked only in time of armed strife.

With this pledge taken, I assume unhesitatingly the leadership of this great
army of our people, dedicated to a disciplined attack upon our common problems.

Action in this image and to this end is feasible under the form of government
which we have inherited from our ancestors.

Our Constitution is so simple and practical that it is possible
always to meet extraordinary needs by changes in emphasis
and arrangement without loss of essential form.

That is why our constitutional system has proved itself
the most superbly enduring political mechanism the modern world
has produced. It has met every stress of vast expansion of territory,
of foreign wars, of bitter internal strife, of world relations.

It is to be hoped that the normal balance of executive
and legislative authority may be wholly adequate to meet
the unprecedented task before us. But it may be that an
unprecedented demand and need for undelayed action may call
for temporary departure from that normal balance of public procedure.

I am prepared under my constitutional duty to recommend the measures
that a stricken nation in the midst of a stricken world may require.

But in the event that the Congress shall fail to take one of these courses,
and in the event that the national emergency is still critical,
I shall not evade the clear course of duty that will then confront me.

I shall ask the Congress for the one remaining instrument
to meet the crisis. . . broad executive power to wage a war
against the emergency as great as the power that would be given
to me if we were in fact invaded by a foreign foe.

For the trust reposed in me I will return the courage
and the devotion that befit the time. I can do no less.

We face the arduous days that lie before us in the warm
courage of national unity, with the clear consciousness
of seeking old and precious moral values, with the clean
satisfaction that comes from the stern performance of duty
by old and young alike.

We aim at the assurance of a rounded and permanent national life.

We do not distrust the future of essential democracy.
The people of the United States have not failed.
In their need they have registered a mandate
that they want direct, vigorous action.

They have asked for discipline and direction under leadership.
They have made me the present instrument of their wishes.
In the spirit of the gift I will take it.

In this dedication of a nation we humbly ask the blessing of God.
May He protect each and every one of us! May He guide me in the
days to come!

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President Franklin Delano Roosevelt's First Inaugural Speech

1977 年：卡特《人权与对外政策》： HUMAN RIGHTS AND FOREIGN POLICY

Source: Jimmy Carter, Public Papers of the Presidents of the United States:
Jimmy Carter, vol.1 (1977), 954.

Few presidents in modern times have been as devoted to the goal that American
foreign policy should reflect the nation's highest moral ideals as Jimmy
Carter. At a time when the United States was still grappling with its own
problems of race relations and human rights, Carter forthrightly advocated a
policy that held other countries to the highest standard possible, a standard
by which, he believed, Americans would want themselves to be judged. In 1980,
for example, following the Soviet Union's invasion of Afghanistan, the Carter
administration cancelled American participation in the summer Olympics
scheduled for Moscow as a protest against the invasion.

In a commencement speech given at Notre Dame University in June 1977, Carter reviewed what he believed should be the ideals and realities of American foreign policy. It is a far different message than the one given on the same subject by the country's first president.

For further reading: Jimmy Carter, *Keeping Faith* (1982); Robert C. Gray and Stanley I. Michalak, Jr., eds., *American Foreign Policy since Detente* (1984); Burton Kaufman, *The Presidency of James Earl Carter* (1992).

HUMAN RIGHTS AND FOREIGN POLICY

Nation: to provide more efficiently for the needs of our people, to demonstrate -- against the dark faith of our times -- that our Government can be both competent and more humane.

But I want to speak to you today about the strands that connect our actions overseas with our essential character as a nation. I believe we can have a foreign policy that is democratic, that is based on fundamental values, and that uses power and influence, which we have, for humane purposes. We can also have a foreign policy that the American people both support and, for a change, know about and understand.

I have a quiet confidence in our own political system. Because we know that democracy works, we can reject the arguments of those rulers who deny human rights to their people.

We are confident that democracy's example will be compelling, and so we seek to bring that example closer to those from whom in the past few years we have been separated and who are not yet convinced about the advantages of our kind of life.

We are confident that the democratic methods are the most effective, and so we are not tempted to employ improper tactics here at home or abroad.

We are confident of our own strength, so we can seek substantial mutual reductions in the nuclear arms race.

And we are confident of the good sense of American people, and so we let them share in the process of making foreign policy decisions. We can thus speak with the voices of 215 million, and not just of an isolated handful.

Democracy's great recent successes -- in India, Portugal, Spain, Greece -- show that our confidence in this system is not misplaced. Being confident of our own future, we are now free of that inordinate fear of communism which once led us to embrace any dictator who joined us in that fear. I'm glad that that's being changed.

For too many years, we've been willing to adopt the flawed and erroneous principles and tactics of our adversaries, sometimes abandoning our own values for theirs. We've fought fire with fire, never thinking that fire is better quenched with water. This approach failed, with Vietnam the best example of its intellectual and moral poverty. But through failure we have now found our

way back to our own principles and values, and we have regained our lost confidence.

By the measure of history, our Nation's 200 years are very brief, and our rise to world eminence is briefer still. It dates from 1945, when Europe and the old international order lay in ruins. Before then, America was largely on the periphery of world affairs. But since then, we have inescapably been at the center of world affairs.

Our policy during this period was guided by two principles: a belief that Soviet expansion was almost inevitable but that it must be contained, and the corresponding belief in the importance of an almost exclusive alliance among non-Communist nations on both sides of the Atlantic. That system could not last forever unchanged. Historical trends have weakened its foundation. The unifying threat of conflict with the Soviet Union has become less intensive, even though the competition has become more extensive.

The Vietnamese war produced a profound moral crisis, sapping worldwide faith in our own policy and our system of life, a crisis of confidence made even more grave by the covert pessimism of some of our leaders.

In less than a generation, we've seen the world change dramatically. The daily lives and aspirations of most human beings have been transformed. Colonialism is nearly gone. A new sense of national identity now exists in almost 100 new countries that have been formed in the last generation. Knowledge has become more widespread. Aspirations are higher. As more people have been freed from traditional constraints, more have been determined to achieve, for the first time in their lives, social justice.

The world is still divided by ideological disputes, dominated by regional conflicts, and threatened by danger that we will not resolve the differences of race and wealth without violence or without drawing into combat the major military powers. We can no longer separate the traditional issues of war and peace from the new global questions of justice, equity, and human rights. It is a new world, but America should not fear it. It is a new world, and we should help to shape it. It is a new world that calls for a new American foreign policy -- a policy based on constant decency in its values and on optimism in our historical vision.

We can no longer have a policy solely for the industrial nations as the foundation of global stability, but we must respond to the new reality of a politically awakening world.

We can no longer expect that the other 150 nations will follow the dictates of the powerful, but we must continue -- confidently -- our efforts to inspire, to persuade, and to lead.

Our policy must reflect our belief that the world can hope for more than simple survival and our belief that dignity and freedom are fundamental spiritual requirements. Our policy must shape an international system that will last longer than secret deals.

We cannot make this kind of policy by manipulation. Our policy must be open; it must be candid; it must be one of constructive global involvement, resting on five cardinal principles.

I've tried to make these premises clear to the American people since last January. Let me review what we have been doing and discuss what we intend to do.

First, we have reaffirmed America's commitment to human rights as a fundamental tenet of our foreign policy. In ancestry, religion, color, place of origin, and cultural background, we Americans are as diverse a nation as the world has even seen. No common mystique of blood or soil unites us. What draws us together, perhaps more than anything else, is a belief in human freedom. We want the world to know that our Nation stands for more than financial prosperity.

This does not mean that we can conduct our foreign policy by rigid moral maxims. We live in a world that is imperfect and which will always be imperfect -- a world that is complex and confused and which will always be complex and confused.

I understand fully the limits of moral suasion. We have no illusion that changes will come easily or soon. But I also believe that it is a mistake to undervalue the power of words and of the ideas that words embody. In our own history, that power has ranged from Thomas Paine's "Common Sense" to Martin Luther King, Jr.'s "I Have a Dream."

In the life of the human spirit, words are action, much more so than many of us may realize who live in countries where freedom of expression is taken for granted. The leaders of totalitarian nations understand this very well. The proof is that words are precisely the action for which dissidents in those countries are being persecuted.

Nonetheless, we can already see dramatic, worldwide advances in the protection of the individual from the arbitrary power of the state. For us to ignore this trend would be to lose influence and moral authority in the world. To lead it will be to regain the moral stature that we once had.

The great democracies are not free because we are strong and prosperous. I believe we are strong and influential and prosperous because we are free. Throughout the world today, in free nations and in totalitarian countries as well, there is a preoccupation with the subject of human freedom, human rights. And I believe it is incumbent on us in this country to keep that discussion, that debate, that contention alive. No other country is as well-qualified as we to set an example. We have our own shortcomings and faults, and we should strive constantly and with courage to make sure that we are legitimately proud of what we have.

Second, we've moved deliberately to reinforce the bonds among our democracies. In our recent meetings in London, we agreed to widen our economic cooperation, to promote free trade, to strengthen the world's monetary system, to seek ways of avoiding nuclear proliferation. We prepared constructive proposals for the

forthcoming meetings on North-South problems of poverty, development, and global well-being. And we agreed on joint efforts to reinforce and to modernize our common defense.

You may be interested in knowing that at this NATO meeting, for the first time in more than 25 years, all members are democracies. Even more important, all of us reaffirmed our basic optimism in the future of the democratic system. Our spirit of confidence is spreading. Together, our democracies can help to shape the wider architecture of global cooperation.

Third, we've moved to engage the Soviet Union in a joint effort to halt the strategic arms race. This race is not only dangerous, it's morally deplorable. We must put an end to it. I know it will not be easy to reach agreements. Our goal is to be fair to both sides, to produce reciprocal stability, parity, and security. We desire a freeze on further modernization and production of weapons and a continuing, substantial reduction of strategic nuclear weapons as well. We want a comprehensive ban on all nuclear testing, a prohibition against all chemical warfare, no attack capability against space satellites, and arms limitations in the Indian Ocean.

We hope that we can take joint steps with all nations toward a final agreement eliminating nuclear weapons completely from our arsenals of death. We will persist in this effort.

Now, I believe in detente with the Soviet Union. To me it means progress toward peace. But the effects of detente should not be limited to our own two countries alone. We hope to persuade the Soviet Union that one country cannot impose its system of society upon another, either through direct military intervention or through the use of a client state's military force, as was the case with Cuban intervention in Angola.

Cooperation also implies obligation. We hope that the Soviet Union will join with us and other nations in playing a larger role in aiding the developing world, for common aid efforts will help us build a bridge of mutual confidence in one another.

Fourth, we are taking deliberate steps to improve the chances of lasting peace in the Middle East. Through wide-ranging consultation with leaders of the countries involved -- Israel, Syria, Jordan, and Egypt -- we have found some areas of agreement and some movement toward consensus. The negotiations must continue.

Through my own public comments, I've also tried to suggest a more flexible framework for the discussion of the three key issues which have so far been so intractable: the nature of a comprehensive peace -- what is peace; what does it mean to the Israelis; what does it mean to their Arab neighbors; secondly, the relationship between security and borders -- how can the dispute over border delineations be established and settled with a feeling of security on both sides; and the issue of the Palestinian homeland.

The historic friendship that the United States has with Israel is not dependent on domestic politics in either nation; it's derived from our common

respect for human freedom and from a common search for permanent peace. We will continue to promote a settlement which all of us need. Our own policy will not be affected by changes in leadership in any of the countries in the Middle East. Therefore, we expect Israel and her neighbors to continue to be bound by United Nations Resolutions 242 and 338, which they have previously accepted.

This may be the most propitious time for a genuine settlement since the beginning of the Arab-Israeli conflict almost 30 years ago. To let this opportunity pass could mean disaster not only for the Middle East but, perhaps, for the international political and economic order as well. And fifth, we are attempting, even at the risk of some friction with our friends, to reduce the danger of nuclear proliferation and the worldwide spread of conventional weapons.

At the recent summit, we set in motion an international effort to determine the best ways of harnessing nuclear energy for peaceful use while reducing the risks that its products will be diverted to the making of explosives.

We've already completed a comprehensive review of our own policy on arms transfers. Competition in arms sales is inimical to peace and destructive of the economic development of the poorer countries.

We will, as a matter of national policy now in our country, seek to reduce the annual dollar volume of arms sales, to restrict the transfer of advanced weapons, and to reduce the extent of our coproduction arrangements about weapons with foreign states. And just as important, we are trying to get other nations, both free and otherwise, to join us in this effort.

But all of this that I've described is just the beginning. It's a beginning aimed towards a clear goal: to create a wider framework of international cooperation suited to the new and rapidly changing historical circumstances. We will cooperate more closely with the newly influential countries in Latin America, Africa, and Asia. We need their friendship and cooperation in a common effort as the structure of world power changes.

More than 100 years ago, Abraham Lincoln said that our Nation could not exist half slave and half free. We know a peaceful world cannot long exist one-third rich and two-thirds hungry.

Most nations share our faith that, in the long run, expanded and equitable trade will best help the developing countries to help themselves. But the immediate problems of hunger, disease, illiteracy, and repression are here now.

The Western democracies, the OPEC nations, and the developed Communist countries can cooperate through existing international institutions in providing more effective aid. This is an excellent alternative to war.

We have a special need for cooperation and consultation with other nations in this hemisphere -- to the north and to the south. We do not need another slogan. Although these are our close friends and neighbors, our links with

them are the same links of equality that we forge for the rest of the world. We will be dealing with them as part of a new, worldwide mosaic of global, regional, and bilateral relations.

It's important that we make progress toward normalizing relations with the People's Republic of China. We see the American and Chinese relationship as a central element of our global policy and China as a key force for global peace. We wish to cooperate closely with the creative Chinese people on the problems that confront all mankind. And we hope to find a formula which can bridge some of the difficulties that still separate us.

Finally, let me say that we are committed to a peaceful resolution of the crisis in southern Africa. The time has come for the principle of majority rule to be the basis for political order, recognizing that in a democratic system the rights of the minority must also be protected.

To be peaceful, change must come promptly. The United States is determined to work together with our European allies and with the concerned African States to shape a congenial international framework for the rapid and progressive transformation of southern African society and to help protect it from unwarranted outside interference.

Let me conclude by summarizing: Our policy is based on an historical vision of America's role. Our policy is derived from a larger view of global change. Our policy is rooted in our moral values, which never change. Our policy is reinforced by our material wealth and by our military power. Our policy is designed to serve mankind. And it is a policy that I hope will make you proud to be Americans.

1789 年 3 月 4 日：美利坚合众国宪法（Constitution of the United States）

THE CONSTITUTION OF THE 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 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.

Article I

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

Section 2. The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a Representative who shall not have attained to the age of twenty five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each state shall have at least one Representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each state, chosen by the legislature thereof, for six years; and each Senator shall have one vote. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the

United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

Section 4. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day. Section 5. Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one fifth of those present, be entered on the journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Section 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office.

Section 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other Bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President

within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Section 8. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions;

To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which

the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

Section 9. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or ex post facto Law shall be passed.

No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any state.

No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another: nor shall vessels bound to, or from, one state, be obliged to enter, clear or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

Section 10. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

Article II

Section 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected, as follows:

Each state shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which

the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each state having one vote; A quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty five years, and been fourteen Years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:--"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

Section 2. The President shall be commander in chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective

offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Section 3. He shall from time to time give to the Congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Section 4. The President, Vice President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

Article III

Section 1. The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

Section 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;--to all cases affecting ambassadors, other public ministers and consuls;--to all cases of admiralty and maritime jurisdiction;--to controversies to which the United States shall be a party;--to controversies between two or more states;--between a state and citizens of another state;--between citizens of different states;--between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not

committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

Section 3. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

Article IV

Section 1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Section 2. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Section 3. New states may be admitted by the Congress into this union; but no new states shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

Section 4. The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

Article V

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one

thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

Article VI

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Article VII

The ratification of the conventions of nine states, shall be sufficient for the establishment of this Constitution between the states so ratifying the same.

Done in convention by the unanimous consent of the states present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty seven and of the independence of the United States of America the twelfth. In witness whereof We have hereunto subscribed our Names,

G. Washington-President. and deputy from Virginia

New Hampshire: John Langdon, Nicholas Gilman

Massachusetts: Nathaniel Gorham, Rufus King

Connecticut: Wm. Saml. Johnson, Roger Sherman

New York: Alexander Hamilton

New Jersey: Wil: Livingston, David Brearly, Wm. Paterson, Jona: Dayton

Pennsylvania: B. Franklin, Thomas Mifflin, Robt. Morris, Geo. Clymer, Thos.

FitzSimons, Jared Ingersoll, James Wilson, Gouv Morris

Delaware: Geo: Read, Gunning Bedford jun, John Dickinson, Richard Bassett, Jaco: Broom

Maryland: James McHenry, Dan of St Thos. Jenifer, Danl Carroll

Virginia: John Blair, James Madison Jr.

North Carolina: Wm. Blount, Richd. Dobbs Spaight, Hu Williamson

South Carolina: J. Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler

Georgia: William Few, Abr Baldwin

美国宪法（中文）

序言

我们美利坚合众国的人民，为了组织一个更完善的联邦，树立正义，保障国内的安宁，建立共同的国防，增进全民福利和确保我们自己及我们後代能安享自由带来的幸福，乃为美利坚合众国制定和确立这一部宪法。

第一条

第一款 本宪法所规定的立法权，全属合众国的国会，国会由一个参议院和一个众议院组成。

第二款 众议院应由各州人民每两年选举一次之议员组成，各州选举人应具有该州州议会中人数最多之一院的选举人所需之资格。凡年龄未满二十五岁，或取得合众国公民资格未满七年，或於某州当选而并非该州居民者，均不得任众议员。众议员人数及直接税税额，应按联邦所辖各州的人口数目比例分配，此项人口数目的计算法，应在全体自由人民——包括订有契约的短期仆役，但不包括未被课税的印第安人——数目之外，再加上所有其他人口之五分之三。实际人口调查，应於合众国国会第一次会议後三年内举行，并於其後每十年举行一次，其调查方法另以法律规定之。众议员的数目，不得超过每三万人口有众议员一人，但每州至少应有众议员一人；在举行人口调查以前，各州得按照下列数目选举众议员：新罕布什尔三人、麻萨诸塞八人、罗德岛及普罗维登斯垦殖区一人、康涅狄格五人、纽约州六人、新泽西四人、宾夕法尼亚八人、特拉华一人、马里兰六人、弗吉尼亚十人、北卡罗来纳五人、南卡罗来纳五人、乔治亚三人。任何一州的众议员有缺额时，该州的行政长官应颁选举令，选出众议员以补充缺额。众议院应选举该除议长及其他官员；只有众议院具有提出弹劾案的权力。

第三款 合众国的参议院由每州的州议会选举两名参议员组成之，参议员的任期为六年，每名参议员有一票表决权。参议员於第一次选举後举行会议之时，应当立即尽量均等地分成三组。第一组参议员的任期，到第二年年终时届满，第二组到第四年年终时届满，第三组到第六年年终时届满，俾使每两年有三分之一的参议员改选；如果在某州州议会休会期间，有参议员因辞职或其它原因出缺，该州的行政长官得任命临时参议员，等到州议会下次集会时，再予选举补缺。凡年龄未满三十岁，或取得合众国公民资格未满九年，或於某州当选而并非该州居民者，均不得任参议员。合众国副总统应为参议院议长，除非在投票票数相等时，议长无投票权。参议院应选举该院的其他官员，在副总统缺席或执行合众国总统职务时，还应选举临时议长。所有弹劾案，只有参议院有权审理。在开庭审理弹劾案时，参议员们均应宣誓或誓愿。如受审者为合众国总统，则应由最高法院首席大法官担任主席；在末得出席的参议员的三分之二的同意时，任何人不得被判有罪。弹劾案的判决，不得超过免职及取消其担任合众国政府任何有荣誉、有责任或有俸给的职位之资格；但被判处者仍须服从另据法律所作之控诉、审讯、判决及惩罚。

第四款 各州州议会应规定本州参议员及众议员之选举时间、地点及程序；但国会得随时以法律制定或变更此种规定，惟有选举议员的地点不在此例。国会应至少每年集会一次，开会日期应为十二月的第一个星期一，除非他们通过法律来指定另一个日期。

第五款 参众两院应各自审查本院的选举、选举结果报告和本院议员的资格，每院议员过半数即构成可以议事的法定人数；不足法定人数时，可以一天推一天地延期开会，并有权依照各该议院所规定的程序和罚则，强迫缺席的议员出席。参众两院得各自规定本院的议事规则，处罚本院扰乱秩序的议员，并且得以三分之二的同意，开除本院的议员。参众两院应各自保存一份议事记录，并经常公布，惟各该院认为应保守秘密之部分除外；两院议员对于每一问题之赞成或反对，如有五分之一出席议员请求，则应记载於议事记录内。在国会开会期间，任一议院未得别院同意，不得休会三日以上，亦不得迁往非两院开会的其他地点。

第六款 参议员与众议员得因其服务而获报酬，报酬的多寡由法律定之，并由合众国国库支付。两院议员除犯叛国罪、重罪以及扰乱治安罪外，在出席各该院会议及往返各该院途中，有不受逮捕之特权；两院议员在议院内所发表之演说及辩论，在其它场合不受质询。参议员或众议员不得在其当选任期内担任合众国政府任何新添设的职位，或在其任期内支取因新职位而增添的俸给；在合众国政府供职的人，不得在其任职期间担任国会议员。

第七款 有关徵税的所有法案应在众议院中提出；但参议院得以处理其它法案的方式，以修正案提出建议或表示同意。经众议院和参议院通过的法案，在正式成为法律之前，须呈送合众国总统；总统如批准，便须签署，如不批准，即应连同他的异议把它退还给原来提出该案的议院，该议院应将异议详细记入议事记录，然後进行复议。倘若在复议之後，该议院议员的三分之二仍然同意通过该法案，该院即应将该法案连同异议书送交另一院，由其同样予以复议，若此另一院亦以三分之二的多数通过，该法案即成为法律。但遇有这样的情形时，两院的表决均应以赞同或反对来定，而赞同和反对该法案的议员的姓名，均应由两院分别记载於各该院的议事记录之内。如总统接到法案後十日之内（星期日除外），不将之退还，该法案即等於曾由总统签署一样，成为法律。准有当国会休会因而无法将该法案退还时，该法案才不得成为法律。任何命令、决议或表决（有关休会问题者除外），凡须由参议院及众议院予以同意者，均应呈送合众国总统；经其此准之後，方始生效，如总统不予批准，则参众两院可依照對於通过法案所规定的各种规则和限制，各以三分之二的多数，再行通过。

第八款 国会有权规定并徵收税金、捐税、关税和其它赋税，用以偿付国债并为合众国的共同防御和全民福利提供经费；但是各种捐税、关税和其它赋税，在合众国内应划一徵收；以合众国的信用举债；管理与外国的、州与州间的，以及对印第安部落的贸易；制定在合众国内一致适用的归化条例，和有关破产的一致适用的法律；铸造货币，调议其价值，并厘定外币价值，以及制定度量衡的标准；制定对伪造合众国证券和货币的惩罚条例；设立邮政局及延造驿路；为促进科学和实用技艺的进步，对作家和发明家的著作和发明，在一定期限内给予专利权的保障；设置最高法院以下的各级法院；界定并惩罚海盗罪、在公海所犯的重罪和违背国际公法的罪行；宣战，对民用船颁发捕押敌船及采取报复行动的特许证，制定在陆地和海面虏获战利品的规则；募集和维持陆军，但每次拨充该项费用的款项，其有效期不得超过两年；配备和保持海军；制定有开管理和控制陆海军队的各种条例；制定召集民兵的条例，以便执行联邦法律，镇压叛乱和击退侵略；规定民兵的组织、装备和训练，以及民兵为合众国服务时的管理办法，但各州保留其军官任命权，和依照国会规定的条例训练其民团的权力；對於由某州让与而由国会承受，用以充当合众国政府所在地的地区（不逾十哩见方），握有对其一切事务的全部立法权；對於经州议会同意，向州政府购得，用以建筑要塞、弹药库、兵工厂、船坞和其它必要建筑物的地方，也握有同样的权力；——并且为了行使上述各项权力，以及行使本宪法赋予合众国政府或其各部门或其官员的种种权力，制定一切必要的和适当的法律。

第九款 對於现有任何一州所认为的应准其移民或入境的人，在一八〇八年以前，国会不得加以禁止，但可以对入境者课税，惟以每人不超过十美元为限。不得中止人身保护令所保障的特权，惟在叛乱或受到侵犯的情况下，出於公共安全的必要时不在此限。不得通过任何褫夺公权的法案或者追溯既往的法律。除非按本宪法所规定的人口调查或统计之比例，不得徵收任何人口税或其它直接税。对各州输出之货物，不得课税。任何有关商务或纳税的条例，均不得赋予某一州的港口以优惠待遇；亦不得强迫任何开往或来自某一州的船，驶入或驶出另一州，或向另一州纳税。除了依照法律的规定拨款之外，不得自国库中提出任何款项；一切公款收支的报告和帐目，应经常公布。合众国不得颁发任何贵族爵位：凡是在合众国政府担任有俸给或有责任之职务者，未经国会许可，不得接受任何国王、王子或外国的任何礼物、薪酬、职务或爵位。

第十款 各州不得缔结任何条约、结盟或组织邦联；不得对民用船颁发捕押敌船及采取报复行动之特许证；不得铸造货币；不得发行纸币；不得指定金银币以外的物品作为偿还债务的法定货币；不得通过任何褫夺公权的法案、追溯既往的法律和损害契约义务的法律；也不得颁发任何贵族爵位。未经国会同意，各州不得对进口货物或出口货物徵收任何税款，但为了执行该州的检查法律而有绝对的必要时，不在此限；任何州对于进出口货物所徵的税，其净收益应归合众国国库使用；所有这一类的检查法律，国会对之有修正和监督之权。未经国会同意，各州不得徵收船舶吨位税，不得在和平时保持军队和军舰，不得和另外一州或国缔结任何协定或契约，除非实际遭受入侵，或者遇到刻不容缓的危急情形时，不得从事战争。

第二条

第一款 行政权力赋予美利坚合众国总统。总统任期四年，总统和具有同样任期的副总统，应照下列手续选举：每州应依照该州州议会所规定之手续，指定选举人若干名，其人数应与该州在国会之参议员及众议员之总数相等；但参议员、众议员及任何在合众国政府担任有责任及有俸给之职务的人，均不得被指定为选举人。各选举人应於其本身所属的州内集会，每人投票选举二人，其中至少应有一人不属本州居民。选举人应开列全体被选名单，注明每人所得票数；他们还应签名作证明，并将封印后的名单送至合众国政府所在地交与参议院议长。参议院议长应於参众两院全体议员之前，开拆所有来件，然後计算票数。得票最多者，如其所得票数超过全体选举人的半数，即当选为总统；如同时不止一人得票过半数，且又得同等票数，则众议院应立即投票表决，选毕其中一人为总统；如无人得票过半数，则众议院应自得票最多之前五名中用同样方法选举总统。但依此法选举总统时，应以州为单位，每州之代表共有一票；如全国三分之二的州各有一名或多名众议员出席，即构成选举总统的法定人数；当选总统者需获全部州的过半数票。在每次这样的选举中，於总统选出後，其获得选举人所投票数最多者，即为副总统。但如有二人或二人以上得票相等时，则应由参议院投票表决，选学其中一人为副总统。国会得决定各州选出选举人的时期以及他们投票的日子；投票日期全国一律。只有出生时为合众国公民，或在本宪法实施时已为合众国公民者，可被选为总统；凡年龄未满三十五岁，或居住合众国境内未满十四年者，不得被选为总统。如遇总统被免职，或因死亡、辞职或丧失能力而不能执行其权力及职务时，总统职权应由副总统执行之。国会得以法律规定，在总统及副总统均被免职，或死亡、辞职或丧失能力时，由何人代理总统职务，该人应即遵此视事，至总统能力恢复，或新总统被选出时为止。总统得因其服务而在规定的时间内接受俸给，在其任期之内，俸金数额不得增加或减低，他亦不得在此任期内，自合众国政府和任何州政府接受其它报酬。在他就职之前，他应宣誓或誓愿如下：——「我郑重宣誓(或 矢言) 我必忠诚地执行合众国总统的职务，并尽我最大的能力，维持、保护和捍卫合众国宪法。

第二款 总统为合众国陆海军的总司令，并在各州民团奉召为合众国执行任务的担任统帅；他可以要求每个行政部门的主管官员提出有关他们职务的任何事件的书面意见，除了弹劾案之外，他有权对于违犯合众国法律者颁赐缓刑和特赦。总统有权缔订条约，但须争取参议院的意见和同意，并须出席的参议员中三分之二的人赞成；他有权提名，并於取得参议院的意见和同意后，任命大使、公使及领事、最高法院的法官，以及一切其他在本宪法中未经明定、但以後将依法律的规定而设置之合众国官员；国会可以制定法律，酌情把这些较低级官员的任命权，授予总统本人，授予法院，或授予各行政部门的首长。在参议院休会期间，如遇有职位空缺，总统有权任命官员补充缺额，任期於参议院下届会议结束时终结。

第三款 总统应经常向国会报告联邦的情况，并向国会提出他认为必要和适当的措施，供其考虑；在特殊情况下，他得召集两院或其中一院开会，并得於两院对于休会时间意见

不一致时，命令两院休会到他认为适当的时期为止；他应接见大使和公使；他应注意使法律切实执行，并任命所有合众国的军官。

第四款 合众国总统、副总统及其他所有文官，因叛国、贿赂或其它重罪和轻罪，被弹劾而判罪者，均应免职。

第三条

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第一款 各州对其它各州的公共法案、记录、和司法程序，应给予完全的信赖和尊重。国会得制定一般法律，用以规定这种法案、记录、和司法程序如何证明以及具有何等效力。

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第五条

举凡两院议员各以三分之二的多数认为必要时，国会应提出对本宪法的修正案；或者，当现有诸州三分之二的州议会提出请求时，国会应召集修宪大会，以上两种修正案，如经诸州四分之三的州议会或四分之三的州修宪大会批准时，即成为本宪法之一部分而发生全部效力，至於采用那一种批准方式，则由国会议决；但一八〇八年以前可能制定之修正案，在任何情形下，不得影响本宪法第一条第九款之第一、第四两项；任何一州，没有它的同意，不得被剥夺它在参议院中的平等投票权。

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合众国政府於本宪法被批准之前所积欠之债务及所签订之条约，於本宪法通过后，具有和在邦联政府时同等的效力。本宪法及依本宪法所制定之合众国法律；以及合众国已经缔结及将要缔结的一切条约，皆为全国之最高法律；每个州的法官都应受其约束，任何一州宪法或法律中的任何内容与之抵触时，均不得有违这一规定。前述之参议员及众议员，各州州议会议员，合众国政府及各州政府之一切行政及司法官员，均应宣誓或誓愿拥护本宪法；但合众国政府之任何职位或公职，皆不得以任何宗教标准作为任职的必要条件。

第七条

本宪法经过九个州的制宪大会批准後，即在批准本宪法的各州之间开始生效。

Thomas Paine: Common Sense (《常识》英文版) (1)

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Thomas Paine: Common Sense (《常识》英文版) (1)

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Addressed to the Inhabitants of America Man knows no Master save creating Heaven, Or those whom Choice and common Good ordain.

Thomson. February 14, 1776

INTRODUCTION.

Perhaps the sentiments contained in the following pages, are not yet sufficiently fashionable to procure them general favor; a long habit of not thinking a thing wrong, gives it a superficial appearance of being right, and raises at first a formidable outcry in defence of custom. But the tumult soon subsides. Time makes more converts than reason.

As a long and violent abuse of power, is generally the Means of calling the right of it in question (and in Matters too which might never have been thought of, had not the Sufferers been aggravated into the inquiry) and as the King of England hath undertaken in his own Right, to support the Parliament in what he calls Theirs, and as the good people of this country are grievously oppressed by the combination, they have an undoubted privilege to inquire into the pretensions of both, and equally to reject the usurpation of either.

In the following sheets, the author hath studiously avoided every thing which is personal among ourselves. Compliments as well as censure to individuals make no part thereof. The wise, and the worthy, need not the triumph of a pamphlet; and those whose sentiments are injudicious, or unfriendly, will cease of themselves unless too much pains are bestowed upon their conversion.

The cause of America is in a great measure the cause of all mankind. Many circumstances hath, and will arise, which are not local, but universal, and through which the principles of all Lovers of Mankind are affected, and in the Event of which, their Affections are interested. The laying a Country desolate with Fire and Sword, declaring War against the natural rights of all Mankind, and extirpating the Defenders thereof from the Face of the Earth, is the Concern of every Man to whom Nature hath given the Power of feeling; of which Class, regardless of Party Censure, is the AUTHOR P.S. The Publication of this new Edition hath been delayed, with a View of taking notice (had it been necessary) of any Attempt to refute the Doctrine of Independance: As no Answer hath yet appeared, it is now presumed that none will, the Time needful for getting such a Performance ready for the Public being considerably past.

Who the Author of this Production is, is wholly unnecessary to the Public, as the Object for Attention is the Doctrine itself, not the Man. Yet it may not be unnecessary to say, That he is unconnected with any Party, and under no sort of Influence public or private, but the influence of reason and principle.

Philadelphia, February 14, 1776.

COMMON SENSE.

of the origin and design of government in general. with concise remarks on the english constitution.

Some writers have so confounded society with government, as to leave little or no distinction between them; whereas they are not only different, but have different origins. Society is produced by our wants, and government by our wickedness; the former promotes our happiness positively by uniting our affections, the latter negatively by restraining our vices. The one encourages intercourse, the other creates distinctions. The first is a patron, the last a punisher.

Society in every state is a blessing, but government even in its best state is but a necessary evil; in its worst state an intolerable one; for when we suffer, or are exposed to the same miseries by a government, which we might expect in a country without government, our calamity is heightened by reflecting that we furnish the means by which we suffer. Government, like dress, is the badge of lost innocence; the palaces of kings are built on the ruins of the bowers of paradise. For were the impulses of conscience clear,

uniform, and irresistably obeyed, man would need no other lawgiver; but that not being the case, he finds it necessary to surrender up a part of his property to furnish means for the protection of the rest; and this he is induced to do by the same prudence which in every other case advises him out of two evils to choose the least. Wherefore, security being the true design and end of government, it unanswerably follows that whatever form thereof appears most likely to ensure it to us, with the least expence and greatest benefit, is preferable to all others.

In order to gain a clear and just idea of the design and end of government, let us suppose a small number of persons settled in some sequestered part of the earth, unconnected with the rest, they will then represent the first peopling of any country, or of the world. In this state of natural liberty, society will be their first thought.

A thousand motives will excite them thereto, the strength of one man is so unequal to his wants, and his mind so unfitted for perpetual solitude, that he is soon obliged to seek assistance and relief of another, who in his turn requires the same. Four or five united would be able to raise a tolerable dwelling in the midst of a wilderness, but one man might labour out the common period of life without accomplishing any thing; when he had felled his timber he could not remove it, nor erect it after it was removed; hunger in the mean time would urge him from his work, and every different want call him a different way. Disease, nay even misfortune would be death, for though neither might be mortal, yet either would disable him from living, and reduce him to a state in which he might rather be said to perish than to die.

Thus necessity, like a gravitating power, would soon form our newly arrived emigrants into society, the reciprocal blessings of which, would supersede, and render the obligations of law and government unnecessary while they remained perfectly just to each other; but as nothing but heaven is impregnable to vice, it will unavoidably happen, that in proportion as they surmount the first difficulties of emigration, which bound them together in a common cause, they will begin to relax in their duty and attachment to each other; and this remissness, will point out the necessity, of establishing some form of government to supply the defect of moral virtue.

Some convenient tree will afford them a State-House, under the branches of which, the whole colony may assemble to deliberate on public matters. It is more than probable that their first laws will have the title only of Regulations, and be enforced by no other penalty than public disesteem. In this first parliament every man, by natural right, will have a seat.

But as the colony increases, the public concerns will increase likewise, and the distance at which the members may be separated, will render it too inconvenient for all of them to meet on every occasion as at first, when their number was small, their habitations near, and the public concerns few and trifling. This will point out the convenience of their consenting to leave the legislative part to be managed by a select number chosen from the whole body, who are supposed to have the same concerns at stake which those have

who appointed them, and who will act in the same manner as the whole body would act were they present. If the colony continue increasing, it will become necessary to augment the number of the representatives, and that the interest of every part of the colony may be attended to, it will be found best to divide the whole into convenient parts, each part sending its proper number; and that the elected might never form to themselves an interest separate from the electors, prudence will point out the propriety of having elections often; because as the elected might by that means return and mix again with the general body of the electors in a few months, their fidelity to the public will be secured by the prudent reflexion of not making a rod for themselves. And as this frequent interchange will establish a common interest with every part of the community, they will mutually and naturally support each other, and on this (not on the unmeaning name of king) depends the strength of government, and the happiness of the governed.

Here then is the origin and rise of government; namely, a mode rendered necessary by the inability of moral virtue to govern the world; here too is the design and end of government, viz. freedom and security. And however our eyes may be dazzled with show, or our ears deceived by sound; however prejudice may warp our wills, or interest darken our understanding, the simple voice of nature and of reason will say, it is right.

I draw my idea of the form of government from a principle in nature, which no art can overturn, viz. that the more simple any thing is, the less liable it is to be disordered, and the easier repaired when disordered; and with this maxim in view, I offer a few remarks on the so much boasted constitution of England.

That it was noble for the dark and slavish times in which it was erected, is granted. When the world was over run with tyranny the least remove therefrom was a glorious rescue. But that it is imperfect, subject to convulsions, and incapable of producing what it seems to promise, is easily demonstrated.

Absolute governments (tho' the disgrace of human nature) have this advantage with them, that they are simple; if the people suffer, they know the head from which their suffering springs, know likewise the remedy, and are not bewildered by a variety of causes and cures. But the constitution of England is so exceedingly complex, that the nation may suffer for years together without being able to discover in which part the fault lies, some will say in one and some in another, and every political physician will advise a different medicine.

I know it is difficult to get over local or long standing prejudices, yet if we will suffer ourselves to examine the component parts of the English constitution, we shall find them to be the base remains of two ancient tyrannies, compounded with some new republican materials.

First.--The remains of monarchical tyranny in the person of the king.

Secondly.--The remains of aristocratical tyranny in the persons of the peers.

Thirdly.--The new republican materials, in the persons of the commons, on whose virtue depends the freedom of England.

The two first, by being hereditary, are independent of the people; wherefore in a constitutional sense they contribute nothing towards the freedom of the state.

To say that the constitution of England is a union of three powers reciprocally checking each other, is farcical, either the words have no meaning, or they are flat contradictions.

To say that the commons is a check upon the king, presupposes two things.

First.--That the king is not to be trusted without being looked after, or in other words, that a thirst for absolute power is the natural disease of monarchy.

Secondly.--That the commons, by being appointed for that purpose, are either wiser or more worthy of confidence than the crown.

But as the same constitution which gives the commons a power to check the king by withholding the supplies, gives afterwards the king a power to check the commons, by empowering him to reject their other bills; it again supposes that the king is wiser than those whom it has already supposed to be wiser than him.

A mere absurdity!

There is something exceedingly ridiculous in the composition of monarchy; it first excludes a man from the means of information, yet empowers him to act in cases where the highest judgment is required. The state of a king shuts him from the world, yet the business of a king requires him to know it thoroughly; wherefore the different parts, by unnaturally opposing and destroying each other, prove the whole character to be absurd and useless.

Some writers have explained the English constitution thus; the king, say they, is one, the people another; the peers are an house in behalf of the king; the commons in behalf of the people; but this hath all the distinctions of an house divided against itself; and though the expressions be pleasantly arranged, yet when examined they appear idle and ambiguous; and it will always happen, that the nicest construction that words are capable of, when applied to the description of some thing which either cannot exist, or is too incomprehensible to be within the compass of description, will be words of sound only, and though they may amuse the ear, they cannot inform the mind, for this explanation includes a previous question, viz. How came the king by a power which the people are afraid to trust, and always obliged to check? Such a power could not be the gift of a wise people, neither can any power, which needs checking, be from God; yet the provision, which the constitution makes, supposes such a power to exist.

But the provision is unequal to the task; the means either cannot or will not accomplish the end, and the whole affair is a *felo de se*; for as the greater weight will always carry up the less, and as all the wheels of a machine are put in motion by one, it only remains to know which power in the constitution has the most weight, for that will govern; and though the others, or a part of them, may clog, or, as the phrase is, check the rapidity of its motion, yet so long as they cannot stop it, their endeavors will be ineffectual; the first moving power will at last have its way, and what it wants in speed is supplied by time.

That the crown is this overbearing part in the English constitution needs not be mentioned, and that it derives its whole consequence merely from being the giver of places and pensions is self-evident, wherefore, though we have been wise enough to shut and lock a door against absolute monarchy, we at the same time have been foolish enough to put the crown in possession of the key.

The prejudice of Englishmen, in favour of their own government by king, lords and commons, arises as much or more from national pride than reason. Individuals are undoubtedly safer in England than in some other countries, but the will of the king is as much the law of the land in Britain as in France, with this difference, that instead of proceeding directly from his mouth, it is handed to the people under the more formidable shape of an act of parliament. For the fate of Charles the first, hath only made kings more subtle--not more just.

Wherefore, laying aside all national pride and prejudice in favour of modes and forms, the plain truth is, that it is wholly owing to the constitution of the people, and not to the constitution of the government that the crown is not as oppressive in England as in Turkey.

An inquiry into the constitutional errors in the English form of government is at this time highly necessary, for as we are never in a proper condition of doing justice to others, while we continue under the influence of some leading partiality, so neither are we capable of doing it to ourselves while we remain fettered by any obstinate prejudice. And as a man, who is attached to a prostitute, is unfitted to choose or judge of a wife, so any prepossession in favour of a rotten constitution of government will disable us from discerning a good one.

OF MONARCHY AND HEREDITARY SUCCESSION.

Mankind being originally equals in the order of creation, the equality could only be destroyed by some subsequent circumstance; the distinctions of rich, and poor, may in a great measure be accounted for, and that without having recourse to the harsh ill sounding names of oppression and avarice. Oppression is often the consequence, but seldom or never the means of riches; and though avarice will preserve a man from being necessitously poor, it generally makes him too timorous to be wealthy.

But there is another and greater distinction for which no truly natural or religious reason can be assigned, and that is, the distinction of men into kings and subjects. Male and female are the distinctions of nature, good and bad the distinctions of heaven; but how a race of men came into the world so exalted above the rest, and distinguished like some new species, is worth enquiring into, and whether they are the means of happiness or of misery to mankind.

In the early ages of the world, according to the scripture chronology, there were no kings; the consequence of which was there were no wars; it is the pride of kings which throw mankind into confusion. Holland without a king hath enjoyed more peace for this last century than any of the monarchical governments in Europe. Antiquity favors the same remark; for the quiet and rural lives of the first patriarchs hath a happy something in them, which vanishes away when we come to the history of Jewish royalty.

Government by kings was first introduced into the world by the Heathens, from whom the children of Israel copied the custom. It was the most prosperous invention the Devil ever set on foot for the promotion of idolatry. The Heathens paid divine honors to their deceased kings, and the christian world hath improved on the plan by doing the same to their living ones. How impious is the title of sacred majesty applied to a worm, who in the midst of his splendor is crumbling into dust!

As the exalting one man so greatly above the rest cannot be justified on the equal rights of nature, so neither can it be defended on the authority of scripture; for the will of the Almighty, as declared by Gideon and the prophet Samuel, expressly disapproves of government by kings. All anti-monarchical parts of scripture have been very smoothly glossed over in monarchical governments, but they undoubtedly merit the attention of countries which have their governments yet to form. "Render unto C\jsar the things which are C\jsar's" is the scripture doctrine of courts, yet it is no support of monarchical government, for the Jews at that time were without a king, and in a state of vassalage to the Romans.

Near three thousand years passed away from the Mosaic account of the creation, till the Jews under a national delusion requested a king. Till then their form of government(except in extraordinary cases, where the Almighty interposed) was a kind of republic administred by a judge and the elders of the tribes. Kings they had none, and it was held sinful to acknowledge any being under that title but the Lord of Hosts. And when a man seriously reflects on the idolatrous homage which is paid to the persons of Kings, he need not wonder, that the Almighty ever jealous of his honor, should disapprove of a form of government which so impiously invades the prerogative of heaven.

Monarchy is ranked in scripture as one of the sins of the Jews, for which a curse in reserve is denounced against them. The history of that transaction is worth attending to.

The children of Israel being oppressed by the Midianites, Gideon marched against them with a small army, and victory, thro' the divine interposition, decided in his favour. The Jews elate with success, and attributing it to the generalship of Gideon, proposed making him a king, saying, Rule thou over us, thou and thy son and thy son's son. Here was temptation in its fullest extent; not a kingdom only, but an hereditary one, but Gideon in the piety of his soul replied, I will not rule over you, neither shall my son rule over you. The Lord shall rule over you. Words need not be more explicit; Gideon doth not decline the honor, but denieth their right to give it; neither doth he compliment them with invented declarations of his thanks, but in the positive stile of a prophet charges them with disaffection to their proper Sovereign, the King of heaven.

About one hundred and thirty years after this, they fell again into the same error. The hankering which the Jews had for the idolatrous customs of the Heathens, is something exceedingly unaccountable; but so it was, that laying hold of the misconduct of Samuel's two sons, who were entrusted with some secular concerns, they came in an abrupt and clamorous manner to Samuel, saying, Behold thou art old, and thy sons walk not in thy ways, now make us a king to judge us like all the other nations. And here we cannot but observe that their motives were bad, viz. that they might be like unto other nations, i. e. the Heathens, whereas their true glory laid in being as much unlike them as possible. But the thing displeased Samuel when they said, Give us a king to judge us; and Samuel prayed unto the Lord, and the Lord said unto Samuel, Hearken unto the voice of the people in all that they say unto thee, for they have not rejected thee, but they have rejected me, that I should not reign over them. According to all the works which they have done since the day that I brought them up out of Egypt, even unto this day; wherewith they have forsaken me and served other Gods; so do they also unto thee. Now therefore hearken unto their voice, howbeit, protest solemnly unto them and shew them the manner of the king that shall reign over them, i. e. not of any particular king, but the general manner of the kings of the earth, whom Israel was so eagerly copying after. And notwithstanding the great distance of time and difference of manners, the character is still in fashion. And Samuel told all the words of the Lord unto the people, that asked of him a king. And he said, This shall be the manner of the king that shall reign over you; he will take your sons and appoint them for himself, for his chariots, and to be his horsemen, and some shall run before his chariots (this description agrees with the present mode of impressing men) and he will appoint him captains over thousands and captains over fifties, and will set them to ear his ground and to reap his harvest, and to make his instruments of war, and instruments of his chariots; and he will take your daughters to be confectionaries, and to be cooks and to be bakers (this describes the expence and luxury as well as the oppression of kings) and he will take your fields and your olive yards, even the best of them, and give them to his servants; and he will take the tenth of your feed, and of your vineyards, and give them to his officers and to his servants (by which we see that bribery, corruption and favoritism are the standing vices of kings) and he will take the tenth of your men servants, and your maid servants, and your goodliest young men and your asses, and put them to his work; and he will take the tenth of your sheep, and ye shall be his servants, and ye shall cry out in that day because of your king which ye shall have chosen, and the Lord will not hear you in that

day. This accounts for the continuation of monarchy; neither do the characters of the few good kings which have lived since, either sanctify the title, or blot out the sinfulness of the origin; the high encomium given of David takes no notice of him officially as a king, but only as a man after God's own heart.

Nevertheless the People refused to obey the voice of Samuel, and they said, Nay, but we will have a king over us, that we may be like all the nations, and that our king may judge us, and go out before us, and fight our battles. Samuel continued to reason with them, but to no purpose; he set before them their ingratitude, but all would not avail; and seeing them fully bent on their folly, he cried out, I will call unto the Lord, and he shall send thunder and rain (which then was a punishment, being in the time of wheat harvest) that ye may perceive and see that your wickedness is great which ye have done in the sight of the Lord, in asking you a king. So Samuel called unto the Lord, and the Lord sent thunder and rain that day, and all the people greatly feared the Lord and Samuel. And all the people said unto Samuel, Pray for thy servants unto the Lord thy God that we die not, for we have added unto our sins this evil, to ask a king. These portions of scripture are direct and positive. They admit of no equivocal construction. That the Almighty hath here entered his protest against monarchical government is true, or the scripture is false. And a man hath good reason to believe that there is as much of king-craft, as priest-craft, in withholding the scripture from the public in Popish countries. For monarchy in every instance is the Popery of government.

To the evil of monarchy we have added that of hereditary succession; and as the first is a degradation and lessening of ourselves, so the second, claimed as a matter of right, is an insult and an imposition on posterity. For all men being originally equals, no one by birth could have a right to set up his own family in perpetual preference to all others for ever, and though himself might deserve some decent degree of honors of his cotemporaries, yet his descendants might be far too unworthy to inherit them. One of the strongest natural proofs of the folly of hereditary right in kings, is, that nature disapproves it, otherwise she would not so frequently turn it into ridicule by giving mankind an ass for a lion.

Secondly, as no man at first could possess any other public honors than were bestowed upon him, so the givers of those honors could have no power to give away the right of posterity, and though they might say "We choose you for our head," they could not, without manifest injustice to their children, say "that your children and your childrens children shall reign over ours for ever."

Because such an unwise, unjust, unnatural compact might (perhaps) in the next succession put them under the government of a rogue or a fool. Most wise men, in their private sentiments, have ever treated hereditary right with contempt; yet it is one of those evils, which when once established is not easily removed; many submit from fear, others from superstition, and the more powerful part shares with the king the plunder of the rest.

This is supposing the present race of kings in the world to have had an honorable origin; whereas it is more than probable, that could we take off the dark covering of antiquity, and trace them to their first rise, that we should find the first of them nothing better than the principal ruffian of some restless gang, whose savage manners or pre-eminence in subtilty obtained him the title of chief among plunderers; and who by increasing in power, and extending his depredations, over-awed the quiet and defenceless to purchase their safety by frequent contributions. Yet his electors could have no idea of giving hereditary right to his descendants, because such a perpetual exclusion of themselves was incompatible with the free and unrestrained principles they professed to live by. Wherefore, hereditary succession in the early ages of monarchy could not take place as a matter of claim, but as something casual or complimentary; but as few or no records were extant in those days, and traditionary history stuffed with fables, it was very easy, after the lapse of a few generations, to trump up some superstitious tale, conveniently timed, Mahomet like, to cram hereditary right down the throats of the vulgar. Perhaps the disorders which threatened, or seemed to threaten, on the decease of a leader and the choice of a new one (for elections among ruffians could not be very orderly) induced many at first to favor hereditary pretensions; by which means it happened, as it hath happened since, that what at first was submitted to as a convenience, was afterwards claimed as a right.

England, since the conquest, hath known some few good monarchs, but groaned beneath a much larger number of bad ones; yet no man in his senses can say that their claim under William the Conqueror is a very honorable one. A French bastard landing with an armed banditti, and establishing himself king of England against the consent of the natives, is in plain terms a very paltry rascally original.--It certainly hath no divinity in it. However, it is needless to spend much time in exposing the folly of hereditary right, if there are any so weak as to believe it, let them promiscuously worship the ass and lion, and welcome. I shall neither copy their humility, nor disturb their devotion.

Yet I should be glad to ask how they suppose kings came at first? The question admits but of three answers, viz. either by lot, by election, or by usurpation. If the first king was taken by lot, it establishes a precedent for the next, which excludes hereditary succession. Saul was by lot, yet the succession was not hereditary, neither does it appear from that transaction there was any intention it ever should. If the first king of any country was by election, that likewise establishes a precedent for the next; for to say, that the right of all future generations is taken away, by the act of the first electors, in their choice not only of a king, but of a family of kings for ever, hath no parallel in or out of scripture but the doctrine of original sin, which supposes the free will of all men lost in Adam; and from such comparison, and it will admit of no other, hereditary succession can derive no glory. For as in Adam all sinned, and as in the first electors all men obeyed; as in the one all mankind were subjected to Satan, and in the other to Sovereignty; as our innocence was lost in the first, and our authority in the last; and as both disable us from reassuming some former state and privilege, it unanswerably follows that original sin and hereditary succession are parallels. Dishonorable rank!

Inglorious connexion! Yet the most subtile sophist cannot produce a juster simile.

As to usurpation, no man will be so hardy as to defend it; and that William the Conqueror was an usurper is a fact not to be contradicted. The plain truth is, that the antiquity of English monarchy will not bear looking into.

But it is not so much the absurdity as the evil of hereditary succession which concerns mankind. Did it ensure a race of good and wise men it would have the seal of divine authority, but as it opens a door to the foolish, the wicked, and the improper, it hath in it the nature of oppression. Men who look upon themselves born to reign, and others to obey, soon grow insolent; selected from the rest of mankind their minds are early poisoned by importance; and the world they act in differs so materially from the world at large, that they have but little opportunity of knowing its true interests, and when they succeed to the government are frequently the most ignorant and unfit of any throughout the dominions.

Another evil which attends hereditary succession is, that the throne is subject to be possessed by a minor at any age; all which time the regency, acting under the cover of a king, have every opportunity and inducement to betray their trust. The same national misfortune happens, when a king worn out with age and infirmity, enters the last stage of human weakness. In both these cases the public becomes a prey to every miscreant, who can tamper successfully with the follies either of age or infancy.

The most plausible plea, which hath ever been offered in favour of hereditary succession, is, that it preserves a nation from civil wars; and were this true, it would be weighty; whereas, it is the most barefaced falsity ever imposed upon mankind.

The whole history of England disowns the fact. Thirty kings and two minors have reigned in that distracted kingdom since the conquest, in which time there have been (including the Revolution) no less than eight civil wars and nineteen rebellions. Wherefore instead of making for peace, it makes against it, and destroys the very foundation it seems to stand on.

The contest for monarchy and succession, between the houses of York and Lancaster, laid England in a scene of blood for many years. Twelve pitched battles, besides skirmishes and sieges, were fought between Henry and Edward.

Twice was Henry prisoner to Edward, who in his turn was prisoner to Henry. And so uncertain is the fate of war and the temper of a nation, when nothing but personal matters are the ground of a quarrel, that Henry was taken in triumph from a prison to a palace, and Edward obliged to fly from a palace to a foreign land; yet, as sudden transitions of temper

are seldom lasting, Henry in his turn was driven from the throne, and Edward recalled to succeed him. The parliament always following the strongest side.

This contest began in the reign of Henry the Sixth, and was not entirely extinguished till Henry the Seventh, in whom the families were united. Including a period of 67 years, viz. from 1422 to 1489.

In short, monarchy and succession have laid (not this or that kingdom only) but the world in blood and ashes. 'Tis a form of government which the word of God bears testimony against, and blood will attend it.

If we inquire into the business of a king, we shall find that in some countries they have none; and after sauntering away their lives without pleasure to themselves or advantage to the nation, withdraw from the scene, and leave their successors to tread the same idle round. In absolute monarchies the whole weight of business, civil and military, lies on the king; the children of Israel in their request for a king, urged this plea "that he may judge us, and go out before us and fight our battles." But in countries where he is neither a judge nor a general, as in England, a man would be puzzled to know what is his business.

The nearer any government approaches to a republic the less business there is for a king. It is somewhat difficult to find a proper name for the government of England. Sir William Meredith calls it a republic; but in its present state it is unworthy of the name, because the corrupt influence of the crown, by having all the places in its disposal, hath so effectually swallowed up the power, and eaten out the virtue of the house of commons (the republican part in the constitution) that the government of England is nearly as monarchical as that of France or Spain. Men fall out with names without understanding them. For it is the republican and not the monarchical part of the constitution of England which Englishmen glory in, viz. the liberty of choosing an house of commons from out of their own body--and it is easy to see that when republican virtue fails, slavery ensues. Why is the constitution of England sickly, but because monarchy hath poisoned the republic, the crown hath engrossed the commons?

In England a king hath little more to do than to make war and give away places; which in plain terms, is to impoverish the nation and set it together by the ears. A pretty business indeed for a man to be allowed eight hundred thousand sterling a year for, and worshipped into the bargain! Of more worth is one honest man to society and in the sight of God, than all the crowned ruffians that ever lived.

THOUGHTS ON THE PRESENT

STATE OF AMERICAN AFFAIRS.

In the following pages I offer nothing more than simple facts, plain arguments, and common sense; and have no other preliminaries to settle with the reader, than that he will

divest himself of prejudice and prepossession, and suffer his reason and his feelings to determine for themselves; that he will put on, or rather that he will not put off, the true character of a man, and generously enlarge his views beyond the present day.

Volumes have been written on the subject of the struggle between England and America. Men of all ranks have embarked in the controversy, from different motives, and with various designs; but all have been ineffectual, and the period of debate is closed. Arms, as the last resource, decide the contest; the appeal was the choice of the king, and the continent hath accepted the challenge.

It hath been reported of the late Mr. Pelham (who tho' an able minister was not without his faults) that on his being attacked in the house of commons, on the score, that his measures were only of a temporary kind, replied "they will last my time." Should a thought so fatal and unmanly possess the colonies in the present contest, the name of ancestors will be remembered by future generations with detestation.

The sun never shined on a cause of greater worth. 'Tis not the affair of a city, a country, a province, or a kingdom, but of a continent--of at least one eighth part of the habitable globe. 'Tis not the concern of a day, a year, or an age; posterity are virtually involved in the contest, and will be more or less affected, even to the end of time, by the proceedings now. Now is the seed time of continental union, faith and honor. The least fracture now will be like a name engraved with the point of a pin on the tender rind of a young oak; the wound will enlarge with the tree, and posterity read it in full grown characters.

By referring the matter from argument to arms, a new way for politics is struck; a new method of thinking hath arisen. All plans, proposals, &c. prior to the nineteenth of April, i. e. to the commencement of hostilities, are like the almanacks of the last year; which, though proper then, are superceded and useless now. Whatever was advanced by the advocates on either side of the question then, terminated in one and the same point, viz. a union with Great-Britain; the only difference between the parties was the method of effecting it; the one proposing force, the other friendship; but it hath so far happened that the first hath failed, and the second hath withdrawn her influence.

As much hath been said of the advantages of reconciliation, which, like an agreeable dream, hath passed away and left us as we were, it is but right, that we should examine the contrary side of the argument, and inquire into some of the many material injuries which these colonies sustain, and always will sustain, by being connected with, and dependant on Great-Britain. To examine that connexion and dependance, on the principles of nature and common sense, to see what we have to trust to, if separated, and what we are to expect, if dependant.

I have heard it asserted by some, that as America hath flourished under her former connexion with Great-Britain, that the same connexion is necessary towards her future happiness, and will always have the same effect. Nothing can be more fallacious than this

kind of argument. We may as well assert that because a child has thrived upon milk, that it is never to have meat, or that the first twenty years of our lives is to become a precedent for the next twenty. But even this is admitting more than is true, for I answer roundly, that America would have flourished as much, and probably much more, had no European power had any thing to do with her. The commerce, by which she hath enriched herself are the necessities of life, and will always have a market while eating is the custom of Europe.

But she has protected us, say some. That she hath engrossed us is true, and defended the continent at our expence as well as her own is admitted, and she would have defended Turkey from the same motive, viz. the sake of trade and dominion.

Alas, we have been long led away by ancient prejudices, and made large sacrifices to superstition. We have boasted the protection of Great-Britain, without considering, that her motive was interest not attachment; that she did not protect us from our enemies on our account, but from her enemies on her own account, from those who had no quarrel with us on any other account, and who will always be our enemies on the same account.

Let Britain wave her pretensions to the continent, or the continent throw off the dependance, and we should be at peace with France and Spain were they at war with Britain. The miseries of Hanover last war ought to warn us against connexions.

It hath lately been asserted in parliament, that the colonies have no relation to each other but through the parent country, i. e. that Pennsylvania and the Jerseys, and so on for the rest, are sister colonies by the way of England; this is certainly a very round-about way of proving relationship, but it is the nearest and only true way of proving enemyship, if I may so call it. France and Spain never were, nor perhaps ever will be our enemies as Americans, but as our being the subjects of Great-Britain.

But Britain is the parent country, say some. Then the more shame upon her conduct. Even brutes do not devour their young, nor savages make war upon their families; wherefore the assertion, if true, turns to her reproach; but it happens not to be true, or only partly so, and the phrase parent or mother country hath been jesuitically adopted by the king and his parasites, with a low papistical design of gaining an unfair bias on the credulous weakness of our minds. Europe, and not England, is the parent country of America. This new world hath been the asylum for the persecuted lovers of civil and religious liberty from every part of Europe. Hither have they fled, not from the tender embraces of the mother, but from the cruelty of the monster; and it is so far true of England, that the same tyranny which drove the first emigrants from home, pursues their descendants still.

In this extensive quarter of the globe, we forget the narrow limits of three hundred and sixty miles (the extent of England) and carry our friendship on a larger scale; we claim

brotherhood with every European christian, and triumph in the generosity of the sentiment.

It is pleasant to observe by what regular gradations we surmount the force of local prejudice, as we enlarge our acquaintance with the world. A man born in any town in England divided into parishes, will naturally associate most with his fellow parishioners (because their interests in many cases will be common) and distinguish him by the name of neighbour; if he meet him but a few miles from home, he drops the narrow idea of a street, and salutes him by the name of townsman; if he travel out of the county, and meet him in any other, he forgets the minor divisions of street and town, and calls him countryman, i. e. county-man; but if in their foreign excursions they should associate in France or any other part of Europe, their local remembrance would be enlarged into that of Englishmen. And by a just parity of reasoning, all Europeans meeting in America, or any other quarter of the globe, are countrymen; for England, Holland, Germany, or Sweden, when compared with the whole, stand in the same places on the larger scale, which the divisions of street, town, and county do on the smaller ones; distinctions too limited for continental minds. Not one third of the inhabitants, even of this province, are of English descent.

Wherefore I reprobate the phrase of parent or mother country applied to England only, as being false, selfish, narrow and ungenerous.

But admitting, that we were all of English descent, what does it amount to? Nothing. Britain, being now an open enemy, extinguishes every other name and title: And to say that reconciliation is our duty, is truly farcical. The first king of England, of the present line (William the Conqueror) was a Frenchman, and half the Peers of England are descendants from the same country; wherefore, by the same method of reasoning, England ought to be governed by France.

Much hath been said of the united strength of Britain and the colonies, that in conjunction they might bid defiance to the world. But this is mere presumption; the fate of war is uncertain, neither do the expressions mean any thing; for this continent would never suffer itself to be drained of inhabitants, to support the British arms in either Asia, Africa, or Europe.

Besides, what have we to do with setting the world at defiance? Our plan is commerce, and that, well attended to, will secure us the peace and friendship of all Europe; because, it is the interest of all Europe to have America a free port. Her trade will always be a protection, and her barrenness of gold and silver secure her from invaders.

I challenge the warmest advocate for reconciliation, to shew, a single advantage that this continent can reap, by being connected with Great Britain. I repeat the challenge, not a single advantage is derived. Our corn will fetch its price in any market in Europe, and our imported goods must be paid for buy them where we will.

But the injuries and disadvantages we sustain by that connection, are without number; and our duty to mankind at large, as well as to ourselves, instruct us to renounce the alliance: Because, any submission to, or dependance on Great-Britain, tends directly to involve this continent in European wars and quarrels; and sets us at variance with nations, who would otherwise seek our friendship, and against whom, we have neither anger nor complaint. As Europe is our market for trade, we ought to form no partial connection with any part of it. It is the true interest of America to steer clear of European contentions, which she never can do, while by her dependance on Britain, she is made the make-weight in the scale of British politics.

Europe is too thickly planted with kingdoms to be long at peace, and whenever a war breaks out between England and any foreign power, the trade of America goes to ruin, because of her connection with Britain. The next war may not turn out like the last, and should it not, the advocates for reconciliation now will be wishing for separation then, because, neutrality in that case, would be a safer convoy than a man of war.

Every thing that is right or natural pleads for separation. The blood of the slain, the weeping voice of nature cries, 'Tis time to part. Even the distance at which the Almighty hath placed England and America, is a strong and natural proof, that the authority of the one, over the other, was never the design of Heaven. The time likewise at which the continent was discovered, adds weight to the argument, and the manner in which it was peopled encreases the force of it. The reformation was preceded by the discovery of America, as if the Almighty graciously meant to open a sanctuary to the persecuted in future years, when home should afford neither friendship nor safety.

The authority of Great-Britain over this continent, is a form of government, which sooner or later must have an end: And a serious mind can draw no true pleasure by looking forward, under the painful and positive conviction, that what he calls "the present constitution" is merely temporary. As parents, we can have no joy, knowing that this government is not sufficiently lasting to ensure any thing which we may bequeath to posterity: And by a plain method of argument, as we are running the next generation into debt, we ought to do the work of it, otherwise we use them meanly and pitifully. In order to discover the line of our duty rightly, we should take our children in our hand, and fix our station a few years farther into life; that eminence will present a prospect, which a few present fears and prejudices conceal from our sight.

Though I would carefully avoid giving unnecessary offence, yet I am inclined to believe, that all those who espouse the doctrine of reconciliation, may be included within the following descriptions. Interested men, who are not to be trusted; weak men, who cannot see; prejudiced men, who will not see; and a certain set of moderate men, who think better of the European world than it deserves; and this last class, by an ill-judged deliberation, will be the cause of more calamities to this continent, than all the other three.

It is the good fortune of many to live distant from the scene of sorrow; the evil is not sufficiently brought to their doors to make them feel the precariousness with which all American property is possessed. But let our imaginations transport us for a few moments to Boston, that seat of wretchedness will teach us wisdom, and instruct us for ever to renounce a power in whom we can have no trust. The inhabitants of that unfortunate city, who but a few months ago were in ease and affluence, have now, no other alternative than to stay and starve, or turn out to beg. Endangered by the fire of their friends if they continue within the city, and plundered by the soldiery if they leave it.

In their present condition they are prisoners without the hope of redemption, and in a general attack for their relief, they would be exposed to the fury of both armies.

Men of passive tempers look somewhat lightly over the offences of Britain, and, still hoping for the best, are apt to call out, "Come, come, we shall be friends again, for all this." But examine the passions and feelings of mankind, Bring the doctrine of reconciliation to the touchstone of nature, and then tell me, whether you can hereafter love, honour, and faithfully serve the power that hath carried fire and sword into your land? If you cannot do all these, then are you only deceiving yourselves, and by your delay bringing ruin upon posterity. Your future connection with Britain, whom you can neither love nor honour, will be forced and unnatural, and being formed only on the plan of present convenience, will in a little time fall into a relapse more wretched than the first. But if you say, you can still pass the violations over, then I ask, Hath your house been burnt? Hath your property been destroyed before your face?

Are your wife and children destitute of a bed to lie on, or bread to live on? Have you lost a parent or a child by their hands, and yourself the ruined and wretched survivor?

If you have not, then are you not a judge of those who have. But if you have, and still can shake hands with the murderers, then are you unworthy the name of husband, father, friend, or lover, and whatever may be your rank or title in life, you have the heart of a coward, and the spirit of a sycophant.

This is not inflaming or exaggerating matters, but trying them by those feelings and affections which nature justifies, and without which, we should be incapable of discharging the social duties of life, or enjoying the felicities of it. I mean not to exhibit horror for the purpose of provoking revenge, but to awaken us from fatal and unmanly slumbers, that we may pursue determinately some fixed object. It is not in the power of Britain or of Europe to conquer America, if she do not conquer herself by delay and timidity. The present winter is worth an age if rightly employed, but if lost or neglected, the whole continent will partake of the misfortune; and there is no punishment which that man will not deserve, be he who, or what, or where he will, that may be the means of sacrificing a season so precious and useful.

It is repugnant to reason, to the universal order of things to all examples from former ages, to suppose, that this continent can longer remain subject to any external power. The most sanguine in Britain does not think so. The utmost stretch of human wisdom cannot, at this time, compass a plan short of separation, which can promise the continent even a year's security.

Reconciliation is now a falacious dream. Nature hath deserted the connexion, and Art cannot supply her place. For, as Milton wisely expresses, "never can true reconcilment grow where wounds of deadly hate have pierced so deep."

Every quiet method for peace hath been ineffectual. Our prayers have been rejected with disdain; and only tended to convince us, that nothing flatters vanity, or confirms obstinacy in Kings more than repeated petitioning--and nothing hath contributed more than that very measure to make the Kings of Europe absolute: Witness Denmark and Sweden. Wherefore, since nothing but blows will do, for God's sake, let us come to a final separation, and not leave the next generation to be cutting throats, under the violated unmeaning names of parent and child.

To say, they will never attempt it again is idle and visionary, we thought so at the repeal of the stamp-act, yet a year or two undeceived us; as well may we suppose that nations, which have been once defeated, will never renew the quarrel.

As to government matters, it is not in the power of Britain to do this continent justice: The business of it will soon be too weighty, and intricate, to be managed with any tolerable degree of convenience, by a power, so distant from us, and so very ignorant of us; for if they cannot conquer us, they cannot govern us. To be always running three or four thousand miles with a tale or a petition, waiting four or five months for an answer, which when obtained requires five or six more to explain it in, will in a few years be looked upon as folly and childishness--There was a time when it was proper, and there is a proper time for it to cease.

Small islands not capable of protecting themselves, are the proper objects for kingdoms to take under their care; but there is something very absurd, in supposing a continent to be perpetually governed by an island. In no instance hath nature made the satellite larger than its primary planet, and as England and America, with respect to each other, reverses the common order of nature, it is evident they belong to different systems: England to Europe, America to itself.

I am not induced by motives of pride, party, or resentment to espouse the doctrine of separation and independance; I am clearly, positively, and conscientiously persuaded that it is the true interest of this continent to be so; that every thing short of that is mere patchwork, that it can afford no lasting felicity,--that it is leaving the sword to our children, and shrinking back at a time, when, a little more, a little farther, would have rendered this continent the glory of the earth.

As Britain hath not manifested the least inclination towards a compromise, we may be assured that no terms can be obtained worthy the acceptance of the continent, or any ways equal to the expence of blood and treasure we have been already put to.

The object, contended for, ought always to bear some just proportion to the expence. The removal of North, or the whole detestable junto, is a matter unworthy the millions we have expended. A temporary stoppage of trade, was an inconvenience, which would have sufficiently ballanced the repeal of all the acts complained of, had such repeals been obtained; but if the whole continent must take up arms, if every man must be a soldier, it is scarcely worth our while to fight against a contemptible ministry only. Dearly, dearly, do we pay for the repeal of the acts, if that is all we fight for; for in a just estimation, it is as great a folly to pay a Bunker-hill price for law, as for land. As I have always considered the independancy of this continent, as an event, which sooner or later must arrive, so from the late rapid progress of the continent to maturity, the event could not be far off. Wherefore, on the breaking out of hostilities, it was not worth the while to have disputed a matter, which time would have finally redressed, unless we meant to be in earnest; otherwise, it is like wasting an estate on a suit at law, to regulate the trespasses of a tenant, whose lease is just expiring. No man was a warmer wisher for reconciliation than myself, before the fatal nineteenth of April 1775*, but the moment the event of that day was made known, I rejected the hardened, sullen tempered Pharoah of England for ever; and disdain the wretch, that with the pretended title of father of his people can unfeelingly hear of their slaughter, and composedly sleep with their blood upon his soul.

But admitting that matters were now made up, what would be the event? I answer, the ruin of the continent. And that for several reasons.

First. The powers of governing still remaining in the hands of the king, he will have a negative over the whole legislation of this continent. And as he hath shewn himself such an inveterate enemy to liberty, and discovered such a thirst for arbitrary power; is he, or is he not, a proper man to say to these colonies, "You shall make no laws but what I please." And is there any inhabitant in America so ignorant, as not to know, that according to what is called the present constitution, that this continent can make no laws but what the king gives leave to; and is there any man so unwise, as not to see, that (considering what has happened) he will suffer no law to be made here, but such as suit his purpose. We may be as effectually enslaved by the want of laws in America, as by submitting to laws made for us in England. After matters are made up (as it is called) can there be any doubt, but the whole power of the crown will be exerted, to keep this continent as low and humble as possible? Instead of going forward we shall go backward, or be perpetually quarrelling or ridiculously petitioning.--We are already greater than the king wishes us to be, and will he not hereafter endeavour to make us less? To bring the matter to one point. Is the power who is jealous of our prosperity, a proper power to govern us? Whoever says No to this question is an independant, for independancy means no more, than, whether we shall

make our own laws, or, whether the king, the greatest enemy this continent hath, or can have, shall tell us "there shall be no laws but such as I like."

But the king you will say has a negative in England; the people there can make no laws without his consent. In point of right and good order, there is something very ridiculous, that a youth of twenty-one (which hath often happened) shall say to several millions of people, older and wiser than himself,

I forbid this or that act of yours to be law. But in this place I decline this sort of reply, though I will never cease to expose the absurdity of it, and only answer, that England being the King's residence, and America not so, makes quite another case. The king's negative here is ten times more dangerous and fatal than it can be in England, for there he will scarcely refuse his consent to a bill for putting England into as strong a state of defence as possible, and in America he would never suffer such a bill to be passed. America is only a secondary object in the system of British politics, England consults the good of this country, no farther than it answers her own purpose.

Wherefore, her own interest leads her to suppress the growth of ours in every case which doth not promote her advantage, or in the least interferes with it. A pretty state we should soon be in under such a second-hand government, considering what has happened! Men do not change from enemies to friends by the alteration of a name: And in order to shew that reconciliation now is a dangerous doctrine, I affirm, that it would be policy in the king at this time, to repeal the acts for the sake of reinstating himself in the government of the provinces; in order, that he may accomplish by craft and subtilty, in the long run, what he cannot do by force and violence in the short one. Reconciliation and ruin are nearly related.

Secondly. That as even the best terms, which we can expect to obtain, can amount to no more than a temporary expedient, or a kind of government by guardianship, which can last no longer than till the colonies come of age, so the general face and state of things, in the interim, will be unsettled and unpromising.

Emigrants of property will not choose to come to a country whose form of government hangs but by a thread, and who is every day tottering on the brink of commotion and disturbance; and numbers of the present inhabitants would lay hold of the interval, to dispose of their effects, and quit the continent.

But the most powerful of all arguments, is, that nothing but independance, i. e. a continental form of government, can keep the peace of the continent and preserve it inviolate from civil wars. I dread the event of a reconciliation with Britain now, as it is more than probable, that it will be followed by a revolt somewhere or other, the consequences of which may be far more fatal than all the malice of Britain.

Thousands are already ruined by British barbarity; (thousands more will probably suffer the same fate) Those men have other feelings than us who have nothing suffered. All they now possess is liberty, what they before enjoyed is sacrificed to its service, and having nothing more to lose, they disdain submission. Besides, the general temper of the colonies, towards a British government, will be like that of a youth, who is nearly out of his time; they will care very little about her. And a government which cannot preserve the peace, is no government at all, and in that case we pay our money for nothing; and pray what is it that Britain can do, whose power will be wholly on paper, should a civil tumult break out the very day after reconciliation? I have heard some men say, many of whom I believe spoke without thinking, that they dreaded an independance, fearing that it would produce civil wars. It is but seldom that our first thoughts are truly correct, and that is the case here; for there are ten times more to dread from a patched up connexion than from independance. I make the sufferers case my own, and I protest, that were I driven from house and home, my property destroyed, and my circumstances ruined, that as a man, sensible of injuries, I could never relish the doctrine of reconciliation, or consider myself bound thereby.

The colonies have manifested such a spirit of good order and obedience to continental government, as is sufficient to make every reasonable person easy and happy on that head. No man can assign the least pretence for his fears, on any other grounds, than such as are truly childish and ridiculous, viz. that one colony will be striving for superiority over another.

Where there are no distinctions there can be no superiority, perfect equality affords no temptation. The republics of Europe are all (and we may say always) in peace. Holland and Swisserland are without wars, foreign or domestic:

Monarchical governments, it is true, are never long at rest; the crown itself is a temptation to enterprizing ruffians at home; and that degree of pride and insolence ever attendant on regal authority, swells into a rupture with foreign powers, in instances, where a republican government, by being formed on more natural principles, would negotiate the mistake.

If there is any true cause of fear respecting independance, it is because no plan is yet laid down. Men do not see their way out--Wherefore, as an opening into that business, I offer the following hints; at the same time modestly affirming, that I have no other opinion of them myself, than that they may be the means of giving rise to something better. Could the stragglings of thoughts of individuals be collected, they would frequently form materials for wise and able men to improve into useful matter.

Let the assemblies be annual, with a President only. The representation more equal. Their business wholly domestic, and subject to the authority of a Continental Congress.

Let each colony be divided into six, eight, or ten, convenient districts, each district to send a proper number of delegates to Congress, so that each colony send at least thirty. The

whole number in Congress will be least 390. Each Congress to sit-----and to choose a president by the following method. When the delegates are met, let a colony be taken from the whole thirteen colonies by lot, after which, let the whole Congress choose (by ballot) a president from out of the delegates of that province. In the next Congress, let a colony be taken by lot from twelve only, omitting that colony from which the president was taken in the former Congress, and so proceeding on till the whole thirteen shall have had their proper rotation. And in order that nothing may pass into a law but what is satisfactorily just, not less than three fifths of the Congress to be called a majority.--He that will promote discord, under a government so equally formed as this, would have joined Lucifer in his revolt.

But as there is a peculiar delicacy, from whom, or in what manner, this business must first arise, and as it seems most agreeable and consistent that it should come from some intermediate body between the governed and the governors, that is, between the Congress and the people, let a Continental Conference be held, in the following manner, and for the following purpose.

A committee of twenty-six members of Congress, viz. two for each colony. Two members from each House of Assembly, or Provincial Convention; and five representatives of the people at large, to be chosen in the capital city or town of each province, for, and in behalf of the whole province, by as many qualified voters as shall think proper to attend from all parts of the province for that purpose; or, if more convenient, the representatives may be chosen in two or three of the most populous parts thereof.

In this conference, thus assembled, will be united, the two grand principles of business, knowledge and power. The members of Congress, Assemblies, or Conventions, by having had experience in national concerns, will be able and useful counsellors, and the whole, being empowered by the people, will have a truly legal authority.

The conferring members being met, let their business be to frame a Continental Charter, or Charter of the United Colonies; (answering to what is called the Magna Charta of England) fixing the number and manner of choosing members of Congress, members of Assembly, with their date of sitting, and drawing the line of business and jurisdiction between them: (Always remembering, that our strength is continental, not provincial:) Securing freedom and property to all men, and above all things, the free exercise of religion, according to the dictates of conscience; with such other matter as is necessary for a charter to contain. Immediately after which, the said Conference to dissolve, and the bodies which shall be chosen conformable to the said charter, to be the legislators and governors of this continent for the time being: Whose peace and happiness, may God preserve, Amen.

Should any body of men be hereafter delegated for this or some similar purpose, I offer them the following extracts from that wise observer on governments Dragonetti. "The

science" says he "of the politician consists in fixing the true point of happiness and freedom. Those men would deserve the gratitude of ages, who should discover a mode of government that contained the greatest sum of individual happiness, with the least national expense.

Dragonetti on virtue and rewards."--But where says some is the King of America? I'll tell you Friend, he reigns above, and doth not make havoc of mankind like the Royal Brute of Britain. Yet that we may not appear to be defective even in earthly honors, let a day be solemnly set apart for proclaiming the charter; let it be brought forth placed on the divine law, the word of God; let a crown be placed thereon, by which the world may know, that so far as we approve of monarchy, that in America the law is king. For as in absolute governments the King is law, so in free countries the law ought to be King; and there ought to be no other. But lest any ill use should afterwards arise, let the crown at the conclusion of the ceremony be demolished, and scattered among the people whose right it is.

A government of our own is our natural right: And when a man seriously reflects on the precariousness of human affairs, he will become convinced, that it is infinitely wiser and safer, to form a constitution of our own in a cool deliberate manner, while we have it in our power, than to trust such an interesting event to time and chance. If we omit it now, some * Massanello may hereafter arise, who laying hold of popular disquietudes, may collect together the desperate and the discontented, and by assuming to themselves the powers of government, may sweep away the liberties of the continent like a deluge. Should the government of America return again into the hands of Britain, the tottering situation of things, will be a temptation for some desperate adventurer to try his fortune; and in such a case, what relief can Britain give? Ere she could hear the news, the fatal business might be done; and ourselves suffering like the wretched Britons under the oppression of the Conqueror. Ye that oppose independance now, ye know not what ye do; ye are opening a door to eternal tyranny, by keeping vacant the seat of government. There are thousands, and tens of thousands, who would think it glorious to expel from the continent, that barbarous and hellish power, which hath stirred up the Indians and Negroes to destroy us, the cruelty hath a double guilt, it is dealing brutally by us, and treacherously by them.

To talk of friendship with those in whom our reason forbids us to have faith, and our affections wounded through a thousand pores instruct us to detest, is madness and folly. Every day wears out the little remains of kindred between us and them, and can there be any reason to hope, that as the relationship expires, the affection will increase, or that we shall agree better, when we have ten times more and greater concerns to quarrel over than ever?

Ye that tell us of harmony and reconciliation, can ye restore to us the time that is past? Can ye give to prostitution its former innocence? Neither can ye reconcile Britain and America. The last cord now is broken, the people of England are presenting addresses against us. There are injuries which nature cannot forgive; she would cease to be nature if

she did. As well can the lover forgive the ravisher of his mistress, as the continent forgive the murders of Britain. The Almighty hath implanted in us these unextinguishable feelings for good and wise purposes. They are the guardians of his image in our hearts. They distinguish us from the herd of common animals. The social compact would dissolve, and justice be extirpated from the earth, or have only a casual existence were we callous to the touches of affection. The robber, and the murderer, would often escape unpunished, did not the injuries which our tempers sustain, provoke us into justice.

O ye that love mankind! Ye that dare oppose, not only the tyranny, but the tyrant, stand forth! Every spot of the old world is overrun with oppression.

Freedom hath been hunted round the globe. Asia, and Africa, have long expelled her.--Europe regards her like a stranger, and England hath given her warning to depart. O! receive the fugitive, and prepare in time an asylum for mankind.

OF THE PRESENT ABILITY OF AMERICA, WITH SOME MISCELLANEOUS REFLEXIONS.

I have never met with a man, either in England or America, who hath not confessed his opinion, that a separation between the countries, would take place one time or other: And there is no instance, in which we have shewn less judgment, than in endeavouring to describe, what we call, the ripeness or fitness of the Continent for independance.

As all men allow the measure, and vary only in their opinion of the time, let us, in order to remove mistakes, take a general survey of things, and endeavour, if possible, to find out the very time. But we need not go far, the inquiry ceases at once, for, the time hath found us. The general concurrence, the glorious union of all things prove the fact.

It is not in numbers, but in unity, that our great strength lies; yet our present numbers are sufficient to repel the force of all the world. The Continent hath, at this time, the largest body of armed and disciplined men of any power under Heaven; and is just arrived at that pitch of strength, in which, no single colony is able to support itself, and the whole, when united, can accomplish the matter, and either more, or, less than this, might be fatal in its effects. Our land force is already sufficient, and as to naval affairs, we cannot be insensible, that Britain would never suffer an American man of war to be built, while the continent remained in her hands.

Wherefore, we should be no forwarder an hundred years hence in that branch, than we are now; but the truth is, we should be less so, because the timber of the country is every day diminishing, and that, which will remain at last, will be far off and difficult to procure.

Were the continent crowded with inhabitants, her sufferings under the present circumstances would be intolerable. The more sea port towns we had, the more should we have both to defend and to loose. Our present numbers are so happily proportioned to

our wants, that no man need be idle. The diminution of trade affords an army, and the necessities of an army create a new trade.

Debts we have none; and whatever we may contract on this account will serve as a glorious memento of our virtue. Can we but leave posterity with a settled form of government, an independant constitution of it's own, the purchase at any price will be cheap. But to expend millions for the sake of getting a few vile acts repealed, and routing the present ministry only, is unworthy the charge, and is using posterity with the utmost cruelty; because it is leaving them the great work to do, and a debt upon their backs, from which, they derive no advantage. Such a thought is unworthy a man of honor, and is the true characteristic of a narrow heart and a peddling politician.

The debt we may contract doth not deserve our regard if the work be but accomplished. No nation ought to be without a debt. A national debt is a national bond; and when it bears no interest, is in no case a grievance. Britain is oppressed with a debt of upwards of one hundred and forty millions sterling, for which she pays upwards of four millions interest. And as a compensation for her debt, she has a large navy; America is without a debt, and without a navy; yet for the twentieth part of the English national debt, could have a navy as large again. The navy of England is not worth, at this time, more than three millions and an half sterling.

The first and second editions of this pamphlet were published without the following calculations, which are now given as a proof that the above estimation of the navy is a just one. See Entic's naval history, intro. page 56.

The charge of building a ship of each rate, and furnishing her with masts, yards, sails and rigging, together with a proportion of eight months boatswain's and carpenter's seastores, as calculated by Mr. Burchett, Secretary to the navy.

For a ship of a 100 guns 35,553

90 29,886

80 23,638

70 17,785

60 14,197

50 10,606

40 7,558

30 5,846

20 3,710

And from hence it is easy to sum up the value, or cost rather, of the whole British navy, which in the year 1757, when it was at its greatest glory consisted of the following ships and guns.

Ships. Guns. Cost of one. Cost of all.

6 100 35,553 l. 213,318 l.
 12 90 29,886 358,632
 12 80 23,638 283,656
 43 70 17,785 764,755
 35 60 14,197 496,895
 40 50 10,606 424,240
 45 40 7,558 340,110
 58 20 3,710 215,180
 85 Sloops, bombs,
 and fireships, one 2,000 170,000
 with another, at
 Cost 3,266,786
 Remains for guns 233,214
 3,500,000

No country on the globe is so happily situated, or so internally capable of raising a fleet as America. Tar, timber, iron, and cordage are her natural produce. We need go abroad for nothing. Whereas the Dutch, who make large profits by hiring out their ships of war to the Spaniards and Portuguese, are obliged to import most of the materials they use. We ought to view the building a fleet as an article of commerce, it being the natural manufactory of this country. It is the best money we can lay out. A navy when finished is worth more than it cost. And is that nice point in national policy, in which commerce and protection are united. Let us build; if we want them not, we can sell; and by that means replace our paper currency with ready gold and silver.

In point of manning a fleet, people in general run into great errors; it is not necessary that one fourth part should be sailors. The Terrible privateer, Captain Death, stood the hottest engagement of any ship last war, yet had not twenty sailors on board, though her complement of men was upwards of two hundred. A few able and social sailors will soon instruct a sufficient number of active landmen in the common work of a ship. Wherefore, we never can be more capable to begin on maritime matters than now, while our timber is standing, our fisheries blocked up, and our sailors and shipwrights out of employ. Men of war, of seventy and eighty guns were built forty years ago in New-England, and why not the same now? Ship-building is America's greatest pride, and in which, she will in time excel the whole world. The great empires of the east are mostly inland, and consequently excluded from the possibility of rivalling her. Africa is in a state of barbarism; and no power in Europe, hath either such an extent of coast, or such an internal supply of materials. Where nature hath given the one, she has withheld the other; to America only hath she been liberal of both.

The vast empire of Russia is almost shut out from the sea; wherefore, her boundless forests, her tar, iron, and cordage are only articles of commerce.

In point of safety, ought we to be without a fleet? We are not the little people now, which we were sixty years ago; at that time we might have trusted our property in the streets, or fields rather; and slept securely without locks or bolts to our doors or windows. The case now is altered, and our methods of defence, ought to improve with our increase of property. A common pirate, twelve months ago, might have come up the Delaware, and laid the city of Philadelphia under instant contribution, for what sum he pleased; and the same might have happened to other places. Nay, any daring fellow, in a brig of fourteen or sixteen guns, might have robbed the whole Continent, and carried off half a million of money. These are circumstances which demand our attention, and point out the necessity of naval protection.

Some, perhaps, will say, that after we have made it up with Britain, she will protect us. Can we be so unwise as to mean, that she shall keep a navy in our harbours for that purpose? Common sense will tell us, that the power which hath endeavoured to subdue us, is of all others, the most improper to defend us.

Conquest may be effected under the pretence of friendship; and ourselves, after a long and brave resistance, be at last cheated into slavery. And if her ships are not to be admitted into our harbours, I would ask, how is she to protect us?

A navy three or four thousand miles off can be of little use, and on sudden emergencies, none at all. Wherefore, if we must hereafter protect ourselves, why not do it for ourselves? Why do it for another?

The English list of ships of war, is long and formidable, but not a tenth part of them are at any one time fit for service, numbers of them not in being; yet their names are pompously continued in the list, if only a plank be left of the ship: and not a fifth part, of such as are fit for service, can be spared on any one station at one time. The East, and West Indies, Mediterranean, Africa, and other parts over which Britain extends her claim, make large demands upon her navy. From a mixture of prejudice and inattention, we have contracted a false notion respecting the navy of England, and have talked as if we should have the whole of it to encounter at once, and for that reason, supposed, that we must have one as large; which not being instantly practicable, have been made use of by a set of disguised Tories to discourage our beginning thereon. Nothing can be farther from truth than this; for if America had only a twentieth part of the naval force of Britain, she would be by far an over match for her; because, as we neither have, nor claim any foreign dominion, our whole force would be employed on our own coast, where we should, in the long run, have two to one the advantage of those who had three or four thousand miles to sail over, before they could attack us, and the same distance to return in order to refit and recruit. And although Britain by her fleet, hath a check over our trade to Europe, we have as large a one over her trade to the West-Indies, which, by laying in the neighbourhood of the Continent, is entirely at its mercy.

Some method might be fallen on to keep up a naval force in time of peace, if we should not judge it necessary to support a constant navy. If premiums were to be given to merchants, to build and employ in their service, ships mounted with twenty, thirty, forty, or fifty guns, (the premiums to be in proportion to the loss of bulk to the merchants) fifty or sixty of those ships, with a few guard ships on constant duty, would keep up a sufficient navy, and that without burdening ourselves with the evil so loudly complained of in England, of suffering their fleet, in time of peace to lie rotting in the docks. To unite the sinews of commerce and defence is sound policy; for when our strength and our riches, play into each other's hand, we need fear no external enemy.

In almost every article of defence we abound. Hemp flourishes even to rankness, so that we need not want cordage. Our iron is superior to that of other countries. Our small arms equal to any in the world. Cannon we can cast at pleasure. Saltpetre and gunpowder we are every day producing. Our knowledge is hourly improving. Resolution is our inherent character, and courage hath never yet forsaken us. Wherefore, what is it that we want? Why is it that we hesitate?

From Britain we can expect nothing but ruin. If she is once admitted to the government of America again, this Continent will not be worth living in.

Jealousies will be always arising; insurrections will be constantly happening; and who will go forth to quell them? Who will venture his life to reduce his own countrymen to a foreign obedience? The difference between Pennsylvania and Connecticut, respecting some unlocated lands, shews the insignificance of a British government, and fully proves, that nothing but Continental authority can regulate Continental matters.

Another reason why the present time is preferable to all others, is, that the fewer our numbers are, the more land there is yet unoccupied, which instead of being lavished by the king on his worthless dependants, may be hereafter applied, not only to the discharge of the present debt, but to the constant support of government. No nation under heaven hath such an advantage as this.

The infant state of the Colonies, as it is called, so far from being against, is an argument in favor of independance. We are sufficiently numerous, and were we more so, we might be less united. It is a matter worthy of observation, that the more a country is peopled, the smaller their armies are. In military numbers, the ancients far exceeded the moderns: and the reason is evident, for trade being the consequence of population, men become too much absorbed thereby to attend to any thing else. Commerce diminishes the spirit, both of patriotism and military defence. And history sufficiently informs us, that the bravest achievements were always accomplished in the non-age of a nation. With the increase of commerce, England hath lost its spirit.

The city of London, notwithstanding its numbers, submits to continued insults with the patience of a coward. The more men have to lose, the less willing are they to venture. The

rich are in general slaves to fear, and submit to courtly power with the trembling duplicity of a Spaniel.

Youth is the seed time of good habits, as well in nations as in individuals. It might be difficult, if not impossible, to form the Continent into one government half a century hence. The vast variety of interests, occasioned by an increase of trade and population, would create confusion. Colony would be against colony.

Each being able might scorn each other's assistance: and while the proud and foolish gloried in their little distinctions, the wise would lament, that the union had not been formed before. Wherefore, the present time is the true time for establishing it. The intimacy which is contracted in infancy, and the friendship which is formed in misfortune, are, of all others, the most lasting and unalterable. Our present union is marked with both these characters: we are young, and we have been distressed; but our concord hath withstood our troubles, and fixes a memorable y^era for posterity to glory in.

The present time, likewise, is that peculiar time, which never happens to a nation but once, viz. the time of forming itself into a government. Most nations have let slip the opportunity, and by that means have been compelled to receive laws from their conquerors, instead of making laws for themselves. First, they had a king, and then a form of government; whereas, the articles or charter of government, should be formed first, and men delegated to execute them afterward: but from the errors of other nations, let us learn wisdom, and lay hold of the present opportunity--To begin government at the right end.

When William the Conqueror subdued England, he gave them law at the point of the sword; and until we consent, that the seat of government, in America, be legally and authoritatively occupied, we shall be in danger of having it filled by some fortunate ruffian, who may treat us in the same manner, and then, where will be our freedom? where our property?

As to religion, I hold it to be the indispensable duty of all government, to protect all conscientious professors thereof, and I know of no other business which government hath to do therewith. Let a man throw aside that narrowness of soul, that selfishness of principle, which the niggards of all professions are so unwilling to part with, and he will be at once delivered of his fears on that head. Suspicion is the companion of mean souls, and the bane of all good society. For myself, I fully and conscientiously believe, that it is the will of the Almighty, that there should be diversity of religious opinions among us: It affords a larger field for our Christian kindness. Were we all of one way of thinking, our religious dispositions would want matter for probation; and on this liberal principle, I look on the various denominations among us, to be like children of the same family, differing only, in what is called, their Christian names.

In page thirty-three, I threw out a few thoughts on the propriety of a Continental Charter, (for I only presume to offer hints, not plans) and in this place, I take the liberty of

rementioning the subject, by observing, that a charter is to be understood as a bond of solemn obligation, which the whole enters into, to support the right of every separate part, whether of religion, personal freedom, or property. A firm bargain and a right reckoning make long friends.

In a former page I likewise mentioned the necessity of a large and equal representation; and there is no political matter which more deserves our attention. A small number of electors, or a small number of representatives, are equally dangerous. But if the number of the representatives be not only small, but unequal, the danger is increased. As an instance of this, I mention the following; when the Associators petition was before the House of Assembly of Pennsylvania; twenty-eight members only were present, all the Bucks county members, being eight, voted against it, and had seven of the Chester members done the same, this whole province had been governed by two counties only, and this danger it is always exposed to. The unwarrantable stretch likewise, which that house made in their last sitting, to gain an undue authority over the Delegates of that province, ought to warn the people at large, how they trust power out of their own hands. A set of instructions for the Delegates were put together, which in point of sense and business would have dishonored a schoolboy, and after being approved by a few, a very few without doors, were carried into the House, and there passed in behalf of the whole colony; whereas, did the whole colony know, with what ill-will that House hath entered on some necessary public measures, they would not hesitate a moment to think them unworthy of such a trust.

Immediate necessity makes many things convenient, which if continued would grow into oppressions. Expedience and right are different things. When the calamities of America required a consultation, there was no method so ready, or at that time so proper, as to appoint persons from the several Houses of Assembly for that purpose; and the wisdom with which they have proceeded hath preserved this continent from ruin. But as it is more than probable that we shall never be without a Congress, every well wisher to good order, must own, that the mode for choosing members of that body, deserves consideration. And I put it as a question to those, who make a study of mankind, whether representation and election is not too great a power for one and the same body of men to possess?

When we are planning for posterity, we ought to remember, that virtue is not hereditary.

It is from our enemies that we often gain excellent maxims, and are frequently surprised into reason by their mistakes. Mr. Cornwall (one of the Lords of the Treasury) treated the petition of the New York Assembly with contempt, because that House, he said, consisted but of twenty-six members, which trifling number, he argued, could not with decency be put for the whole. We thank him for his involuntary honesty.*

To Conclude, however strange it may appear to some, or however unwilling they may be to think so, matters not, but many strong and striking reasons may be given, to shew, that nothing can settle our affairs so expeditiously as an open and determined declaration for

independance. Some of which are, First.--It is the custom of nations, when any two are at war, for some other powers, not engaged in the quarrel, to step in as mediators, and bring about the preliminaries of a peace: but while America calls herself the Subject of Great-Britain, no power, however well disposed she may be, can offer her mediation. Wherefore, in our present state we may quarrel on for ever.

Secondly.--It is unreasonable to suppose, that France or Spain will give us any kind of assistance, if we mean only, to make use of that assistance for the purpose of repairing the breach, and strengthening the connection between Britain and America; because, those powers would be sufferers by the consequences.

Thirdly.--While we profess ourselves the subjects of Britain, we must, in the eye of foreign nations, be considered as rebels. The precedent is somewhat dangerous to their peace, for men to be in arms under the name of subjects; we, on the spot, can solve the paradox: but to unite resistance and subjection, requires an idea much too refined for common understanding.

Fourthly.--Were a manifesto to be published, and despatched to foreign courts, setting forth the miseries we have endured, and the peaceable methods we have ineffectually used for redress; declaring, at the same time, that not being able, any longer, to live happily or safely under the cruel disposition of the British court, we had been driven to the necessity of breaking off all connections with her; at the same time, assuring all such courts of our peaceable disposition towards them, and of our desire of entering into trade with them: Such a memorial would produce more good effects to this Continent, than if a ship were freighted with petitions to Britain.

Under our present denomination of British subjects, we can neither be received nor heard abroad: The custom of all courts is against us, and will be so, until, by an independance, we take rank with other nations.

These proceedings may at first appear strange and difficult; but, like all other steps which we have already passed over, will in a little time become familiar and agreeable; and, until an independance is declared, the Continent will feel itself like a man who continues putting off some unpleasant business from day to day, yet knows it must be done, hates to set about it, wishes it over, and is continually haunted with the thoughts of its necessity.

APPENDIX

Since the publication of the first edition of this pamphlet, or rather, on the same day on which it came out, the King's Speech made its appearance in this city. Had the spirit of prophecy directed the birth of this production, it could not have brought it forth, at a more seasonable juncture, or a more necessary time. The bloody mindedness of the one, shew the necessity of pursuing the doctrine of the other. Men read by way of revenge. And the Speech, instead of terrifying, prepared a way for the manly principles of Independance.

Ceremony, and even, silence, from whatever motive they may arise, have a hurtful tendency, when they give the least degree of countenance to base and wicked performances; wherefore, if this maxim be admitted, it naturally follows, that the King's Speech, as being a piece of finished villany, deserved, and still deserves, a general execration both by the Congress and the people. Yet, as the domestic tranquillity of a nation, depends greatly, on the chastity of what may properly be called national manners, it is often better, to pass some things over in silent disdain, than to make use of such new methods of dislike, as might introduce the least innovation, on that guardian of our peace and safety.

And, perhaps, it is chiefly owing to this prudent delicacy, that the King's Speech, hath not, before now, suffered a public execution. The Speech if it may be called one, is nothing better than a wilful audacious libel against the truth, the common good, and the existence of mankind; and is a formal and pompous method of offering up human sacrifices to the pride of tyrants. But this general massacre of mankind, is one of the privileges, and the certain consequence of Kings; for as nature knows them not, they know not her, and although they are beings of our own creating, they know not us, and are become the gods of their creators. The Speech hath one good quality, which is, that it is not calculated to deceive, neither can we, even if we would, be deceived by it. Brutality and tyranny appear on the face of it. It leaves us at no loss: And every line convinces, even in the moment of reading, that He, who hunts the woods for prey, the naked and untutored Indian, is less a Savage than the King of Britain.

Sir John Dalrymple, the putative father of a whining jesuitical piece, fallaciously called, "The Address of the people of England to the inhabitants of America," hath, perhaps, from a vain supposition, that the people here were to be frightened at the pomp and description of a king, given, (though very unwisely on his part) the real character of the present one: "But," says this writer, "if you are inclined to pay compliments to an administration, which we do not complain of," (meaning the Marquis of Rockingham's at the repeal of the Stamp Act) "it is very unfair in you to withhold them from that prince, by whose nod alone they were permitted to do any thing." This is toryism with a witness!

Here is idolatry even without a mask: And he who can calmly hear, and digest such doctrine, hath forfeited his claim to rationality--an apostate from the order of manhood; and ought to be considered--as one, who hath not only given up the proper dignity of man, but sunk himself beneath the rank of animals, and contemptibly crawls through the world like a worm.

However, it matters very little now, what the king of England either says or does; he hath wickedly broken through every moral and human obligation, trampled nature and conscience beneath his feet; and by a steady and constitutional spirit of insolence and cruelty, procure for himself an universal hatred. It is now the interest of America to provide

for herself. She hath already a large and young family, whom it is more her duty to take care of, than to be granting away her property, to support a power who is become a reproach to the names of men and christians--Ye, whose office it is to watch over the morals of a nation, of whatsoever sect or denomination ye are of, as well as ye, who, are more immediately the guardians of the public liberty, if ye wish to preserve your native country uncontaminated by European corruption, ye must in secret wish a separation--But leaving the moral part to private reflection, I shall chiefly confine my farther remarks to the following heads.

First. That it is the interest of America to be separated from Britain.

Secondly. Which is the easiest and most practicable plan, reconciliation or independance? with some occasional remarks.

In support of the first, I could, if I judged it proper, produce the opinion of some of the ablest and most experienced men on this continent; and whose sentiments, on that head, are not yet publicly known. It is in reality a self-evident position: For no nation in a state of foreign dependance, limited in its commerce, and cramped and fettered in its legislative powers, can ever arrive at any material eminence. America doth not yet know what opulence is; and although the progress which she hath made stands unparalleled in the history of other nations, it is but childhood, compared with what she would be capable of arriving at, had she, as she ought to have, the legislative powers in her own hands. England is, at this time, proudly coveting what would do her no good, were she to accomplish it; and the Continent hesitating on a matter, which will be her final ruin if neglected. It is the commerce and not the conquest of America, by which England is to be benefited, and that would in a great measure continue, were the countries as independant of each other as France and Spain; because in many articles, neither can go to a better market. But it is the independance of this country of Britain or any other, which is now the main and only object worthy of contention, and which, like all other truths discovered by necessity, will appear clearer and stronger every day.

First. Because it will come to that one time or other.

Secondly. Because, the longer it is delayed the harder it will be to accomplish.

I have frequently amused myself both in public and private companies, with silently remarking, the specious errors of those who speak without reflecting.

And among the many which I have heard, the following seems the most general, viz. that had this rupture happened forty or fifty years hence, instead of now, the Continent would have been more able to have shaken off the dependance. To which I reply, that our military ability, at this time, arises from the experience gained in the last war, and which in forty or fifty years time, would have been totally extinct. The Continent, would not, by that time, have had a General, or even a military officer left; and we, or those who may

succeed us, would have been as ignorant of martial matters as the ancient Indians: And this single position, closely attended to, will unanswerably prove, that the present time is preferable to all others. The argument turns thus--at the conclusion of the last war, we had experience, but wanted numbers; and forty or fifty years hence, we should have numbers, without experience; wherefore, the proper point of time, must be some particular point between the two extremes, in which a sufficiency of the former remains, and a proper increase of the latter is obtained: And that point of time is the present time.

The reader will pardon this digression, as it does not properly come under the head I first set out with, and to which I again return by the following position, viz.

Should affairs be patched up with Britain, and she to remain the governing and sovereign power of America, (which, as matters are now circumstanced, is giving up the point intirely) we shall deprive ourselves of the very means of sinking the debt we have, or may contract. The value of the back lands which some of the provinces are clandestinely deprived of, by the unjust extention of the limits of Canada, valued only at five pounds sterling per hundred acres, amount to upwards of twenty-five millions, Pennsylvania currency; and the quit-rents at one penny sterling per acre, to two millions yearly.

It is by the sale of those lands that the debt may be sunk, without burthen to any, and the quit-rent reserved thereon, will always lessen, and in time, will wholly support the yearly expence of government. It matters not how long the debt is in paying, so that the lands when sold be applied to the discharge of it, and for the execution of which, the Congress for the time being, will be the continental trustees.

I proceed now to the second head, viz. Which is the easiest and most practicable plan, reconciliation or independance; with some occasional remarks.

He who takes nature for his guide is not easily beaten out of his argument, and on that ground, I answer generally--That independance being a single simple line, contained within ourselves; and reconciliation, a matter exceedingly perplexed and complicated, and in which, a treacherous capricious court is to interfere, gives the answer without a doubt.

The present state of America is truly alarming to every man who is capable of reflexion. Without law, without government, without any other mode of power than what is founded on, and granted by courtesy. Held together by an unexampled concurrence of sentiment, which, is nevertheless subject to change, and which, every secret enemy is endeavouring to dissolve. Our present condition, is, Legislation without law; wisdom without a plan; constitution without a name; and, what is strangely astonishing, perfect Independance contending for dependance. The instance is without a precedent; the case never existed before; and who can tell what may be the event? The property of no man is secure in the present unbraced system of things. The mind of the multitude is left at random, and seeing no fixed object before them, they pursue such as fancy or opinion starts. Nothing is criminal; there is no such thing as treason; wherefore, every one thinks himself at liberty to

act as he pleases. The Tories dared not have assembled offensively, had they known that their lives, by that act, were forfeited to the laws of the state. A line of distinction should be drawn, between, English soldiers taken in battle, and inhabitants of America taken in arms. The first are prisoners, but the latter traitors. The one forfeits his liberty, the other his head.

Notwithstanding our wisdom, there is a visible feebleness in some of our proceedings which gives encouragement to dissentions. The Continental Belt is too loosely buckled. And if something is not done in time, it will be too late to do any thing, and we shall fall into a state, in which, neither Reconciliation nor Independance will be practicable. The king and his worthless adherents are got at their old game of dividing the Continent, and there are not wanting among us, Printers, who will be busy in spreading specious falsehoods. The artful and hypocritical letter which appeared a few months ago in two of the New York papers, and likewise in two others, is an evidence that there are men who want either judgment or honesty.

It is easy getting into holes and corners and talking of reconciliation: But do such men seriously consider, how difficult the task is, and how dangerous it may prove, should the Continent divide thereon. Do they take within their view, all the various orders of men whose situation and circumstances, as well as their own, are to be considered therein. Do they put themselves in the place of the sufferer whose all is already gone, and of the soldier, who hath quitted all for the defence of his country. If their ill judged moderation be suited to their own private situations only, regardless of others, the event will convince them, that "they are reckoning without their Host."

Put us, say some, on the footing we were on in sixty-three: To which I answer, the request is not now in the power of Britain to comply with, neither will she propose it; but if it were, and even should be granted, I ask, as a reasonable question, By what means is such a corrupt and faithless court to be kept to its engagements? Another parliament, nay, even the present, may hereafter repeal the obligation, on the pretence, of its being violently obtained, or unwisely granted; and in that case, Where is our redress?--No going to law with nations; cannon are the barristers of Crowns; and the sword, not of justice, but of war, decides the suit. To be on the footing of sixty-three, it is not sufficient, that the laws only be put on the same state, but, that our circumstances, likewise, be put on the same state; Our burnt and destroyed towns repaired or built up, our private losses made good, our public debts (contracted for defence) discharged; otherwise, we shall be millions worse than we were at that enviable period. Such a request, had it been complied with a year ago, would have won the heart and soul of the Continent--but now it is too late, "The Rubicon is passed."

Besides, the taking up arms, merely to enforce the repeal of a pecuniary law, seems as unwarrantable by the divine law, and as repugnant to human feelings, as the taking up arms to enforce obedience thereto. The object, on either side, doth not justify the means; for the lives of men are too valuable to be cast away on such trifles. It is the violence which

is done and threatened to our persons; the destruction of our property by an armed force; the invasion of our country by fire and sword, which conscientiously qualifies the use of arms: And the instant, in which such a mode of defence became necessary, all subjection to Britain ought to have ceased; and the independancy of America, should have been considered, as dating its \jra from, and published by, the first musket that was fired against her. This line is a line of consistency; neither drawn by caprice, nor extended by ambition; but produced by a chain of events, of which the colonies were not the authors.

I shall conclude these remarks, with the following timely and well intended hints. We ought to reflect, that there are three different ways, by which an independancy may hereafter be effected; and that one of those three, will one day or other, be the fate of America, viz. By the legal voice of the people in Congress; by a military power; or by a mob: It may not always happen that our soldiers are citizens, and the multitude a body of reasonable men; virtue, as I have already remarked, is not hereditary, neither is it perpetual. Should an independancy be brought about by the first of those means, we have every opportunity and every encouragement before us, to form the noblest purest constitution on the face of the earth. We have it in our power to begin the world over again. A situation, similar to the present, hath not happened since the days of Noah until now. The birthday of a new world is at hand, and a race of men, perhaps as numerous as all Europe contains, are to receive their portion of freedom from the event of a few months. The Reflexion is awful--and in this point of view, How trifling, how ridiculous, do the little, paltry cavellings, of a few weak or interested men appear, when weighed against the business of a world.

Should we neglect the present favorable and inviting period, and an Independance be hereafter effected by any other means, we must charge the consequence to ourselves, or to those rather, whose narrow and prejudiced souls, are habitually opposing the measure, without either inquiring or reflecting. There are reasons to be given in support of Independance, which men should rather privately think of, than be publicly told of. We ought not now to be debating whether we shall be independant or not, but, anxious to accomplish it on a firm, secure, and honorable basis, and uneasy rather that it is not yet began upon. Every day convinces us of its necessity. Even the Tories (if such beings yet remain among us) should, of all men, be the most solicitous to promote it; for, as the appointment of committees at first, protected them from popular rage, so, a wise and well established form of government, will be the only certain means of continuing it securely to them. Wherefore, if they have not virtue enough to be Whigs, they ought to have prudence enough to wish for Independance.

In short, Independance is the only Bond that can tye and keep us together. We shall then see our object, and our ears will be legally shut against the schemes of an intriguing, as well, as a cruel enemy. We shall then too, be on a proper footing, to treat with Britain; for there is reason to conclude, that the pride of that court, will be less hurt by treating with the American states for terms of peace, than with those, whom she denominates, "rebellious subjects," for terms of accommodation. It is our delaying it that encourages her to hope for conquest, and our backwardness tends only to prolong the war. As we have, without any

good effect therefrom, withheld our trade to obtain a redress of our grievances, let us now try the alternative, by independantly redressing them ourselves, and then offering to open the trade. The mercantile and reasonable part in England, will be still with us; because, peace with trade, is preferable to war without it. And if this offer be not accepted, other courts may be applied to.

On these grounds I rest the matter. And as no offer hath yet been made to refute the doctrine contained in the former editions of this pamphlet, it is a negative proof, that either the doctrine cannot be refuted, or, that the party in favour of it are too numerous to be opposed. Wherefore, instead of gazing at each other with suspicious or doubtful curiosity, let each of us, hold out to his neighbour the hearty hand of friendship, and unite in drawing a line, which, like an act of oblivion shall bury in forgetfulness every former dissention. Let the names of Whig and Tory be extinct; and let none other be heard among us, than those of a good citizen, an open and resolute friend, and a virtuous supporter of the rights of mankind and of the FREE AND

INDEPENDANT STATES OF AMERICA.

To the Representatives of the Religious Society of the People called Quakers, or to so many of them as were concerned in publishing a late piece, entitled "The Ancient Testimony and Principles of the People called Quakers renewed, with Respect to the King and Government, and touching the Commotions now prevailing in these and other parts of America addressed to the People in General."

The Writer of this, is one of those few, who never dishonors religion either by ridiculing, or cavilling at any denomination whatsoever. To God, and not to man, are all men accountable on the score of religion. Wherefore, this epistle is not so properly addressed to you as a religious, but as a political body, dabbling in matters, which the professed Quietude of your Principles instruct you not to meddle with.

As you have, without a proper authority for so doing, put yourselves in the place of the whole body of the Quakers, so, the writer of this, in order to be on an equal rank with yourselves, is under the necessity, of putting himself in the place of all those, who, approve the very writings and principles, against which, your testimony is directed: And he hath chosen this singular situation, in order, that you might discover in him that presumption of character which you cannot see in yourselves. For neither he nor you can have any claim or title to Political Representation.

When men have departed from the right way, it is no wonder that they stumble and fall. And it is evident from the manner in which ye have managed your testimony, that politics, (as a religious body of men) is not your proper Walk; for however well adapted it might appear to you, it is, nevertheless, a jumble of good and bad put unwisely together, and the conclusion drawn therefrom, both unnatural and unjust.

The two first pages, (and the whole doth not make four) we give you credit for, and expect the same civility from you, because the love and desire of peace is not confined to Quakerism, it is the natural, as well the religious wish of all denominations of men. And on this ground, as men laboring to establish an Independant Constitution of our own, do we exceed all others in our hope, end, and aim. Our plan is peace for ever. We are tired of contention with Britain, and can see no real end to it but in a final separation. We act consistently, because for the sake of introducing an endless and uninterrupted peace, do we bear the evils and burthens of the present day. We are endeavoring, and will steadily continue to endeavor, to separate and dissolve a connexion which hath already filled our land with blood; and which, while the name of it remains, will be the fatal cause of future mischiefs to both countries.

We fight neither for revenge nor conquest; neither from pride nor passion; we are not insulting the world with our fleets and armies, not ravaging the globe for plunder. Beneath the shade of our own vines are we attacked; in our own houses, and on our own lands, is the violence committed against us. We view our enemies in the character of Highwaymen and Housebreakers, and having no defence for ourselves in the civil law, are obliged to punish them by the military one, and apply the sword, in the very case, where you have before now, applied the halter--Perhaps we feel for the ruined and insulted sufferers in all and every part of the continent, with a degree of tenderness which hath not yet made it's way into some of your bosoms. But be ye sure that ye mistake not the cause and ground of your Testimony. Call not coldness of soul, religion; nor put the Bigot in the place of the Christian.

O ye partial ministers of your own acknowledged principles. If the bearing arms be sinful, the first going to war must be more so, by all the difference between wilful attack and unavoidable defence. Wherefore, if ye really preach from conscience, and mean not to make a political hobby-horse of your religion, convince the world thereof, by proclaiming your doctrine to our enemies, for they likewise bear arms. Give us proof of your sincerity by publishing it at St. James's, to the commanders in chief at Boston, to the Admirals and Captains who are piratically ravaging our coasts, and to all the murdering miscreants who are acting in authority under him whom ye profess to serve. Had ye the honest soul of * Barclay ye would preach repentance to your king; Ye would tell the Royal Wretch his sins, and warn him of eternal ruin. Ye would not spend your partial invectives against the injured and the insulted only, but, like faithful ministers, would cry aloud and spare none. Say not that ye are persecuted, neither endeavour to make us the authors of that reproach, which, ye are bringing upon yourselves; for we testify unto all men, that we do not complain against you because ye are Quakers, but because ye pretend to be and are not Quakers.

Alas! it seems by the particular tendency of some part of your testimony, and other parts of your conduct, as if, all sin was reduced to, and comprehended in, the act of bearing arms, and that by the people only. Ye appear to us, to have mistaken party for conscience; because, the general tenor of your actions wants uniformity: And it is exceedingly difficult

to us to give credit to many of your pretended scruples; because, we see them made by the same men, who, in the very instant that they are exclaiming against the mammon of this world, are nevertheless, hunting after it with a step as steady as Time, and an appetite as keen as Death.

The quotation which ye have made from Proverbs, in the third page of your testimony, that, "when a man's ways please the Lord, he maketh even his enemies to be at peace with him"; is very unwisely chosen on your part; because, it amounts to a proof, that the king's ways (whom ye are so desirous of supporting) do not please the Lord, otherwise, his reign would be in peace.

I now proceed to the latter part of your testimony, and that, for which all the foregoing seems only an introduction, viz. "It hath ever been our judgment and principle, since we were called to profess the light of Christ Jesus, manifested in our consciences unto this day, that the setting up and putting down kings and governments, is God's peculiar prerogative; for causes best known to himself: And that it is not our business to have any hand or contrivance therein; nor to be busy bodies above our station, much less to plot and contrive the ruin, or overturn of any of them, but to pray for the king, and safety of our nation, and good of all men: That we may live a peaceable and quiet life, in all godliness and honesty; under the government which God is pleased to set over us."--If these are really your principles why do ye not abide by them? Why do ye not leave that, which ye call God's Work, to be managed by himself? These very principles instruct you to wait with patience and humility, for the event of all public measures, and to receive that event as the divine will towards you. Wherefore, what occasion is there for your political testimony if you fully believe what it contains: And the very publishing it proves, that either, ye do not believe what ye profess, or have not virtue enough to practise what ye believe.

The principles of Quakerism have a direct tendency to make a man the quiet and inoffensive subject of any, and every government which is set over him. And if the setting up and putting down of kings and governments is God's peculiar prerogative, he most certainly will not be robbed thereof by us; wherefore, the principle itself leads you to approve of every thing, which ever happened, or may happen to kings as being his work. Oliver Cromwell thanks you. Charles, then, died not by the hands of man; and should the present Proud Imitator of him, come to the same untimely end, the writers and publishers of the Testimony, are bound, by the doctrine it contains, to applaud the fact. Kings are not taken away by miracles, neither are changes in governments brought about by any other means than such as are common and human; and such as we are now using. Even the dispersion of the Jews, though foretold by our Saviour, was effected by arms.

Wherefore, as ye refuse to be the means on one side, ye ought not to be meddlers on the other; but to wait the issue in silence; and unless ye can produce divine authority, to prove, that the Almighty who hath created and placed this new world, at the greatest distance it could possibly stand, east and west, from every part of the old, doth, nevertheless, disapprove of its being independent of the corrupt and abandoned court of Britain, unless I

say, ye can shew this, how can ye on the ground of your principles, justify the exciting and stirring up the people "firmly to unite in the abhorrence of all such writings, and measures, as evidence of desire and design to break off the happy connexion we have hitherto enjoyed, with the kingdom of Great-Britain, and our just and necessary subordination to the king, and those who are lawfully placed in authority under him." What a slap of the face is here! the men, who in the very paragraph before, have quietly and passively resigned up the ordering, altering, and disposal of kings and governments, into the hands of God, are now, recalling their principles, and putting in for a share of the business. Is it possible, that the conclusion, which is here justly quoted, can any ways follow from the doctrine laid down? The inconsistency is too glaring not to be seen; the absurdity too great not to be laughed at; and such as could only have been made by those, whose understandings were darkened by the narrow and crabby spirit of a despairing political party; for ye are not to be considered as the whole body of the Quakers but only as a factional and fractional part thereof.

Here ends the examination of your testimony; (which I call upon no man to abhor, as ye have done, but only to read and judge of fairly;) to which I subjoin the following remark; "That the setting up and putting down of kings," most certainly mean, the making him a king, who is yet not so, and the making him no king who is already one. And pray what hath this to do in the present case? We neither mean to set up nor to put down, neither to make nor to unmake, but to have nothing to do with them. Wherefore, your testimony in whatever light it is viewed serves only to dishonor your judgement, and for many other reasons had better have been let alone than published.

First, Because it tends to the decrease and reproach of all religion whatever, and is of the utmost danger to society, to make it a party in political disputes.

Secondly, Because it exhibits a body of men, numbers of whom disavow the publishing political testimonies, as being concerned therein and approvers thereof.

Thirdly, Because it hath a tendency to undo that continental harmony and friendship which yourselves by your late liberal and charitable donations hath lent a hand to establish; and the preservation of which, is of the utmost consequence to us all.

And here without anger or resentment I bid you farewell. Sincerely wishing, that as men and christians, ye may always fully and uninterruptedly enjoy every civil and religious right; and be, in your turn, the means of securing it to others; but that the example which ye have unwisely set, of mingling religion with politics, may be disavowed and reprobated by every inhabitant of America.

{FOOT; 1}*Massacre at Lexington.

{FOOT; 2}*Thomas Anello, otherwise Massanello, a fisherman of Naples, who after spiriting up his countrymen in the public market place, against the oppression of the Spaniards, to whom the place was then subject, prompted them to revolt, and in the space of a day became king.

{FOOT; 3}*Those who would fully understand of what great consequence a large and equal representation is to a state, should read Burgh's political Disquisitions.

{FOOT; 4}*"Thou hast tasted of prosperity and adversity: thou knowest what it is to be banished thy native country, to be over-ruled as well as to rule, and set upon the throne; and being oppressed thou hast reason to know how hateful the oppressor is both to God and man: If after all these warnings and advertisements, thou dost not turn unto the Lord with all thy heart, but forget him who remembered thee in thy distress, and give up thyself to follow lust and vanity, surely great will be thy condemnation.---Against which snare, as well as the temptation of those who may or do feed thee, and prompt thee to evil, the most excellent and prevalent remedy will be, to apply thyself to that light of Christ which shineth in thy conscience, and which neither can, nor will flatter thee, nor suffer thee to be at ease in thy sins. "Barclay's Address to Charles II.

1982 年 12 月 4 日：中国宪法 (CONSTITUTION OF THE PEOPLE'S REPUBLIC OF CHINA)

(Adopted on December 4, 1982)

PREAMBLE

China is one of the countries with the longest histories in the world. The people of all nationalities in China have jointly created a splendid culture and have a glorious revolutionary tradition. Feudal China was gradually reduced after 1840 to a semi-colonial and semi-feudal country. The Chinese people waged wave upon wave of heroic struggles for national independence and liberation and for democracy and freedom. Great and earth-shaking historical changes have taken place in China in the 20th century. The Revolution of 1911, led by Dr Sun Yat-sen, abolished the feudal monarchy and gave birth to the Republic of China. But the Chinese people had yet to fulfil their historical task of overthrowing imperialism and feudalism. After waging hard, protracted and tortuous struggles, armed and otherwise, the Chinese people of all nationalities led by the Communist Party of China with Chairman Mao Zedong as its leader ultimately, in 1949, overthrew the rule of imperialism, feudalism and bureaucrat capitalism, won the great victory of the new-democratic revolution and founded the People's Republic of China. Thereupon the Chinese people took state power into their own hands and became masters of the country.

After the founding of the People's Republic, the transition of Chinese society from a new-democratic to a socialist society was effected step by step. The socialist transformation of the private ownership of the means of production was completed, the system of exploitation of man by man eliminated and the socialist system established. The people's democratic dictatorship led by the working class and based on the alliance of workers and peasants, which is in essence the

dictatorship of the proletariat, has been consolidated and developed. The Chinese people and the Chinese People's Liberation Army have thwarted aggression, sabotage and armed provocations by imperialists and hegemonists, safeguarded China's national independence and security and strengthened its national defence. Major successes have been achieved in economic development. An independent and fairly comprehensive socialist system of industry has in the main been established. There has been a marked increase in agricultural production. Significant progress has been made in educational, scientific, cultural and other undertakings, and socialist ideological education has yielded noteworthy results. The living standards of the people have improved considerably. Both the victory of China's new-democratic revolution and the successes of its socialist cause have been achieved by the Chinese people of all nationalities under the leadership of the Communist Party of China and the guidance of Marxism-Leninism and Mao Zedong Thought, and by upholding truth, correcting errors and overcoming numerous difficulties and hardships.

The basic task of the nation in the years to come is to concentrate its effort on socialist modernization. Under the leadership of the Communist Party of China and the guidance of Marxism-Leninism and Mao Zedong Thought, the Chinese people of all nationalities will continue to adhere to the people's democratic dictatorship and follow the socialist road, steadily improve socialist institutions, develop socialist democracy, improve the socialist legal system and work hard and self-reliantly to modernize industry, agriculture, national defence and science and technology step by step to turn China into a socialist country with a high level of culture and democracy. The exploiting classes as such have been eliminated in our country. However, class struggle will continue to exist within certain limits for a long time to come. The Chinese people must fight against those forces and elements, both at home and abroad, that are hostile to China's socialist system and try to undermine it. Taiwan is part of the sacred territory of the People's Republic of China. It is the lofty duty of the entire Chinese people, including our compatriots in Taiwan, to accomplish the great task of reunifying the motherland. In building socialism it is imperative to rely on the workers, peasants and intellectuals and unite with all the forces that can be united. In the long years of revolution and construction, there has been formed under the leadership of the Communist Party of China a broad patriotic united front that is composed of democratic parties and people's organizations and embraces all socialist working people, all patriots who support socialism and all patriots who stand for reunification of the motherland. This united front will continue to be consolidated and developed. The Chinese People's Political Consultative Conference is a broadly representative organization of the united front, which has played a significant historical role and will continue to do so in the political and social life of the country, in promoting friendship with the people of other countries and in the struggle for socialist modernization and for the reunification and unity of the country. The People's Republic of China is a unitary multi-national state built up jointly by the people of all its nationalities. Socialist relations of equality, unity and mutual assistance have been established among them and will continue to be strengthened. In the struggle to safeguard the unity of the nationalities, it is necessary to combat big-nation chauvinism, mainly Han chauvinism, and also necessary to combat local-national chauvinism. The state does its utmost to promote the common prosperity of all nationalities in the country. China's achievements in revolution and construction are inseparable from support by the people of the world. The future of China is closely linked with that of the whole world. China adheres to an independent foreign policy as well as to the five

principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit, and peaceful coexistence in developing diplomatic relations and economic and cultural exchanges with other countries; China consistently opposes imperialism, hegemonism and colonialism, works to strengthen unity with the people of other countries, supports the oppressed nations and the developing countries in their just struggle to win and preserve national independence and develop their national economies, and strives to safeguard world peace and promote the cause of human progress. This Constitution affirms the achievements of the struggles of the Chinese people of all nationalities and defines the basic system and basic tasks of the state in legal form; it is the fundamental law of the state and has supreme legal authority. The people of all nationalities, all state organs, the armed forces, all political parties and public organizations and all enterprises and undertakings in the country must take the Constitution as the basic norm of conduct, and they have the duty to uphold the dignity of the Constitution and ensure its implementation.

CHAPTER I. GENERAL PRINCIPLES

Article 1. The People's Republic of China is a socialist state under the people's democratic dictatorship led by the working class and based on the alliance of workers and peasants. The socialist system is the basic system of the People's Republic of China. Sabotage of the socialist system by any organization or individual is prohibited.

Article 2. All power in the People's Republic of China belongs to the people. The organs through which the people exercise state power are the National People's Congress and the local people's congresses at different levels. The people administer state affairs and manage economic, cultural and social affairs through various channels and in various ways in accordance with the law.

Article 3. The state organs of the People's Republic of China apply the principle of democratic centralism. The National People's Congress and the local people's congresses at different levels are instituted through democratic election. They are responsible to the people and subject to their supervision. All administrative, judicial and procuratorial organs of the state are created by the people's congresses to which they are responsible and under whose supervision they operate. The division of functions and powers between the central and local state organs is guided by the principle of giving full play to the initiative and enthusiasm of the local authorities under the unified leadership of the central authorities.

Article 4. All nationalities in the People's Republic of China are equal. The state protects the lawful rights and interests of the minority nationalities and upholds and develops the relationship of equality, unity and mutual assistance among all of China's nationalities. Discrimination against and oppression of any nationality are prohibited; any acts that undermine the unity of the nationalities or instigate their secession are prohibited. The state helps the areas inhabited by minority nationalities speed up their economic and cultural development in accordance with the peculiarities and needs of the different minority nationalities. Regional autonomy is practised in areas where people of minority nationalities live in compact communities; in these areas organs of self-government are established for the exercise of the right of autonomy. All the national autonomous areas are inalienable parts of the People's Republic of China. The people of all nationalities have the freedom to use and develop their own

spoken and written languages, and to preserve or reform their own ways and customs.

Article 5. The state upholds the uniformity and dignity of the socialist legal system. No law or administrative or local rules and regulations shall contravene the constitution. All state organs, the armed forces, all political parties and public organizations and all enterprises and undertakings must abide by the Constitution and the law. All acts in violation of the Constitution and the law must be investigated. No organization or individual may enjoy the privilege of being above the Constitution and the law.

Article 6. The basis of the socialist economic system of the People's Republic of China is socialist public ownership of the means of production, namely, ownership by the whole people and collective ownership by the working people. The system of socialist public ownership supersedes the system of exploitation of man by man; it applies the principle of from each according to his ability, to each according to his work.

Article 7. The state economy is the sector of socialist economy under ownership by the whole people; it is the leading force in the national economy. The state ensures the consolidation and growth of the state economy.

Article 8. Rural people's communes, agricultural producers co-operatives, and other forms of co-operative economy such as producers supply and marketing, credit and consumers co-operatives, belong to the sector of socialist economy under collective ownership by the working people. Working people who are members of rural economic collectives have the right, within the limits prescribed by law, to farm private plots of cropland and hilly land, engage in household sideline production and raise privately owned livestock. The various forms of co-operative economy in the cities and towns, such as those in the handicraft, industrial, building, transport, commercial and service trades, all belong to the sector of socialist economy under collective ownership by the working people. The state protects the lawful rights and interests of the urban and rural economic collectives and encourages, guides and helps the growth of the collective economy.

Article 9. Mineral resources, waters, forests, mountains, grassland, unreclaimed land, beaches and other natural resources are owned by the state, that is, by the whole people, with the exception of the forests, mountains, grassland, unreclaimed land and beaches that are owned by collectives in accordance with the law. The state ensures the rational use of natural resources and protects rare animals and plants. The appropriation or damage of natural resources by any organization or individual by whatever means is prohibited.

Article 10. Land in the cities is owned by the state. Land in the rural and suburban areas is owned by collectives except for those portions which belong to the state in accordance with the law; house sites and private plots of cropland and hilly land are also owned by collectives. The state may in the public interest take over land for its use in accordance with the law. No organization or individual may appropriate, buy, sell or lease land, or unlawfully transfer land in other ways. All organizations and individuals who use land must make rational use of the land.

Article 11. The individual economy of urban and rural working people, operated within the limits prescribed by law, is a complement to the socialist public economy. The state protects the lawful rights and interests of the individual economy. The state guides, helps and supervises the individual economy by exercising administrative control.

Article 12. Socialist public property is sacred and inviolable. The state protects socialist public property. Appropriation or damage of state or collective property by any organization or

individual by whatever means is prohibited.

Article 13. The state protects the right of citizens to own lawfully earned income, savings, houses and other lawful property. The state protects by law the right of citizens to inherit private property.

Article 14. The state continuously raises labour productivity, improves economic results and develops the productive forces by enhancing the enthusiasm of the working people, raising the level of their technical skill, disseminating advanced science and technology, improving the systems of economic administration and enterprise operation and management, instituting the socialist system of responsibility in various forms and improving organization of work. The state practises strict economy and combats waste. The state properly apportions accumulation and consumption, pays attention to the interests of the collective and the individual as well as of the state and, on the basis of expanded production, gradually improves the material and cultural life of the people.

Article 15. The state practises economic planning on the basis of socialist public ownership. It ensures the proportionate and co-ordinated growth of the national economy through overall balancing by economic planning and the supplementary role of regulation by the market. Disturbance of the orderly functioning of the social economy or disruption of the state economic plan by any organization or individual is prohibited.

Article 16. State enterprises have decision-making power in operation and management within the limits prescribed by law, on condition that they submit to unified leadership by the state and fulfil all their obligations under the state plan. State enterprises practise democratic management through congresses of workers and staff and in other ways in accordance with the law.

Article 17. Collective economic organizations have decision-making power in conducting independent economic activities, on condition that they accept the guidance of the state plan and abide by the relevant laws. Collective economic organizations practise democratic management in accordance with the law, with the entire body of their workers electing or removing their managerial personnel and deciding on major issues concerning operation and management.

Article 18. The People's Republic of China permits foreign enterprises, other foreign economic organizations and individual foreigners to invest in China and to enter into various forms of economic co-operation with Chinese enterprises and other economic organizations in accordance with the law of the People's Republic of China. All foreign enterprises and other foreign economic organizations in China, as well as joint ventures with Chinese and foreign investment located in China, shall abide by the law of the People's Republic of China. Their lawful rights and interests are protected by the law of the People's Republic of China.

Article 19. The state develops socialist educational undertakings and works to raise the scientific and cultural level of the whole nation. The state runs schools of various types, makes primary education compulsory and universal, develops secondary, vocational and higher education and promotes pre-school education. The state develops educational facilities of various types in order to wipe out illiteracy and provide political, cultural, scientific, technical and professional education for workers, peasants, state functionaries and other working people. It encourages people to become educated through self-study. The state encourages the collective economic organizations, state enterprises and undertakings and other social forces to set up

educational institutions of various types in accordance with the law. The state promotes the nationwide use of Putonghua (common speech based on Beijing pronunciation).

Article 20. The state promotes the development of the natural and social sciences, disseminates scientific and technical knowledge, and commends and rewards achievements in scientific research as well as technological discoveries and inventions.

Article 21. The state develops medical and health services, promotes modern medicine and traditional Chinese medicine, encourages and supports the setting up of various medical and health facilities by the rural economic collectives, state enterprises and undertakings and neighbourhood organizations, and promotes sanitation activities of a mass character, all to protect the people's health. The state develops physical culture and promotes mass sports activities to build up the people's physique.

Article 22. The state promotes the development of literature and art, the press, broadcasting and television undertakings, publishing and distribution services, libraries, museums, cultural centres and other cultural undertakings, that serve the people and socialism, and sponsors mass cultural activities. The state protects places of scenic and historical interest, valuable cultural monuments and relics and other important items of China's historical and cultural heritage.

Article 23. The state trains specialized personnel in all fields who serve socialism, increases the number of intellectuals and creates conditions to give full scope to their role in socialist modernization.

Article 24. The state strengthens the building of socialist spiritual civilization through spreading education in high ideals and morality, general education and education in discipline and the legal system, and through promoting the formulation and observance of rules of conduct and common pledges by different sections of the people in urban and rural areas. The state advocates the civic virtues of love for the motherland, for the people, for labour, for science and for socialism; it educates the people in patriotism, collectivism, internationalism and communism and in dialectical and historical materialism; it combats the decadent ideas of capitalism and feudalism and other decadent ideas.

Article 25. The state promotes family planning so that population growth may fit the plans for economic and social development.

Article 26. The state protects and improves the living environment and the ecological environment, and prevents and controls pollution and other public hazards. The state organizes and encourages afforestation and the protection of forests.

Article 27. All state organs carry out the principle of simple and efficient administration, the system of responsibility for work and the system of training functionaries and appraising their work in order constantly to improve quality of work and efficiency and combat bureaucratism. All state organs and functionaries must rely on the support of the people, keep in close touch with them, heed their opinions and suggestions, accept their supervision and work hard to serve them.

Article 28. The state maintains public order and suppresses treasonable and other counter-revolutionary activities; it penalizes actions that endanger public security and disrupt the socialist economy and other criminal activities, and punishes and reforms criminals.

Article 29. The armed forces of the People's Republic of China belong to the people. Their tasks are to strengthen national defence, resist aggression, defend the motherland, safeguard

the people's peaceful labour, participate in national reconstruction, and work hard to serve the people. The state strengthens the revolutionization, modernization and regularization of the armed forces in order to increase the national defence capability.

Article 30. The administrative division of the People's Republic of China is as follows: (1) The country is divided into provinces, autonomous regions and municipalities directly under the Central Government; (2) Provinces and autonomous regions are divided into autonomous prefectures, counties, autonomous counties and cities; (3) Counties and autonomous counties are divided into townships, nationality townships and towns. Municipalities directly under the Central Government and other large cities are divided into districts and counties. Autonomous prefectures are divided into counties, autonomous counties, and cities. All autonomous regions, autonomous prefectures and autonomous counties are national autonomous areas.

Article 31. The state may establish special administrative regions when necessary. The systems to be instituted in special administrative regions shall be prescribed by law enacted by the National People's Congress in the light of the specific conditions.

Article 32. The People's Republic of China protects the lawful rights and interests of foreigners within Chinese territory, and while on Chinese territory foreigners must abide by the law of the People's Republic of China. The People's Republic of China may grant asylum to foreigners who request it for political reasons.

CHAPTER II. THE FUNDAMENTAL RIGHTS AND DUTIES OF CITIZENS

Article 33. All persons holding the nationality of the People's Republic of China are citizens of the People's Republic of China. All citizens of the People's Republic of China are equal before the law. Every citizen enjoys the rights and at the same time must perform the duties prescribed by the Constitution and the law.

Article 34. All citizens of the People's Republic of China who have reached the age of 18 have the right to vote and stand for election, regardless of nationality, race, sex, occupation, family background, religious belief, education, property status, or length of residence, except persons deprived of political rights according to law.

Article 35. Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.

Article 36. Citizens of the People's Republic of China enjoy freedom of religious belief. No state organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion. The state protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state. Religious bodies and religious affairs are not subject to any foreign domination.

Article 37. The freedom of person of citizens of the People's Republic of China is inviolable. No citizen may be arrested except with the approval or by decision of a people's procuratorate or by decision of a people's court, and arrests must be made by a public security organ. Unlawful deprivation or restriction of citizens freedom of person by detention or other means is prohibited; and unlawful search of the person of citizens is prohibited. Article 38. The personal dignity of citizens of the People's Republic of China is inviolable. Insult, libel, false charge or frame-up directed against citizens by any means is prohibited.

Article 39. The home of citizens of the People's Republic of China is inviolable. Unlawful search of, or intrusion into, a citizen's home is prohibited.

Article 40. The freedom and privacy of correspondence of citizens of the People's Republic of China are protected by law. No organization or individual may, on any ground, infringe upon the freedom and privacy of citizens' correspondence except in cases where, to meet the needs of state security or of investigation into criminal offences, public security or procuratorial organs are permitted to censor correspondence in accordance with procedures prescribed by law.

Article 41. Citizens of the People's Republic of China have the right to criticize and make suggestions to any state organ or functionary. Citizens have the right to make to relevant state organs complaints and charges against, or exposures of, violation of the law or dereliction of duty by any state organ or functionary; but fabrication or distortion of facts with the intention of libel or frame-up is prohibited. In case of complaints, charges or exposures made by citizens, the state organ concerned must deal with them in a responsible manner after ascertaining the facts. No one may suppress such complaints, charges and exposures, or retaliate against the citizens making them. Citizens who have suffered losses through infringement of their civil rights by any state organ or functionary have the right to compensation in accordance with the law.

Article 42. Citizens of the People's Republic of China have the right as well as the duty to work. Using various channels, the state creates conditions for employment, strengthens labour protection, improves working conditions and, on the basis of expanded production, increases remuneration for work and social benefits. Work is the glorious duty of every able-bodied citizen. All working people in state enterprises and in urban and rural economic collectives should perform their tasks with an attitude consonant with their status as masters of the country. The state promotes socialist labour emulation, and commends and rewards model and advanced workers. The state encourages citizens to take part in voluntary labour. The state provides necessary vocational training to citizens before they are employed.

Article 43. Working people in the People's Republic of China have the right to rest. The state expands facilities for rest and recuperation of working people, and prescribes working hours and vacations for workers and staff.

Article 44. The state prescribes by law the system of retirement for workers and staff in enterprises and undertakings and for functionaries of organs of state. The livelihood of retired personnel is ensured by the state and society.

Article 45. Citizens of the People's Republic of China have the right to material assistance from the state and society when they are old, ill or disabled. The state develops the social insurance, social relief and medical and health services that are required to enable citizens to enjoy this right. The state and society ensure the livelihood of disabled members of the armed forces, provide pensions to the families of martyrs and give preferential treatment to the families of military personnel. The state and society help make arrangements for the work, livelihood and education of the blind, deaf-mute and other handicapped citizens.

Article 46. Citizens of the People's Republic of China have the duty as well as the right to receive education. The state promotes the all-round moral, intellectual and physical development of children and young people.

Article 47. Citizens of the People's Republic of China have the freedom to engage in scientific research, literary and artistic creation and other cultural pursuits. The state encourages and assists creative endeavours conducive to the interests of the people made by citizens

engaged in education, science, technology, literature, art and other cultural work.

Article 48. Women in the People's Republic of China enjoy equal rights with men in all spheres of life, political, economic, cultural and social, and family life. The state protects the rights and interests of women, applies the principle of equal pay for equal work for men and women alike and trains and selects cadres from among women.

Article 49. Marriage, the family, and mother and child are protected by the state. Both husband and wife have the duty to practise family planning. Parents have the duty to rear and educate their minor children, and children who have come of age have the duty to support and assist their parents. Violation of the freedom of marriage is prohibited. Maltreatment of old people, women and children is prohibited.

Article 50. The People's Republic of China protects the legitimate rights and interests of Chinese nationals residing abroad and protects the lawful rights and interests of returned overseas Chinese and of the family members of Chinese nationals residing abroad.

Article 51. The exercise by citizens of the People's Republic of China of their freedoms and rights may not infringe upon the interests of the state, of society and of the collective, or upon the lawful freedoms and rights of other citizens.

Article 52. It is the duty of citizens of the People's Republic of China to safeguard the unity of the country and the unity of all its nationalities.

Article 53. Citizens of the People's Republic of China must abide by the constitution and the law, keep state secrets, protect public property and observe labour discipline and public order and respect social ethics.

Article 54. It is the duty of citizens of the People's Republic of China to safeguard the security, honour and interests of the motherland; they must not commit acts detrimental to the security, honour and interests of the motherland.

Article 55. It is the sacred obligation of every citizen of the People's Republic of China to defend the motherland and resist aggression. It is the honourable duty of citizens of the People's Republic of China to perform military service and join the militia in accordance with the law.

Article 56. It is the duty of citizens of the People's Republic of China to pay taxes in accordance with the law.

CHAPTER III. THE STRUCTURE OF THE STATE

SECTION 1. THE NATIONAL PEOPLE'S CONGRESS

Article 57. The National People's Congress of the People's Republic of China is the highest organ of state power. Its permanent body is the Standing Committee of the National People's Congress.

Article 58. The National People's Congress and its Standing Committee exercise the legislative power of the state.

Article 59. The National People's Congress is composed of deputies elected by the provinces, autonomous regions and municipalities directly under the Central Government, and by the armed forces. All the minority nationalities are entitled to appropriate representation. Election of deputies to the National People's Congress is conducted by the Standing Committee of the National People's Congress. The number of deputies to the National People's Congress and the manner of their election are prescribed by law.

Article 60. The National People's Congress is elected for a term of five years. Two months

before the expiration of the term of office of a National People's Congress, its Standing Committee must ensure that the election of deputies to the succeeding National People's Congress is completed. Should exceptional circumstances prevent such an election, it may be postponed by decision of a majority vote of more than two-thirds of all those on the Standing Committee of the incumbent National People's Congress, and the term of office of the incumbent National People's Congress may be extended. The election of deputies to the succeeding National People's Congress must be completed within one year after the termination of such exceptional circumstances.

Article 61. The National People's Congress meets in session once a year and is convened by its Standing Committee. A session of the National People's Congress may be convened at any time the Standing Committee deems this necessary, or when more than one-fifth of the deputies to the National People's Congress so propose. When the National People's Congress meets, it elects a presidium to conduct its session.

Article 62. The National People's Congress exercises the following functions and powers:

- (1) To amend the Constitution;
- (2) To supervise the enforcement of the Constitution;
- (3) To enact and amend basic statutes concerning criminal offences, civil affairs, the state organs and other matters;
- (4) To elect the President and the Vice-President of the People's Republic of China; (previously translated as Chairman and Vice-Chairman of the People's Republic of China--translator's note.)
- (5) To decide on the choice of the Premier of the State Council upon nomination by the President of the People's Republic of China, and to decide on the choice of the Vice-Premiers, State Councillors, Ministers in charge of Ministries or Commissions and the Auditor-General and the Secretary-General of the State Council upon nomination by the Premier;
- (6) To elect the Chairman of the Central Military Commission and, upon his nomination, to decide on the choice of the other members of the Central Military Commission;
- (7) To elect the President of the Supreme People's Court;
- (8) To elect the Procurator-General of the Supreme People's Procuratorate;
- (9) To examine and approve the plan for national economic and social development and the reports on its implementation;
- (10) To examine and approve the state budget and the report on its implementation;
- (11) To alter or annul inappropriate decisions of the Standing Committee of the National People's Congress;
- (12) To approve the establishment of provinces, autonomous regions, and municipalities directly under the Central Government;
- (13) To decide on the establishment of special administrative regions and the systems to be instituted there;
- (14) To decide on questions of war and peace; and
- (15) To exercise such other functions and powers as the highest organ of state power should exercise.

Article 63. The National People's Congress has the power to recall or remove from office the following persons:

- (1) The President and the Vice-President of the People's Republic of China;

- (2) The Premier, Vice-Premiers, State Councillors, Ministers in charge of Ministries or Commissions and the Auditor-General and the Secretary-General of the State Council;
- (3) The Chairman of the Central Military Commission and others on the commission;
- (4) The President of the Supreme People's Court; and
- (5) The Procurator-General of the Supreme People's Procuratorate.

Article 64. Amendments to the Constitution are to be proposed by the Standing Committee of the National People's Congress or by more than one-fifth of the deputies to the National People's Congress and adopted by a majority vote of more than two-thirds of all the deputies to the Congress. Statutes and resolutions are adopted by a majority vote of more than one half of all the deputies to the National People's Congress.

Article 65. The Standing Committee of the National People's Congress is composed of the following: The Chairman; The Vice-Chairmen; The Secretary-General; and Members. Minority nationalities are entitled to appropriate representation on the Standing Committee of the National People's Congress. The National People's Congress elects, and has the power to recall, all those on its Standing Committee. No one on the Standing Committee of the National People's Congress shall hold any post in any of the administrative, judicial or procuratorial organs of the state.

Article 66. The Standing Committee of the National People's Congress is elected for the same term as the National People's Congress; it exercises its functions and powers until a new Standing Committee is elected by the succeeding National People's Congress. The Chairman and Vice-Chairmen of the Standing Committee shall serve no more than two consecutive terms.

Article 67. The Standing Committee of the National People's Congress exercises the following functions and powers:

- (1) To interpret the Constitution and supervise its enforcement;
- (2) To enact and amend statutes with the exception of those which should be enacted by the National People's Congress;
- (3) To enact, when the National People's Congress is not in session, partial supplements and amendments to statutes enacted by the National People's Congress provided that they do not contravene the basic principles of these statutes;
- (4) To interpret statutes;
- (5) To examine and approve, when the National People's Congress is not in session, partial adjustments to the plan for national economic and social development and to the state budget that prove necessary in the course of their implementation;
- (6) To supervise the work of the State Council, the Central Military Commission, the Supreme People's Court and the Supreme People's Procuratorate;
- (7) To annul those administrative rules and regulations, decisions or orders of the State Council that contravene the Constitution or the statutes;
- (8) To annul those local regulations or decisions of the organs of state power of provinces, autonomous regions and municipalities directly under the Central Government that contravene the Constitution, the statutes or the administrative rules and regulations;
- (9) To decide, when the National People's Congress is not in session, on the choice of Ministers in charge of Ministries or Commissions or the Auditor-General and the Secretary-General of the State Council upon nomination by the Premier of the State Council;
- (10) To decide, upon nomination by the Chairman of the Central Military Commission, on

the choice of others on the commission, when the National People's Congress is not in session;

(11) To appoint and remove the Vice-Presidents and judges of the Supreme People's Court, members of its Judicial Committee and the President of the Military Court at the suggestion of the President of the Supreme People's Court;

(12) To appoint and remove the Deputy Procurators-General and procurators of the Supreme People's Procuratorate, members of its Procuratorial Committee and the Chief Procurator of the Military Procuratorate at the request of the Procurator-General of the Supreme People's Procuratorate, and to approve the appointment and removal of the chief procurators of the people's procuratorates of provinces, autonomous regions and municipalities directly under the Central Government;

(13) To decide on the appointment and recall of plenipotentiary representatives abroad;

(14) To decide on the ratification and abrogation of treaties and important agreements concluded with foreign states;

(15) To institute systems of titles and ranks for military and diplomatic personnel and of other specific titles and ranks;

(16) To institute state medals and titles of honour and decide on their conferment;

(17) To decide on the granting of special pardons;

(18) To decide, when the National People's Congress is not in session, on the proclamation of a state of war in the event of an armed attack on the country or in fulfillment of international treaty obligations concerning common defence against aggression;

(19) To decide on general mobilization or partial mobilization;

(20) To decide on the enforcement of martial law throughout the country or in particular provinces, autonomous regions or municipalities directly under the Central Government; and

(21) To exercise such other functions and powers as the National People's Congress may assign to it.

Article 68. The Chairman of the Standing Committee of the National People's Congress presides over the work of the Standing Committee and convenes its meetings. The Vice-Chairmen and the Secretary-General assist the Chairman in his work. Chairmanship meetings with the participation of the chairman, vice-chairmen and secretary-general handle the important day-to-day work of the Standing Committee of the National People's Congress.

Article 69. The Standing Committee of the National People's Congress is responsible to the National People's Congress and reports on its work to the Congress.

Article 70. The National People's Congress establishes a Nationalities Committee, a Law Committee, a Finance and Economic Committee, an Education, Science, Culture and Public Health Committee, a Foreign Affairs Committee, an Overseas Chinese Committee and such other special committees as are necessary. These special committees work under the direction of the Standing Committee of the National People's Congress when the Congress is not in session. The special committees examine, discuss and draw up relevant bills and draft resolutions under the direction of the National People's Congress and its Standing Committee.

Article 71. The National People's Congress and its Standing Committee may, when they deem it necessary, appoint committees of inquiry into specific questions and adopt relevant resolutions in the light of their reports. All organs of state, public organizations and citizens concerned are obliged to supply the necessary information to those committees of inquiry when they conduct investigations.

Article 72. Deputies to the National People's Congress and all those on its Standing Committee have the right, in accordance with procedures prescribed by law, to submit bills and proposals within the scope of the respective functions and powers of the National People's Congress and its Standing Committee.

Article 73. Deputies to the National People's Congress during its sessions, and all those on its Standing Committee during its meetings, have the right to address questions, in accordance with procedures prescribed by law, to the State Council or the ministries and commissions under the State Council, which must answer the questions in a responsible manner.

Article 74. No deputy to the National People's Congress may be arrested or placed on criminal trial without the consent of the Presidium of the current session of the National People's Congress or, when the National People's Congress is not in session, without the consent of its Standing Committee.

Article 75. Deputies to the National People's Congress may not be called to legal account for their speeches or votes at its meetings.

Article 76. Deputies to the National People's Congress must play an exemplary role in abiding by the Constitution and the law and keeping state secrets and, in production and other work and their public activities, assist in the enforcement of the Constitution and the law. Deputies to the National People's Congress should maintain close contact with the units and people which elected them, listen to and convey their opinions and demands and work hard to serve them.

Article 77. Deputies to the National People's Congress are subject to the supervision of the units which elected them. The electoral units have the power, through procedures prescribed by law, to recall the deputies whom they elected.

Article 78. The organization and working procedures of the National People's Congress and its Standing Committee are prescribed by law.

SECTION 2. THE PRESIDENT OF THE PEOPLE'S REPUBLIC OF CHINA

Article 79: The President and Vice-President of the People's Republic of China are elected by the National People's Congress. Citizens of the People's Republic of China who have the right to vote and to stand for election and who have reached the age of 45 are eligible for election as President or Vice-President of the People's Republic of China. The term of office of the President and Vice-President of the People's Republic of China is the same as that of the National People's Congress, and they shall serve no more than two consecutive terms.

Article 80. The President of the People's Republic of China, in pursuance of decisions of the National People's Congress and its Standing Committee, promulgates statutes; appoints and removes the Premier, Vice-Premiers, State Councillors, Ministers in charge of Ministries or Commissions, and the Auditor-General and the Secretary-General of the State Council; confers state medals and titles of honour; issues orders of special pardons; proclaims martial law; proclaims a state of war; and issues mobilization orders.

Article 81. The President of the People's Republic of China receives foreign diplomatic representatives on behalf of the People's Republic of China and, in pursuance of decisions of the Standing Committee of the National People's Congress, appoints and recalls plenipotentiary representatives abroad, and ratifies and abrogates treaties and important agreements concluded with foreign states.

Article 82. The Vice-President of the People's Republic of China assists the President in his

work. The Vice-President of the People's Republic of China may exercise such parts of the functions and powers of the President as the President may entrust to him.

Article 83. The President and Vice-President of the People's Republic of China exercise their functions and powers until the new President and Vice-President elected by the succeeding National People's Congress assume office.

Article 84. In case the office of the President of the People's Republic of China falls vacant, the Vice-President succeeds to the office of President. In case the office of the Vice-President of the People's Republic of China falls vacant, the National People's Congress shall elect a new Vice-President to fill the vacancy. In the event that the offices of both the President and the Vice-President of the People's Republic of China fall vacant, the National People's Congress shall elect a new President and a new Vice-President. Prior to such election, the Chairman of the Standing Committee of the National People's Congress shall temporarily act as the President of the People's Republic of China.

SECTION 3. THE STATE COUNCIL

Article 85. The State Council, that is, the Central People's Government of the People's Republic of China, is the executive body of the highest organ of state power; it is the highest organ of state administration.

Article 86. The State Council is composed of the following: The Premier; The Vice-Premiers; The State Councillors; The Ministers in charge of Ministries; The Ministers in charge of Commissions; The Auditor-General; and The Secretary-General. The Premier has overall responsibility for the State Council. The Ministers have overall responsibility for the respective ministries or commissions under their charge. The organization of the State Council is prescribed by law.

Article 87. The term of office of the State Council is the same as that of the National People's Congress. The Premier, Vice-Premiers and State Councillors shall serve no more than two consecutive terms.

Article 88. The Premier directs the work of the State Council. The Vice-Premiers and State Councillors assist the Premier in his work. Executive meetings of the State Council are composed of the Premier, the Vice-Premiers, the State Councillors and the Secretary-General of the State Council. The Premier convenes and presides over the executive meetings and plenary meetings of the State Council.

Article 89. The State Council exercises the following functions and powers: (1) To adopt administrative measures, enact administrative rules and regulations and issue decisions and orders in accordance with the Constitution and the statutes; (2) To submit proposals to the National People's Congress or its Standing Committee; (3) To lay down the tasks and responsibilities of the ministries and commissions of the State Council, to exercise unified leadership over the work of the ministries and commissions and to direct all other administrative work of a national character that does not fall within the jurisdiction of the ministries and commissions; (4) To exercise unified leadership over the work of local organs of state administration at different levels throughout the country, and to lay down the detailed division of functions and powers between the Central Government and the organs of state administration of provinces, autonomous regions and municipalities directly under the Central Government; (5) To draw up and implement the plan for national economic and social development and the state budget; (6) To direct and administer economic work and urban and

rural development; (7) To direct and administer the work concerning education, science, culture, public health, physical culture and family planning; (8) To direct and administer the work concerning civil affairs, public security, judicial administration, supervision and other related matters; (9) To conduct foreign affairs and conclude treaties and agreements with foreign states; (10) To direct and administer the building of national defence; (11) To direct and administer affairs concerning the nationalities and to safeguard the equal rights of minority nationalities and the right of autonomy of the national autonomous areas; (12) To protect the legitimate rights and interests of Chinese nationals residing abroad and protect the lawful rights and interests of returned overseas Chinese and of the family members of Chinese nationals residing abroad; (13) To alter or annul inappropriate orders, directives and regulations issued by the ministries or commissions; (14) To alter or annul inappropriate decisions and orders issued by local organs of state administration at different levels; (15) To approve the geographic division of provinces, autonomous regions and municipalities directly under the Central Government, and to approve the establishment and geographic division of autonomous prefectures, counties, autonomous counties and cities; (16) To decide on the enforcement of martial law in parts of provinces, autonomous regions and municipalities directly under the Central Government; (17) To examine and decide on the size of administrative organs and, in accordance with the law, to appoint, remove and train administrative officers, appraise their work and reward or punish them; and (18) To exercise such other functions and powers as the National People's Congress or its Standing Committee may assign it.

Article 90. The ministers in charge of ministries or commissions of the State Council are responsible for the work of their respective departments and convene and preside over their ministerial meetings or commission meetings that discuss and decide on major issues in the work of their respective departments. The ministries and commissions issue orders, directives and regulations within the jurisdiction of their respective departments and in accordance with the statutes and the administrative rules and regulations, decisions and orders issued by the State Council.

Article 91. The State Council establishes an auditing body to supervise through auditing the revenue and expenditure of all departments under the State Council and of the local governments at different levels, and those of the state financial and monetary organizations and of enterprises and undertakings. Under the direction of the Premier of the State Council, the auditing body independently exercises its power to supervise through auditing in accordance with the law, subject to no interference by any other administrative organ or any public organization or individual.

Article 92. The State Council is responsible, and reports on its work, to the National People's Congress or, when the National People's Congress is not in session, to its Standing Committee.

SECTION 4. THE CENTRAL MILITARY COMMISSION

Article 93. The Central Military Commission of the People's Republic of China directs the armed forces of the country. The Central Military Commission is composed of the following: The Chairman; The Vice-Chairmen; and Members. The Chairman of the Central Military Commission has overall responsibility for the commission. The term of office of the Central Military Commission is the same as that of the National People's Congress.

Article 94. The Chairman of the Central Military Commission is responsible to the National People's Congress and its Standing Committee.

SECTION 5. THE LOCAL PEOPLE S CONGRESS AND THE LOCAL PEOPLE S GOVERNMENTS AT DIFFERENT LEVELS

Article 95. People s congresses and people s governments are established in provinces, municipalities directly under the Central Government, counties, cities, municipal districts, townships, nationality townships and towns. The organization of local people s congresses and local people s governments at different levels is prescribed by law. Organs of self-government are established in autonomous regions, autonomous prefectures and autonomous counties. The organization and working procedures of organs of self-government are prescribed by law in accordance with the basic principles laid down in Sections V and VI of Chapter Three of the Constitution.

Article 96. Local people s congresses at different levels are local organs of state power. Local people s congresses at and above the county level establish standing committees.

Article 97. Deputies to the people s congresses of provinces, municipalities directly under the Central Government, and cities divided into districts are elected by the people s congresses at the next lower level; deputies to the people s congresses of counties, cities not divided into districts, municipal districts, townships, nationality townships and towns are elected directly by their constituencies. The number of deputies to local people s congresses at different levels and the manner of their election are prescribed by law.

Article 98. The term of office of the people s congresses of provinces, municipalities directly under the Central Government and cities divided into districts is five years. The term of office of the people s congresses of counties, cities not divided into districts, municipal districts, townships, nationality townships and towns is three years.

Article 99. Local people s congresses at different levels ensure the observance and implementation of the Constitution, the statutes and the administrative rules and regulations in their respective administrative areas. Within the limits of their authority as prescribed by law, they adopt and issue resolutions and examine and decide on plans for local economic and cultural development and for development of public services. Local people s congresses at and above the county level examine and approve the plans for economic and social development and the budgets of their respective administrative areas, and examine and approve reports on their implementation. They have the power to alter or annul inappropriate decisions of their own standing committees. The people s congresses of nationality townships may, within the limits of their authority as prescribed by law, take specific measures suited to the peculiarities of the nationalities concerned.

Article 100. The people s congresses of provinces and municipalities directly under the Central Government, and their standing committees, may adopt local regulations, which must not contravene the Constitution, the statutes and the administrative rules and regulations, and they shall report such local regulations to the Standing Committee of the National People s Congress for the record.

Article 101. At their respective levels, local people s congresses elect, and have the power to recall, governors and deputy governors, or mayors and deputy mayors, or heads and deputy heads of counties, districts, townships and towns. Local people s congresses at and above the county level elect, and have the power to recall, presidents of people s courts and chief procurators of people s procuratorates at the corresponding level. The election or recall of chief procurators of people s procuratorates shall be reported to the chief procurators of the people s

procuratorates at the next higher level for submission to the standing committees of the people's congresses at the corresponding level for approval.

Article 102. Deputies to the people's congresses of provinces, municipalities, directly under the Central Government and cities divided into districts are subject to supervision by the units which elected them; deputies to the people's congresses of counties, cities not divided into districts, municipal districts, townships, nationality townships and towns are subject to supervision by their constituencies. The electoral units and constituencies which elect deputies to local people's congresses at different levels have the power, according to procedures prescribed by law, to recall deputies whom they elected.

Article 103. The standing committee of a local people's congress at and above the county level is composed of a chairman, vice-chairmen and members, and is responsible, and reports on its work, to the people's congress at the corresponding level. The local people's congress at and above the county level elects, and has the power to recall, anyone on the standing committee of the people's congress at the corresponding level. No one on the standing committee of a local people's congress at and above the county level shall hold any post in state administrative, judicial and procuratorial organs.

Article 104. The standing committee of a local people's congress at and above the county level discusses and decides on major issues in all fields of work in its administrative area; supervises the work of the people's government, people's court and people's procuratorate at the corresponding level; annuls inappropriate decisions and orders of the people's government at the corresponding level; annuls inappropriate resolutions of the people's congress at the next lower level; decides on the appointment and removal of functionaries of state organs within its jurisdiction as prescribed by law; and, when the people's congress at the corresponding level is not in session, recalls individual deputies to the people's congress at the next higher level and elects individual deputies to fill vacancies in that people's congress.

Article 105. Local people's governments at different levels are the executive bodies of local organs of state power as well as the local organs of state administration at the corresponding level. Local people's governments at different levels practise the system of overall responsibility by governors, mayors, county heads, district heads, township heads and town heads.

Article 106. The term of office of local people's governments at different levels is the same as that of the people's congresses at the corresponding level.

Article 107. Local people's governments at and above the county level, within the limits of their authority as prescribed by law, conduct the administrative work concerning the economy, education, science, culture, public health, physical culture, urban and rural development, finance, civil affairs, public security, nationalities affairs, judicial administration, supervision and family planning in their respective administrative areas; issue decisions and orders; appoint, remove and train administrative functionaries, appraise their work and reward or punish them. People's governments of townships, nationality townships and towns carry out the resolutions of the people's congress at the corresponding level as well as the decisions and orders of the state administrative organs at the next higher level and conduct administrative work in their respective administrative areas. People's governments of provinces and municipalities directly under the Central Government decide on the establishment and geographic division of townships, nationality townships and towns.

Article 108. Local people's governments at and above the county level direct the work of

their subordinate departments and of people's governments at lower levels, and have the power to alter or annul inappropriate decisions of their subordinate departments and people's governments at lower levels.

Article 109. Auditing bodies are established by local people's governments at and above the county level. Local auditing bodies at different levels independently exercise their power to supervise through auditing in accordance with the law and are responsible to the people's government at the corresponding level and to the auditing body at the next higher level.

Article 110. Local people's governments at different levels are responsible, and report on their work, to people's congresses at the corresponding level. Local people's governments at and above the county level are responsible, and report on their work, to the standing committee of the people's congress at the corresponding level when the congress is not in session. Local people's governments at different levels are responsible, and report on their work, to the state administrative organs at the next higher level. Local people's governments at different levels throughout the country are state administrative organs under the unified leadership of the State Council and are subordinate to it.

Article 111. The residents committees and villagers committees established among urban and rural residents on the basis of their place of residence are mass organizations of self-management at the grass-roots level. The chairman, vice-chairmen and members of each residents or villagers committee are elected by the residents. The relationship between the residents and villagers committees and the grass-roots organs of state power is prescribed by law. The residents and villagers committees establish committees for people's mediation, public security, public health and other matters in order to manage public affairs and social services in their areas, mediate civil disputes, help maintain public order and convey residents' opinions and demands and make suggestions to the people's government.

SECTION 6. THE ORGANS OF SELF-GOVERNMENT OF NATIONAL AUTONOMOUS AREAS

Article 112. The organs of self-government of national autonomous areas are the people's congresses and people's governments of autonomous regions, autonomous prefectures and autonomous counties.

Article 113. In the people's congress of an autonomous region, prefecture or county, in addition to the deputies of the nationality or nationalities exercising regional autonomy in the administrative area, the other nationalities inhabiting the area are also entitled to appropriate representation. The chairmanship and vice-chairmanships of the standing committee of the people's congress of an autonomous region, prefecture or county shall include a citizen or citizens of the nationality or nationalities exercising regional autonomy in the area concerned.

Article 114. The administrative head of an autonomous region, prefecture or county shall be a citizen of the nationality, or of one of the nationalities, exercising regional autonomy in the area concerned.

Article 115. The organs of self-government of autonomous regions, prefectures and counties exercise the functions and powers of local organs of state as specified in Section V of Chapter Three of the Constitution. At the same time, they exercise the right of autonomy within the limits of their authority as prescribed by the Constitution, the law of regional national autonomy and other laws, and implement the laws and policies of the state in the light of the existing local situation.

Article 116. People's congresses of national autonomous areas have the power to enact

autonomy regulations and specific regulations in the light of the political, economic and cultural characteristics of the nationality or nationalities in the areas concerned. The autonomy regulations and specific regulations of autonomous regions shall be submitted to the Standing Committee of the National People's Congress for approval before they go into effect. Those of autonomous prefectures and counties shall be submitted to the standing committees of the people's congresses of provinces or autonomous regions for approval before they go into effect, and they shall be reported to the Standing Committee of the National People's Congress for the record.

Article 117. The organs of self-government of the national autonomous areas have the power of autonomy in administering the finances of their areas. All revenues accruing to the national autonomous areas under the financial system of the state shall be managed and used independently by the organs of self-government of those areas.

Article 118. The organs of self-government of the national autonomous areas independently arrange for and administer local economic development under the guidance of state plans. In developing natural resources and building enterprises in the national autonomous areas, the state shall give due consideration to the interests of those areas.

Article 119. The organs of self-government of the national autonomous areas independently administer educational, scientific, cultural, public health and physical culture affairs in their respective areas, sort out and protect the cultural legacy of the nationalities and work for the development and prosperity of their cultures.

Article 120. The organs of self-government of the national autonomous areas may, in accordance with the military system of the state and concrete local needs and with the approval of the State Council, organize local public security forces for the maintenance of public order.

Article 121. In performing their functions, the organs of self-government of the national autonomous areas, in accordance with the autonomy regulations of the respective areas, employ the spoken and written language or languages in common use in the locality.

Article 122. The state gives financial, material and technical assistance to the minority nationalities to accelerate their economic and cultural development. The state helps the national autonomous areas train large numbers of cadres at different levels and specialized personnel and skilled workers of different professions and trades from among the nationality or nationalities in those areas.

SECTION 7. THE PEOPLE'S COURT AND THE PEOPLE'S PROCURATORATES

Article 123. The people's courts in the People's Republic of China are the judicial organs of the state.

Article 124. The People's Republic of China establishes the Supreme People's Court and the local people's courts at different levels, military courts and other special people's courts. The term of office of the President of the Supreme People's Court is the same as that of the National People's Congress; he shall serve no more than two consecutive terms. The organization of people's courts is prescribed by law.

Article 125. All cases handled by the people's courts, except for those involving special circumstances as specified by law, shall be heard in public. The accused has the right of defence.

Article 126. The people's courts shall, in accordance with the law, exercise judicial power independently and are not subject to interference by administrative organs, public organizations or individuals.

Article 127. The Supreme People's Court is the highest judicial organ. The Supreme People's Court supervises the administration of justice by the local people's courts at different levels and by the special people's courts; people's courts at higher levels supervise the administration of justice by those at lower levels.

Article 128. The Supreme People's Court is responsible to the National People's Congress and its Standing Committee. Local people's courts at different levels are responsible to the organs of state power which created them.

Article 129. The people's procuratorates of the People's Republic of China are state organs for legal supervision.

Article 130. The People's Republic of China establishes the Supreme People's Procuratorate and the local people's procuratorates at different levels, military procuratorates and other special people's procuratorates. The term of office of the Procurator-General of the Supreme People's Procuratorate is the same as that of the National People's Congress; he shall serve no more than two consecutive terms. The organization of people's procuratorates is prescribed by law.

Article 131. People's procuratorates shall, in accordance with the law, exercise procuratorial power independently and are not subject to interference by administrative organs, public organizations or individuals.

Article 132. The Supreme People's Procuratorate is the highest procuratorial organ. The Supreme People's Procuratorate directs the work of the local people's procuratorates at different levels and of the special people's procuratorates; people's procuratorates at higher levels direct the work of those at lower levels.

Article 133. The Supreme People's Procuratorate is responsible to the National People's Congress and its Standing Committee. Local people's procuratorates at different levels are responsible to the organs of state power at the corresponding levels which created them and to the people's procuratorates at the higher level. Article 134. Citizens of all nationalities have the right to use the spoken and written languages of their own nationalities in court proceedings. The people's courts and people's procuratorates should provide translation for any party to the court proceedings who is not familiar with the spoken or written languages in common use in the locality. In an area where people of a minority nationality live in a compact community or where a number of nationalities live together, hearings should be conducted in the language or languages in common use in the locality; indictments, judgments, notices and other documents should be written, according to actual needs, in the language or languages in common use in the locality.

Article 135. The people's courts, people's procuratorates and public security organs shall, in handling criminal cases, divide their functions, each taking responsibility for its own work, and they shall co-ordinate their efforts and check each other to ensure correct and effective enforcement of law.

CHAPTER IV. THE NATIONAL FLAG, THE NATIONAL EMBLEM AND THE CAPITAL

Article 136. The national flag of the People's Republic of China is a red flag with five stars.

Article 137. The national emblem of the People's Republic of China is Tian anmen in the centre illuminated by five stars and encircled by ears of grain and a cogwheel.

Article 138. The capital of the People's Republic of China is Beijing.

AMENDMENTS TO THE CONSTITUTION

AMENDMENT ONE

(Approved on April 12, 1988, by the 7th NPC at its 1st Session)

1. Article 11 of the Constitution shall include a new paragraph which reads: “The State permits the private sector of the economy to exist and develop within the limits prescribed by law. The private sector of the economy is a complement to the socialist public economy. The State protects the lawful rights and interests of the private sector of the economy, and exercises guidance, supervision and control over the private sector of the economy.”

2. The fourth paragraph of Article 10 of the Constitution, which provides that “no organization or individual may appropriate, buy, sell or lease land or otherwise engage in the transfer of land by unlawful means,” shall be amended as: “no organization or individual may appropriate, buy, sell or otherwise engage in the transfer of land by unlawful means. The right to the use of land may be transferred according to law.”

AMENDMENT TWO

(Approved on March 29, 1993, by the 8th NPC at its 1st Session)

3. The last two sentences of the seventh paragraph of the Preamble which reads “The basic task of the nation in the years to come is to concentrate its effort on socialist modernization. Under the leadership of the Communist Party of China and the guidance of Marxism-Leninism and Mao Zedong Thought, the Chinese people of all nationalities will continue to adhere to the people’s democratic dictatorship and follow the socialist road, steadily improve socialist institutions, develop socialist democracy, improve the socialist legal system and work hard and self-reliantly to modernize industry, agriculture, national defense and science and technology step by step to turn China into a socialist country with a high level of culture and democracy,” shall be amended as: “China is at the primary stage of socialism. The basic task of the nation is, according to the theory of building socialism with Chinese characteristics, to concentrate its effort on socialist modernization. Under the leadership of the Communist Party of China and the guidance of Marxism-Leninism and Mao Zedong Thought, the Chinese people of all nationalities will continue to adhere to the people’s democratic dictatorship and follow the socialist road, persevere in reform and opening to the outside, steadily improve socialist institutions, develop socialist democracy, improve the socialist legal system and work hard and self-reliantly to modernize industry, agriculture, national defense and science and technology step by step to turn China into a socialist country with prosperity and power, democracy and culture.”

4. At the end of the tenth paragraph of the Preamble, add “The system of multi-party cooperation and political consultation led by the Communist Party of China will exist and develop in China for a long time to come.”

5. article 7 which reads “The State economy is the sector of socialist economy under ownership by the whole people; it is the leading force in the national economy. The State ensures the consolidation and growth of the State economy,” shall be changed to: “The State-owned economy, that is, the socialist economy under ownership by the whole people, is the leading force in the national economy. The State ensures the consolidation and growth of the State-owned economy.”

6. The first item of Article 8 which reads “Rural people’s communes, agricultural producers cooperatives, and other forms of cooperative economy such as producers, supply and marketing, credit and consumers cooperatives, belong to the sector of socialist economy under collective ownership by the working people. Working people who are members of rural economic

collectives have the right, within the limits prescribed by law, to farm plots of cropland and hilly land allotted for private use, engage in household sideline production and raise privately-owned livestock,” shall be amended as: “Rural household-based contract responsibility system with remuneration linked to output, and other forms of cooperative economy such as producers , supply and marketing, credit and consumers cooperatives, belong to the sector of socialist economy under collective ownership by the working people. Working people who are members of rural economic collectives have the right, within the limits prescribed by law, to farm plots of cropland and hilly land allotted for private use, engage in household sideline production and raise privately-owned livestock.”

7. Article 15 which reads “The State practices economic planning on the basis of socialist public ownership. It ensures the proportionate and coordinated growth of the national economy through overall balancing by economic planning and the supplementary role of regulation by the market.

Disturbance of the orderly functioning of the social economy or disruption of the State economic plan by any organization or individual is prohibited,” shall be changed to: “The state has put into practice a socialist market economy. The State strengthens formulating economic laws, improves macro adjustment and control and forbids according to law any units or individuals from interfering with the social economic order.”

8. Article 16 which reads “State enterprises have decision-making power in operation and management within the limits prescribed by law, on condition that they submit to unified leadership by the State and fulfil and their obligations under the State plan.

State enterprises practice democratic management through congresses of workers and staff and in other ways in accordance with the law,” shall be revised as: “Stated-owned enterprises have decision-making power in operation and management within the limits prescribed by law. State-owned enterprises practice democratic management through congresses of workers and staff and in other ways in accordance with the law.”

9. Article 17 which reads “Collective economic organizations have decision-making power in conducting independent economic activities, on condition that they accept the guidance of the State plan and abide by the relevant laws.

Collective economic organizations practice democratic management in accordance with the law, with the entire body of their workers electing or removing their managerial personnel and deciding on major issues concerning operation and management” , shall be amended as: “Collective economic organizations have decision-making power in conducting independent economic activities, on condition that they abide by the relevant laws. Collective economic organizations practice democratic management, elect or remove their managerial personnel and decide on major issue concerning operation and management according to law.”

10. The their item of Article 42 which reads “Work is the glorious duty of every able-bodied citizen. All working people in State enterprises and in urban and rural economic collectives should perform their tasks with an attitude consonant with their status as masters of the country. The State promotes socialist labor emulation, and commends and rewards model and advanced workers. The state encourages citizens to take part in voluntary labor,” shall be amended as: “Work is the glorious duty of every able-bodied citizen. All working people in State-owned enterprises and in urban and rural economic collectives should perform their tasks with an attitude consonant with their status as masters of the country. The State promotes socialist labor

emulation, and commends and rewards model and advanced workers. The State encourages citizens to take part in voluntary labor.”

11. Article 98 which reads “The term of office of the people’s congresses of provinces, municipalities directly under the Central Government and cities divided into districts is five years. The term of office of the people’s congresses of counties, cities not divided into districts, municipal districts, townships, nationality townships and towns is three years,” shall be revised as: “The term of office of the people’s congresses of provinces, municipalities directly under the Central Government, counties, cities and municipal districts is five years. The term of office of the people’s congresses of townships, nationality townships and towns is three years.”

AMENDMENT THREE

(Approved on March 15, 1999, by the 9th NPC at its 2nd Session)

The original text of paragraph seven in the Preamble of the Constitution is: “Both the victory of China’s new-democratic revolution and the successes of its socialist cause have been achieved by the Chinese people of all nationalities under the leadership of the Communist Party of China and the guidance of Marxism-Leninism and Mao Zedong Thought, and by upholding truth, correcting errors and overcoming numerous difficulties and hardships. China is currently in the primary stage of socialism. The basic task of the nation is to concentrate its effort on socialist modernization in accordance with the theory of building socialism with Chinese characteristics. Under the leadership of the Communist Party of China and the guidance of Marxism-Leninism and Mao Zedong Thought, the Chinese people of all nationalities will continue to adhere to the people’s democratic dictatorship, follow the socialist road, persist in reform and opening-up, steadily improve socialist institutions, develop socialist democracy, improve the socialist legal system and work hard and self-reliantly to modernize industry, agriculture, national defense and science and technology step by step to turn China into a powerful and prosperous socialist country with a high level of culture and democracy.”

It is revised into: “Both the victory of China’s new-democratic revolution and the successes of its socialist cause have been achieved by the Chinese people of all nationalities under the leadership of the Communist Party of China and the guidance of Marxism-Leninism and Mao Zedong Thought, and by upholding truth, correcting errors and overcoming numerous difficulties and hardships. China will stay in the primary stage of socialism for a long period of time. The basic task of the nation is to concentrate its efforts on socialist modernization by following the road of building socialism with Chinese characteristics. Under the leadership of the Communist Party of China and the guidance of Marxism-Leninism, Mao Zedong Thought and Deng Xiaoping Theory, the Chinese people of all nationalities will continue to adhere to the people’s democratic dictatorship, follow the socialist road, persist in reform and opening-up, steadily improve socialist institutions, develop a socialist market economy, advance socialist democracy, improve the socialist legal system and work hard and self-reliantly to modernize industry, agriculture, national defense and science and technology step by step to turn China into a powerful and prosperous socialist country with a high level of culture and democracy.”

One section is added to Article Five of the Constitution as the first section: “The People’s Republic of China practices ruling the country in accordance with the law and building a socialist country of law.”

The original text of Article Six of the Constitution is: “The basis of the socialist economic system of the People’s Republic of China is socialist public ownership of the means of production,

namely, ownership by the whole people and collective ownership by the working people.” “The system of socialist public ownership supersedes the system of exploitation of man by man; it applies the principle of from each according to his ability, to each according to his work .”

It is revised into: “The basis of the socialist economic system of the People’s Republic of China is socialist public ownership of the means of production, namely, ownership by the whole people and collective ownership by the working people. The system of socialist public ownership supersedes the system of exploitation of man by man; it applies the principle of from each according to his ability, to each according to his work .” “During the primary stage of socialism, the State adheres to the basic economic system with the public ownership remaining dominant and diverse sectors of the economy developing side by side, and to the distribution system with the distribution according to work remaining dominant and the coexistence of a variety of modes of distribution.”

The original text of the first section in Article Eight of the Constitution is: “The rural household-based output-related contracted responsibility system and other forms of the cooperative economy such as producers , supply and marketing, credit and consumers cooperatives belong to the sector of the socialist economy under collective ownership by the working people. Working people who are members of rural economic collectives have the right, within the limits prescribed by law, to farm plots of cropland and hilly land allotted for private use, engage in household sideline production and raise privately owned livestock.”

It is revised into: “Rural collective economic organizations practice the double-tier management system that combines unified and separate operations on the basis of the household-based output-related contracted responsibility system. Various forms of the cooperative economy in rural areas such as producers , supply and marketing, credit and consumers cooperatives belong to the sector of the socialist economy under collective ownership by the working people.

Working people who are members of rural economic collectives have the right, within the limits prescribed by law, to farm plots of cropland and hilly land allotted for private use, engage in household sideline production and raise privately owned livestock.”

The original text of Article 11 of the Constitution is: “The individual economy of urban and rural working people, operating within the limits prescribed by law, is a complement to the socialist public economy. The State protects the lawful rights and interests of the individual economy.” “The State guides, helps and supervises the individual economy by exercising administrative control.” “The State permits the private economy to exist and develop within the limits prescribed by law. The private economy is a complement to the socialist public economy. The State protects the lawful rights and interests of the private economy, and guides, supervises and administers the private economy.”

It is revised into: “Individual, private and other non-public economies that exist within the limits prescribed by law are major components of the socialist market economy.” “The State protects the lawful rights and interests of individual and private economies, and guides, supervises and administers individual and private economies.”

The original text of Article 28 of the Constitution is: “The State maintains public order and suppresses treasonable and other counter-revolutionary activities; it penalizes actions that endanger public security and disrupt the socialist economy and other criminal activities, and punishes and reforms criminals.”

It is revised into: “The State maintains public order and suppresses treasonable and other criminal activities that endanger State security; it penalizes actions that endanger public security and disrupt the socialist economy and other criminal activities, and punishes and reforms criminals.

AMENDMENT FOURTH

(Approved on March 14, 2004, by the 10th NPC at its 2nd Session)

1 “... along the road of building socialism with Chinese characteristics...” and “...under the guidance of Marxism-Leninism, Mao Zedong Thought and Deng Xiaoping Theory...”

Revised to: “... along the road of Chinese-style socialism...” and “...under the guidance of Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory and the important thought of Three Represents ...”

2 Seventh paragraph of the Preamble: After “... to modernize the industry, agriculture, national defence and science and technology step by step...”

Is added: “... promote the co-ordinated development of the material, political and spiritual civilizations...”

3 The second sentence of the 10th paragraph of the Preamble: “In the long years of revolution and construction, there has been formed under the leadership of the Communist Party of China a broad patriotic united front that is composed of the democratic parties and people’s organizations and embraces all socialist working people, all patriots who support socialism, and all patriots who stand for the reunification of the motherland. This united front will continue to be consolidated and developed.”

After “... a broad patriotic united front that is composed of the democratic parties and people’s organizations and embraces all socialist working people...” is added “... all builders of socialism, ...”

4 Third paragraph of Article 10: “The State may, in the public interest, requisition land for its use in accordance with the law.”

Revised to: “The State may, in the public interest and in accordance with the provisions of law, expropriate or requisition land for its use and shall make compensation for the land expropriated or requisitioned.”

5 Second paragraph of Article 11: “The State protects the lawful rights and interests of the individual and private sectors of the economy, and exercises guidance, supervision and control over individual and the private sectors of the economy.”

Revised to: “The State protects the lawful rights and interests of the non-public sectors of the economy such as the individual and private sectors of the economy. The State encourages, supports and guides the development of the non-public sectors of the economy and, in accordance with law, exercises supervision and control over the non-public sectors of the economy.”

6 Article 13: “The State protects the right of citizens to own lawfully earned income, savings, houses and other lawful property.” and “The State protects according to law the right of citizens to inherit private property.”

Revised to: “Citizens lawful private property is inviolable” and “The State, in accordance with law, protects the rights of citizens to private property and to its inheritance” and “The State may, in the public interest and in accordance with law, expropriate or requisition private property for its use and shall make compensation for the private property expropriated or

requisitioned.”

7 Article 14 has a fourth paragraph added: “The State establishes a sound social security system compatible with the level of economic development.”

8 Article 33 has a third paragraph added: “The State respects and preserves human rights.”

9 The first paragraph of Article 59 is revised to: “The National People’s Congress is composed of deputies elected from the provinces, autonomous regions and municipalities directly under the Central Government and of deputies elected from the armed forces. All the minority nationalities are entitled to appropriate representation.”

Revised to: “The National People’s Congress is composed of deputies elected from the provinces, autonomous regions, municipalities directly under the Central Government, and the special administrative regions, and of deputies elected from the armed forces. All the minority nationalities are entitled to appropriate representation.”

10 On “State of Emergency”

Subparagraph 20 of Article 67: “... to decide on the imposition of martial law throughout the country or in particular provinces, autonomous regions, or municipalities directly under the Central Government.”

Revised to: “... to decide on entering the state of emergency throughout the country or in particular provinces, autonomous regions, or municipalities directly under the Central Government.”

Article 80: “The President of the People’s Republic of China ... proclaims martial law, ...”

Revised to: “... proclaims entering of the state of emergency, ...”

Subparagraph 16 of Article 89: “... to decide on the imposition of martial law in parts of provinces, autonomous regions and municipalities directly under the Central Government...”

Revised to: “... in accordance with the provisions of law, to decide on entering the state of emergency in parts of provinces, autonomous regions, and municipalities directly under the Central Government...”

11 Article 81: “The President of the People’s Republic of China receives foreign diplomatic representatives on behalf of the People’s Republic of China.”

Revised to: “The President of the People’s Republic of China, on behalf of the People’s Republic of China, engages in activities involving State affairs and receives foreign diplomatic representatives.”

12 Article 98: “The term of office of people’s congresses of provinces, municipalities directly under the Central Government, counties, cities and municipal districts is five years. The term of office of the people’s congresses of townships, nationality townships and towns is three years.”

Revised to: “The term of office of the local people’s congresses at various levels is five years.”

13 Provision on the National Anthem:

Title of Chapter IV: “The National Flag, the National Emblem and the Capital”

Revised to: “The National Flag, the National Anthem, the National Emblem and the Capital”

Article 136 has a second paragraph added: “The National Anthem of the People’s Republic of China is the March of the Volunteers.” (Updated on March 22, 2004)

中华人民共和国宪法

（1982 年 12 月 4 日第五届全国人民代表大会第五次会议通过 1982 年 12 月 4 日全国人民代表大会公告公布施行

根据 1988 年 4 月 12 日第七届全国人民代表大会第一次会议通过的《中华人民共和国宪法修正案》、1993 年 3 月 29 日第八届全国人民代表大会第一次会议通过的《中华人民共和国宪法修正案》、1999 年 3 月 15 日第九届全国人民代表大会第二次会议通过的《中华人民共和国宪法修正案》和 2004 年 3 月 14 日第十届全国人民代表大会第二次会议通过的《中华人民共和国宪法修正案》修正）

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序 言

中国是世界上历史最悠久的国家之一。中国各族人民共同创造了光辉灿烂的文化，具有光荣的革命传统。

一八四〇年以后，封建的中国逐渐变成半殖民地、半封建的国家。中国人民为国家独立、民族解放和民主自由进行了前仆后继的英勇奋斗。

二十世纪，中国发生了翻天覆地的伟大历史变革。

一九一一年孙中山先生领导的辛亥革命，废除了封建帝制，创立了中华民国。但是，中国人民反对帝国主义和封建主义的历史任务还没有完成。

一九四九年，以毛泽东主席为领袖的中国共产党领导中国各族人民，在经历了长期的艰难曲折的武装斗争和其他形式的斗争以后，终于推翻了帝国主义、封建主义和官僚资

本主义的统治，取得了新民主主义革命的伟大胜利，建立了中华人民共和国。从此，中国人民掌握了国家的权力，成为国家的主人。

中华人民共和国成立以后，我国社会逐步实现了由新民主主义到社会主义的过渡。生产资料私有制的社会主义改造已经完成，人剥削人的制度已经消灭，社会主义制度已经确立。工人阶级领导的、以工农联盟为基础的人民民主专政，实质上即无产阶级专政，得到巩固和发展。中国人民和中国人民解放军战胜了帝国主义、霸权主义的侵略、破坏和武装挑衅，维护了国家的独立和安全，增强了国防。经济建设取得了重大的成就，独立的、比较完整的社会主义工业体系已经基本形成，农业生产显著提高。教育、科学、文化等事业有了很大的发展，社会主义思想教育取得了明显的成效。广大人民的生活有了较大的改善。

中国新民主主义革命的胜利和社会主义事业的成就，是中国共产党领导中国各族人民，在马克思列宁主义、毛泽东思想的指引下，坚持真理，修正错误，战胜许多艰难险阻而取得的。我国将长期处于社会主义初级阶段。国家的根本任务是，沿着中国特色社会主义道路，集中力量进行社会主义现代化建设。中国各族人民将继续在中国共产党领导下，在马克思列宁主义、毛泽东思想、邓小平理论和“三个代表”重要思想指引下，坚持人民民主专政，坚持社会主义道路，坚持改革开放，不断完善社会主义的各项制度，发展社会主义市场经济，发展社会主义民主，健全社会主义法制，自力更生，艰苦奋斗，逐步实现工业、农业、国防和科学技术的现代化，推动物质文明、政治文明和精神文明协调发展，把我国建设成为富强、民主、文明的社会主义国家。

在我国，剥削阶级作为阶级已经消灭，但是阶级斗争还将在一定范围内长期存在。中国人民对敌视和破坏我国社会主义制度的国内外的敌对势力和敌对分子，必须进行斗争。

台湾是中华人民共和国的神圣领土的一部分。完成统一祖国的大业是包括台湾同胞在内的全中国人民的神圣职责。

社会主义的建设事业必须依靠工人、农民和知识分子，团结一切可以团结的力量。在长期的革命和建设过程中，已经结成由中国共产党领导的，有各民主党派和各人民团体参加的，包括全体社会主义劳动者、社会主义事业的建设者、拥护社会主义的爱国者和拥护祖国统一的爱国者的广泛的爱国统一战线，这个统一战线将继续巩固和发展。中国人民政治协商会议是有广泛代表性的统一战线组织，过去发挥了重要的历史作用，今后在国家政治生活、社会生活和对外友好活动中，在进行社会主义现代化建设、维护国家的统一和团结的斗争中，将进一步发挥它的重要作用。中国共产党领导的多党合作和政治协商制度将长期存在和发展。

中华人民共和国是全国各族人民共同缔造的统一的多民族国家。平等、团结、互助的社会主义民族关系已经确立，并将继续加强。在维护民族团结的斗争中，要反对大民族主义，主要是大汉族主义，也要反对地方民族主义。国家尽一切努力，促进全国各民族的共同繁荣。

中国革命和建设的成就是同世界人民的支持分不开的。中国的前途是同世界的前途紧密地联系在一起的。中国坚持独立自主的对外政策，坚持互相尊重主权和领土完整、互不侵犯、互不干涉内政、平等互利、和平共处的五项原则，发展同各国的外交关系和经济、文化的交流；坚持反对帝国主义、霸权主义、殖民主义，加强同世界各国人民的团结，支持被压迫民族和发展中国家争取和维护民族独立、发展民族经济的正义斗争，为维护世界和平和促进人类进步事业而努力。

本宪法以法律的形式确认了中国各族人民奋斗的成果，规定了国家的根本制度和根本任务，是国家的根本法，具有最高的法律效力。全国各族人民、一切国家机关和武装力量、各政党和各社会团体、各企业事业组织，都必须以宪法为根本的活动准则，并且负有维护宪法尊严、保证宪法实施的职责。

第一章 总 纲

第一条 中华人民共和国是工人阶级领导的、以工农联盟为基础的人民民主专政的社会主义国家。

社会主义制度是中华人民共和国的根本制度。禁止任何组织或者个人破坏社会主义制度。

第二条 中华人民共和国的一切权力属于人民。

人民行使国家权力的机关是全国人民代表大会和地方各级人民代表大会。

人民依照法律规定，通过各种途径和形式，管理国家事务，管理经济和文化事业，管理社会事务。

第三条 中华人民共和国的国家机构实行民主集中制的原则。

全国人民代表大会和地方各级人民代表大会都由民主选举产生，对人民负责，受人民监督。

国家行政机关、审判机关、检察机关都由人民代表大会产生，对它负责，受它监督。

中央和地方的国家机构职权的划分，遵循在中央的统一领导下，充分发挥地方的主动性、积极性的原则。

第四条 中华人民共和国各民族一律平等。国家保障各少数民族的合法的权利和利益，维护和发展各民族的平等、团结、互助关系。禁止对任何民族的歧视和压迫，禁止破坏民族团结和制造民族分裂的行为。

国家根据各少数民族的特点和需要，帮助各少数民族地区加速经济和文化的发展。

各少数民族聚居的地方实行区域自治，设立自治机关，行使自治权。各民族自治地方都是中华人民共和国不可分离的部分。

各民族都有使用和发展自己的语言文字的自由，都有保持或者改革自己的风俗习惯的自由。

第五条 中华人民共和国实行依法治国，建设社会主义法治国家。

国家维护社会主义法制的统一和尊严。

一切法律、行政法规和地方性法规都不得同宪法相抵触。

一切国家机关和武装力量、各政党和各社会团体、各企业事业组织都必须遵守宪法和法律。一切违反宪法和法律的行为，必须予以追究。

任何组织或者个人都不得有超越宪法和法律的特权。

第六条 中华人民共和国的社会主义经济制度的基础是生产资料的社会主义公有制，即全民所有制和劳动群众集体所有制。社会主义公有制消灭人剥削人的制度，实行各尽所能、按劳分配的原则。

国家在社会主义初级阶段，坚持公有制为主体、多种所有制经济共同发展的基本经济制度，坚持按劳分配为主体、多种分配方式并存的分配制度。

第七条 国有经济，即社会主义全民所有制经济，是国民经济中的主导力量。国家保障国有经济的巩固和发展。

第八条 农村集体经济组织实行家庭承包经营为基础、统分结合的双层经营体制。农村中的生产、供销、信用、消费等各种形式的合作经济，是社会主义劳动群众集体所有制经济。参加农村集体经济组织的劳动者，有权在法律规定的范围内经营自留地、自留山、家庭副业和饲养自留畜。

城镇中的手工业、工业、建筑业、运输业、商业、服务业等行业的各种形式的合作经济，都是社会主义劳动群众集体所有制经济。

国家保护城乡集体经济组织的合法的权利和利益，鼓励、指导和帮助集体经济的发展。

第九条 矿藏、水流、森林、山岭、草原、荒地、滩涂等自然资源，都属于国家所有，即全民所有；由法律规定属于集体所有的森林和山岭、草原、荒地、滩涂除外。

国家保障自然资源的合理利用，保护珍贵的动物和植物。禁止任何组织或者个人用任何手段侵占或者破坏自然资源。

第十条 城市的土地属于国家所有。

农村和城市郊区的土地，除由法律规定属于国家所有的以外，属于集体所有；宅基地和自留地、自留山，也属于集体所有。

国家为了公共利益的需要，可以依照法律规定对土地实行征收或者征用并给予补偿。

任何组织或者个人不得侵占、买卖或者以其他形式非法转让土地。土地的使用权可以依照法律的规定转让。

一切使用土地的组织和个人必须合理地利用土地。

第十一条 在法律规定范围内的个体经济、私营经济等非公有制经济，是社会主义市场经济的重要组成部分。

国家保护个体经济、私营经济等非公有制经济的合法的权利和利益。国家鼓励、支持和引导非公有制经济的发展，并对非公有制经济依法实行监督和管理。

第十二条 社会主义的公共财产神圣不可侵犯。

国家保护社会主义的公共财产。禁止任何组织或者个人用任何手段侵占或者破坏国家的和集体的财产。

第十三条 公民的合法的私有财产不受侵犯。

国家依照法律规定保护公民的私有财产权和继承权。

国家为了公共利益的需要，可以依照法律规定对公民的私有财产实行征收或者征用并给予补偿。

第十四条 国家通过提高劳动者的积极性和技术水平，推广先进的科学技术，完善经济管理体制和企业经营管理制度，实行各种形式的社会主义责任制，改进劳动组织，以不断提高劳动生产率和经济效益，发展社会生产力。

国家厉行节约，反对浪费。

国家合理安排积累和消费，兼顾国家、集体和个人的利益，在发展生产的基础上，逐步改善人民的物质生活和文化生活。

国家建立健全同经济发展水平相适应的社会保障制度。

第十五条 国家实行社会主义市场经济。

国家加强经济立法，完善宏观调控。

国家依法禁止任何组织或者个人扰乱社会经济秩序。

第十六条 国有企业在法律规定的范围内有权自主经营。

国有企业依照法律规定，通过职工代表大会和其他形式，实行民主管理。

第十七条 集体经济组织在遵守有关法律的前提下,有独立进行经济活动的自主权。

集体经济组织实行民主管理,依照法律规定选举和罢免管理人员,决定经营管理的重大问题。

第十八条 中华人民共和国允许外国的企业和其他经济组织或者个人依照中华人民共和国法律的规定在中国投资,同中国的企业或者其他经济组织进行各种形式的经济合作。

在中国境内的外国企业和其他外国经济组织以及中外合资经营的企业,都必须遵守中华人民共和国的法律。它们的合法的权利和利益受中华人民共和国法律的保护。

第十九条 国家发展社会主义的教育事业,提高全国人民的科学文化水平。

国家举办各种学校,普及初等义务教育,发展中等教育、职业教育和高等教育,并且发展学前教育。

国家发展各种教育设施,扫除文盲,对工人、农民、国家工作人员和其他劳动者进行政治、文化、科学、技术、业务的教育,鼓励自学成才。

国家鼓励集体经济组织、国家企业事业组织和其他社会力量依照法律规定举办各种教育事业。

国家推广全国通用的普通话。

第二十条 国家发展自然科学和社会科学事业,普及科学和技术知识,奖励科学研究成果和技术发明创造。

第二十一条 国家发展医疗卫生事业,发展现代医药和我国传统医药,鼓励和支持农村集体经济组织、国家企业事业组织和街道组织举办各种医疗卫生设施,开展群众性的卫生活动,保护人民健康。

国家发展体育事业,开展群众性的体育活动,增强人民体质。

第二十二条 国家发展为人民服务、为社会主义服务的文学艺术事业、新闻广播电视事业、出版发行事业、图书馆博物馆文化馆和其他文化事业,开展群众性的文化活动。

国家保护名胜古迹、珍贵文物和其他重要历史文化遗产。

第二十三条 国家培养为社会主义服务的各种专业人才,扩大知识分子的队伍,创造条件,充分发挥他们在社会主义现代化建设中的作用。

第二十四条 国家通过普及理想教育、道德教育、文化教育、纪律和法制教育,通过在城乡不同范围的群众中制定和执行各种守则、公约,加强社会主义精神文明的建设。

国家提倡爱祖国、爱人民、爱劳动、爱科学、爱社会主义的公德，在人民中进行爱国主义、集体主义和国际主义、共产主义的教育，进行辩证唯物主义和历史唯物主义的教育，反对资本主义的、封建主义的和其他的腐朽思想。

第二十五条 国家推行计划生育，使人口的增长同经济和社会发展计划相适应。

第二十六条 国家保护和改善生活环境和生态环境，防治污染和其他公害。

国家组织和鼓励植树造林，保护林木。

第二十七条 一切国家机关实行精简的原则，实行工作责任制，实行工作人员的培训和考核制度，不断提高工作质量和工作效率，反对官僚主义。

一切国家机关和国家工作人员必须依靠人民的支持，经常保持同人民的密切联系，倾听人民的意见和建议，接受人民的监督，努力为人民服务。

第二十八条 国家维护社会秩序，镇压叛国和其他危害国家安全的犯罪活动，制裁危害社会治安、破坏社会主义经济和其他犯罪的活动，惩办和改造犯罪分子。

第二十九条 中华人民共和国的武装力量属于人民。它的任务是巩固国防，抵抗侵略，保卫祖国，保卫人民的和平劳动，参加国家建设事业，努力为人民服务。

国家加强武装力量的革命化、现代化、正规化的建设，增强国防力量。

第三十条 中华人民共和国的行政区域划分如下：

(一)全国分为省、自治区、直辖市；

(二)省、自治区分为自治州、县、自治县、市；

(三)县、自治县分为乡、民族乡、镇。

直辖市和较大的市分为区、县。自治州分为县、自治县、市。

自治区、自治州、自治县都是民族自治地方。

第三十一条 国家在必要时得设立特别行政区。在特别行政区内实行的制度按照具体情况由全国人民代表大会以法律规定。

第三十二条 中华人民共和国保护在中国境内的外国人的合法权利和利益，在中国境内的外国人必须遵守中华人民共和国的法律。

中华人民共和国对于因为政治原因要求避难的外国人，可以给予受庇护的权利。

第二章 公民的基本权利和义务

第三十三条 凡具有中华人民共和国国籍的人都是中华人民共和国公民。

中华人民共和国公民在法律面前一律平等。

国家尊重和保障人权。

任何公民享有宪法和法律规定的权利，同时必须履行宪法和法律规定的义务。

第三十四条 中华人民共和国年满十八周岁的公民，不分民族、种族、性别、职业、家庭出身、宗教信仰、教育程度、财产状况、居住期限，都有选举权和被选举权；但是依照法律被剥夺政治权利的人除外。

第三十五条 中华人民共和国公民有言论、出版、集会、结社、游行、示威的自由。

第三十六条 中华人民共和国公民有宗教信仰自由。

任何国家机关、社会团体和个人不得强制公民信仰宗教或者不信仰宗教，不得歧视信仰宗教的公民和不信仰宗教的公民。

国家保护正常的宗教活动。任何人不得利用宗教进行破坏社会秩序、损害公民身体健康、妨碍国家教育制度的活动。

宗教团体和宗教事务不受外国势力的支配。

第三十七条 中华人民共和国公民的人身自由不受侵犯。

任何公民，非经人民检察院批准或者决定或者人民法院决定，并由公安机关执行，不受逮捕。

禁止非法拘禁和以其他方法非法剥夺或者限制公民的人身自由，禁止非法搜查公民的身体。

第三十八条 中华人民共和国公民的人格尊严不受侵犯。禁止用任何方法对公民进行侮辱、诽谤和诬告陷害。

第三十九条 中华人民共和国公民的住宅不受侵犯。禁止非法搜查或者非法侵入公民的住宅。

第四十条 中华人民共和国公民的通信自由和通信秘密受法律的保护。除因国家安全或者追查刑事犯罪的需要，由公安机关或者检察机关依照法律规定的程序对通信进行检查外，任何组织或者个人不得以任何理由侵犯公民的通信自由和通信秘密。

第四十一条 中华人民共和国公民对于任何国家机关和国家工作人员，有提出批评和建议的权利；对于任何国家机关和国家工作人员的违法失职行为，有向有关国家机关提出申诉、控告或者检举的权利，但是不得捏造或者歪曲事实进行诬告陷害。

对于公民的申诉、控告或者检举，有关国家机关必须查清事实，负责处理。任何人不得压制和打击报复。

由于国家机关和国家工作人员侵犯公民权利而受到损失的人，有依照法律规定取得赔偿的权利。

第四十二条 中华人民共和国公民有劳动的权利和义务。

国家通过各种途径，创造劳动就业条件，加强劳动保护，改善劳动条件，并在发展生产的基础上，提高劳动报酬和福利待遇。

劳动是一切有劳动能力的公民的光荣职责。国有企业和城乡集体经济组织的劳动者都应当以国家主人翁的态度对待自己的劳动。国家提倡社会主义劳动竞赛，奖励劳动模范和先进工作者。国家提倡公民从事义务劳动。

国家对就业前的公民进行必要的劳动就业训练。

第四十三条 中华人民共和国劳动者有休息的权利。

国家发展劳动者休息和休养的设施，规定职工的工作时间和休假制度。

第四十四条 国家依照法律规定实行企业事业组织的职工和国家机关工作人员的退休制度。退休人员的生活受到国家和社会的保障。

第四十五条 中华人民共和国公民在年老、疾病或者丧失劳动能力的情况下，有从国家和社会获得物质帮助的权利。国家发展为公民享受这些权利所需要的社会保险、社会救济和医疗卫生事业。

国家和社会保障残废军人的生活，抚恤烈士家属，优待军人家属。

国家和社会帮助安排盲、聋、哑和其他有残疾的公民的劳动、生活和教育。

第四十六条 中华人民共和国公民有受教育的权利和义务。

国家培养青年、少年、儿童在品德、智力、体质等方面全面发展。

第四十七条 中华人民共和国公民有进行科学研究、文学艺术创作和其他文化活动的自由。国家对于从事教育、科学、技术、文学、艺术和其他文化事业的公民的有益于人民的创造性工作，给以鼓励和帮助。

第四十八条 中华人民共和国妇女在政治的、经济的、文化的、社会的和家庭的生活等各方面享有同男子平等的权利。

国家保护妇女的权利和利益，实行男女同工同酬，培养和选拔妇女干部。

第四十九条 婚姻、家庭、母亲和儿童受国家的保护。

夫妻双方有实行计划生育的义务。

父母有抚养教育未成年子女的义务，成年子女有赡养扶助父母的义务。

禁止破坏婚姻自由，禁止虐待老人、妇女和儿童。

第五十条 中华人民共和国保护华侨的正当的权利和利益，保护归侨和侨眷的合法的权利和利益。

第五十一条 中华人民共和国公民在行使自由和权利的时候，不得损害国家的、社会的、集体的利益和其他公民的合法的自由和权利。

第五十二条 中华人民共和国公民有维护国家统一和全国民族团结的义务。

第五十三条 中华人民共和国公民必须遵守宪法和法律，保守国家秘密，爱护公共财产，遵守劳动纪律，遵守公共秩序，尊重社会公德。

第五十四条 中华人民共和国公民有维护祖国的安全、荣誉和利益的义务，不得有危害祖国的安全、荣誉和利益的行为。

第五十五条 保卫祖国、抵抗侵略是中华人民共和国每一个公民的神圣职责。依照法律服兵役和参加民兵组织是中华人民共和国公民的光荣义务。

第五十六条 中华人民共和国公民有依照法律纳税的义务。

第三章 国家机构

第一节 全国人民代表大会

第五十七条 中华人民共和国全国人民代表大会是最高国家权力机关。它的常设机关是全国人民代表大会常务委员会。

第五十八条 全国人民代表大会和全国人民代表大会常务委员会行使国家立法权。

第五十九条 全国人民代表大会由省、自治区、直辖市、特别行政区和军队选出的代表组成。各少数民族都应当有适当名额的代表。

全国人民代表大会代表的选举由全国人民代表大会常务委员会主持。

全国人民代表大会代表名额和代表产生办法由法律规定。

第六十条 全国人民代表大会每届任期五年。

全国人民代表大会任期届满的两个月以前，全国人民代表大会常务委员会必须完成下届全国人民代表大会代表的选举。如果遇到不能进行选举的非常情况，由全国人民代表大会常务委员会以全体组成人员的三分之二以上的多数通过，可以推迟选举，延长本届全国人民代表大会的任期。在非常情况结束后一年内，必须完成下届全国人民代表大会代表的选举。

第六十一条 全国人民代表大会会议每年举行一次，由全国人民代表大会常务委员会召集。如果全国人民代表大会常务委员会认为必要，或者有五分之一以上的全国人民代表大会代表提议，可以临时召集全国人民代表大会会议。

全国人民代表大会举行会议的时候，选举主席团主持会议。

第六十二条 全国人民代表大会行使下列职权：

- (一)修改宪法；
- (二)监督宪法的实施；
- (三)制定和修改刑事、民事、国家机构的和其他的基本法律；
- (四)选举中华人民共和国主席、副主席；
- (五)根据中华人民共和国主席的提名，决定国务院总理的人选；根据国务院总理的提名，决定国务院副总理、国务委员、各部部长、各委员会主任、审计长、秘书长的人选；
- (六)选举中央军事委员会主席；根据中央军事委员会主席的提名，决定中央军事委员会其他组成人员的人选；
- (七)选举最高人民法院院长；
- (八)选举最高人民检察院检察长；
- (九)审查和批准国民经济和社会发展计划和计划执行情况的报告；
- (十)审查和批准国家的预算和预算执行情况的报告；
- (十一)改变或者撤销全国人民代表大会常务委员会不适当的决定；
- (十二)批准省、自治区和直辖市的建置；
- (十三)决定特别行政区的设立及其制度；
- (十四)决定战争和和平的问题；
- (十五)应当由最高国家权力机关行使的其他职权。

第六十三条 全国人民代表大会有权罢免下列人员：

- (一)中华人民共和国主席、副主席；
- (二)国务院总理、副总理、国务委员、各部部长、各委员会主任、审计长、秘书长；
- (三)中央军事委员会主席和中央军事委员会其他组成人员；
- (四)最高人民法院院长；
- (五)最高人民检察院检察长。

第六十四条 宪法的修改，由全国人民代表大会常务委员会或者五分之一以上的全国人民代表大会代表提议，并由全国人民代表大会以全体代表的三分之二以上的多数通过。

法律和其他议案由全国人民代表大会以全体代表的过半数通过。

第六十五条 全国人民代表大会常务委员会由下列人员组成：

委员长，

副委员长若干人，

秘书长，

委员若干人。

全国人民代表大会常务委员会组成人员中，应当有适当名额的少数民族代表。

全国人民代表大会选举并有权罢免全国人民代表大会常务委员会的组成人员。

全国人民代表大会常务委员会的组成人员不得担任国家行政机关、审判机关和检察机关的职务。

第六十六条 全国人民代表大会常务委员会每届任期同全国人民代表大会每届任期相同，它行使职权到下届全国人民代表大会选出新的常务委员会为止。

委员长、副委员长连续任职不得超过两届。

第六十七条 全国人民代表大会常务委员会行使下列职权：

(一)解释宪法，监督宪法的实施；

(二)制定和修改除应当由全国人民代表大会制定的法律以外的其他法律；

(三)在全国人民代表大会闭会期间，对全国人民代表大会制定的法律进行部分补充和修改，但是不得同该法律的基本原则相抵触；

(四)解释法律；

(五)在全国人民代表大会闭会期间，审查和批准国民经济和社会发展规划、国家预算在执行过程中所必须作的部分调整方案；

(六)监督国务院、中央军事委员会、最高人民法院和最高人民检察院的工作；

(七)撤销国务院制定的同宪法、法律相抵触的行政法规、决定和命令；

(八)撤销省、自治区、直辖市国家权力机关制定的同宪法、法律和行政法规相抵触的地方性法规和决议；

(九)在全国人民代表大会闭会期间，根据国务院总理的提名，决定部长、委员会主任、审计长、秘书长的人选；

(十)在全国人民代表大会闭会期间，根据中央军事委员会主席的提名，决定中央军事委员会其他组成人员的人选；

(十一)根据最高人民法院院长的提请，任免最高人民法院副院长、审判员、审判委员会委员和军事法院院长；

(十二)根据最高人民检察院检察长的提请，任免最高人民检察院副检察长、检察员、检察委员会委员和军事检察院检察长，并且批准省、自治区、直辖市的人民检察院检察长的任免；

(十三)决定驻外全权代表的任免;

(十四)决定同外国缔结的条约和重要协定的批准和废除;

(十五)规定军人和外交人员的衔级制度和其他专门衔级制度;

(十六)规定和决定授予国家的勋章和荣誉称号;

(十七)决定特赦;

(十八)在全国人民代表大会闭会期间,如果遇到国家遭受武装侵犯或者必须履行国际间共同防止侵略的条约的情况,决定战争状态的宣布;

(十九)决定全国总动员或者局部动员;

(二十)决定全国或者个别省、自治区、直辖市进入紧急状态;

(二十一)全国人民代表大会授予的其他职权。

第六十八条 全国人民代表大会常务委员会委员长主持全国人民代表大会常务委员会的工作,召集全国人民代表大会常务委员会会议。副委员长、秘书长协助委员长工作。

委员长、副委员长、秘书长组成委员长会议,处理全国人民代表大会常务委员会的重要日常工作。

第六十九条 全国人民代表大会常务委员会对全国人民代表大会负责并报告工作。

第七十条 全国人民代表大会设立民族委员会、法律委员会、财政经济委员会、教育科学文化卫生委员会、外事委员会、华侨委员会和其他需要设立的专门委员会。在全国人民代表大会闭会期间,各专门委员会受全国人民代表大会常务委员会的领导。

各专门委员会在全国人民代表大会和全国人民代表大会常务委员会领导下,研究、审议和拟订有关议案。

第七十一条 全国人民代表大会和全国人民代表大会常务委员会认为必要的时候,可以组织关于特定问题的调查委员会,并且根据调查委员会的报告,作出相应的决议。

调查委员会进行调查的时候,一切有关的国家机关、社会团体和公民都有义务向它提供必要的材料。

第七十二条 全国人民代表大会代表和全国人民代表大会常务委员会组成人员,有权依照法律规定的程序分别提出属于全国人民代表大会和全国人民代表大会常务委员会职权范围内的议案。

第七十三条 全国人民代表大会代表在全国人民代表大会开会期间,全国人民代表大会常务委员会组成人员在常务委员会开会期间,有权依照法律规定的程序提出对国务院或者国务院各部、各委员会的质询案。受质询的机关必须负责答复。

第七十四条 全国人民代表大会代表,非经全国人民代表大会会议主席团许可,在全国人民代表大会闭会期间非经全国人民代表大会常务委员会许可,不受逮捕或者刑事审判。

第七十五条 全国人民代表大会代表在全国人民代表大会各种会议上的发言和表决,不受法律追究。

第七十六条 全国人民代表大会代表必须模范地遵守宪法和法律,保守国家秘密,并且在自己参加的生产、工作和社会活动中,协助宪法和法律的实施。

全国人民代表大会代表应当同原选举单位和人民保持密切的联系,听取和反映人民的意见和要求,努力为人民服务。

第七十七条 全国人民代表大会代表受原选举单位的监督。原选举单位有权依照法律规定的程序罢免本单位选出的代表。

第七十八条 全国人民代表大会和全国人民代表大会常务委员会的组织和工作程序由法律规定。

第二节 中华人民共和国主席

第七十九条 中华人民共和国主席、副主席由全国人民代表大会选举。

有选举权和被选举权的年满四十五周岁的中华人民共和国公民可以被选为中华人民共和国主席、副主席。

中华人民共和国主席、副主席每届任期同全国人民代表大会每届任期相同,连续任职不得超过两届。

第八十条 中华人民共和国主席根据全国人民代表大会的决定和全国人民代表大会常务委员会的决定,公布法律,任免国务院总理、副总理、国务委员、各部部长、各委员会主任、审计长、秘书长,授予国家的勋章和荣誉称号,发布特赦令,宣布进入紧急状态,宣布战争状态,发布动员令。

第八十一条 中华人民共和国主席代表中华人民共和国,进行国事活动,接受外国使节;根据全国人民代表大会常务委员会的决定,派遣和召回驻外全权代表,批准和废除同外国缔结的条约和重要协定。

第八十二条 中华人民共和国副主席协助主席工作。

中华人民共和国副主席受主席的委托,可以代行主席的部分职权。

第八十三条 中华人民共和国主席、副主席行使职权到下届全国人民代表大会选出的主席、副主席就职为止。

第八十四条 中华人民共和国主席缺位的时候，由副主席继任主席的职位。

中华人民共和国副主席缺位的时候，由全国人民代表大会补选。

中华人民共和国主席、副主席都缺位的时候，由全国人民代表大会补选；在补选以前，由全国人民代表大会常务委员会委员长暂时代理主席职位。

第三节 国 务 院

第八十五条 中华人民共和国国务院，即中央人民政府，是最高国家权力机关的执行机关，是最高国家行政机关。

第八十六条 国务院由下列人员组成：

总理，

副总理若干人，

国务委员若干人，

各部部长，

各委员会主任，

审计长，

秘书长。

国务院实行总理负责制。各部、各委员会实行部长、主任负责制。

国务院的组织由法律规定。

第八十七条 国务院每届任期同全国人民代表大会每届任期相同。

总理、副总理、国务委员连续任职不得超过两届。

第八十八条 总理领导国务院的工作。副总理、国务委员协助总理工作。

总理、副总理、国务委员、秘书长组成国务院常务会议。

总理召集和主持国务院常务会议和国务院全体会议。

第八十九条 国务院行使下列职权：

(一)根据宪法和法律，规定行政措施，制定行政法规，发布决定和命令；

(二)向全国人民代表大会或者全国人民代表大会常务委员会提出议案；

(三)规定各部和各委员会的任务和职责，统一领导各部和各委员会的工作，并且领导不属于各部和各委员会的全国性的行政工作；

(四)统一领导全国地方各级国家行政机关的工作，规定中央和省、自治区、直辖市的国家行政机关的职权的具体划分；

(五)编制和执行国民经济和社会发展计划和国家预算；

(六)领导和管理经济工作和城乡建设；

(七)领导和管理教育、科学、文化、卫生、体育和计划生育工作；

(八)领导和管理民政、公安、司法行政和监察等工作；

(九)管理对外事务，同外国缔结条约和协定；

(十)领导和管理国防建设事业；

(十一)领导和管理民族事务，保障少数民族的平等权利和民族自治地方的自治权利；

(十二)保护华侨的正当的权利和利益，保护归侨和侨眷的合法的权利和利益；

(十三)改变或者撤销各部、各委员会发布的不适当的命令、指示和规章；

(十四)改变或者撤销地方各级国家行政机关的不适当的决定和命令；

(十五)批准省、自治区、直辖市的区域划分，批准自治州、县、自治县、市的建置和区域划分；

(十六)依照法律规定决定省、自治区、直辖市的范围内部分地区进入紧急状态；

(十七)审定行政机构的编制，依照法律规定任免、培训、考核和奖惩行政人员；

(十八)全国人民代表大会和全国人民代表大会常务委员会授予的其他职权。

第九十条 国务院各部部长、各委员会主任负责本部门的工作；召集和主持部务会议或者委员会会议、委务会议，讨论决定本部门工作的重大问题。

各部、各委员会根据法律和国务院的行政法规、决定、命令，在本部门的权限内，发布命令、指示和规章。

第九十一条 国务院设立审计机关，对国务院各部门和地方各级政府的财政收支，对国家的财政金融机构和企业事业组织的财务收支，进行审计监督。

审计机关在国务院总理领导下，依照法律规定独立行使审计监督权，不受其他行政机关、社会团体和个人的干涉。

第九十二条 国务院对全国人民代表大会负责并报告工作；在全国人民代表大会闭会期间，对全国人民代表大会常务委员会负责并报告工作。

第四节 中央军事委员会

第九十三条 中华人民共和国中央军事委员会领导全国武装力量。

中央军事委员会由下列人员组成：

主席，
副主席若干人，
委员若干人。

中央军事委员会实行主席负责制。

中央军事委员会每届任期同全国人民代表大会每届任期相同。

第九十四条 中央军事委员会主席对全国人民代表大会和全国人民代表大会常务委员会负责。

第五节 地方各级人民代表大会和

地方各级人民政府

第九十五条 省、直辖市、县、市、市辖区、乡、民族乡、镇设立人民代表大会和人民政府。

地方各级人民代表大会和地方各级人民政府的组织由法律规定。

自治区、自治州、自治县设立自治机关。自治机关的组织和工作根据宪法第三章第五节、第六节规定的基本原则由法律规定。

第九十六条 地方各级人民代表大会是地方国家权力机关。

县级以上的地方各级人民代表大会设立常务委员会。

第九十七条 省、直辖市、设区的市的人民代表大会代表由下一级的人民代表大会选举；县、不设区的市、市辖区、乡、民族乡、镇的人民代表大会代表由选民直接选举。

地方各级人民代表大会代表名额和代表产生办法由法律规定。

第九十八条 地方各级人民代表大会每届任期五年。

第九十九条 地方各级人民代表大会在本行政区域内，保证宪法、法律、行政法规的遵守和执行；依照法律规定的权限，通过和发布决议，审查和决定地方的经济建设、文化建设和公共事业建设的计划。

县级以上的地方各级人民代表大会审查和批准本行政区域内的国民经济和社会发展计划、预算以及它们的执行情况的报告；有权改变或者撤销本级人民代表大会常务委员会不适当的决定。

民族乡的人民代表大会可以依照法律规定的权限采取适合民族特点的具体措施。

第一百条 省、直辖市的人民代表大会和它们的常务委员会，在不同宪法、法律、行政法规相抵触的前提下，可以制定地方性法规，报全国人民代表大会常务委员会备案。

第一百零一条 地方各级人民代表大会分别选举并且有权罢免本级人民政府的省长和副省长、市长和副市长、县长和副县长、区长和副区长、乡长和副乡长、镇长和副镇长。

县级以上的地方各级人民代表大会选举并且有权罢免本级人民法院院长和本级人民检察院检察长。选出或者罢免人民检察院检察长，须报上级人民检察院检察长提请该级人民代表大会常务委员会批准。

第一百零二条 省、直辖市、设区的市的人民代表大会代表受原选举单位的监督；县、不设区的市、市辖区、乡、民族乡、镇的人民代表大会代表受选民的监督。

地方各级人民代表大会代表的选举单位和选民有权依照法律规定的程序罢免由他们选出的代表。

第一百零三条 县级以上的地方各级人民代表大会常务委员会由主任、副主任若干人和委员若干人组成，对本级人民代表大会负责并报告工作。

县级以上的地方各级人民代表大会选举并有权罢免本级人民代表大会常务委员会的组成人员。

县级以上的地方各级人民代表大会常务委员会的组成人员不得担任国家行政机关、审判机关和检察机关的职务。

第一百零四条 县级以上的地方各级人民代表大会常务委员会讨论、决定本行政区域内各方面工作的重大事项；监督本级人民政府、人民法院和人民检察院的工作；撤销本级人民政府的不适当的决定和命令；撤销下一级人民代表大会的不适当的决议；依照法律规定的权限决定国家机关工作人员的任免；在本级人民代表大会闭会期间，罢免和补选上一级人民代表大会的个别代表。

第一百零五条 地方各级人民政府是地方各级国家权力机关的执行机关，是地方各级国家行政机关。

地方各级人民政府实行省长、市长、县长、区长、乡长、镇长负责制。

第一百零六条 地方各级人民政府每届任期同本级人民代表大会每届任期相同。

第一百零七条 县级以上地方各级人民政府依照法律规定的权限，管理本行政区域内的经济、教育、科学、文化、卫生、体育事业、城乡建设事业和财政、民政、公安、

民族事务、司法行政、监察、计划生育等行政工作，发布决定和命令，任免、培训、考核和奖惩行政工作人员。

乡、民族乡、镇的人民政府执行本级人民代表大会的决议和上级国家行政机关的决定和命令，管理本行政区域内的行政工作。

省、直辖市的人民政府决定乡、民族乡、镇的建置和区域划分。

第一百零八条 县级以上的地方各级人民政府领导所属各工作部门和下级人民政府的工作，有权改变或者撤销所属各工作部门和下级人民政府的不适当的决定。

第一百零九条 县级以上的地方各级人民政府设立审计机关。地方各级审计机关依照法律规定独立行使审计监督权，对本级人民政府和上一级审计机关负责。

第一百一十条 地方各级人民政府对本级人民代表大会负责并报告工作。县级以上的地方各级人民政府在本级人民代表大会闭会期间，对本级人民代表大会常务委员会负责并报告工作。

地方各级人民政府对上一级国家行政机关负责并报告工作。全国地方各级人民政府都是国务院统一领导下的国家行政机关，都服从国务院。

第一百一十一条 城市和农村按居民居住地区设立的居民委员会或者村民委员会是基层群众性自治组织。居民委员会、村民委员会的主任、副主任和委员由居民选举。居民委员会、村民委员会同基层政权的相互关系由法律规定。

居民委员会、村民委员会设人民调解、治安保卫、公共卫生等委员会，办理本居住地区的公共事务和公益事业，调解民间纠纷，协助维护社会治安，并且向人民政府反映群众的意见、要求和提出建议。

第六节 民族自治地方的自治机关

第一百一十二条 民族自治地方的自治机关是自治区、自治州、自治县的人民代表大会和人民政府。

第一百一十三条 自治区、自治州、自治县的人民代表大会中，除实行区域自治的民族的代表外，其他居住在本行政区域内的民族也应当有适当名额的代表。

自治区、自治州、自治县的人民代表大会常务委员会中应当有实行区域自治的民族的公民担任主任或者副主任。

第一百一十四条 自治区主席、自治州州长、自治县县长由实行区域自治的民族的公民担任。

第一百一十五条 自治区、自治州、自治县的自治机关行使宪法第三章第五节规定的地方国家机关的职权，同时依照宪法、民族区域自治法和其他法律规定的权限行使自治权，根据本地方实际情况贯彻执行国家的法律、政策。

第一百一十六条 民族自治地方的人民代表大会有权依照当地民族的政治、经济和文化的特点，制定自治条例和单行条例。自治区的自治条例和单行条例，报全国人民代表大会常务委员会批准后生效。自治州、自治县的自治条例和单行条例，报省或者自治区的人民代表大常务委员会批准后生效，并报全国人民代表大会常务委员会备案。

第一百一十七条 民族自治地方的自治机关有管理地方财政的自治权。凡是依照国家财政体制属于民族自治地方的财政收入，都应当由民族自治地方的自治机关自主地安排使用。

第一百一十八条 民族自治地方的自治机关在国家计划的指导下，自主地安排和管理地方性的经济建设事业。

国家在民族自治地方开发资源、建设企业的时候，应当照顾民族自治地方的利益。

第一百一十九条 民族自治地方的自治机关自主地管理本地方的教育、科学、文化、卫生、体育事业，保护和整理民族的文化遗产，发展和繁荣民族文化。

第一百二十条 民族自治地方的自治机关依照国家的军事制度和当地的实际需要，经国务院批准，可以组织本地方维护社会治安的公安部队。

第一百二十一条 民族自治地方的自治机关在执行职务的时候，依照本民族自治地方自治条例的规定，使用当地通用的一种或者几种语言文字。

第一百二十二条 国家从财政、物资、技术等方面帮助各少数民族加速发展经济建设和文化建设事业。

国家帮助民族自治地方从当地民族中大量培养各级干部、各种专业人才和技术工人。

第七节 人民法院和人民检察院

第一百二十三条 中华人民共和国人民法院是国家的审判机关。

第一百二十四条 中华人民共和国设立最高人民法院、地方各级人民法院和军事法院等专门人民法院。

最高人民法院院长每届任期同全国人民代表大会每届任期相同，连续任职不得超过两届。

人民法院的组织由法律规定。

第一百二十五条 人民法院审理案件，除法律规定的特殊情况外，一律公开进行。被告人有权获得辩护。

第一百二十六条 人民法院依照法律规定独立行使审判权，不受行政机关、社会团体和个人的干涉。

第一百二十七条 最高人民法院是最高审判机关。

最高人民法院监督地方各级人民法院和专门人民法院的审判工作，上级人民法院监督下级人民法院的审判工作。

第一百二十八条 最高人民法院对全国人民代表大会和全国人民代表大会常务委员会负责。地方各级人民法院对产生它的国家权力机关负责。

第一百二十九条 中华人民共和国人民检察院是国家的法律监督机关。

第一百三十条 中华人民共和国设立最高人民检察院、地方各级人民检察院和军事检察院等专门人民检察院。

最高人民检察院检察长每届任期同全国人民代表大会每届任期相同，连续任职不得超过两届。

人民检察院的组织由法律规定。

第一百三十一条 人民检察院依照法律规定独立行使检察权，不受行政机关、社会团体和个人的干涉。

第一百三十二条 最高人民检察院是最高检察机关。

最高人民检察院领导地方各级人民检察院和专门人民检察院的工作，上级人民检察院领导下级人民检察院的工作。

第一百三十三条 最高人民检察院对全国人民代表大会和全国人民代表大会常务委员会负责。地方各级人民检察院对产生它的国家权力机关和上级人民检察院负责。

第一百三十四条 各民族公民都有用本民族语言文字进行诉讼的权利。人民法院和人民检察院对于不通晓当地通用的语言文字的诉讼参与人，应当为他们翻译。

在少数民族聚居或者多民族共同居住的地区，应当用当地通用的语言进行审理；起诉书、判决书、布告和其他文书应当根据实际需要使用当地通用的一种或者几种文字。

第一百三十五条 人民法院、人民检察院和公安机关办理刑事案件，应当分工负责，互相配合，互相制约，以保证准确有效地执行法律。

第四章 国旗、国歌、国徽、首都

第一百三十六条 中华人民共和国国旗是五星红旗。

中华人民共和国国歌是《义勇军进行曲》。

第一百三十七条 中华人民共和国国徽，中间是五星照耀下的天安门，周围是谷穗和齿轮。

第一百三十八条 中华人民共和国首都是北京。

1787 年：《1787 年西北法令》 The Northwest Ordinance

Source: F. N. Thorpe, ed., Federal and State Constitutions, vol. 2 (1909), 957.

Because the Articles of Confederation, adopted by the states in 1781 as the country's first constitution, have often been considered a failure, it is all too easy to overlook the significant accomplishments of the American government under the Articles. The Confederation negotiated a peace treaty ending the war with Great Britain, carried on diplomatic relations with foreign countries, settled land disputes with the Indian tribes and, in two brilliant pieces of legislation, established a far-reaching policy for the settlement and incorporation of western lands.

After first providing for the survey of the land west of the Appalachian mountains, the so-called Northwest Territory, Congress enacted the Northwest Ordinance of 1787, the single most important piece of legislation in the Confederation period. The Ordinance provided the means by which new states would be created out of the western lands and then admitted into the Union.

Governors and judges appointed by Congress would rule a territory until it contained 5,000 free male inhabitants of voting age; then the inhabitants would elect a territorial legislature, which would send a non-voting delegate to Congress. When the population reached 60,000, the legislature would submit a state constitution to Congress and, upon its approval, the state would enter the Union.

The importance of the statute, aside from providing for orderly westerly settlement, is that it made clear that the new states would be equal to the old; there would be no inferior or superior states in the Union. Moreover, in the Ordinance Congress compacted with the settlers of the territories that they would be equal citizens of the United States, and would enjoy all of the rights that had been fought for in the Revolution. Where the Articles of Confederation lacked a bill of rights, the Ordinance provided one that included many of the basic liberties the colonists had considered essential, such as trial by jury, habeas corpus,¹ and religious freedom. One should also note, however, the important role that property still played in government, a holdover from British theory that only those with a tangible stake in society should partake in its governance.

The Northwest Ordinance would, with minor adjustments, remain the guiding policy for the admission of all future states into the Union. For further reading: Merrill Jensen, *The New Nation: A History of the United States during the Confederation, 1781-1789* (1950); John Porter Bloom,

ed.,

The American Territorial System (1974); T.C. Pease, "The Ordinance of 1787," *Miss. Valley Hist.Rev.* 25 (1938): 167.

Footnote 1: Habeas Corpus, which literally means "you have the body," is one of the fundamental rights in Anglo-American law. Through the writ of habeas corpus, a prisoner may challenge the legality of his or her imprisonment, and if the state cannot present adequate evidence to justify the jailing, the court may order the prisoner's release.

The Northwest Ordinance

Be it ordained by the authority aforesaid, That there shall be appointed from time to time by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein in 1,000 acres of land, while in the exercise of his office.

There shall be appointed from time to time by Congress, a secretary, whose commission shall continue in force for four years unless sooner revoked; he shall reside in the district, and have a freehold estate therein in 500 acres of land, while in the exercise of his office. It shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department, and transmit authentic copies of such acts and proceedings, every six months, to the Secretary of Congress: There shall also be appointed a court to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in 500 acres of land while in the exercise of their offices; and their commissions shall continue in force during good behavior.

The governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary and best suited to the circumstances of the district, and report them to Congress from time to time: which laws shall be in force in the district until the organization of the General Assembly therein, unless disapproved of by Congress; but afterwards the Legislature shall have authority to alter them as they shall think fit.

The governor, for the time being, shall be commander-in-chief of the militia, appoint and commission all officers in the same below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers in each county or township, as he shall find necessary for the preservation of the peace and good order in the same: After the general assembly shall be organized, the powers and duties of the magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers not herein otherwise directed, shall,

during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed from time to time as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject however to such alterations as may thereafter be made by the legislature.

So soon as there shall be five thousand free male inhabitants of full age in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships to represent them in the general assembly:

Provided, That, for every five hundred free male inhabitants, there shall be one representative, and so on progressively with the number of free male inhabitants shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which, the number and proportion of representatives shall be regulated by the legislature:

Provided, That no person be eligible or qualified to act as a representative unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years; and, in either case, shall likewise hold in his own right, in fee simple, two hundred acres of land within the same; Provided, also, That a freehold in fifty acres of land in the district, having been a citizen of one of the states, and being resident in the district, or the like freehold and two years residence in the district, shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected, shall serve for the term of two years; and, in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead, to serve for the residue of the term.

The general assembly or legislature shall consist of the governor, legislative council, and a house of representatives. The Legislative Council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum: and the members of the Council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the Governor shall appoint a time and place for them to meet together; and, when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid; and, whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress; one of whom Congress shall appoint and commission for the residue of the term. And every five years, four months at least before the expiration of the time of service of the members of council, the said house shall nominate ten persons, qualified as aforesaid, and return their

names to Congress; five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives, shall have authority to make laws in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills, having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill, or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve the general assembly, when, in his opinion, it shall be expedient.

The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity and of office; the governor before the president of congress, and all other officers before the Governor. As soon as a legislature shall be formed in the district, the council and house assembled in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating but not of voting during this temporary government.

And, for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory: to provide also for the establishment of States, and permanent government therein, and for their admission to a share in the federal councils on an equal footing with the original States, at as early periods as may be consistent with the general interest: It is hereby ordained and declared by the authority aforesaid, That the following articles shall be considered as articles of compact between the original States and the people and States in the said territory and forever remain unalterable, unless by common consent, to wit:

ART. 1. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

ART. 2. The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature; and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offenses, where the proof shall be evident or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers or the law of the land; and, should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall, in any manner whatever, interfere with or affect private contracts or engagements, bona fide, and without fraud, previously formed.

ART. 3. Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The

utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and, in their property, rights, and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity, shall from time to time be made for preventing wrongs being done to them, and for preserving peace and friendship with them. . . .

ART. 5. There shall be formed in the said territory, not less than three nor more than five States. . . . And, whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government: Provided, the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

ART. 6. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes whereof the party shall have been duly convicted: Provided, always, That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

1787 年:《1789 年联邦司法法》: The Judiciary Act of 1789

One of the first acts of the new Congress was to establish a federal court system in the Judiciary Act of 1789. The Constitution provided that the judicial branch should be composed of one Supreme Court and such inferior courts as Congress from time to time established. But unlike the legislative provisions, in which the framers clearly spelled out the powers of the Congress, Article III of the Constitution is rather vague on just what the judicial powers should be.

Congress had little precedent to guide it, since in the British system the three court systems -- Common Pleas (private law), King's Bench (criminal law) and Chancery (equity) -- operated independently, and derived their authority from the King's writ. Even during colonial times, when American courts followed English precedent, the frontier society had been too poor in resources and trained personnel to follow British practice. So Congress had, in essence, a clean slate upon which to write.

One of the more imaginative steps was combining law and equity into a single court system, thus providing for a more effective and efficient means of delivering justice. The debate in Congress centered on how much power the Constitution transferred from the states to the federal government. States' rights activists opposed giving the new courts too much authority, while supporters argued that only a strong federal court system could overcome the weaknesses that

had been so apparent during the Confederation period.

Looking back, it is hard to envision how the supremacy of the Constitution provided for in Article VI could possibly have been sustained without a strong federal court system, one empowered to review and, if necessary, overturn state court decisions. Otherwise, the country would have been saddled again with thirteen independent jurisdictions and no means to conform them to a single national standard. "I have never been able to see," James Madison wrote in 1832 commenting on the federal courts, how "the Constitution itself could have been the supreme law of the land; or that the uniformity of Federal authority throughout the parts to it could be preserved; or that without the uniformity, anarchy and disunion could be prevented."

The courts of the United States, as much as the legislative and executive branches, have been instruments of democratic government, binding a diverse people together.

For further reading: D.F. Henderson, *Courts for a New Nation* (1971); Julius Goebel, *Antecedents and Beginnings to 1801* (1971); the first volume of the Holmes Devise, *History of the Supreme Court of the United States*; and Maeva Marcus, ed., *Origins of the Federal Judiciary* (1992).

The Judiciary Act of 1789

An Act to establish the Judicial Courts of the United States

Sec. 1. Be it enacted, That the supreme court of the United States shall consist of a chief justice and five associate justices, any four of whom shall be a quorum, and shall hold annually at the seat of government two sessions, the one commencing the first Monday of February, and the other the first Monday of August. That the associate justices shall have precedence according to the date of their commissions, or when the commissions of two or more of them bear the same date on the same day, according to their respective ages.

Sec. 2. That the United States shall be, and they hereby are, divided into thirteen districts, to be limited and called as follows, . . .

Sec. 3. That there be a court called a District Court in each of the aforementioned districts, to consist of one judge, who shall reside in the district for which he is appointed, and shall be called a District Judge, and shall hold annually four sessions, . . .

Sec. 4. That the beforementioned districts, except those of Maine and Kentucky, shall be divided into three circuits, and be called the eastern, the middle, and the southern circuit. . . . [T]hat there shall be held annually in each district of said circuits two courts which shall be called Circuit Courts, and shall consist of any two justices of the Supreme Court and the district judge of such districts, any two of whom shall constitute a quorum. Provided, That no district judge shall give a vote in any case of appeal or error from his own decision; but may assign the reasons of such his decision. . . .

Sec. 9. That the district courts shall have, exclusively of the courts of the several States, cognizance of all crimes and offenses that shall be cognizable under the authority of the United States, committed within their respective districts, or upon the high seas; where no other punishment than whipping, not exceeding thirty stripes, a fine not exceeding one hundred dollars, or a term of imprisonment not exceeding six months, is to be inflicted; and shall also have exclusive original cognizance of all civil cases of admiralty and maritime jurisdiction, including all seizures under laws of impost, navigation, or trade of the United States. . . . And shall also have cognizance, concurrent with the courts of the several States, or the circuit courts, as the case may be, of all causes where an alien sues for a tort only in violation of the law of nations or a treaty of the United States. And shall also have cognizance, concurrent as last mentioned, of all suits at common law where the United States sue, and the matter in dispute amounts, exclusive of costs, to the sum or value of one hundred dollars. And shall also have jurisdiction exclusively of the courts of the several States, of all suits against consuls or vice-consuls, except for offenses above the description aforesaid. And the trial of issues in fact, in the district courts, in all cases except civil causes of admiralty and maritime jurisdiction, shall be by jury. . . .

Sec 11. That the circuit courts shall have original cognizance, concurrent with the courts of the several States, of all suits of a civil nature at common law or in equity, where the matter in dispute exceeds, exclusive of costs, the sum or value of five hundred dollars, and the United States are plaintiffs or petitioners; or an alien is a party, or the suit is between a citizen of the State where the suit is brought and a citizen of another State.

And shall have exclusive cognizance of all crimes and offenses cognizable under the authority of the United States, except where this act otherwise provides, or the laws of the United States shall otherwise direct, and concurrent jurisdiction with the district courts of the crimes and offenses cognizable therein. . . . And the circuit courts shall also have appellate jurisdiction from the district courts under the regulations and restrictions hereinafter provided. . . .

Sec. 13. That the Supreme Court shall have exclusive jurisdiction of all controversies of a civil nature, where a state is a party, except between a state and its citizens; and except also between a state and citizens of other states, or aliens, in which latter case it shall have original but not exclusive jurisdiction. And shall have exclusively all such jurisdiction of suits or proceedings against ambassadors or other public ministers, or their domestics, or domestic servants, as a court of law can have or exercise consistently with the law of nations; and original, but not exclusive jurisdiction of all suits brought by ambassadors or other public ministers, or in which a consul or vice-consul shall be a party. And the trial of issues in fact in the Supreme Court in all actions at law against citizens of the United States shall be by jury. The Supreme Court shall also have appellate jurisdiction from the circuit courts and courts of the several states in the cases hereinafter specially provided for and shall have power to issue writs of prohibition to the district courts, when proceeding as courts of admiralty and maritime jurisdiction, and writs of mandamus, in cases warranted by the principle and usages of law, to any courts appointed, or persons holding office under the authority of the United States. . . .

Sec. 25. That a final judgment or decree in any suit, in the highest court of law or equity of a State

in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under, any State, on the ground of their being repugnant to the constitution, treaties, or laws of the United States, and the decision is in favour of such their validity, or where is drawn in question the construction of any clause of the constitution, or of a treaty, or statute of, or commission held under, the United States, and the decision is against the title, right, privilege, or exemption, specially set up or claimed by either party, under such clause of the said Constitution, treaty, statute, or commission, may be re-examined, and reversed or affirmed in the Supreme Court of the United States upon a writ of error, the citation being signed by the chief justice, or judge or chancellor of the court rendering or passing the judgment or decree complained of, or by a justice of the Supreme Court of the United States, in the same manner and under the same regulations, and the writ shall have the same effect as if the judgment or decree complained of had been rendered or passed in a circuit court, and the proceedings upon the reversal shall also be the same, except that the Supreme Court, instead of remanding the cause for a final decision as before provided, may, at their discretion, if the cause shall have been once remanded before, proceed to a final decision of the same, and award execution. But no other error shall be assigned or regarded as a ground of reversal in any such case as aforesaid, than such as appears on the face of the record, and immediately respects the before-mentioned questions of validity or construction of the said constitution, treaties, statutes, commissions, or authorities in dispute.

1787 年:《联邦主义者文件》第 10 号: The Federalist No.10

James Madison

Source: Clinton Rossiter, ed., The Federalist Papers (1961), 77-84.

The drafting of the Constitution -- even by so distinguished a gathering as those who participated in the Philadelphia convention -- did not ensure its adoption. In each state there were groups and interests opposing as well as supporting ratification. And as they had done in the years leading up to the Revolution, Americans took to their newspapers to express their views and to argue the merits and faults of the proposed new scheme of government.

Those who supported the Constitution took the name "Federalists," although it would have been more accurate to have called them "Nationalists," since their main argument centered on the need for a strong national government. Their opponents, known as the "Anti-Federalists," were in fact, the more truly federalist of the two, since they argued for a government based on a confederation of states. Because the Federalists won, history did not treat their opponents kindly, and until recently the Anti-Federalists were treated, in the words of one famous essay, as "men of little faith."

More recently, historians have re-examined the Anti-Federalist arguments, and discovered that they raised significant issues, such as the lack of a Bill of Rights and questions of limiting power so as to avoid tyranny. In fact, it was the Anti-Federalist arguments against the Constitution, as much as the advantages that the Federalists saw in the new scheme, that led the latter group to mount their own campaign to influence the people in favor of ratification.

The best known arguments in the debate appeared in a series of eighty-five newspaper essays published in New York and written by James Madison, Alexander Hamilton and John Jay under the pseudonym of "Publius." These essays are considered the most authoritative interpretation of the Constitution ever written, and even today are cited by scholars and jurists in their efforts to understand the meaning of the document.

The most famous of the essays was "The Federalist No.10," written by James Madison, in which he set forth the classic analysis of the republic. Opponents had argued that the United States was too large, and had too many groups, or "factions," to be ruled democratically by a single government. Madison acknowledged that there were in fact many groups in the country, and he lamented that they often seemed to be at each other's throats. Under classic constitutional theory, majoritarian rule should govern, and at the expense of minority rights.

Madison argued that the republican remedy embodied in the Constitution allowed the various factions sufficient room to express their views and to attempt to influence the government. Instead of the majority putting down minorities, the different interests would negotiate their differences, thus arriving at a solution in which the majority would rule but with due care and regard given to minorities. The very number of factions would preclude any one from exercising tyrannical control over the rest. And the medium in which this give and take would occur would be politics, the art of governing.

For further reading: Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (1969); George Wills, *Explaining America: The Federalist* (1981); S. Rufus Davis, *The Federal Principle: A Journey through Time in Quest of Meaning* (1978); Charles R. Kesler, ed., *Saving the Republic: The Federalist Papers and the American Founding* (1987); Herbert J. Storing, *What the Anti-Federalists Were For* (1981); and the classic Douglas Adair, "The Tenth Federalist Revisited," *William & Mary Quarterly* 8 (1951): 48.

The Federalist No.10

Among the numerous advantages promised by a well constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction. The friend of popular governments, never finds himself so much alarmed for their character and fate, as when he contemplates their propensity to this dangerous vice. He will not fail therefore to set a due value on any plan which, without violating the principles to which he is attached, provides a proper cure for it. The instability, injustice and confusion introduced into the public councils, have in truth been the mortal diseases under which popular governments have everywhere perished; as they continue to be the favorite and fruitful topics from which the adversaries to

liberty derive their most specious declamations.

The valuable improvements made by the American Constitutions on the popular models, both ancient and modern, cannot certainly be too much admired; but it would be an unwarrantable partiality, to contend that they have as effectually obviated the danger on this side as was wished and expected. Complaints are every where heard from our most considerate and virtuous citizens, usually the friends of public and private faith, and of public and personal liberty; that our governments are too unstable; that the public good is disregarded in the conflicts of rival parties; and that measures are too often decided, not according to the rules of justice, and the rights of the minor party; but by the superior force of an interested and over-bearing majority. However anxiously we may wish that these complaints had no foundation, the evidence of known facts will not permit us to deny that they are in some degree true. . . . These must be chiefly, if not wholly, effects of the unsteadiness and injustice, with which a factious spirit has tainted our public administrations.

By a faction I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.

There are two methods of curing the mischiefs of faction: the one, by removing its causes; the other, by controlling its effects.

There are again two methods of removing the causes of faction: the one by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests.

It could never be more truly said than of the first remedy, that it is worse than the disease. Liberty is to faction, what air is to fire, an ailment without which it instantly expires. But it could not be a less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency.

The second expedient is as impracticable, as the first would be unwise. As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves.

The diversity in the faculties of men from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of Government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results: and from the influence of these on the sentiments and views of the respective proprietors, ensues a

division of the society into different interests and parties. . . .

The inference to which we are brought is, that the causes of faction cannot removed; and that relief is only to be sought in the means of controlling its effects. If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views by regular vote: It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the Constitution. When a majority is included in a faction, the form of popular government on the other hand enables it to sacrifice to its ruling passion or interest, both the public good and the rights of other citizens. To secure the public good, and private rights, against the danger of such a faction, and at the same time to preserve the spirit and the form of popular government, is then the great object to which our enquiries are directed: Let me add that it is the great desideratum, by which alone this form of government can rescued from the opprobrium under which it has so long labored, and be recommended to the esteem and adoption of mankind.

By what means is this object attainable? Evidently by one of two only. Either the existence of the same passion or interest in a majority at the same time, must be prevented; or the majority, having such co-existent passion or interest, must be rendered, by their number and local situation, unable to concert and carry into effect schemes of oppression. If the impulse and the opportunity be suffered to coincide, we well know that neither moral nor religious motives can be relied on as an adequate control. They are not found to be such on the injustice and violence of individuals, and lose their efficacy in proportion to the number combined together; that is, in proportion as their efficacy becomes needful.

From this view of the subject, it may be concluded, that a pure Democracy, by which I mean, a Society, consisting of a small number of citizens, who assemble and administer the Government in person, can admit of no cure for the mischiefs of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert results from the form of Government itself; and there is nothing to check the inducements to sacrifice the weaker party, or an obnoxious individual. Hence it is, that such Democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security, or the rights of property; and have in general been as short in their lives, as they have been violent in their deaths. Theoretic politicians, who have patronized this species of Government, have erroneously supposed, that by reducing mankind to a perfect equality in their political rights, they would, at the same time, be perfectly equalized and assimilated in their possessions, their opinions, and their passions.

A Republic, by which I mean a Government in which the scheme of representation takes place, opens a different prospect, and promises the cure for which we are seeking. Let us examine the points in which it varies from pure Democracy, and we shall comprehend both the nature of the cure, and the efficacy which it must derive from the Union.

The two great points of difference between a Democracy and a Republic are, first, the delegation of the Government, in the latter, to a small number of citizens elected by the rest: secondly, the

greater number of citizens, and greater sphere of country, over which the latter may be extended.

The effect of the first difference is, on the one hand to refine and the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice, will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation, it may well happen that the public voice pronounced by the representatives of the people, will be more consonant to the public good, than if pronounced by the people themselves convened for the purpose. On the other hand, the effect may be inverted. Men of factious tempers, of local prejudices, or of sinister designs, may by intrigue, by corruption or by other means, first obtain the suffrages, and then betray the interests of the people. The question resulting is, whether small or extensive Republics are most favorable to the election of proper guardians of the public weal; and it is clearly decided in favor of the latter by two obvious considerations.

In the first place it is to be remarked that however small the Republic may be, the Representatives must be raised to a certain number, in order to guard against the cabals of a few; and that however large it may be, they must be limited to a certain number, in order to guard against the confusion of a multitude. Hence the number of Representatives in the two cases, not being in proportion to that of the Constituents, and being proportionally greatest in the small Republic, it follows, that if the proportion of fit characters, be not less, in the large than in the small Republic, the former will present a greater option, and consequently a greater probability of a fit choice.

In the next place, as each Representative will be chosen by a greater number of citizens in the large than in the small Republic, it will be more difficult for unworthy candidates to practise with success the vicious arts, by which elections are too often carried; and the suffrages of the people being more free, will be more likely to center on men who possess the most attractive merit, and the most diffusive and established characters.

It must be confessed, that in this, as in most other cases, there is a mean, on both sides of which inconveniencies will be found to lie. By enlarging too much the number of electors, you render the representative too little acquainted with all their local circumstances and lesser interests; as by reducing it too much, you render him unduly attached to these, and too little fit to comprehend and pursue great and national objects. The Federal Constitution forms a happy combination in this respect; the great and aggregate interests being referred to the national, the local and particular, to the state legislatures.

The other point of difference is, the greater number of citizens and extent of territory which may be brought within the compass of Republican, than of Democratic Government; and it is this circumstance principally which renders factious combinations less to be dreaded in the former, than in the latter.

The smaller the society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression. Extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other. Besides other impediments, it may be remarked, that where there is a consciousness of unjust or dishonorable purposes, a communication is always checked by distrust, in proportion to the number whose concurrence is necessary. . . .

The influence of factious leaders may kindle a flame within their particular States, but will be unable to spread a general conflagration through the other States: a religious sect, may degenerate into a political faction in a part of the Confederacy; but the variety of sects dispersed over the entire face of it, must secure the national Councils against any danger from that source: a rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the Union, than a particular member of it; in the same proportion as such a malady is more likely to taint a particular county or district, than an entire State.

In the extent and proper structure of the Union, therefore, we behold a Republican remedy for the diseases most incident to Republican Government. And according to the degree of pleasure and pride, we feel in being Republicans, ought to be our zeal in cherishing the spirit, and supporting the character of Federalists.

1819 年：《麦克洛克诉马里兰案》： McCulloch v. Maryland (1819)

Source: 4 Wheaton 316 (1819).

In many ways, the opinion in this case represents a final step in the creation of the federal government. The issue involved, the power of Congress to charter a bank, seems insignificant, but the larger questions go to the very heart of constitutional interpretation, and are still debated today.

In 1791, as part of his financial plan, Secretary of the Treasury Alexander Hamilton proposed that Congress charter a Bank of the United States, to serve as a central bank for the country. Secretary of State Thomas Jefferson opposed the notion, on the grounds that the Constitution did not specifically give Congress such a power, and that under a limited government, Congress had no powers other than those explicitly given to it. Hamilton responded by arguing that Congress had all powers except those specifically denied to it in the Constitution, and that moreover, the "necessary and proper" clause of Article I required a broad reading of the designated powers.

President Washington backed Hamilton, and the bank was given a twenty-year charter. The charter expired in 1811, and the Jeffersonians had not renewed it.

Then came the War of 1812, and President Madison realized that the government needed the services of a central bank. In 1816, at his recommendation, Congress chartered a second Bank of the United States (BUS), which quickly established branches throughout the Union. Many local, state-chartered banks, eager to follow speculative policies, resented the cautious fiscal policy of the BUS, and looked to state legislatures to restrict the BUS operations. Maryland imposed a tax on the bank's operations, and when James McCulloch, the cashier of the Baltimore branch of the BUS, refused to pay the tax, the issue went to Court.

Few people expected the Court to hold the charter establishing the bank unconstitutional; what was at issue was the extent of state power vis-à-vis federal authority. In what has justly been termed a state paper, Chief Justice Marshall not only endorsed the constitutionality of the bank, but went on to uphold a broad interpretation of the federal government's powers under the Constitution, and thus pave the way for the modern national state that would emerge after the Civil War. Although there have been some people who have disagreed and continue to disagree with the Marshall opinion, it has for the most part won the approval not only of subsequent courts but of the American people as well.

For further reading: Bray Hammond, *Banks and Politics in America -- From the Revolution to the Civil War* (1957); G. Edward White, *The Marshall Court and Cultural Change, 1815-1835* (1988); Gerald Gunther, ed., *John Marshall's Defense of McCulloch v. Maryland* (1969); Samuel J. Konefsky, *John Marshall and Alexander Hamilton: Architects of the Constitution* (1964).

McCulloch v. Maryland

Chief Justice Marshall delivered the opinion of the Court. In the case now to be determined, the defendant, a sovereign State, denies the obligation of a law enacted by the legislature of the Union, and the plaintiff, on his part, contests the validity of an act which has been passed by the legislature of that State. The constitution of our country, in its most interesting and vital parts, is to be considered; the conflicting powers of the government of the Union and of its members, as marked in that constitution, are to be discussed; and an opinion given, which may essentially influence the great operations of the government. No tribunal can approach such a question without a deep sense of its importance, and of the awful responsibility involved in its decision. But it must be decided peacefully, or remain a source of hostile legislation, perhaps of hostility of a still more serious nature; and if it is to be so decided, by this tribunal alone can the decision be made. On the Supreme Court of the United States has the constitution of our country devolved this important duty. The first question made in the cause is, has Congress power to incorporate a bank?

It has been truly said that this can scarcely be considered as an open question, entirely unprejudiced by the former proceedings of the nation respecting it. The principle now contested was introduced at a very early period of our history, has been recognized by many successive

legislatures, and has been acted upon by the judicial department, in cases of peculiar delicacy, as a law of undoubted obligation. . . .

The power now contested was exercised by the first Congress elected under the present constitution. The bill for incorporating the bank of the United States did not steal upon an unsuspecting legislature, and pass unobserved. Its principle was completely understood, and was opposed with equal zeal and ability. After being resisted, first in the fair and open field of debate, and afterwards in the executive cabinet, with as much persevering talent as any measure has ever experienced, and being supported by arguments which convinced minds as pure and as intelligent as this country can boast, it became a law.

The original act was permitted to expire; but a short experience of the embarrassments to which the refusal to revive it exposed the government, convinced those who were most prejudiced against the measure of its necessity, and induced the passage of the present law. It would require no ordinary share of intrepidity to assert that a measure adopted under these circumstances was a bold and plain usurpation, to which the constitution gave no countenance.

These observations belong to the cause; but they are not made under the impression that, were the question entirely new, the law would be found irreconcilable with the constitution.

In discussing this question, the counsel for the State of Maryland have deemed it of some importance, in the construction of the constitution, to consider that instrument not as emanating from the people, but as the act of sovereign and independent States. The powers of the general government, it has been said, are delegated by the States, who alone are truly sovereign; and must be exercised in subordination to the States, who alone possess supreme dominion.

It would be difficult to sustain this proposition. The Convention which framed the constitution was indeed elected by the State legislatures. But the instrument, when it came from their hands, was a mere proposal, without obligation, or pretensions to it. It was reported to the then existing Congress of the United States, with a request that it might "be submitted to a convention of delegates, chosen in each State by the people thereof, under the recommendation of its legislature, for their assent and ratification." This mode of proceeding was adopted; and by the convention, by Congress, and by the State legislatures, the instrument was submitted to the people. They acted upon it in the only manner in which they can act safely, effectively, and wisely, on such a subject, by assembling in convention. It is true, they assembled in their several States -- and where else should they have assembled? No political dreamer was ever wild enough to think of breaking down

the lines which separate the States, and of compounding the American people into one common mass. Of consequence, when they act, they act in their States.

But the measures they adopt do not, on that account, cease to be the measures of the people themselves, or become the measures of the State governments.

From these conventions the constitution derives its whole authority. The government proceeds

directly from the people; is "ordained and established" in the name of the people; and is declared to be ordained, "in order to form a more perfect union, establish justice, ensure domestic tranquility, and secure the blessings of liberty to themselves and to their posterity." The assent of the States, in their sovereign capacity, is implied in calling a convention, and thus submitting that instrument to the people. But the people were at perfect liberty to accept or reject it; and their act was final. It required not the affirmance, and could not be negated, by the State governments. The constitution, when thus adopted, was of complete obligation, and bound the State sovereignties. . . .of this fact on the case), is, emphatically, and truly, a government of the people. In form and in substance it emanates from them. Its powers are granted

by them, and are to be exercised directly on them, and for their benefit.

This government is acknowledged by all to be one of enumerated powers. The principle, that it can exercise only the powers granted to it, [is] now universally admitted. But the question respecting the extent of the powers actually granted, is perpetually arising, and will probably continue to arise, as long as our system shall exist. . . .

Among the enumerated powers, we do not find that of establishing a bank or creating a corporation. But there is no phrase in the instrument which, like the articles of confederation, excludes incidental or implied powers; and which requires that everything granted shall be expressly and minutely described. Even the 10th amendment, which was framed for the purpose of quieting the excessive jealousies which had been excited, omits the word "expressly," and declares only that the powers "not delegated to the United States, nor prohibited to the States, are reserved to the States or to the people"; thus leaving the question, whether the particular power which may become the subject of contest has been delegated to the one government, or prohibited to the other, to depend on a fair construction of the whole instrument. The men who drew and adopted this amendment had experienced the embarrassments resulting from the insertion of this word in the articles of confederation, and probably omitted it to avoid those embarrassments. A constitution, to contain an accurate detail of all the subdivisions of which its great powers will admit, and of all the means by which they may be carried into execution, would partake of the prolixity of a legal code, and could scarcely be embraced by the human mind. It would probably never be understood by the public. Its nature, therefore, requires, that only its great outlines should be marked, its important objects designated, and the minor ingredients which compose those objects be deduced from the nature of the objects themselves. That this idea was entertained by the framers of the American constitution, is not only to be inferred from the nature of the instrument, but from the language. Why else were some of the limitations, found in the ninth section of the 1st article, introduced? It is also, in some degree, warranted by their having omitted to use any restrictive term which might prevent its receiving a fair and just interpretation. In considering this question, then, we must never forget that it is a constitution we are expounding.

Although, among the enumerated powers of government, we do not find the word "bank," or "incorporation," we find the great powers to lay and collect taxes; to borrow money; to regulate commerce; to declare and conduct a war; and to raise and support armies and navies. The sword

and the purse, all the external relations, and no inconsiderable portion of the industry of the nation, are entrusted to its government. It can never be pretended that these vast powers draw after them others of inferior importance, merely because they are inferior. Such an idea can never be advanced. But it may with great reason be contended, that a government, entrusted with such ample powers, on the due execution of which the happiness and prosperity of the nation so vitally depends, must also be entrusted with ample means for their execution. The power being given, it is the interest of the nation to facilitate its execution. It can never be their interest, and cannot be presumed to have been their intention, to clog and embarrass its execution by withholding the most appropriate means. . . require it) which would impute to the framers of that instrument, when granting these powers for the public good, the intention of impeding their exercise by withholding a choice of means? If, indeed, such be the mandate of the constitution, we have only to obey; but that instrument does not profess to enumerate the means by which the powers it confers may be executed; nor does it prohibit the creation of a corporation, if the existence of such a being be essential to the beneficial exercise of those powers. It is, then, the subject of fair inquiry, how far such means may be employed.

It is not denied, that the powers given to the government imply the ordinary means of execution. That, for example, of raising revenue, and applying it to national purposes, is admitted to imply the power of conveying money from place to place, as the exigencies of the nation may require, and of employing the usual means of conveyance. But it is denied that the government has its choice of means; or, that it may employ the most convenient means, if, to employ them, it be necessary to erect a corporation. . . .

The government which has a right to do an act, and has imposed on it the duty of performing that act, must, according to the dictates of reason, be allowed to select the means; and those who contend that it may not select any appropriate means, that one particular mode of effecting the object is excepted, take upon themselves the burden of establishing that exception. . . . The power of creating a corporation, though appertaining to sovereignty, is not like the power of making war, or levying taxes, or of regulating commerce, a great substantive and independent power, which cannot be implied as incidental to other powers, or used as a means of executing them. It is never the end for which other powers are exercised, but a means by which other objects are accomplished. . . . The power of creating a corporation is never used for its own sake, but for the purpose of effecting something else. No sufficient reason is, therefore, perceived, why it may not pass as incidental to those powers which are expressly given, if it be a direct mode of executing them.

But the constitution of the United States has not left the right of Congress to employ the necessary means, for the execution of the powers conferred on the government, to general reasoning. To its enumeration of powers is added that of making "all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution, in the government of the United States, or in any department thereof."

The counsel for the State of Maryland have urged various arguments, to prove that this clause,

though in terms a grant of power, is not so in effect; but is really restrictive of the general right, which might otherwise be implied, of selecting means for executing the enumerated powers. . . .

Almost all compositions contain words, which, taken in their rigorous sense, would convey a meaning different from that which is obviously intended. It is essential to just construction, that many words which import something excessive should be understood in a more mitigated sense -- in that sense which common usage justifies. The word "necessary" is of this description. It has not a fixed character peculiar to itself. It admits of all degrees of comparison; and is often connected with other words, which increase or diminish the impression the mind receives of the urgency it imports. A thing may be necessary, very necessary, absolutely or indispensably necessary. To no mind would the same idea be conveyed by these several phrases. This comment on the word is well illustrated by the passage cited at the bar, from the 20th section of the 1st article of the constitution. It is, we think, impossible to compare the sentence which prohibits a State from laying "imposts, or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws," with that which authorizes Congress "to make all laws which shall be necessary and proper for carrying into execution" the powers of the general government, without feeling a conviction that the convention understood itself to change materially the meaning of the word "necessary," by prefixing the word "absolutely." This word, then, like others, is used in various senses; and, in its construction, the subject, the context, the intention of the person using them, are all to be taken into view.

Let this be done in the case under consideration. The subject is the execution of those great powers on which the welfare of a nation essentially depends. It must have been the intention of those who gave these powers, to insure, as far as human prudence could insure, their beneficial execution. This could not be done by confiding the choice of means to such narrow limits as not to leave it in the power of Congress to adopt any which might be appropriate, and which were conducive to the end. 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. To have prescribed the means by which government should, in all future time, execute its powers, would have been to change, entirely, the character of the instrument, and give it the properties of a legal code. It would have been an unwise attempt to provide, by immutable rules, for exigencies which, if foreseen at all, must have been seen dimly, and which can be best provided for as they occur. To have declared that the best means shall not be used, but those alone without which the power given would be nugatory, would have been to deprive the legislature of the capacity to avail itself of experience, to exercise its reason, and to accommodate its legislation to circumstances. If we apply this principle of construction to any of the powers of the government, we shall find it so pernicious in its operation that we shall be compelled to discard it. . . .

The result of the most careful and attentive consideration bestowed upon this clause is, that if it does not enlarge, it cannot be construed to restrain the powers of Congress, or to impair the rights of the legislature to exercise its best judgment in the selection of measures to carry into execution the constitutional powers of the government. If no other motive for its insertion can be suggested, a sufficient one is found in the desire to remove all doubts respecting the right to legislate on that vast mass of incidental powers which must be involved in the constitution, if that

instrument be not a splendid bauble.

We admit, as all must admit, that the powers of the government are limited, and that its limits are not to be transcended. But we think the sound construction of the constitution must allow to the national legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it, in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the constitution, are constitutional. . . .

Should Congress, in the execution of its powers, adopt measures which are prohibited by the constitution; or should Congress, under the pretext of executing its powers, pass laws for the accomplishment of objects not entrusted to the government; it would become the painful duty of this tribunal, should a case requiring such a decision come before it, to say that such an act was not the law of the land. But where the law is not prohibited, and is really calculated to effect any of the objects entrusted to the government, to undertake here to inquire into the degree of its necessity, would be to pass the line which circumscribes the judicial department, and to tread on legislative ground. This court disclaims all pretensions to such a power.

After this declaration, it can scarcely be necessary to say that the existence of State banks can have no possible influence on the question. No trace is to be found in the constitution of an intention to create a dependence of the government of the Union on those of the States, for the execution of the great powers assigned to it. Its means are adequate to its ends; and on those means alone was it expected to rely for the accomplishment of its ends. To impose on it the necessity of resorting to means which it cannot control, which another government may furnish or withhold, would render its course precarious, the result of its measures uncertain, and create a dependence on other governments, which might disappoint its most important designs, and is incompatible with the language of the constitution. But were it otherwise, the choice of means implies a right to choose a national bank in preference to State banks, and Congress alone can make the election.

After the most deliberate consideration, it is the unanimous and decided opinion of this Court, that the act to incorporate the Bank of the United States is a law made in pursuance of the constitution, and is a part of the supreme law of the land. . . .

It being the opinion of the Court, that the act incorporating the bank is constitutional; and that the power of establishing a branch in the State of Maryland might be properly exercised by the bank itself, we proceed to inquire

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2. Whether the State of Maryland may, without violating the constitution, tax that branch?

That the power of taxation is one of vital importance; that it is retained by the States; that it is

not abridged by the grant of a similar power to the government of the Union; that it is to be concurrently exercised by the two governments: are truths which have never been denied. But, such is the paramount character of the constitution, that its capacity to withdraw any subject from the action of even this power, is admitted. The States are expressly forbidden to lay any duties on imports or exports, except what may be absolutely necessary for executing their inspection laws. If the obligation of this prohibition must be conceded, the same paramount character would seem to restrain, as it certainly may restrain, a State from such other exercise of this power; as is in its nature incompatible with, and repugnant to, the constitutional laws of the Union. . . .

On this ground the counsel for the bank place its claim to be exempted from the power of a State to tax its operations. There is no express provision for the case, but the claim has been sustained on a principle which so entirely pervades the constitution, is so intermixed with the materials which compose it, so interwoven with its web, so blended with its texture, as to be incapable of being separated from it, without rending it into shreds.

This great principle is, that the constitution and the laws made in pursuance thereof are supreme; that they control the constitution and laws of the respective States, and cannot be controlled by them. From this, which may be almost termed an axiom, other propositions are deduced as corollaries, on the truth or error of which, and on their application to this case, the cause has been supposed to depend. These are, 1st. that a power to create implies a power to preserve. 2nd. That a power to destroy, if wielded by a different hand, is hostile to, and incompatible with these powers to create and to preserve. 3d. That where this repugnancy exists, that authority which is supreme must control, not yield to that over which it is supreme. . . .

That the power of taxing by the States may be exercised so as to destroy it, is too obvious to be denied. But taxation is said to be an absolute power, which acknowledges no other limits than those expressly prescribed in the constitution, and like sovereign power of every other description, is trusted to the discretion of those who use it. But the very terms of this argument admit that the sovereignty of the State, in the article of taxation itself, is subordinate to, and may be controlled by, the constitution of the United States. How far it has been controlled by that instrument must be a question of construction. In making this construction, no principle not declared, can be admissible, which would defeat the legitimate operations of a supreme government. It is of the very essence of supremacy to remove all obstacles to its action within its own sphere, and so to modify every power vested in subordinate governments, as to exempt its own operations from their own influence.

This effect need not be stated in terms. It is so involved in the declaration of supremacy, so necessarily implied in it, that the expression of it could not make it more certain. We must, therefore, keep it in view while construing the constitution.

The argument on the part of the State of Maryland is, not that the States may directly resist a law of Congress, but that they may exercise their acknowledged powers upon it, and that the constitution leaves them this right in the confidence that they will not abuse it.

Before we proceed to examine this argument, and to subject it to the test of the constitution, we must be permitted to bestow a few considerations on the nature and extent of this original right of taxation, which is acknowledged to remain with the States. It is admitted that the power of taxing the people and their property is essential to the very existence of government, and may be legitimately exercised on the objects to which it is applicable, to the utmost extent to which the government may choose to carry it. The only security against the abuse of this power, is found in the structure of the government itself. In imposing a tax the legislature acts upon its constituents. . . .

The sovereignty of a State extends to everything which exists by its own authority, or is so introduced by its permission; but does it extend to those means which are employed by Congress to carry into execution powers conferred on that body by the people of the United States? We think it demonstrable that it does not. Those powers are not given by the people of a single State. They are given by the people of the United States, to a government whose laws, made in pursuance of the constitution, are declared to be supreme. Consequently, the people of a single State cannot confer a sovereignty which will extend over them.

If we measure the power of taxation residing in a State, by the extent of sovereignty which the people of a single State possess, and can confer on its government, we have an intelligible standard, applicable to every case to which the power may be applied. We have a principle which leaves the power of taxing the people and property of a State unimpaired; which leaves to a State the command of all its resources, and which places beyond its reach, all those powers which are conferred by the people of the United States on the government of the Union, and all those means which are given for the purpose of carrying those powers into execution. We have a principle which is safe for the States, and safe for the Union. We are relieved, as we ought to be, from clashing sovereignty; from interfering powers; from a repugnancy between a right in one government to pull down what there is an acknowledged right in another to build up; from the incompatibility of a right in one government to destroy what there is a right in another to preserve. We are not driven to the perplexing inquiry, so unfit for the judicial department, what degree of taxation is the legitimate use, and what degree may amount to the abuse of the power. The attempt to use it on the means employed by the government of the Union, in pursuance of the constitution, is itself an abuse, because it is the usurpation of a power which the people of a single State cannot give.

We find, then, on just theory, a total failure of this original right to tax the means employed by the government of the Union, for the execution of its powers. The right never existed, and the question whether it has been surrendered, cannot arise.

But, waiving this theory for the present, let us resume the inquiry, whether this power can be exercised by the respective States, consistently with a fair construction of the constitution?

That the power to tax involves the power to destroy; that the power to destroy may defeat and render useless the power to create; that there is a plain repugnance, in conferring on one

government a power to control the constitutional measures of another, which other, with respect to those very measures, is declared to be supreme over that which exerts the control, are propositions not to be denied. But all inconsistencies are to be reconciled by the magic of the word CONFIDENCE. Taxation, it is said, does not necessarily and unavoidably destroy. To carry it to the excess of destruction would be an abuse, to presume which, would banish that confidence which is essential to all government.

But is this a case of confidence? Would the people of any one State trust those of another with a power to control the most insignificant operations of their State government? We know they would not. Why, then, should we suppose that the people of any one State should be willing to trust those of another with a power to control the operations of a government to which they have confided their most important and most valuable interests? In the legislature of the Union alone, are all represented.

The legislature of the Union alone, therefore, can be trusted by the people with the power of controlling measures which concern all, in the confidence that it will not be abused. This, then, is not a case of confidence, and we must consider it as it really is.

If we apply the principle for which the State of Maryland contends, to the constitution generally, we shall find it capable of changing totally the character of that instrument. We shall find it capable of arresting all the measures of the government, and of prostrating it at the foot of the States.

The American people have declared their constitution, and the laws made in pursuance thereof, to be supreme; but this principle would transfer the supremacy, in fact, to the States.

If the States may tax one instrument, employed by the government in the execution of its powers, they may tax any and every other instrument. They may tax the mail; they may tax the mint; they may tax patent rights; they may tax the papers of the custom-house; they may tax judicial process; they may tax all the means employed by the government, to an excess which would defeat all the ends of government. This was not intended by the American people. They did not design to make their government dependent on the States. . . .

The Court has bestowed on this subject its most deliberate consideration. The result is a conviction that the States have no power, by taxation or otherwise, to retard, impede, burden, or in any manner control, the operations of the constitutional laws enacted by Congress to carry into execution the powers vested in the general government. This is, we think, the unavoidable consequence of that supremacy which the constitution has declared.

We are unanimously of opinion, that the law passed by the legislature of Maryland, imposing a tax on the Bank of the United States, is unconstitutional and void.

This opinion does not deprive the States of any resources which they originally possessed. It does not extend to a tax paid by the real property of the bank, in common with the other real property

within the State, nor to a tax imposed on the interest which the citizens of Maryland may hold in this institution, in common with other property of the same description throughout the State. But this is a tax on the operations of the bank, and is, consequently, a tax on the operation of an instrument employed by the government of the Union to carry its powers into execution. Such a tax must be unconstitutional.

1803 年: (《马伯里诉麦迪逊案》): Marbury v. Madison (1803)

Source: 1 Cranch 137 (1803).

Just as George Washington helped shape the actual form that the executive branch would take, so the third chief justice, John Marshall, shaped the role that the courts would play.

Under the administrations of Washington and his successor, John Adams, only members of the ruling Federalist Party were appointed to the bench, and under the terms of the Constitution, they held office for life during "good behavior." Thus, when the opposing Republicans won the election of 1800, the Jeffersonians found that while they controlled the presidency and Congress, the Federalists still dominated the judiciary. One of the first acts of the new administration was to repeal the Judiciary Act of 1800, which had created a number of new judgeships. Although President Adams had attempted to fill the vacancies prior to the end of his term, a number of commissions had not been delivered, and one of the appointees, William Marbury, sued Secretary of State James Madison to force him to deliver his commission as a justice of the peace.

The new chief justice, John Marshall, understood that if the Court awarded Marbury a writ of mandamus (an order to force Madison to deliver the commission) the Jefferson administration would ignore it, and thus significantly weaken the authority of the courts. On the other hand, if the Court denied the writ, it might well appear that the justices had acted out of fear. Either case would be a denial of the basic principle of the supremacy of the law.

Marshall's decision in this case has been hailed as a judicial tour de force. In essence, he declared that Madison should have delivered the commission to Marbury, but then held that the section of the Judiciary Act of 1789 that gave the Supreme Court the power to issue writs of mandamus exceeded the authority allotted the Court under Article III of the Constitution, and was therefore null and void. Thus he was able to chastise the Jeffersonians and yet not create a situation in which a court order would be flouted.

The critical importance of Marbury is the assumption of several powers by the Supreme Court. One was the authority to declare acts of Congress, and by implication acts of the president, unconstitutional if they exceeded the powers granted by the Constitution. But even more important, the Court became the arbiter of the Constitution, the final authority on what the document meant. As such, the Supreme Court became in fact as well as in theory an equal partner in government, and it has played that role ever since.

The Court would not declare another act of Congress unconstitutional until 1857, and it has used that power sparingly. But through its role as arbiter of the Constitution, it has, especially in the twentieth century, been the chief agency for the expansion of individual rights. (See Part V.) For further reading: George L. Haskins and Herbert A. Johnson, *Foundations of Power: John Marshall, 1801-1815* (1981); Donald O. Dewey, *Marshall v. Jefferson: The Political Background of Marbury v. Madison* (1970).

Marbury v. Madison

Chief Justice Marshall delivered the opinion of the Court.

At the last term on the affidavits then read and filed with the clerk, a rule was granted in this case, requiring the Secretary of State to show cause why a mandamus should not issue, directing him to deliver to William Marbury his commission as a justice of the peace for the county of Washington, in the district of Columbia.

No cause has been shown, and the present motion is for a mandamus. The peculiar delicacy of this case, the novelty of some of its circumstances, and the real difficulty attending the points which occur in it, require a complete exposition of the principles on which the opinion to be given by the court is founded. . . .

In the order in which the court has viewed this subject, the following questions have been considered and decided:

1st. Has the applicant a right to the commission he demands?

2d. If he has a right, and that right has been violated, do the laws of his country afford him a remedy?

3d. If they do afford him a remedy, is it a mandamus issuing from this court?

The first object of inquiry is -- 1st. Has the applicant a right to the commission he demands? . . .

It [is] decidedly the opinion of the court, that when a commission has been signed by the president, the appointment is made; and that the commission is complete, when the seal of the United States has been affixed to it by the secretary of state. . . .

To withhold his commission, therefore, is an act deemed by the court not warranted by law, but violative of a vested legal right. This brings us to the second inquiry; which is 2dly. If he has a right, and that right has been violated, do the laws of his country afford him a remedy?

The very essence of civil liberty certainly consists in the right of every individual to claim the

protection of the laws, whenever he receives an injury. One of the first duties of government is to afford that protection.

[The] government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested legal right. . . .

By the constitution of the United States, the President is invested with certain important political powers, in the exercise of which he is to use his own discretion, and is accountable only to his country in his political character, and to his own conscience. To aid him in the performance of these duties, he is authorized to appoint certain officers, who act by his authority and in conformity with his orders.

In such cases, their acts are his acts; and whatever opinion may be entertained of the manner in which executive discretion may be used, still there exists, and can exist, no power to control that discretion. The subjects are political. They respect the nation, not individual rights, and being entrusted to the executive, the decision of the executive is conclusive. . . .

But when the legislature proceeds to impose on that officer other duties; when he is directed peremptorily to perform certain acts; when the rights of individuals are dependent on the performance of those acts; he is so far the officer of the law; is amenable to the laws for his conduct; and cannot at his discretion sport away the vested rights of others.

The conclusion from this reasoning is, that where the heads of departments are the political or confidential agents of the executive, merely to execute the will of the President, or rather to act in cases in which the executive possesses a constitutional or legal discretion, nothing can be more perfectly clear than that their acts are only politically examinable. But where a specific duty is assigned by law, and individual rights depend upon the performance of that duty, it seems equally clear, that the individual who considers himself injured, has a right to resort to the laws of his country for a remedy. . . .

It is, then, the opinion of the Court [that Marbury has a] right to the commission; a refusal to deliver which is a plain violation of that right, for which the laws of his country afford him a remedy.

It remains to be enquired whether,

3dly. He is entitled to the remedy for which he applies. This depends on --

1st. The nature of the writ applied for, and,

2dly. The power of this court.

1st. The nature of the writ. . . .

This, then, is a plain case for a mandamus, either to deliver the commission, or a copy of it from the record; and it only remains to be enquired, Whether it can issue from this court.

The act to establish the judicial courts of the United States authorizes the Supreme Court "to issue writs of mandamus in cases warranted by the principles and usages of law, to any courts appointed, or persons holding office, under the authority of the United States."

The Secretary of State, being a person holding an office under the authority of the United States, is precisely within the letter of the description; and if this court is not authorized to issue a writ of mandamus to such an officer it must be because the law is unconstitutional, and therefore incapable of conferring the authority, and assigning the duties which its words purport to confer and assign.

The constitution vests the whole judicial power of the United States in one Supreme Court, and such inferior courts as congress shall, from time to time, ordain and establish. This power is expressly extended to all cases arising under the laws of the United States; and, consequently, in some form, may be exercised over the present case; because the right claimed is given by a law of the United States.

In the distribution of this power it is declared that "the Supreme Court shall have original jurisdiction in all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party. In all other cases, the Supreme Court shall have appellate jurisdiction."

It has been insisted, at the bar, that as the original grant of jurisdiction, to the supreme and inferior courts, is general, and the clause, assigning original jurisdiction to the Supreme Court, contains no negative or restrictive words, the power remains to the legislature, to assign original jurisdiction to that court in other cases than those specified in the article which has been recited; provided those cases belong to the judicial power of the United States.

If it had been intended to leave it in the discretion of the legislature to apportion the judicial power between the supreme and inferior courts according to the will of that body, it would certainly have been useless to have proceeded further than to have defined the judicial power, and the tribunals in which it should be vested. The subsequent part of the section is mere surplusage, is entirely without meaning, if such is to be the construction. If congress remains at liberty to give this court appellate jurisdiction, where the constitution has declared their jurisdiction shall be original; and original jurisdiction where the constitution has declared it shall be appellate; the distribution of jurisdiction, made in the constitution, is form without substance.

Affirmative words are often, in their operation, negative of other objects than those affirmed; and in this case, a negative or exclusive sense must be given to them or they have no operation at all.

It cannot be presumed that any clause in the constitution is intended to be without effect; and, therefore, such a construction is inadmissible, unless the words require it.

If the solicitude of the convention, respecting our peace with foreign powers, induced a provision that the supreme court should take original jurisdiction in cases which might be supposed to affect them; yet the clause would have proceeded no further than to provide for such cases, if no further restriction on the powers of congress had been intended. That they should have appellate jurisdiction in all other cases, with such exceptions as congress might make, is no restriction; unless the words be deemed exclusive of original jurisdiction.

When an instrument organizing fundamentally a judicial system, divides it into one supreme, and so many inferior courts as the legislature may ordain and establish; then enumerates its powers, and proceeds so far to distribute them, as to define the jurisdiction of the supreme court by declaring the cases in which it shall take original jurisdiction, and that in others it shall take appellate jurisdiction; the plain import of the words seems to be, that in one class of cases its jurisdiction is original, and not appellate; in the other it is appellate, and not original. If any other construction would render the clause inoperative, that is an additional reason for rejecting such other construction, and for adhering to their obvious meaning.

To enable this court, then, to issue a mandamus, it must be shown to be an exercise of appellate jurisdiction, or to be necessary to enable them to exercise appellate jurisdiction.

It has been stated at the bar that the appellate jurisdiction may be exercised in a variety of forms, and that if it be the will of the legislature that a mandamus should be used for that purpose, that will must be obeyed. This is true, yet the jurisdiction must be appellate, not original.

It is the essential criterion of appellate jurisdiction, that it revises and corrects the proceedings in a cause already instituted, and does not create that cause. Although, therefore, a mandamus may be directed to courts, yet to issue such a writ to an officer for the delivery of a paper, is in effect the same as to sustain an original action for that paper, and, therefore, seems not to belong to appellate, but to original jurisdiction. Neither is it necessary in such a case as this, to enable the court to exercise its appellate jurisdiction.

The authority, therefore, given to the Supreme Court, by the act establishing the judicial courts of the United States, to issue writs of mandamus to public officers, appears not to be warranted by the constitution; and it becomes necessary to enquire whether a jurisdiction, so conferred, can be exercised.

The question, whether an act, repugnant to the constitution, can become the law of the land, is a question deeply interesting to the United States; but happily, not of an intricacy proportioned to its interest. It seems only necessary to recognize certain principles, supposed to have been long and well established, to decide it.

That the people have an original right to establish, for their future government, such principles as, in their opinion, shall most conduce to their own happiness, is the basis on which the whole American fabric has been erected. The exercise of this original right is a very great exertion; nor can it, nor ought it, to be frequently repeated. The principles, therefore, so established, are deemed fundamental. And as the authority from which they proceed is supreme, and can seldom act, they are designed to be permanent.

This original and supreme will organizes the government, and assigns to different departments their respective powers. It may either stop here, or establish certain limits not to be transcended by those departments.

The government of the United States is of the latter description. The powers of the legislature are defined and limited; and that those limits may not be mistaken, or forgotten, the constitution is written. To what purpose are powers limited, and to what purpose is that limitation committed to writing, if these limits may, at any time, be passed by those intended to be restrained? The distinction between a government with limited and unlimited powers is abolished, if those limits do not confine the persons on whom they are imposed, and if acts prohibited and acts allowed, are of equal obligation. It is a proposition too plain to be contested, that the constitution controls any legislative act repugnant to it; or, that the legislature may alter the constitution by an ordinary act.

Between these alternatives there is no middle ground. The constitution is either a superior, paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and, like other acts, is alterable when the legislature shall please to alter it.

If the former part of the alternative be true, then a legislative act contrary to the constitution is not law: if the latter part be true, then written constitutions are absurd attempts, on the part of the people, to limit a power in its own nature illimitable.

Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently, the theory of every such government must be, that an act of the legislature, repugnant to the constitution, is void.

This theory is essentially attached to a written constitution, and is, consequently, to be considered, by this court, as one of the fundamental principles of our society. It is not therefore to be lost sight of in the further consideration of this subject.

If an act of the legislature, repugnant to the constitution, is void, does it, notwithstanding its invalidity, bind the courts, and oblige them to give it effect? Or, in other words, though it be not law, does it constitute a rule as operative as if it was a law? This would be to overthrow in fact what was established in theory; and would seem, at first view, an absurdity too gross to be insisted on. It shall, however, receive a more attentive consideration. It is emphatically the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule. If two laws conflict with each

other, the courts must decide on the operation of each.

So if a law be in opposition to the constitution; if both the law and the constitution apply to a particular case, so that the court must either decide that case conformably to the law, disregarding the constitution; or conformably to the constitution, disregarding the law; the court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty.

If, then, the courts are to regard the constitution, and the constitution is superior to any ordinary act of the legislature, the constitution, and not such ordinary act, must govern the case to which they both apply. Those then who controvert the principle that the constitution is to be considered, in court, as a paramount law, are reduced to the necessity of maintaining that the courts must close their eyes on the constitution, and see only the law.

This doctrine would subvert the very foundation of all written constitutions. It would declare that an act which, according to the principles and theory of our government, is entirely void, is yet, in practice, completely obligatory. It would declare that if the legislature shall do what is expressly forbidden, such act, notwithstanding the express prohibition, is in reality effectual. It would be giving to the legislature a practical and real omnipotence, with the same breath which professes to restrict their powers within narrow limits. It is prescribing limits, and declaring that those limits may be passed at pleasure.

That it thus reduces to nothing what we have deemed the greatest improvement on political institutions -- a written constitution -- would of itself be sufficient, in America, where written constitutions have been viewed with so much reverence, for rejecting the construction. But the peculiar expressions of the constitution of the United States furnish additional arguments in favour of its rejection. The judicial power of the United States is extended to all cases arising under the constitution.

Could it be the intention of those who gave this power, to say that in using it the constitution should not be looked into? That a case arising under the constitution should be decided without examining the instrument under which it arises?

This is too extravagant to be maintained. In some cases, then, the constitution must be looked into by the judges. And if they can open it at all, what part of it are they forbidden to read or to obey?

There are many other parts of the constitution which serve to illustrate this subject.

It is declared that "no tax or duty shall be laid on articles exported from any state." Suppose a duty on the export of cotton, of tobacco, or of flour; and a suit instituted to recover it. Ought judgment to be rendered in such a case? Ought the judges to close their eyes on the constitution, and only see the law?

The constitution declares that "no bill of attainder or ex post facto law shall be passed." If, however, such a bill should be passed, and a person should be prosecuted under it; must the court condemn to death those victims whom the constitution endeavors to preserve? "No person," says the constitution, "shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court."

Here the language of the constitution is addressed especially to the courts. It prescribes, directly for them, a rule of evidence not to be departed from. If the legislature should change that rule, and declare one witness, or a confession out of court, sufficient for conviction, must the constitutional principle yield to the legislative act?

From these, and many other selections which might be made, it is apparent, that the framers of the constitution contemplated that instrument as a rule for the government of courts, as well as of the legislature. Why otherwise does it direct the judges to take an oath to support it? This oath certainly applies, in an especial manner, to their conduct in their official character. How immoral to impose it on them, if they were to be used as the instruments, and the knowing instruments, for violating what they swear to support!

The oath of office, too, imposed by the legislature, is completely demonstrative of the legislative opinion on this subject. It is in these words: "I do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich; and that I will faithfully and impartially discharge all the duties incumbent on me as _____, according to the best of my abilities and understanding, agreeably to the constitution, and laws of the United States." Why does a Judge swear to discharge his duties agreeably the constitution of the United States, if that constitution forms no rule for his government? If it is closed upon him, and cannot be inspected by him?

If such be the real state of things, this is worse than solemn mockery. To prescribe, or to take this oath, becomes equally a crime.

It is also not entirely unworthy of observation that in declaring what shall be the supreme law of the land, the constitution itself is first mentioned; and not the laws of the United States generally, but those only which shall be made in pursuance of the constitution, have that rank.

Thus, the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void; and that courts, as well as other departments, are bound by that instrument. The rule must be discharged.

1982 年 8 月 17 日:《中华人民共和国和美利坚合众国联合公报》(Joint Communiqué of the United States of America and the People's Republic of China)

August 17, 1982

1. In the Joint Communiqué on the Establishment of Diplomatic Relations on January 1, 1979, issued by the Government of the United States of America and the People's Republic of China, the United States of America recognized the Government of the People's Republic of China as the sole legal Government of China, and it acknowledged the Chinese position that there is but one China and Taiwan is part of China. Within that context, the two sides agreed that the people of the United States would continue to maintain cultural, commercial, and other unofficial relations with the people of Taiwan. On this basis, relations between the United States and China were normalized.

2. The question of United States arms sales to Taiwan was not settled in the course of negotiations between the two countries on establishing diplomatic relations. The two sides held differing positions, and the Chinese side stated that it would raise the issue again following normalization. Recognizing that this issue would seriously hamper the development of United States - China relations, they have held further discussions on it, during and since the meetings between President Ronald Reagan and Premier Zhao Ziyang and between Secretary of State Alexander M. Haig, Jr. and Vice Premier and Foreign Minister Huang Hua in October 1981.

3. Respect for each other's sovereignty and territorial integrity and non-interference in each other's internal affairs constitute the fundamental principles guiding United States-China relations. These principles were confirmed in the Shanghai Communiqué of February 28, 1972 and reaffirmed in the Joint Communiqué on the Establishment of Diplomatic Relations which came into effect on January 1, 1979. Both sides emphatically state that these principles continue to govern all aspects of their relations.

4. The Chinese Government reiterates that the question of Taiwan is China's internal affair. The Message to Compatriots in Taiwan issued by China on January 1, 1979 promulgated a fundamental policy of striving for peaceful reunification of the motherland. The Nine-Point Proposal put forward by China on September 30, 1981 represented a further major effort under this fundamental policy to strive for a peaceful solution to the Taiwan question.

5. The United States Government attaches great importance to its relations with China, and reiterates that it has no intention of infringing on Chinese sovereignty and territorial integrity, or interfering in China's internal affairs, or pursuing a policy of "two Chinas" or "one China, one Taiwan." The United States Government understands and appreciates the Chinese policy of striving for a peaceful resolution of the Taiwan question as indicated in China's Message to Compatriots in Taiwan issued on January 1, 1979 and the Nine-Point Proposal put forward by China on September 30, 1981. The new situation which has emerged with regard to the Taiwan question also provides favorable conditions for the settlement of United States - China differences over United States arms sales to Taiwan.

Having in mind the foregoing statements of both sides, the United States Government states that it does not seek to carry out a long-term policy of arms sales to Taiwan, that its arms sales to Taiwan will not exceed, either in qualitative or in quantitative terms, the level of those supplied in

recent years since the establishment of diplomatic relations between the United States and China, and that it intends gradually to reduce its sale of arms to Taiwan, leading, over a period of time, to a final resolution. In so stating, the United States acknowledges China's consistent position regarding the thorough settlement of this issue.

6. In order to bring about, over a period of time, a final settlement of the question of United States arms sales to Taiwan, which is an issue rooted in history, the two Governments will make every effort to adopt measures and create conditions conducive to the thorough settlement of this issue.

7. The development of United States - China relations is not only in the interests of the two peoples but also conducive to peace and stability in the world. The two sides are determined, on the principle of equality and mutual benefit, to strengthen their ties in the economic, cultural, educational, scientific, technological and other fields and make strong, joint efforts for the continued development of relations between the Governments and peoples of the United States and China.

8. In order to bring about the healthy development of United States - China relations, maintain world peace and oppose aggression and expansion, the two Governments reaffirm the principles agreed on by the two sides in the Shanghai Communiqué and the Joint Communiqué on the Establishment of Diplomatic Relations. The two sides will maintain contact and hold appropriate consultations on bilateral and international issues of common interest.

1979 年 1 月 1 日：《中华人民共和国和美利坚合众国关于建立外交关系的联合公报》（Joint Communiqué of the United States of America and the People's Republic of China）

January 1, 1979

(The communiqué was released on December 15, 1978, in Washington and Beijing.)

1. The United States of America and the People's Republic of China have agreed to recognize each other and to establish diplomatic relations as of January 1, 1979.

2. The United States of America recognizes the Government of the People's Republic of China as the sole legal Government of China. Within this context, the people of the United States will maintain cultural, commercial, and other unofficial relations with the people of Taiwan.

3. The United States of America and the People's Republic of China reaffirm the principles agreed on by the two sides in the Shanghai Communiqué and emphasize once again that:

4.Both wish to reduce the danger of international military conflict.

5.Neither should seek hegemony in the Asia-Pacific region or in any other region of the world and each is opposed to efforts by any other country or group of countries to establish such hegemony.

6.Neither is prepared to negotiate on behalf of any third party or to enter into agreements or understandings with the other directed at other states.

7.The Government of the United States of America acknowledges the Chinese position that there is but one China and Taiwan is part of China.

8.Both believe that normalization of Sino-American relations is not only in the interest of the Chinese and American peoples but also contributes to the cause of peace in Asia and the world.

9.The United States of America and the People's Republic of China will exchange Ambassadors and establish Embassies on March 1, 1979.

1972 年 2 月 28 日：《中华人民共和国和美利坚合众国联合公报》（《上海公报》）（Joint Communiqué of the United States of America and the People's Republic of China）

February 28, 1972

President Richard Nixon of the United States of America visited the People's Republic of China at the invitation of Premier Chou En-lai of the People's Republic of China from February 21 to February 28, 1972. Accompanying the President were Mrs. Nixon, U.S. Secretary of State William Rogers, Assistant to the President Dr. Henry Kissinger, and other American officials.

President Nixon met with Chairman Mao Tsetung of the Communist Party of China on February 21. The two leaders had a serious and frank exchange of views on Sino-U.S. relations and world affairs.

During the visit, extensive, earnest and frank discussions were held between President Nixon and Premier Chou En-lai on the normalization of relations between the United States of America and the People's Republic of China, as well as on other matters of interest to both sides. In addition, Secretary of State William Rogers and Foreign Minister Chi Peng-fei held talks in the same spirit.

President Nixon and his party visited Peking and viewed cultural, industrial and agricultural sites, and they also toured Hangchow and Shanghai where, continuing discussions with Chinese leaders, they viewed similar places of interest.

The leaders of the People's Republic of China and the United States of America found it beneficial

to have this opportunity, after so many years without contact, to present candidly to one another their views on a variety of issues. They reviewed the international situation in which important changes and great upheavals are taking place and expounded their respective positions and attitudes.

The Chinese side stated: Wherever there is oppression, there is resistance. Countries want independence, nations want liberation and the people want revolution--this has become the irresistible trend of history. All nations, big or small, should be equal: big nations should not bully the small and strong nations should not bully the weak. China will never be a superpower and it opposes hegemony and power politics of any kind. The Chinese side stated that it firmly supports the struggles of all the oppressed people and nations for freedom and liberation and that the people of all countries have the right to choose their social systems according to their own wishes and the right to safeguard the independence, sovereignty and territorial integrity of their own countries and oppose foreign aggression, interference, control and subversion. All foreign troops should be withdrawn to their own countries. The Chinese side expressed its firm support to the peoples of Viet Nam, Laos and Cambodia in their efforts for the attainment of their goal and its firm support to the seven-point proposal of the Provisional Revolutionary Government of the Republic of South Viet Nam and the elaboration of February this year on the two key problems in the proposal, and to the Joint Declaration of the Summit Conference of the Indochinese Peoples. It firmly supports the eight-point program for the peaceful unification of Korea put forward by the Government of the Democratic People's Republic of Korea on April 12, 1971, and the stand for the abolition of the "U.N. Commission for the Unification and Rehabilitation of Korea". It firmly opposes the revival and outward expansion of Japanese militarism and firmly supports the Japanese people's desire to build an independent, democratic, peaceful and neutral Japan. It firmly maintains that India and Pakistan should, in accordance with the United Nations resolutions on the Indo-Pakistan question, immediately withdraw all their forces to their respective territories and to their own sides of the ceasefire line in Jammu and Kashmir and firmly supports the Pakistan Government and people in their struggle to preserve their independence and sovereignty and the people of Jammu and Kashmir in their struggle for the right of self-determination.

The U.S. side stated: Peace in Asia and peace in the world requires efforts both to reduce immediate tensions and to eliminate the basic causes of conflict. The United States will work for a just and secure peace: just, because it fulfills the aspirations of peoples and nations for freedom and progress; secure, because it removes the danger of foreign aggression. The United States supports individual freedom and social progress for all the peoples of the world, free of outside pressure or intervention. The United States believes that the effort to reduce tensions is served by improving communication between countries that have different ideologies so as to lessen the risks of confrontation through accident, miscalculation or misunderstanding. Countries should treat each other with mutual respect and be willing to compete peacefully, letting performance be the ultimate judge. No country should claim infallibility and each country should be prepared to re-examine its own attitudes for the common good. The United States stressed that the peoples of Indochina should be allowed to determine their destiny without outside intervention; its constant primary objective has been a negotiated solution; the

eight-point proposal put forward by the Republic of Viet Nam and the United States on January 27, 1972 represents a basis for the attainment of that objective; in the absence of a negotiated settlement the United States envisages the ultimate withdrawal of all U.S. forces from the region consistent with the aim of self-determination for each country of Indochina. The United States will maintain its close ties with and support for the Republic of Korea; the United States will support efforts of the Republic of Korea to seek a relaxation of tension and increased communication in the Korean peninsula. The United States places the highest value on its friendly relations with Japan; it will continue to develop the existing close bonds. Consistent with the United Nations Security Council Resolution of December 21, 1971, the United States favors the continuation of the ceasefire between India and Pakistan and the withdrawal of all military forces to within their own territories and to their own sides of the ceasefire line in Jammu and Kashmir; the United States supports the right of the peoples of South Asia to shape their own future in peace, free of military threat, and without having the area become the subject of great power rivalry.

There are essential differences between China and the United States in their social systems and foreign policies. However, the two sides agreed that countries, regardless of their social systems, should conduct their relations on the principles of respect for the sovereignty and territorial integrity of all states, non-aggression against other states, non-interference in the internal affairs of other states, equality and mutual benefit, and peaceful coexistence. International disputes should be settled on this basis, without resorting to the use or threat of force. The United States and the People's Republic of China are prepared to apply these principles to their mutual relations.

With these principles of international relations in mind the two sides stated that:
progress toward the normalization of relations between China and the United States is in the interests of all countries
both wish to reduce the danger of international military conflict
neither should seek hegemony in the Asia-Pacific region and each is opposed to efforts by any other country or group of countries to establish such hegemony
neither is prepared to negotiate on behalf of any third party or to enter into agreements or understandings with the other directed at other states.

Both sides are of the view that it would be against the interests of the peoples of the world for any major country to collude with another against other countries, or for major countries to divide up the world into spheres of interest.

The two sides reviewed the long-standing serious disputes between China and the United States. The Chinese side reaffirmed its position: the Taiwan question is the crucial question obstructing the normalization of relations between China and the United States; the Government of the People's Republic of China is the sole legal government of China; Taiwan is a province of China which has long been returned to the motherland; the liberation of Taiwan is China's internal affair in which no other country has the right to interfere; and all U.S. forces and military installations must be withdrawn from Taiwan. The Chinese Government firmly opposes any

activities which aim at the creation of "one China, one Taiwan", "one China, two governments", "two Chinas", an "independent Taiwan" or advocate that "the status of Taiwan remains to be determined".

The U.S. side declared: The United States acknowledges that all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is a part of China. The United States Government does not challenge that position. It reaffirms its interest in a peaceful settlement of the Taiwan question by the Chinese themselves. With this prospect in mind, it affirms the ultimate objective of the withdrawal of all U.S. forces and military installations from Taiwan. In the meantime, it will progressively reduce its forces and military installations on Taiwan as the tension in the area diminishes. The two sides agreed that it is desirable to broaden the understanding between the two peoples. To this end, they discussed specific areas in such fields as science, technology, culture, sports and journalism, in which people-to-people contacts and exchanges would be mutually beneficial. Each side undertakes to facilitate the further development of such contacts and exchanges.

Both sides view bilateral trade as another area from which mutual benefit can be derived, and agreed that economic relations based on equality and mutual benefit are in the interest of the peoples of the two countries. They agree to facilitate the progressive development of trade between their two countries.

The two sides agreed that they will stay in contact through various channels, including the sending of a senior U.S. representative to Peking from time to time for concrete consultations to further the normalization of relations between the two countries and continue to exchange views on issues of common interest.

The two sides expressed the hope that the gains achieved during this visit would open up new prospects for the relations between the two countries. They believe that the normalization of relations between the two countries is not only in the interest of the Chinese and American peoples but also contributes to the relaxation of tension in Asia and the world.

President Nixon, Mrs. Nixon and the American party expressed their appreciation for the gracious hospitality shown them by the Government and people of the People's Republic of China.

1909 年：《康涅狄格基本法》（Fundamental Orders of Connecticut）

Source: F. N. Thorpe, ed., Federal and State Constitutions, vol.1 (1909), 519.

Forasmuch as it hath pleased the All-mighty God by the wise disposition of his divyne providence so to Order and dispose of things that we the Inhabitants and Residents of Windsor, Harteford and Wethersfield are now cohabiting and dwelling in and uppon the River of Conectecotte and

the Lands thereunto adioyneing; And well knowing where a people are gathered together the word of God requires that to mayntayne the peace and union of such a people there should be an orderly and decent Government established according to God, to order and dispose of the affayres of the people at all seasons as occation shall require; doe therefore assotiate and conioyne our selves to be as one Publike State or Commonwelth; and doe, for our selves and our Successors and such as shall be adioyned to us att any tyme hereafter, enter into Combination and Confederation together, to mayntayne and presearve the liberty and purity of the gospell of our Lord Jesus which we now professe, as also the discipline of the Churches, which according to the truth of the said gospell is now practised amongst us; As also in our Civell Affaires to be guided and governed according to such Lawes, Rules, Orders and decrees as shall be made, ordered & decreed, as followeth:--

1. It is Ordered...that there shall be yerely two generall Assemblies or Courts, the one the second thursday in Aprill, the other the second thursday in September, following; the first shall be called the Courte of Election, wherein shall be yerely Chosen...soe many Magistrats and other publike Officers as shall be found requisitte: Whereof one to be chosen Governour for the yeare ensueing and untill another be chosen, and noe other Magistrate to be chosen for more than one yeare; provided allwayes there be sixe chosen besids the Governour; which being chosen and sworne according to an Oath recorded for that purpose shall have power to administer justice according to the Lawes here established, and for want thereof according to the rule of the word of God; which choise shall be made by all that are admitted freemen and have taken the Oath of Fidelity, and doe cohabitte within this Jurisdiction, (having beene admitted Inhabitants by the major part of the Towne wherein they live,) or the major parte of such as shall be then present....

4. It is Ordered . . . that noe person be chosen Governor above once in two yeares, and that the Governor be alwayes a member of some approved congregation, and formerly of the Magistracy within this Jurisdiction; and all the Magistrats Freemen of this Commonwelth:...

5. It is Ordered . . . that to the aforesaid Courte of Election the severall Townes shall send their deputies, and when the Elections are ended they may proceed in any publike searvice as at other Courts. Also the other Generall Courte in September shall be for makeing of lawes, and any other publike occation, which concerns the good of the Commonwelth. . . .

8. It is Ordered . . . that Wyndsor, Hartford and Wethersfield shall have power, ech Towne, to send fower of their freemen as their deputies to every Generall Courte; and whatsoever other Townes shall be hereafter added to this Jurisdiction, they shall send so many deputies as the Courte shall judge meete, a resonable proportion to the number of Freemen that are in the said Townes being to be attended therein; which deputies shall have the power of the whole Towne to give their voats and allowance to all such lawes and orders as may be for the publike good, and unto which the said Townes are to be bownd.

9. It is ordered and decreed, that the deputies thus chosen shall have power and liberty to appoynt a tyme and a place of meeting together before any Generall Courte to aduise and consult of all such things as may concerne the good of the publike, as also to examine their owne

Elections, whether according to the order, and if they or the gretest prte of them find any election to be illegall they may seclud such for prsent from their meeting, and returne the same and their resons to the Courte: and if yt proue true, the Courte may fyne the prty or prtyes so intruding and the Towne, if they see cause, and giue out a warrant to goe to a newe election in a legall way, either in whole or in prte. Also the said deputyes shall haue power to fyne any that shall be disorderly at their meetings, or for not coming in due tyme or place according to appoyntment; and they may returne the said fynes into the Courte if yt be rfused to be paid, and the tresurer to take notice of yt, and to estreete or levy the same as he doth other fynes.

10. It is Ordered, sentenced and decreed, that euery Generall Courte, except such as through neglecte of the Gournor and the greatest prte of Magestrats the Freemen themselves doe call, shall consist of the Gouvernor, or some one chosen to moderate the Court, and 4 other Magestrats at lest, wth the mayor prte of the deputyes of the seuerall Townes legally chosen; and in case the Freemen or mayor prte of them through neglect or refusall of the Gouvernor and mayor prte of the magestrats, shall call a Courte, that yt shall consist of the mayor prte of Freemen that are prsent or their deputyes, wth a Moderator chosen by them: In wch said Generall Courts shall consist the supreme power of the Commonwealth, and they only shall haue power to make laws or repeale them; to graunt leuyes, to admitt of Freemen, dispose of lands vndisposed of, to seuerall Townes or prsons, and also shall haue power to call ether Courte or Magestrate or any other prson whatsoever into question for any misdemeanour, and may for just causes displace or deale otherwise according to the nature of the offence; and also may deale in any other matter that concerns the good of this comon welth, excepte election of Magestrats, wch shall be done by the whole boddy of Freemen: In wch Courte the Gouvernour or Moderator shall haue power to order the Courte to giue liberty of spech, and silence vnseasonable and disorderly speakeings, to put all things to voate, and in case the vote be equall to haue the casting voice. But non of these Courts shall be adiorned or dissolued wthout the consent of the major prte of the Court.

11. It is ordered, sentenced and decreed, that when any Generall Courte vppon the occasions of the Commonwealth haue agreed vppon any summe or somes of mony to be leuyed vppon the seuerall Townes wthin this Jurisdiction, that a Committee be chosen to sett out and appoynt wt shall be the prportion of euery Towne to pay of the said leuy, prouided the Committees be made vp of an equall number out of each Towne.

1754 年：《奥尔巴尼联盟计划》（Albany Plan of Union）

Source: Leonard Larrabee, ed., Papers of Benjamin Franklin, vol. 5 (1959), 387-92.

It is proposed that humble application be made for an act of Parliament of Great Britain, by virtue of which one general government may be formed in America, including all the said colonies, within and under which government each colony may retain its present constitution, except in

the particulars wherein a change may be directed by the said act, as hereafter follows.

1. That the said general government be administered by a President-General, to be appointed and supported by the crown; and a Grand Council, to be chosen by the representatives of the people of the several Colonies met in their respective assemblies.

2. That within -- months after the passing such act, the House of Representatives that happen to be sitting within that time, or that shall be especially for that purpose convened, may and shall choose members for the Grand Council, in the following proportion, that is to say, Massachusetts Bay 7 New Hampshire 2 Connecticut 5 Rhode Island 2 New York 4 New Jersey 3 Pennsylvania 6 Maryland 4 Virginia 7 North Carolina 4 South Carolina 4 ----- 48

3. -- who shall meet for the first time at the city of Philadelphia, being called by the President-General as soon as conveniently may be after his appointment.

4. That there shall be a new election of the members of the Grand Council every three years; and, on the death or resignation of any member, his place should be supplied by a new choice at the next sitting of the Assembly of the Colony he represented.

5. That after the first three years, when the proportion of money arising out of each Colony to the general treasury can be known, the number of members to be chosen for each Colony shall, from time to time, in all ensuing elections, be regulated by that proportion, yet so as that the number to be chosen by any one Province be not more than seven, nor less than two.

6. That the Grand Council shall meet once in every year, and oftener if occasion require, at such time and place as they shall adjourn to at the last preceding meeting, or as they shall be called to meet at by the President-General on any emergency; he having first obtained in writing the consent of seven of the members to such call, and sent duly and timely notice to the whole.

7. That the Grand Council have power to choose their speaker; and shall neither be dissolved, prorogued, nor continued sitting longer than six weeks at one time, without their own consent or the special command of the crown.

8. That the members of the Grand Council shall be allowed for their service ten shillings sterling per diem, during their session and journey to and from the place of meeting; twenty miles to be reckoned a day's journey.

9. That the assent of the President-General be requisite to all acts of the Grand Council, and that it be his office and duty to cause them to be carried into execution.

10. That the President-General, with the advice of the Grand Council, hold or direct all Indian treaties, in which the general interest of the Colonies may be concerned; and make peace or declare war with Indian nations.

11. That they make such laws as they judge necessary for regulating all Indian trade.
12. That they make all purchases from Indians, for the crown, of lands not now within the bounds of particular Colonies, or that shall not be within their bounds when some of them are reduced to more convenient dimensions.
13. That they make new settlements on such purchases, by granting lands in the King's name, reserving a quitrent to the crown for the use of the general treasury.
14. That they make laws for regulating and governing such new settlements, till the crown shall think fit to form them into particular governments.
15. That they raise and pay soldiers and build forts for the defence of any of the Colonies, and equip vessels of force to guard the coasts and protect the trade on the ocean, lakes, or great rivers; but they shall not impress men in any Colony, without the consent of the Legislature.
16. That for these purposes they have power to make laws, and lay and levy such general duties, imposts, or taxes, as to them shall appear most equal and just (considering the ability and other circumstances of the inhabitants in the several Colonies), and such as may be collected with the least inconvenience to the people; rather discouraging luxury, than loading industry with unnecessary burdens.
17. That they may appoint a General Treasurer and Particular Treasurer in each government when necessary; and, from time to time, may order the sums in the treasuries of each government into the general treasury; or draw on them for special payments, as they find most convenient.
18. Yet no money to issue but by joint orders of the President-General and Grand Council; except where sums have been appropriated to particular purposes, and the President-General is previously empowered by an act to draw such sums.
19. That the general accounts shall be yearly settled and reported to the several Assemblies.
20. That a quorum of the Grand Council, empowered to act with the President-General, do consist of twenty-five members; among whom there shall be one or more from a majority of the Colonies.
21. That the laws made by them for the purposes aforesaid shall not be repugnant, but, as near as may be, agreeable to the laws of England, and shall be transmitted to the King in Council for approbation, as soon as may be after their passing; and if not disapproved within three years after presentation, to remain in force.
22. That, in case of the death of the President-General, the Speaker of the Grand Council for the time being shall succeed, and be vested with the same powers and authorities, to continue till

the King's pleasure be known.

23. That all military commission officers, whether for land or sea service, to act under this general constitution, shall be nominated by the President-General; but the approbation of the Grand Council is to be obtained, before they receive their commissions. And all civil officers are to be nominated by the Grand Council, and to receive the President-General's approbation before they officiate.

24. But, in case of vacancy by death or removal of any officer, civil or military, under this constitution, the Governor of the Province in which such vacancy happens may appoint, till the pleasure of the President-General and Grand Council can be known.

25. That the particular military as well as civil establishments in each Colony remain in their present state, the general constitution notwithstanding; and that on sudden emergencies any Colony may defend itself, and lay the accounts of expense thence arising before the President-General and General Council, who may allow and order payment of the same, as far as they judge such accounts just and reasonable.

1964 年：关于宪法第 14 条修正案（Fourteenth Amendment to the United States Constitution）

林登·约翰逊（Lyndon Baines Johnson）美国第三十六任总统

Just as the Fourteenth Amendment in 1868 had failed to secure full legal rights for the freed slaves, so the 1964 Civil Rights Act did not ensure the slaves' descendants their rightful place in society. In the 1860s, Congress had felt compelled to propose the Fifteenth Amendment to prevent states from restricting the ballot on the basis of race. Now, a century later, the time had come to make that promise a reality.

Civil rights leaders understood that laws and court decisions prohibiting legally enforced discrimination would never, by themselves, make African Americans full participants in the nation's political life. Blacks would have to gain greater access to the voting booth if they were to achieve greater economic and political equality.

Title I of the 1964 Civil Rights Act did attack state discrimination in voter registration, but despite its tough language, it changed little in the South. The Justice Department just did not have the personnel to monitor every county, and intimidated blacks were often afraid to employ the act's remedies. The continuing resistance of southern leaders kept black registration low; in Mississippi, for example, less than 6 percent of eligible blacks were registered to vote.

But time was running out on the South. The summer of 1964, known as Freedom Summer, not only saw the passage of the great civil rights bill, but it also saw unparalleled violence that, in the end, convinced the rest of the country that the time had come to act. In the most infamous case, three civil rights volunteers who had come to Mississippi to help register black voters -- two whites, Andrew Goodman and Michael Schwerner, and one black, James Chaney -- were murdered, and their bodies hidden in an earthen dam. FBI investigations found that local law enforcement officials had been involved in the crime. President Johnson had ordered work begun on a tough voting rights bill in the fall of 1964, and he asked Congress for the measure in his State of the Union speech in January 1965. Congress stalled, and in March, Martin Luther King led a march on Selma, Alabama, to dramatize the need for a voting rights bill. Alabama officials brutally attacked the marchers, and police violence, shown on national television, sickened the country; within hours, tens of thousands of volunteers were heading south to join King in the march. In the midst of the crisis, the president delivered the following message to Congress. Many scholars of the period believe it was Johnson's greatest speech, not only moving and eloquent, but a perfect example of using what Theodore Roosevelt had called the "bully pulpit," the moral authority of the presidency as a platform for leading the American democracy. The combination of public revulsion over southern white violence and Johnson's political skills brought Congress to pass the voting rights bill on August 5, 1965. The new law, known either as the Civil Rights Act of 1965 or as the Voting Rights Act of 1965, brought an unprecedented federal intrusion into local affairs, especially in the South. Voting registration and criteria had always been considered a matter of local and state control. Now if any county failed to register 50 percent of the voting age population, that would be considered prima facie evidence of racial discrimination, and the Justice Department would take over control of the registration process. The law worked. Most southern states realized that they had reached the end of the line in their efforts to retain a segregated society, and voluntarily opened their registration lists to blacks. The Justice Department took control in sixty-two counties where resistance remained. In Mississippi, the state with the worst voting registration record, enrollment of black voters jumped from 6 to 44 percent in three years. Within a relatively short time, blacks, who comprised a majority in parts of the South, were electing black mayors and sheriffs and supervisors. And former race baiters like George Wallace of Alabama would actively campaign for black votes. The credit belongs not only to the civil rights workers who put their bodies and their lives on the line, and to the civil rights leaders like Martin Luther King Jr., who aroused public consciousness, but in large measure to Lyndon Johnson. In this speech he managed to articulate not only blacks' desire to become full citizens, but the awareness that in a democratic society nothing else would suffice.

Few who heard the speech were not moved when Johnson quoted the old hymn that had become the anthem of the civil rights movement, "We shall overcome!"

For further reading: David Garrow, *Protest at Selma* (1978); Doug McAdam, *Freedom Summer* (1988); and Stephen Lawson, *Black Ballots: Voting Rights in the South, 1966-1969* (1976).