

008 新政府面临的困难和解决过程

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1. (解说) 新政府面临的困难和解决过程

Washington' s towering 高大的；高耸的；屹立的 stature and legacy 遗产 谓 might misleadingly 误导地 suggest that 主 the early years of the new nation were times of great confidence and self-congratulation 沾沾自喜；自得.

In fact, just the opposite was nearly the case.

Americans knew that 主 the historical record of the long-term success of republican governments 系 was exceedingly 非常，极其 poor 可怜的；不幸的；令人同情的;缺乏；贫乏；缺少.

Previous examples and classical political theory suggested that 主 republics 谓 almost all suffered (v.) the fate of collapsing into anarchy 无政府状态；混乱，无秩序 and then being taken over 接替；接任；接管；接手 by a power-seizing tyrant.

华盛顿崇高的地位和遗产, 可能会误导人, 让人以为这个新国家的早年, 是充满自信和沾沾自喜的时期。事实上, 情况几乎恰恰相反。美国人知道, 共和政府长期成功的历史记录, 极其糟糕。之前的例子, 和古典政治理论表明, 共和国几乎都遭遇了陷入无政府状态, 然后被夺权暴君接管的命运。

The Philadelphia 费城 patriot BENJAMIN RUSH keenly 敏锐地；强烈地；锐利地 understood the risks 后定 facing the new nation.

As a result he sharply rejected the idea that 主 the military defeat of the British 谓 meant the end of the American Revolution.

"On the contrary," he wrote in 1787," nothing but 只不过;只是 the first act of the great drama 戏；剧 is closed.

It remains [yet] to establish and perfect (v.) our new forms of government."

费城爱国者本杰明·拉什, 敏锐地了解这个新国家面临的风险。结果, 他尖锐地拒绝了"英国的军事失败, 就意味着美国革命结束"的观点。"恰恰相反," 他在 1787 年写道, "这出伟大戏剧的第一幕, 已经结束。但我们新的政府形式, 还有待建立和完善。"

主 The unsettled domestic issues (n.) 后定 that threatened to overturn (v.) the new republic 系 were varied and complex.

Any one of *the major crisis points* of the early 1790s 谓 might overturn (v.) the fragile new government.

Where was the greatest threat: ① *the challenging (a.) legal* 与法律有关的; 法律的 and *political issues* 后定 raised during the ratification of the Constitution, ② *the disastrous (a.)* 极糟糕的; 灾难性的; 完全失败的 *economy* of the 1780s, ③ *popular* 民众的; 百姓的 *protests* (n.) against federal policies in the west, ④ or *the varied military threats* from Native Americans 美洲原住民, ⑤ the British in Canada, ⑥ and war in Europe?

If any one of them could have toppled (v.) (使) 失去平衡而坠落, 倒塌, 倒下; 打倒; 推翻; 颠覆 the government, imagine (v.) how their combination must have made Americans fear (v.) for the future of the country.

威胁"推翻新共和国"的未决的国内问题, 多种多样, 且复杂。1790 年代初期的任何一个重大危机点, 都可能推翻脆弱的新政府。最大的威胁在哪里: 宪法批准过程中提出的具有挑战性的法律和政治问题、1780年代灾难性的经济、西方针对联邦政策的民众抗议, 或者来自美洲原住民、加拿大英国人的各种军事威胁, 以及欧洲战争? 如果他们中的任何一个, 都能推翻政府的话, 想象一下, 它们的结合, 一定会让美国人对国家的未来感到忧虑。

Example 1. 案例
topple

→ 来自 top, 顶端, 头部, -le, 表反复。特殊用法或比喻用法, 引申词义从顶部摔下, 倒塌等。

主 Most of these *deeply unsettling (a.)* 令人不安 (或紧张、担忧) 的 *threats* (n.) 谓 would be addressed (v.) 设法解决; 处理; 对付 by the first federal government and usually in an aggressive manner that scored (v.) 得分; 获得胜利; 取得优势 *decisive* 决定性的; 关键的 *victory*.

Interestingly, however, 主 the solutions achieved by the first wielders 行使者; 地下党 of federal power 谓 also helped to create the conditions 后定 that would **force (v.) them from office** 迫使他们下台 and lead to a dramatic change in American politics by 1800.

To understand how much changed **between** the presidential elections of George Washington (1789) **and** Thomas Jefferson (1800), 主 the kinds of *challenges* 后定 that had to be faced in the first decade of government under the new federal Constitution 谓 **must** be examined.

这些令人深感不安的威胁, 大多会由第一届联邦政府来解决, 而且通常会以一种咄咄逼人的方式, 取得决定性的胜利。然而, 有趣的是, 联邦权力的第一批掌权者所取得的解决方案, 也帮助创造了迫使他们下台的条件, 并导致了1800年美国政治的巨大变化。要了解乔治·华盛顿(1789年)和托马斯·杰斐逊(1800年)的总统选举之间, 发生了多大的变化, 就必须研究联邦"新宪法"下, 政府头十年必须面对的各种挑战。

1.1. The Bill of Rights 权利法案

The first national election occurred in 1789.

Along with 同...一道, 伴随 President Washington, voters elected a large number of supporters of the Constitution.

In fact, almost half of the ninety-one members of the first Congress had helped to write or ratify (v.) the Constitution.

1789年举行第一次全国选举。选民与华盛顿总统一一起, 选出了大量宪法支持者。事实上, 第一届国会的九十一位议员中, 几乎有一半曾经帮助起草或批准过宪法。

Not surprisingly, given 考虑到 Anti-Federalists' opposition (n.) to the strong new central government, only eight opponents 对手; 竞争者; 反对者; 阻止者 of the Constitution were sent to the House of Representatives.

Most Anti-Federalists 谓 concentrated their efforts in state politics.

毫不奇怪, 鉴于"反联邦党人"反对强大的新中央政府, 宪法的反对者中, 只有八名被派往"众议院"。大多数的"反联邦主义者", 将他们的努力集中在州政治上。

主 An immediate 当前的; 迫切的 issue 后定 that the new Congress took up 继续; 接下去; 继续 (他人未完成的事); 接着讲 (以前提过的事) 系 was how to modify (v.) the Constitution. Representatives were responding (v.) (口头或书面) 回答, 回应 to calls (n.) for amendments 后定 that had emerged as a chief issue during the ratification process.

Crucial states of Massachusetts, Virginia, and New York (among others) had all ultimately 最终; 最后; 终归 supported the Constitution — but only with the expectation 预料; 预期; 期待 that 主 explicit (说话) 清晰的, 明确的; 直言的; 坦率的 protections for individual rights 谓 would be added to the highest law of the land.

Now that supporters of the Constitution controlled the federal government, what would they do ?

新国会立即讨论的一个问题, 是如何修改宪法。代表们正在回应 在之前批准宪法过程中, 作为主要问题提出的"修正案"呼吁。马萨诸塞州、弗吉尼亚州, 和纽约州 (以及其他州) 等重要州, 最终都支持了宪法, 但条件是, 期望在该国的最高法律(即宪法)中, 加入对"个人权利"的明确保护。现在, 宪法的支持者已经控制了联邦政府, 那么他们会做什么?

主 The legal tradition 法律传统 of having a precise statement of individual rights 谓 had deep roots in Anglo-American custom.

So it' s not surprising that 主 the first Congress 谓 amended the Constitution by adding what became known as the Bill of Rights.

对"个人权利"进行精确陈述的法律传统, 深深植根于英美习俗中。因此, 第一届国会通过添加所谓的《权利法案》来修改宪法, 也就不足为奇了。

James Madison, now a member of Congress from Virginia, once again took the leading role crafting (v.) proposed amendments that would be sent to the states for approval.

Madison skillfully reviewed numerous proposals and examples 列证; 模范 from state constitutions and ultimately selected nineteen potential amendments to the Constitution 宪法.

来自弗吉尼亚州的现任国会议员, 詹姆斯·麦迪逊, 再次发挥主导作用, 他起草拟议的修正案, 并将其送交各州批准。麦迪逊巧妙地审查了州宪法中的众多提案和例子, 最终选出了十九项可能的宪法修正案。

As one might expect, the nationalist Madison took care 小心 to make sure that 主 none of the proposed amendments 谓 would fundamentally 根本上; 完全地 weaken (v.) the new central government.

In the end, ten amendments were ratified in 1791.

正如人们所预料的那样，民族主义者麦迪逊小心翼翼地确保拟议的修正案, 不会从根本上削弱新中央政府。最终，1791年批准了十项修正案。

These first ten amendments to the Constitution became known as the Bill of Rights and still stand as **both** the symbol 象征 **and** foundation 地基；房基；基础 of American ideals of individual liberty, LIMITED GOVERNMENT, and the rule of law.

主 Most of the Bill of Rights 谓 concerns (v.)涉及，与.....相关 legal protections for those 后定 accused of crimes.

宪法的前十项修正案, 被称为《权利法案》，至今仍然是美国"个人自由"、"有限政府", 和"法治理想"的象征和基础。《权利法案》的大部分内容, 涉及对被指控犯罪者的法律保护。

Rights and Protections 后定 Guaranteed (v.)保证；担保；保障 in the Bill of Rights

权利法案保障的权利和保护

Amendment 修正案	Rights and Protections 权利和保护
First 第一个	<ul style="list-style-type: none">Freedom of speech 言论自由Freedom of the press 出版自由Freedom of religion 宗教自由Freedom of assembly 集会自由Right to petition (v.)祈求；请求；请愿 the government 向政府请愿的权利
Second 第二	<ul style="list-style-type: none">Right to bear (v.) arms 携带武器的权利
Third 第三	<ul style="list-style-type: none">Protection against housing (v.)给（某人）提供住处 soldiers in civilian homes 防止将士兵安置在平民住宅中
Fourth 第四	<ul style="list-style-type: none">Protection against unreasonable search and seizure 防止不合理搜查和扣押Protection against the issuing 宣布，发布 of warrants 执行令；授权令 without probable cause 合理理由 防止在没有合理理由的情况下发出认股权证
Fifth 第五	Protection against 防护 <ul style="list-style-type: none">trial without indictment (控告；起诉;刑事起诉书；公诉书) 不经起诉进行审判double jeopardy (处于危险境地；受到威胁) 双重危险self-incrimination 自证其罪property seizure 财产扣押
Sixth 第六	<ul style="list-style-type: none">Right to a speedy trial 快速审判的权利Right to be informed (v.)知会；通知；通告 of charges 知情权Right to be confronted by witnesses 与证人对峙的权利Right to call witnesses 传唤证人的权利Right to a legal counsel (法律顾问) 聘请法律顾问的权利

Amendment 修正案	Rights and Protections 权利和保护
Seventh 第七	<ul style="list-style-type: none"> Right to trial by jury 陪审团审判的权利
Eighth 第八	Protection against 防护 <ul style="list-style-type: none"> excessive bail (保释金；保释) 超额保释金 excessive fines 超额罚款 cruel and unusual punishment 残酷和不寻常的惩罚
Ninth 第九	<ul style="list-style-type: none"> 主 Rights 后定 granted in the Constitution 谓 shall not infringe (v.)侵犯，侵害（合法权益） on other rights. 宪法赋予的权利，不得侵犯其他权利。
Tenth 第十	<ul style="list-style-type: none"> 主 Powers 后定 not granted to the Federal Government in the Constitution 谓 belong to the states or the people. 宪法中未授予联邦政府的权力，属于各州或人民。

Example 2. title warrant

- [C]~ (for sth) |~ (to do sth) : a legal document that is signed by a judge and gives the police authority to do sth 执行令；授权令
- [C]~ (for sth) : a document that gives you the right to receive money, services, etc. (接受款项、服务等) 凭单，许可证
- [U]~ (for sth/for doing sth) : (formal) (usually in negative sentences通常用于否定句) an acceptable reason for doing sth (做某事的) 正当理由，依据
- There is no warrant for such criticism.这种批评毫无根据。

infringe

→ in-入,向内 + fring(= -frag-)打破,打碎 + -e

For instance, 主 the fourth through 直至，一直到（所指时间包括在内） eighth amendments 谓 provide protection from unreasonable SEARCH AND SEIZURE, the privilege 特权，特殊待遇 against SELF-INCRIMINATION 自认犯罪, and the right to a FAIR AND SPEEDY JURY TRIAL 公平而迅速的陪审团审判 that will be free from 免受，免于;不受...影响的 unusual punishments.

例如，第四至第八修正案, 提供了免遭不合理搜查和扣押的保护、防止“自证其罪”的特权, 以及接受公平和迅速的陪审团审判, 且免受“异常惩罚”的权利。

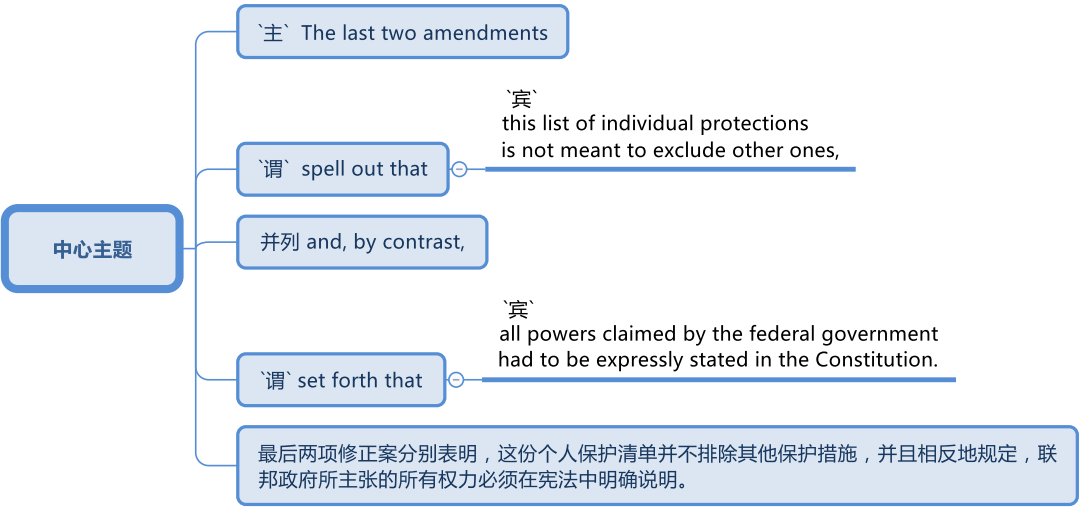
The FIRST AMENDMENT, perhaps the broadest and most famous of the Bill of Rights, establishes a range of political and civil rights including those of FREE SPEECH, assembly, press, and religion.

第一修正案, 也许是“权利法案”中最广泛、最著名的修正案, 它确立了一系列政治和公民权利, 包括言论自由、集会自由、新闻自由, 和宗教自由。

主 The last two amendments, respectively 分别地，依次地, 谓 **spell out 解释明白；讲清楚 that**
主 this list of individual protections 谓 is not meant to exclude (故意) 不包括，把.....排除在外 other ones, and, **by contrast 对比之下,与...相反的是， set forth 陈述；阐明 that** 主 all powers

claimed by the federal government 谓 **had to** be expressly 清楚地，明显地 stated (v.) in the Constitution.

最后两项修正案分别阐明，这份个人保护清单，并不意味着排除其他保护，相反，规定：联邦政府主张的所有权力，都必须在宪法中明确规定。



Example 3. title
set sth forth

(formal) to present sth or make it known 陈述；阐明
- The President set forth his views in a television broadcast.总统在电视讲话中阐述了自己的观点。

1.2. 亚历山大·汉密尔顿, 解决战后"债务困境"

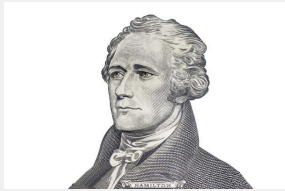
Presidents Washington (\$1), Lincoln (\$5), Jackson (\$20), and Grant (\$50) all appear (v.) on currency 通货，货币.

But what about this guy Alexander Hamilton on the ten-spot 十元美钞? How did he get there?

华盛顿总统（1 美元）、林肯总统（5 美元）、杰克逊总统（20 美元）和格兰特总统（50 美元）都出现在货币上。但是排名第十的亚历山大·汉密尔顿呢？他是怎么到达那里？

Example 4. 案例



Header 1	Header 2
1美元	George Washington 乔治·华盛顿 1789至1797年间担任美国第一位总统。美国“国父”。
2美元	Thomas Jefferson 托马斯·杰弗逊 美国的第三任总统。 他是1776年《独立宣言》（Declaration of Independence）的主要起草人，也是最有影响力的开国元勋之一。
5美元	Abraham Lincoln 亚伯拉罕·林肯 任职于1861至1865年间，是美国的第16任总统。他成功地领导了美国南北战争，拯救了联邦政府，废除了奴隶制度。
10美元	Alexander Hamilton 亚历山大·汉密尔顿 他是第一位美国财政部长，也是开国元勋之一，同时他还是一位经济学家和政治哲学家。 
20美元	Andrew Jackson 安德鲁·杰克逊 美国第七任总统。 任职于1829至1837年间。
50美元	Ulysses Simpson Grant 尤利西斯·辛普森·格兰特 于1869至1877年间担任美国总统。 而在此之前，格兰特是南北战争时期联邦军的一位司令。
100美元	Benjamin Franklin 本杰明·富兰克林

主 **A major problem** facing the first federal government 系 **was** how to deal with the financial chaos created by the American Revolution.

States 各州 had huge war debts.

There was runaway 失控的 inflation.

Almost all areas of the economy 谓 looked dismal 忧郁的；凄凉的；惨淡的；阴沉的 throughout 自始至终；贯穿整个时期；各处；遍及 the 1780s.

Economic hard times 系 were a major factor creating the sense of crisis 危机感 that produced the stronger central government under the new Constitution.

第一届联邦政府面临的一个主要问题，是如何应对美国革命造成的财政混乱。各国背负着巨额战争债务。通货膨胀失控。整个 1780 年代，几乎所有经济领域都显得黯淡无光。经济困难时期，是产生危机感的一个主要因素，从而在新宪法下产生了更强大的中央政府。

主 **The first issue** that Hamilton tackled 解决，处理，对付 as Washington' s SECRETARY OF THE TREASURY 财政部长 谓 **concerned** 影响，涉及，牵涉（某人） the problem of PUBLIC CREDIT.

Governments 后定 at all levels 谓 had taken on so much debt during the Revolution.

The commitment to pay them back 谓 was not taken very seriously.

By the late 1780s, the value of such public securities 有价证券；担保；抵押物 had plunged to a small fraction 小部分；少量；一点儿 of their face value.

In other words, state IOU' s 借据，欠条（表示 I owe you）— the money 后定 borrowed to finance (v.)提供资金 the Revolution — were viewed as nearly worthless.

汉密尔顿作为华盛顿财政部长，解决的第一个问题，涉及“公共信用”问题。革命期间，各级政府承担了大量债务。偿还它们的承诺，并没有得到认真对待。到 1780 年代末，此类公共证券的价值，已跌至其面值的一小部分。换句话说，国家欠条——为革命提供资金而借来的钱——被认为几乎一文不值。

Hamilton issued (v.) a bold proposal.

The federal government should pay off 偿还债务；清偿欠款 all CONFEDERATION (state) debts at full value.

Such action 谓 would dramatically enhance (v.) the legitimacy 合法性，合理性 of the new central government.

To raise money to pay off the debts, Hamilton would issue (v.) new SECURITIES 有价证券 bonds 债券；公债.

Investors who had purchased these public securities 公共证券 谓 could make enormous profits when the time came for the United States to pay off these new debts.

汉密尔顿提出了一个大胆的建议。联邦政府应全额偿还所有联邦（州）债务。此类行动，将极大地增强新中央政府的合法性。为了筹集资金偿还债务，汉密尔顿将发行新的证券债券（即借新还旧）。当美国偿还这些新债务时，购买这些公共证券的投资者，可以赚取巨额利润。

Hamilton' s vision for reshaping the American economy 谓 included a federal charter 特许状，许可证，凭照 for a national financial institution 金融机构.

He proposed a BANK OF THE UNITED STATES.

Modeled (v.)模仿；仿照 along the lines 方法；方式 of the Bank of England, a central bank would help make the new nation' s economy dynamic (n.)（人或事物）相互作用的方式，动

态;力学;动力学 through a more stable paper CURRENCY 纸币。

汉密尔顿重塑美国经济的愿景包括: 为国家金融机构制定联邦宪章。他提议成立美国银行。按照英格兰银行的模式, 中央银行将通过更稳定的纸币, 帮助新国家的经济充满活力。

Example 5. title
line

[C] a method or way of doing or thinking about sth 方法; 方式

- I don't follow your line of reasoning 我不理解你的推理方法。

- She decided to try a different line of argument (= way of persuading sb of sth) 她决定换一种说理方式。

Hamilton possessed (v.)有; 拥有; 具有 (特质) a remarkably acute 敏锐的; 有洞察力的 economic vision.

His aggressive 好斗的; 挑衅的; 侵略的; 富于攻击性的; 志在必得的 support (n.) for manufacturing 制造, 制造业, banks, and strong public credit 政府信用 谓 all became (v.) central aspects 核心方面 of the modern capitalist 资本主义的 economy that would develop in the United States in the century after his death.

Nevertheless, his policies were deeply controversial 有争议的, 引发争论的 in their day.

汉密尔顿拥有非常敏锐的经济眼光。他对制造业、银行和强大公共信用的积极支持, 都成为他死后一个世纪里美国发展的现代资本主义经济的核心方面。然而, 他的政策在当时, 引起了很大争议。

Many Americans neither like Hamilton's elitist 精英主义的, 精英统治的; 有优越感的 attitude nor his commitment to a British model of economic development.

His pro-British 亲英的 foreign policy was potentially explosive (a.) 易爆发的; 可能引起冲动的; 爆炸性的 in the wake of 在...之后; 随着...发生 the Revolution.

主 Hamilton 谓 favored an even stronger central government than the Constitution had created /and often linked (v.) democratic impulses 民主冲动 with potential anarchy 无政府状态; 混乱, 无秩序.

Finally, because the beneficiaries of his innovative 革新的, 创新的 economic policies were concentrated in the northeast, they threatened to stimulate divisive 造成不和的; 引起分歧的; 制造分裂的 geographic differences in the new nation.

许多美国人既不喜欢汉密尔顿的精英主义态度, 也不喜欢他对英国经济发展模式的承诺。革命后, 他的亲英外交政策, 可能具有爆炸性。汉密尔顿赞成建立比宪法所规定的更强大的中央政府, 并经常将"民主冲动", 与"潜在的无政府状态"联系起来。最后, 由于他的创新经济政策的受益者, 集中在东北部, 这些政策可能会刺激新国家产生地理差异。

Regardless, Hamilton's economic philosophies 哲学; 哲学体系, 思想体系 became touchstones 试金石; 检验标准 of the modern American capitalist economy.

不管怎样, 汉密尔顿的经济哲学, 成为现代美国资本主义经济的试金石。

Bet you \$10 you now see why he's on the \$10 bill.

和你打赌 10 美元, 你现在明白为什么他出现在 10 美元的钞票上了。

1.3. 政府精英, 产生分歧

extraordinary 不平常的；不一般的；非凡的；卓越的 divisions (n.)分歧；不和；差异 to the forefront 处于最前列；进入重要地位（或主要地位） of American life and politics.

主 Strong differences about how best to maintain (v.) the benefits of the Revolution 谓 lay (v.) at the center of these conflicts.

Hamilton's economic policies were among the earliest sources 来源，出处；起源 of tension 紧张，焦虑；紧张关系.

They sparked (v.)引发；触发 strong reactions not only from elected officials and ordinary farmers, but even split (v.)分裂，使分裂（成不同的派别） Washington's cabinet.

1790 年代，美国生活和政治的最前沿，出现了巨大的分歧。关于“如何最好地维持革命利益”的强烈分歧，是这些冲突的核心。汉密尔顿的经济政策，是紧张局势最早的根源之一。它们不仅引起民选官员和普通农民的强烈反应，甚至导致华盛顿内阁的分裂。

Example 6. 案例

AT/IN/TO THE 'FOREFRONT (OF STH)

in or into an important or leading position in a particular group or activity 处于最前列；进入重要地位（或主要地位）

- Women have always been at the forefront of the Green movement. 妇女总是在环境保护运动的最前列。

- The court case /was constantly in the forefront of my mind (= I thought about it all the time) . 这个诉讼案件一直萦系在我的心头。

主 Hamilton's successful bid (n.)努力争取；企图获得 to CHARTER (v.)特许设立；给予...特权；发给许可证（或凭照） a national Bank of the United States 谓 also brought strong opposition (n.)（强烈的）反对，反抗，对抗 from Jefferson.

Their disagreement about the bank 谓 stemmed from sharply opposed (v.)强烈反对，截然不同 interpretations 解释 of the Constitution.

For Jefferson, such action was clearly beyond the powers granted to the federal government.

In his "STRICT INTERPRETATION" 严格解释 of the Constitution, Jefferson pointed out that the tenth amendment required (v.)使做（某事）；使拥有（某物）；（尤指根据法规）规定 that all federal authority be expressly stated 明确表述 in the law.

Nowhere did the Constitution **allow (v.) for**（为某目的）留出，给出 the federal government to create a bank.

汉密尔顿成功申请成立美国国家银行，也遭到了杰斐逊的强烈反对。他们对银行的分歧，源于对宪法的尖锐对立的解释。对于杰斐逊来说，这种行动，显然超出了联邦政府的权力范围。杰斐逊在他对宪法的“严格解释”中指出，第十修正案要求所有联邦权力，都在法律中明确规定。宪法中没有任何地方，允许了联邦政府设立银行。

Hamilton responded with a "LOOSE INTERPRETATION" that **allowed** such federal action 状 **under a clause**（法律文件的）条款 后定 permitting Congress to make "all Laws which shall be NECESSARY AND PROPER."

汉密尔顿以“宽松的解释”回应，允许这样的联邦行动，根据一项条款，允许国会制定“一切必要和适当的法律”。

Neither side was absolutely right.

The Constitution needed INTERPRETATION.

In this difference, however, we can see sharply contrasting (a.) (在式样、颜色或态度上) 极不相同的, 迥异的 visions for the future of the republic.

双方都没有绝对正确。宪法需要解释。然而, 在这种差异中, 我们可以看到对共和国未来的截然不同的愿景。

Opposition to Hamilton's financial policies 谓 spread beyond the cabinet.

The legislature 立法机关; 立法机构 divided (v.) about whether or not to support the Bank of the United States.

This split (n.)分歧; 分裂; 分离 in Congress 谓 loomed (v.) as a potential threat to the union because northern representatives (n.)代表 overwhelmingly voted (v.) favorably, while southerners were strongly opposed (a.v.).

The difference stemmed from significant economic differences 后定 between the sections 区; 地区; 地段.

Large cities, merchants, and leading financiers 金融家; 理财家 were much more numerous (a.)众多的, 许多的 in the north and stood (v.)站立,位于(某处) to benefit (v.)得益于; 得利于 from Hamilton's plans.

对汉密尔顿金融政策的反对, 蔓延到内阁之外。立法机关对于是否支持"美国银行", 存在分歧。国会的这种分裂, 对联邦构成了潜在威胁, 因为北方代表, 以压倒性的票数, 投了赞成票, 而南方人则强烈反对。这种差异, 源于各地域之间显著的经济差异。北方的大城市、商人和主要金融家的数量, 要多得多, 并且将从汉密尔顿的计划中受益。

Example 7. 案例 financier

a person who lends large amounts of money to businesses 金融家; 理财家

Keen observers began to fear that 主 sharp sectional (社团或组织中) 某群体的, 某阶层的 differences 谓 might soon threaten (v.) the union.

Indeed, the Bank ultimately 最终; 最后; 终归 found (v.) support in Congress through a compromise 折中, 妥协; 妥协方案 that included a commitment to build the new FEDERAL CAPITAL 联邦首都 on the banks 岸 of the Potomac River.

Example 8. 案例 the Potomac River



In part this stemmed from the fact that southern states such as Virginia had already paid off 付清 ; 偿清 their war debt and stood to gain nothing from a central bank.

While most of the commercial beneficiaries 金融受益人 of Hamilton' s policies 谓 were concentrated in the urban northeast, the political capital of WASHINGTON, D.C. would stand (v.) in the more agricultural south.

By dividing the centers of economic and political power 主 many 谓 hoped to avoid a dangerous concentration of power in any one place or region.

敏锐的观察家开始担心, 尖锐的双方分歧, 可能很快就会威胁到联邦。事实上, 该银行最终通过一项妥协, 获得了国会的支持, 其中包括承诺在波托马克河畔建设新的联邦首都。这在一定程度上源于这样一个事实: 弗吉尼亚等南方各州, 已经偿还了战争债务, 并且不会从中央银行获得任何好处。虽然汉密尔顿政策的大部分商业受益者, 都集中在东北部城市, 但华盛顿特区的政治首都, 将位于农业更为发达的南部。通过划分经济和政治权力中心, 许多人希望避免危险的权力集中在任何一个地方或地区。

Their differences also extended to the branch of government that each favored (v.).

Hamilton thought (v.) 主 a strong executive and a judiciary 司法系统 后定 protected from DIRECT POPULAR INFLUENCE 直接的大众影响 系 **were** essential (a.) 必不可少, 非常重要的 to the health of the REPUBLIC.

By contrast, Jefferson put much greater faith in democracy and felt that 主 the truest (a.) 真实的 ; 确实的 expression of republican principles 谓 would come 状 through the legislature, which was elected directly by the people.

Their differences would become even sharper as the decade wore on.

他们的分歧还延伸到各自偏爱的政府部门。汉密尔顿认为, 一个强有力的行政部门, 和一个免受直接民众影响的司法机构, 对于共和国的健康发展至关重要。相比之下, 杰斐逊对"民主"抱有更大的信心, 并认为, 共和原则的最真实表达, 将通过"由人民直接选举产生的立法机构"来实现。随着时间的推移, 他们的分歧将变得更加尖锐。

2. pure

Washington' s towering stature and legacy might misleadingly suggest that the early years of the new nation were times of great confidence and self-congratulation. In fact, just the opposite was nearly the case. Americans knew that the historical record of the long-term success of republican governments was exceedingly poor. Previous examples and classical political theory suggested that republics almost all suffered the fate of collapsing into anarchy and then being taken over by a power-seizing tyrant.

The Philadelphia patriot BENJAMIN RUSH keenly understood the risks facing the new nation. As a result he sharply rejected the idea that the military defeat of the British meant the end of the American Revolution. "On the contrary," he wrote in 1787, "nothing but the first act of the great drama is closed. It remains yet to establish and perfect our new forms of government."

The unsettled domestic issues that threatened to overturn the new republic were varied and complex. Any one of the major crisis points of the early 1790s might overturn the fragile new government. Where was the greatest threat: the challenging legal and political issues

raised during the ratification of the Constitution, the disastrous economy of the 1780s, popular protests against federal policies in the west, or the varied military threats from Native Americans, the British in Canada, and war in Europe? If any one of them could have toppled the government, imagine how their combination must have made Americans fear for the future of the country.

Most of these deeply unsettling threats would be addressed by the first federal government and usually in an aggressive manner that scored decisive victory. Interestingly, however, the solutions achieved by the first wielders of federal power also helped to create the conditions that would force them from office and lead to a dramatic change in American politics by 1800. To understand how much changed between the presidential elections of George Washington (1789) and Thomas Jefferson (1800), the kinds of challenges that had to be faced in the first decade of government under the new federal Constitution must be examined.

2.1. The Bill of Rights 权利法案

The first national election occurred in 1789. Along with President Washington, voters elected a large number of supporters of the Constitution. In fact, almost half of the ninety-one members of the first Congress had helped to write or ratify the Constitution.

Not surprisingly, given Anti-Federalists' opposition to the strong new central government, only eight opponents of the Constitution were sent to the House of Representatives. Most Anti-Federalists concentrated their efforts in state politics.

An immediate issue that the new Congress took up was how to modify the Constitution. Representatives were responding to calls for amendments that had emerged as a chief issue during the ratification process. Crucial states of Massachusetts, Virginia, and New York (among others) had all ultimately supported the Constitution — but only with the expectation that explicit protections for individual rights would be added to the highest law of the land. Now that supporters of the Constitution controlled the federal government, what would they do?

The legal tradition of having a precise statement of individual rights had deep roots in Anglo-American custom. So it's not surprising that the first Congress amended the Constitution by adding what became known as the Bill of Rights.

James Madison, now a member of Congress from Virginia, once again took the leading role crafting proposed amendments that would be sent to the states for approval. Madison skillfully reviewed numerous proposals and examples from state constitutions and ultimately selected nineteen potential amendments to the Constitution.

As one might expect, the nationalist Madison took care to make sure that none of the proposed amendments would fundamentally weaken the new central government. In the end, ten amendments were ratified in 1791.

These first ten amendments to the Constitution became known as the Bill of Rights and still stand as both the symbol and foundation of American ideals of individual liberty, LIMITED GOVERNMENT, and the rule of law. Most of the Bill of Rights concerns legal protections for those accused of crimes.

Rights and Protections Guaranteed in the Bill of Rights 权利法案保障的权利和保护

Amendment 修正案	Rights and Protections 权利和保护
First 第一个	<ul style="list-style-type: none">Freedom of speech 言论自由Freedom of the press 出版自由Freedom of religion 宗教自由Freedom of assembly 集会自由Right to petition the government 向政府请愿的权利
Second 第二	<ul style="list-style-type: none">Right to bear arms 携带武器的权利
Third 第三	<ul style="list-style-type: none">Protection against housing soldiers in civilian homes 防止将士兵安置在平民住宅中
Fourth 第四	<ul style="list-style-type: none">Protection against unreasonable search and seizure 防止不合理搜查和扣押Protection against the issuing of warrants without probable cause 防止在没有合理理由的情况下发出认股权证
Fifth 第五	<ul style="list-style-type: none">Protection against 防护trial without indictment 不经起诉进行审判double jeopardy 双重危险self-incrimination 自证其罪property seizure 财产扣押
Sixth 第六	<ul style="list-style-type: none">Right to a speedy trial 快速审判的权利Right to be informed of charges 知情权

Amendment 修正案	Rights and Protections 权利和保护
	<ul style="list-style-type: none"> • Right to be confronted by witnesses 与证人对峙的权利 • Right to call witnesses 传唤证人的权利 • Right to a legal counsel 聘请法律顾问的权利
Seventh 第七	<ul style="list-style-type: none"> • Right to trial by jury 陪审团审判的权利
Eighth 第八	<ul style="list-style-type: none"> • Protection against 防护 • excessive bail 超额保释金 • excessive fines 超额罚款 • cruel and unusual punishment 残酷和不寻常的惩罚
Ninth 第九 - Rights granted in the Constitution shall not infringe on other rights. 宪法赋予的权利不得侵犯其他权利。	Tenth 第十

For instance, the fourth through eighth amendments provide protection from unreasonable SEARCH AND SEIZURE, the privilege against SELF-INCRIMINATION, and the right to a FAIR AND SPEEDY JURY TRIAL that will be free from unusual punishments.

The FIRST AMENDMENT, perhaps the broadest and most famous of the Bill of Rights, establishes a range of political and civil rights including those of FREE SPEECH, assembly, press, and religion.

The last two amendments, respectively, spell out that this list of individual protections is not meant to exclude other ones, and, by contrast, set forth that all powers claimed by the federal government had to be expressly stated in the Constitution.

Example 9. 案例

The Full Text of the Bill of Rights

Amendment I : Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II : A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III : No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV : The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V : No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI : In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

Amendment VII : In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

Amendment VIII : Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX : The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X : The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

While the Bill of Rights created no deep challenge to federal authority, it did respond to the central Anti-Federalist fear that the Constitution would unleash an oppressive central government too distant from the people to be controlled.

By responding to this opposition and following through on the broadly expressed desire for amendments that emerged during the ratification process, the Bill of Rights helped to secure broad political support for the new national government. A first major domestic issue had been successfully resolved.

The Bill of Rights remains an active force in contemporary American life as a major element of CONSTITUTIONAL LAW. The meaning of its protections remains hotly debated. For example, the privilege to bear arms to support a militia, which appears in the second amendment, produces significant political controversy today.

More sweepingly, the extension of the Bill of Rights to protect individuals from abuse not only by the federal government, but also from state and local governments remains an unsettled aspect of Constitutional interpretation.

Originally, the protections were solely meant to limit the federal government, but with the fourteenth amendment's guarantee in 1868 that no state could deprive its citizens of the protections in the Bill of Rights this original view began to be expanded. To this day the SUPREME COURT has not definitively decided if the entire Bill of Rights should always be applied to all levels of government.

2.2. 亚历山大·汉密尔顿, 解决战后"债务困境"

Presidents Washington (\$1), Lincoln (\$5), Jackson (\$20), and Grant (\$50) all appear on currency. But what about this guy Alexander Hamilton on the ten-spot? How did he get there? A sawbuck says you'll know the answer after reading this piece.

A major problem facing the first federal government was how to deal with the financial chaos created by the American Revolution. States had huge war debts. There was runaway inflation. Almost all areas of the economy looked dismal throughout the 1780s. Economic hard times were a major factor creating the sense of crisis that produced the stronger central government under the new Constitution.

The first issue that Hamilton tackled as Washington's SECRETARY OF THE TREASURY concerned the problem of PUBLIC CREDIT. Governments at all levels had taken on so much debt during the Revolution. The commitment to pay them back was not taken very seriously. By the late 1780s, the value of such public securities had plunged to a small fraction of their face value. In other words, state IOU's — the money borrowed to finance the Revolution — were viewed as nearly worthless.

Hamilton issued a bold proposal. The federal government should pay off all CONFEDERATION (state) debts at full value. Such action would dramatically enhance the legitimacy of the new central government. To raise money to pay off the debts, Hamilton would issue new SECURITIES bonds. Investors who had purchased these public securities could make enormous profits when the time came for the United States to pay off these new debts.

Hamilton's vision for reshaping the American economy included a federal charter for a national financial institution. He proposed a BANK OF THE UNITED STATES. Modeled along the lines of the Bank of England, a central bank would help make the new nation's economy dynamic through a more stable paper CURRENCY.

Hamilton possessed a remarkably acute economic vision. His aggressive support for manufacturing, banks, and strong public credit all became central aspects of the modern capitalist economy that would develop in the United States in the century after his death. Nevertheless, his policies were deeply controversial in their day.

Many Americans neither like Hamilton's elitist attitude nor his commitment to a British model of economic development. His pro-British foreign policy was potentially explosive in the wake of the Revolution. Hamilton favored an even stronger central government than the Constitution had created and often linked democratic impulses with potential anarchy. Finally, because the beneficiaries of his innovative economic policies were concentrated in the northeast, they threatened to stimulate divisive geographic differences in the new nation.

Regardless, Hamilton's economic philosophies became touchstones of the modern American capitalist economy.

Bet you \$10 you now see why he's on the \$10 bill.

2.3. 政府精英, 产生分歧

extraordinary divisions to the forefront of American life and politics. Strong differences about how best to maintain the benefits of the Revolution lay at the center of these conflicts. Hamilton's economic policies were among the earliest sources of tension. They sparked strong reactions not only from elected officials and ordinary farmers, but even split Washington's cabinet.

Hamilton's successful bid to CHARTER a national Bank of the United States also brought strong opposition from Jefferson. Their disagreement about the bank stemmed from sharply opposed interpretations of the Constitution. For Jefferson, such action was clearly beyond the powers granted to the federal government. In his "STRICT INTERPRETATION" of the Constitution, Jefferson pointed out that the tenth amendment required that all federal authority be expressly stated in the law. Nowhere did the Constitution allow for the federal government to create a bank.

Hamilton responded with a "LOOSE INTERPRETATION" that allowed such federal action under a clause permitting Congress to make "all Laws which shall be NECESSARY AND PROPER."

Neither side was absolutely right. The Constitution needed INTERPRETATION. In this difference, however, we can see sharply contrasting visions for the future of the republic.

Opposition to Hamilton's financial policies spread beyond the cabinet. The legislature divided about whether or not to support the Bank of the United States. This split in Congress loomed as a potential threat to the union because northern representatives overwhelmingly voted favorably, while southerners were strongly opposed. The difference

stemmed from significant economic differences between the sections. Large cities, merchants, and leading financiers were much more numerous in the north and stood to benefit from Hamilton's plans.

Keen observers began to fear that sharp sectional differences might soon threaten the union. Indeed, the Bank ultimately found support in Congress through a compromise that included a commitment to build the new FEDERAL CAPITAL on the banks of the Potomac River. In part this stemmed from the fact that southern states such as Virginia had already paid off their war debt and stood to gain nothing from a central bank. While most of the commercial beneficiaries of Hamilton's policies were concentrated in the urban northeast, the political capital of WASHINGTON, D.C. would stand in the more agricultural south. By dividing the centers of economic and political power many hoped to avoid a dangerous concentration of power in any one place or region.

Their differences also extended to the branch of government that each favored. Hamilton thought a strong executive and a judiciary protected from DIRECT POPULAR INFLUENCE were essential to the health of the REPUBLIC. By contrast, Jefferson put much greater faith in democracy and felt that the truest expression of republican principles would come through the legislature, which was elected directly by the people. Their differences would become even sharper as the decade wore on.

3. 附录

3.1. 权利法案

The Full Text of the Bill of Rights

权利法案全文

Amendment I : Congress shall make no law /respecting (prep.)关于 an establishment of religion, or prohibiting (v.) the free exercise thereof 在其中；由此；
or abridging (v.)删节，节略（书籍、剧本等） the freedom of speech, or of the press;
or the right of the people peaceably 和平地；温和地 to assemble, and to petition (v.)祈求；请求；请愿 the Government for a redress (n.)赔款；损失赔偿 of grievances (n.)不平的事；委屈；抱怨；牢骚.

第一修正案: 国会不得制定法律"尊奉国教"或"禁止宗教自由"。国会无权通过限制公民的言论、出版、集会、请愿自由的法律。

Example 10. 案例 thereof

(formal)(law 律)of the thing mentioned 在其中；由此

- Is the property or any part thereof /后定 used (v.) for commercial activity?这一房产或其中任何部分有益于商业活动吗？

abridge

→ abridge = a (=ad , 去) +bridg (短) +e (后缀) →使变短→删节。词源解释：bridg←拉丁语 brevis (短) 同源词：brief (摘要、简报)、abbreviate (缩写)

redress

v.纠正；矫正；改正；重新放直. n.赔偿；矫正；救济
→ re-,再，重新，-dress,拉直，引导，词源同 direct,address,right.

Amendment II : A well regulated (用规则条例) 约束，控制，管理 Militia 民兵队伍，国民自卫队, being necessary to the security of a free State, 主 the right of the people /to keep and bear Arms, 谓 shall not be infringed (v.)侵犯，侵害 (合法权益) .

修正案二：一支管理良好的民兵，对于自由州的安全是必要的，人民持有和携带武器的权利，不得受到侵犯。

Example 11. 案例

infringe

→ in-,进入，使，-fringe,破开，词源同break,fragment.引申词义违背，侵犯。
in-入,向内 + fring(= -frag-)打破,打碎 + -e

Amendment III : **No** Soldier shall, in time of peace /be quartered (v.)住宿，驻扎 in any house, without the consent of the Owner, **nor** in time of war, but in a manner to be prescribed (v.) 规定；命令；指示 by law.

修正案三：在平时，没有主人同意，任何士兵不得驻扎在民居；在战时，亦不得驻扎，除了法律规定的方式以外。

Amendment IV : 主 **The right** of the people /to be secure (v.) (尤指经过努力) 获得，取得，实现 in their persons, houses, papers 证件, and effects (n.) (个人) 财产，所有物，财物, against unreasonable searches and seizures, 谓 **shall not** be violated, and no Warrants shall issue (v.), **but** upon probable 很可能发生 (或存在等) 的 cause 理由；动机；缘故, supported by Oath 誓言，誓约 or affirmation 肯定，(因良心原因不愿宣誓而作的正式) 确认, and particularly describing the place to be searched, and the persons or things to be seized.

修正案四：“人民的人身、住宅、文件和财产，不受无理搜查和扣押”的这个权利，不得被侵犯。进行搜查和扣押的令状，必须经过宣誓和确认，确有“可靠的理由”，才由地方法官签发。但其所要搜查的地点和抓捕的人要具体明确。

其实，第四条修正案要保护的是“人”而不是“场所”不受政府的无理侵扰。这就是说，个人的住宅和所有物是“人身自由的延长”，因此是人身权利的一部分。

Amendment V : No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

第五修正案：未经大陪审团同意，任何人不接受“死刑”和“重罪”的刑事指控，在战时或者出现公共危险时，在陆海军及民兵中出现的案例例外。任何人不得因同一犯罪行为，而两次被置于生命或身体的危害中。不得在任何刑事案件中，被迫自证其罪。未经法律的正当程序，任何人的生命、自由、财产不受剥夺。非经公平赔偿，私有财产不得征为公用。

Amendment VI : In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have

been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

修正案六：在所有刑事诉讼中，被告应享有，由犯罪发生地所在州和地区的公正陪审团，进行迅速和公开审判的权利，该地区应事先由法律查明，并由犯罪发生地所在州和地区的公正陪审团，进行审判。被告知“指控的性质和原因”；与对他不利的证人对峙；采取强制程序获取对他有利的证人，并获得律师协助进行辩护。

Amendment VII : In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

第七修正案：在普通法的案件中，对争议金额超过20美元的案件，保留“让陪审团进行审判”的权利。在非陪审团审理的案件中，将在联邦法庭进行复核，复核时并不依据普通法规则。

Amendment VIII : Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

修正案第八条：不得要求提供额外的保释金，不得处以超额的罚款，不得进行残忍的或非常的惩罚。

Amendment IX : The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

第九修正案：本宪法对某些权利的列举，不得被解释为否定或忽视由人民保留的其他权利。

Amendment X : The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

第十修正案：没有被宪法赋予联邦的权利，或者并未由宪法禁止授予各州的权利，由各州及其人民自主保留。

While the Bill of Rights created no deep challenge to federal authority, it did respond to the central Anti-Federalist fear that the Constitution would unleash an oppressive central government too distant from the people to be controlled.

虽然《权利法案》没有对“联邦权威”提出深刻的挑战，但它确实回应了“反联邦主义者”的核心担忧，即，宪法将释放一个距离人民太远而无法控制的压迫性中央政府。

By responding to this opposition and following through on the broadly expressed desire for amendments that emerged during the ratification process, the Bill of Rights helped to secure broad political support for the new national government.

A first major domestic issue had been successfully resolved.

通过回应这种反对意见，并贯彻批准过程中出现的广泛表达的“修正案”愿望，《权利法案》帮助新的国家政府，获得了广泛的政治支持。国内第一个重大问题，得以顺利解决。

The Bill of Rights remains an active force in contemporary American life as a major element of CONSTITUTIONAL LAW.

The meaning of its protections remains hotly debated.

For example, the privilege to bear arms to support a militia, which appears in the second amendment, produces significant political controversy today.

作为宪法的主要组成部分，《权利法案》仍然是当代美国生活中的积极力量。其保护的意義，仍然存在激烈争论。例如，第二修正案中出现的“携带武器以支持民兵”的特权，在今天引起了重大的政治争议。

More sweepingly, the extension of the Bill of Rights to protect individuals from abuse not only by the federal government, but also from state and local governments remains an unsettled aspect of Constitutional interpretation.

更广泛地说，扩展《权利法案》以保护个人免受联邦政府、州和地方政府的滥用，这仍然是宪法解释中尚未解决的一个方面。

Originally, the protections were solely meant to limit the federal government, but with the fourteenth amendment’s guarantee in 1868 that no state could deprive its citizens of the protections in the Bill of Rights this original view began to be expanded.
To this day the SUPREME COURT has not definitively decided if the entire Bill of Rights should always be applied to all levels of government.

最初，这些保护只是为了限制联邦政府，但随着1868年第十四修正案保证“任何州都不能剥夺其公民在权利法案中受到的保护”，这种原始观点开始扩大。迄今为止，最高法院尚未明确决定，整个权利法案是否应始终适用于各级政府。

3.2. 美国宪法第十四修正案

美国宪法第十四修正案：所有州皆不得制定或实施限制合众国公民之"特权"或"豁免权"之法律；不经正当法律程序，任何州皆不得剥夺任何人之生命、自由或财产；于州管辖范围内，不得拒绝给予任何人平等之法律保护。

注意, 这里包括了多个条款：公民权条款、特权或豁免权条款、正当程序条款和平等保护条款。

Header 1	Header 2
公民权条款	所有在合众国出生, 或归化合众国并受其管辖的人，都是合众国的和他们居住的州之公民。 1866年民权法案授予所有在美国出生的人美国公民身份，“不受任何外国势力的约束”。第39届美国国会提出了公民权条款的基本原则。制定美利坚合众国宪法第十四条修正案的立法者, 试图巩固美国宪法中的原则，以防止其被美国联邦"最高法院"推翻, 或被未来的"国会"废除。
特权或豁免权条款	
正当程序条款	正当程序条款, 禁止各州未经正当法律程序, 而剥夺任何人的生命、自由或财产。这一条款经联邦司法部门的应用，把权利法案中的大部分内容, 应用到了各州，并且要求各州的法律, 必须满足"实质性"和"程序性"的正当程序要求。
平等保护条款	平等保护条款, 要求各州对其管辖范围内的任何人, 以平等法律保护。

3.3. 第一任美国财长 Alexander Hamilton

新成立的美国联邦政府, 面临着如何偿还当时来说是天文数字的7900万美元内外债，新大陆正濒临经济崩溃的边缘。重建国家信用，创立金融体系，完善税收制度，保护自由市场，这是华盛顿政府面

临的最大的挑战。

独立战争结束后，汉密尔顿自学了三个月的法学课程就通过了律师资格考试，开始了律师行业。1784年，就在英军撤离纽约市的几个月后，汉密尔顿创建了“纽约银行”（今天的纽约梅隆银行），他亲自制定和起草了银行的章程，它是美国历史最悠久的银行。

历史学家们认为，虽然华盛顿疏于财经金融，但是任用汉密尔顿是华盛顿政府最大的成就。

汉密尔顿在报告中说，政府现在的债务是“自由的代价”。独立战争期间的资金来源不是靠征税，而是靠借债。其中，联邦政府的5400万负债是在国外发行的外债，2500万是各州政府向民间举借的内债。

管理债务最有效的办法，是设立专项资金，把固定份额的“税收”，拨进这个账户，用这些钱按时还本付息（用税收来还国债）。只有这样才能建立起良好的公共信用。有了信用，不但容易筹措到资金，借贷的成本也大大降低。

政府债券在金融市场上的流通，为所有的人提供了投资的机会，也为市场注入了极大的流动性，它将最终转化为财富和资本。

所以，公共信用不只是经济问题，它也是政治问题和社会问题。处理得好，“公共债务就是公共福祉”。

新国家诞生之前，由于邦联没有“征税权”，它无力偿还外债，很多州也无力偿还内债，美国政府毫无信用。为了扭转这个局面，解决方法是：

第一，联邦政府将以“海关税收”为抵押，承诺偿付所有现存公债的本金和利息。如有必要，联邦将征收“酿酒税”（“威士忌税”）。

第二，联邦政府将把各州还没有还清的债务“接收”过来，统一管理，统一偿还。

以上是报告的主要内容。

2月8日，众议院就此议题开始辩论。2月11日，麦迪逊发言，他表示反对汉密尔顿的第一条措施，也就是偿付债务的方法。汉密尔顿的计划很简单，那就是联邦政府向债券持有人兑现支付100%本金和利息，至于债券持有人的债券来源，政府不予问津。

因为各州的债务都是很多年前发行的，债券最原始的持有者，都是普通公民，特别是那些大陆军退伍老兵。当时，各州没钱给战士们发工资，只能用债券代替现金，承诺若干年后兑现。可是战后的经济一团糟，州政府财源吃紧，无法兑现债券。很多退伍老兵的生活难以为继，人们对州政府的信用大打折扣，债券价值为此而暴跌。在这种情况下，很多老兵和其他持有人，不得不以远远低于面额的价钱将债券出手，换取现金维持生活。

那些低价收购债券的投机家和银行家，这些债券持有者，他们期待政府最后能还债，联邦政府成立以后，这种投机活动变得异常活跃，有些投机家跑到偏远的农村，以低价把债券从老兵手中套出来，转手获利。麦迪逊认为：汉密尔顿的计划无疑使投机行为更猖獗，财富集中到少数人手中，这不利于社会公平。

对此，麦迪逊提出了自己的“区分”方案。他认为，投机者可以得到在汉密尔顿政策出台前，债券升值的利润，但仅此而已。政策出台后的所有利润，归原始持有者。简单地说，比如：一张100美元面

额的债券, 跌到50美元时, 原始持有者把它卖给了投机者。随着经济渐渐恢复, 债券涨到60美元。这时, 汉密尔顿的计划通过了, 债券金额又回到了面额的100美元, 因为政府要付100%面额。在这100美元中, 60美元付给现在的持有者(投机者), 因为他们拥有“合同的权利”; 40美元付给原始持有者(退伍老兵), 因为他们拥有“正义的权利”。

对此, 汉密尔顿反驳道: 第一、在各州政府无法兑现退伍老兵的薪水时, 投机者从退伍军人那里廉价得到债券, 在某种程度来说, 解决了退伍军人的燃眉之急, 但于此同时投机者们也承担着风险。市场原则是: 证券的购买者拥有获得未来一切收益的权利, 政府如果对此插手干涉, 就构成了对自由权和财产权的侵犯; 第二、即便真要执行麦迪逊的方案, 也是困难重重, 因为债券在此期间, 已经多次转手, 即便是政府为此花了大量人力、财力也无法做到麦迪逊所主张的“正义权利”。为此, 汉密尔顿的关于偿还债务方案得到了商界、银行界以及北方各州的赞同, 这些利益团体成了美国建国后最初的“院外游说团”, 他们向议员们不断兜售汉密尔顿的方案。2月20日, 众议院投票表决麦迪逊的“区分”议案, 众议院以36:13否决了麦迪逊的提议, 汉密尔顿在这个方案上获得了胜利。

但是汉密尔顿的“联邦政府接管各州债务”的议案, 在4月12日遭到了众议院31:29的微弱优势否决。在麦迪逊看来, 首先联邦政府接管所有的债务, 意味着将全国的债务均摊到各州身上, 这对南方各州, 特别是弗吉尼亚这样农业大州明显不利。

对战争期间的积累债务处理, 各州情况不同, 除了南卡罗来纳州以外, 弗吉尼亚和其他南方各州在战后迅速恢复了出口农作物, 很快付清了大部分债务。北方各州就不是这样了, 各州都欠着巨额债务, 举步维艰。而汉密尔顿的提议无异于将北方的债务转嫁到南方身上。

其次, 汉密尔顿的方案侧重于商业、银行业, 而没有将重心放在农业方面。1790年的美国是农业国, 90%的GDP来自农业, 95%的人口住在农村, 议员们的视野自然会面向广大的农庄, 尤其是南方各州。而汉密尔顿的方案明显有利于北方各州。这次国会的交锋标示着, “国父们”虽然在建国理念上曾经志同道合, 但是在治国策略上开始分道扬镳, 同时也加深了农业与工商业、南方与北方、联邦与州之间的裂痕, 这为后来的南北战争埋下了隐患。

汉密尔顿出任财政部长时为新国家定了四个目标: 一是提高公共信用; 二是健全海关管理; 三是完善税收制度; 四是建立中央银行。

他向国会提出建立海岸缉私队, 也就是后来的“海岸警卫队”。国会通过法案创建第一支武装缉私船队, 归财政部管。这项法案堵塞了走私渠道, 国家增加了关税收入。

汉密尔顿提出了要建立新大陆有史以来第一个相当于中央银行功能的“合众国银行”。当时, 美国没有统一的货币。虽然国会创立了美元, 但大家更愿用欧洲各国的货币。

汉密尔顿借鉴英国和荷兰的模式, 他的设想是建立中央银行的启动资金1000万美元, 政府出200万美元, 通过销售银行股票, 从私人那里融资800万美元。他认为这种模式运作高效, 虽有私人资本介入, 但是政府是大股东, 银行的决策以及运行都由政府执行。在汉密尔顿看来, 中央银行将成为维护公共信用的工具。
