

# The Constitution of the United States of America

## 美利堅合眾國憲法

一七八七年九月十七日憲法會議通過  
一七八九年四月三十日批准生效

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

### < 序文 >

我們美國人民，為了建立一個更完善的聯邦，樹立公平的司法制度，保障國內的治安，籌設共同防衛，增進全民福利，使我們自己和後代子孫，永享自由的幸福，乃制定並確立了這一部美國憲法。

### 第一條 < 立法 >

#### 第一項（國會）

憲法所授予之立法權，均屬於參議院與眾議院所組成之美國國會。

#### 第二項（眾議院）

眾議院以各州人民每二年選舉一次之議員組織之，各州選舉人應具該州眾議院議員選舉人所需之資格。

凡年齡未滿二十五歲，為美國國民未滿七年，及當選時非其選出

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 chuse 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

州之居民者，不得為眾議院議員。

眾議院議員人數及直接稅稅額應接美國所屬各州人口分配之。各州人口，包括所有自由民及服役滿相當期間之人，以及其他人民數額五分之三，但未被課稅之印第安人不計算之。人口之統計，應於美國國會第一次會議後三年內及此後每十年，依法律之規定舉行之。議員人數以每三萬人中選出一人為限，但每州最少應有議員一人。在舉行前項人口統計前，新罕布什爾州(New Hampshire)得選出三人，馬薩諸塞州(Massachusetts)八人，羅得島州(Rhode Island)及普洛威騰士墾植地(今羅得州之省會)一人，康涅狄克州(Connecticut)五人，紐約州(New York)六人，新澤西州(New Jersey)四人，賓夕爾法尼亞州(Pennsylvania)八人，德拉瓦州(Delaware)一人，馬里蘭州(Maryland)六人，佛吉尼亞州(Virginia)十人，北卡羅來納州(North Carolina)五人，南卡羅來納州(South Carolina)五人，喬治亞州(Georgia)三人。

任何一州所選議員中遇有缺額時，該州之行政機關應頒布選舉令以補足該項缺額。

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.

眾議院應選定該院議長及其他職員；並唯眾議院有提出彈劾之權。

### 第三項（參議院）

美國參議院由每州州議會選舉參議員二人組織之，參議員任期六年，每一參議員有一表決權。

參議員於第一次選舉後集會時，應儘可能平均分為三組。第一組參議員應於第二年年終出缺，第二組參議員於第四年年終出缺，第三組參議員於第六年年終出缺，俾每二年得有三分之一參議員改選。在任何一州議會休會期間，參議員如因辭職或其他情由而有缺額時，該州行政長官得於州議會下次集會選人補充該項缺額前，任命臨時參議員。

凡年齡未滿三十歲，為美國國民未滿九年，及當選時非其選出州之居民者，不得為參議員。

美國之副總統為參議院之議長，但除該院參議員可否同票時，無表決權。

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.

參議院應選舉該院之其他職員，遇副總統缺席或行使美國總統職權時，並應選舉臨時議長。

唯參議院有審判一切彈劾案之權，審判彈劾案時，全體參議員應宣誓或作代誓之宣言。美國總統受審時，最高法院院長應為主席。非經出席參議員三分之二之同意，不能判定任何人之罪責。

彈劾案之判決，以免職及剝奪享受美國政府榮譽或有責任，或有酬金之職位之資格為限。但被定罪者仍可受法律上之控訴、審訊、判決及處罰。

第四項（國會議員之選舉與國會之集會）

舉行參議員及眾議員選舉之時間、地點與方法，應由各州州議會規定之；但國會得隨時以法律制定或修改此類規定，關於選舉參議員之地點，不在此限。

國會每年至少應開會一次。除法律另定日期外，應於十二月第一個星期一集會。

### 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

### 第五項（國會會議之進行）

各議院應自行審查各該院議員之選舉，選舉結果之報告，及議員之資格。每院議員出席過半數即構成決議之法定人數。但不滿法定人數時得延期開會，並得依照各該議院所規定之手續與罰則強迫缺席之議員出席。

各議院得規定各該院之議事規則，處罰各該院擾亂秩序之議員，並得經議員三分之二之同意，開除議員。

各議院應設置其議會之議事錄，並應隨時將其紀錄刊布之，但各議院認為應守秘密之部分，不在此限。各議員對於任何問題之贊成與反對投票，經出席議員五分之一之請求，應載入紀錄。

在國會開會期內，每議院如未經他議院之同意不得延會三日以上，亦不得將兩議院之開會地點移於他所。

### 第六項（議員之權利）

參議員與眾議員應得服務報酬，由法律規定其數額，並從美國國庫支付之。兩院議員，除犯有叛逆罪、重罪及妨害治安之罪者外，在各該院開會期間及往返於各該院之途中，不受逮捕，各該院議員

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

不因其在議院內所發表之言論而於議院外受詢。

無論參議員或眾議員，於當選之任期內，均不得受任為美國政府所新設或當時增加薪俸之任何文官。凡在美國政府下供職之人，於其任職時不得為國會議員。

#### **第七項（法案與決議案）**

徵稅法案應由眾議院提出，但參議院對之有提議權及修正權，與其對其他法案同。

凡眾議院及參議院所通過之法案，於成為法律前，應咨送美國總統，總統如批准該法案，應即簽署之，否則應附異議書，交還提出法案之議院。該院應將該項異議書詳載於議事錄，然後進行覆議。如經覆議後，該院議員有三分之二人數同意通過該項法案，應即將該法案及異議書送交其他一院，該院亦應加以覆議，如經該院議員三分之二人數亦認可時，該項法案即成為法律。但遇前項情形時，兩院應以贊成與反對之人數表決，贊成或反對該項法案之議員姓名並應登記於

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;

各該院之議事錄。如法案於送達總統後十日內(星期日除外)未經總統退還,即視為總統簽署,該項法案成為法律;惟國會因休會致該項法案不獲交還時,該項法案不得成為法律。

凡必須經參議院及眾議院同意之命令或決議或表決,(休會之問題除外)應咨送美國總統。該項命令或決議或表決於發生效力前,應經總統批准,如總統不批准,應依照與法案有關之規則與限制,由參議院及眾議院議員三分之二人數再通過之。

#### **第八項(國會之權限)**

國會有左列各項權限:

- 一、規定並徵收所得稅、間接稅、關稅與國產稅,用以償付國債,並籌劃合眾國之國防與公益。但所徵各種稅收,輸入稅與國產稅應全國劃一。
- 二、以美國之信用借貸款項。
- 三、規定美國與外國、各州間及與印第安種族間之通商。

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,

四、規定全國一律之歸化法規及破產法。

五、鑄造貨幣，釐定國幣及外幣之價值，並規定度量衡之標準。

六、制定關於偽造美國證券及通用貨幣之罰則。

七、設立郵政局並建築郵政道路。

八、對於著作家及發明家保證某著作作品及發明物於限定期間內享有專利權，以獎進科學文藝。

九、設立最高法院以下之法院。

十、明定及懲罰在公海上所犯之海盜罪與重罪，及違反國際法之犯罪。

十一、宣戰、頒發捕獲敵船許可證，並制定關於陸海捕獲之規則。

十二、徵召並供應陸軍，但充作該項用途之預算，不得超過二年。

十三、設立並供應海軍。

十四、制定陸軍海軍之組織及管理法則。

十五、規定招集國民兵以執行美國之法律，鎮壓內亂，並抵禦外侮。

十六、規定國民兵之組織、武裝與訓



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; --And

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

練，並指揮管理受召而服務於美國之國民兵團，惟任命長官及依照國會所定法律以訓練國民兵之權，由各州保留之。

十七、對於經州讓與且經國會承受，用充美國政府所在地之區域(其面積不得超過十平方英里)行使完全之立法權。對於經州議會許可而購得之地方，用以建築要塞、軍火庫、兵工廠、船廠及其他必要之建築物者，亦行使同樣權利。

十八、為執行以上各項權力，或為執行本憲法授予美國政府或政府中任何機關或官員之權力，國會得制訂一切必要而適當之法律。

第九項(禁止國會行使之權力)

現有任何一州所允准予移入或准予販入之人，在一八 八年之前，國會不得禁止之。但對於其入境，得課以每人不得超過十元之稅金。

人身保護令狀之特權不得停止之。惟遇內亂外患而公共治安有需

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

要時，不在此限。

公權剝奪令或溯及既往之法律不得通過之。

人口稅或其他直接稅，除本憲法前所規定與人口調查統計相比例者外，不得賦課之。

對於自各州輸出之貨物，不得課稅。

任何商務條例或稅則之規定不得優惠某州商港而薄於他州商港。開往或來自某一州之船舶，不得強其進入或航出他州港口，或繳付關稅。

除法律所規定之經費外，不得從國庫中文撥款項。一切公款之收支帳目及定期報告書應時常公布之。

美國不得授予貴族爵位。凡在美國政府下受俸或任職之人，未經國會之許可，不得接受外國國王或君主所贈與之任何禮物、俸祿、官職或爵位。

#### **第十項（禁止各州行使之權力）**

任何州不得：加入任何條約、盟約或邦聯；頒發捕獲敵船許可狀；鑄造貨幣；發行信用票據；使用金銀幣以外之物，以作償還債務

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 it's 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

之法定貨幣；通過公權剝奪令，溯及既往之法律，或損害契約義務之法律，或授予貴族爵位。

無論何州，未經國會核准，不得對於進口貨或出口貨，賦課進口稅或出口稅，惟執行檢查法律上有絕對必要者，不在此限。任何一州，對於進口貨或出口貨所課之一切進口稅或出口稅之純所得應充作美國國庫之用；所有前項法律，國會得予修正與管理。

無論何州，未經國會核准，不得徵收船舶噸稅，不得於平時設立軍隊或戰艦，不得與他州或外國締結任何協定或契約，或交戰。但遭受實際侵犯或急迫之危險時，不在此限。

## 第二條 < 行政 >

### 第一項 ( 總統 )

行政權屬於美國總統。總統之任期為四年，副總統之任期亦同。總統與副總統，應依照左列程序選舉之。

各州應依照各州州議會所定程序選派選舉人若干名，其人數應與各該州所當選派於國會之參議員與眾議員之總數相等。但參議員或眾議員，或在合眾國政府不受俸或

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,

任職之人，不得被派為選舉人。

選舉人應集合於本州，票選二人，其中至少應有一人非選舉人同一州之居民。選舉人等應造具被選人姓名及每人所得票數之名冊，署名並證明之，封印後即以之送達美國政府所在地，逕交參議院議長。參議院議長應當參議院與眾議院全體議員之前，開拆所有證明書，然後計算票數。凡獲得選舉票最多，且該票數超過選舉人總數之半數者，當選為總統。如有一人以上獲得此項過半數並獲相等之票數時，眾議院應即投票選舉其中一人為總統；如無人獲得過半數，該院應以同樣方法從名單上票數最多之五名中選舉一人為總統。但選舉總統時，應由各州投票，每州之代表有一表決權。為此目的而舉行之眾院會議，其法定人數須達三分二之州所選出之眾議員出席，且須以諸州過半數為當選。凡於選出總統後，獲得選舉人所投票數最多數者即當選為副總統，但遇有兩人或兩人以上獲得相等之票數，參議院應投票選舉其中一人為副總統。

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

國會得決定選舉選舉人之時間及選舉人投票之日期。該日期須全國一律。

無論何人，除出生而為美國公民或在採行本憲法時即為合眾國之公民者外，不得當選為總統。凡年齡未滿三十五歲及居住於合眾國境內未滿十四年者，亦不得當選為總統。

如遇總統因免職、亡故、辭職，或不能執行總統之職權而去位時，由副總統執行總統職務。國會得以法律規定關於總統與副總統皆免職、亡故、辭職或無能力任職時，宣布應代行總統職權之官員，該官員代行總統職權，至總統之能力恢復或新總統選出時為止。

總統於任期內應受俸金，該項俸金於任期內不得增加或減少之。總統於任期內不得收受美國或任何州之其他俸金。

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

總統於執行職務前，應為左列之宣誓或代誓之宣言：「余謹誓(或宣言)以忠誠執行美國總統之職務，並盡余所能以維持愛護並保障美國之憲法。」

#### **第二項（總統之權力）**

總統為海陸軍大元帥，並為被徵至合眾國服務諸州國民兵之統帥；總統得令行政各部長官，以書面發表其與職務有關事項之意見。總統並有權對於違犯美國法律者頒賜減刑與赦免，惟彈劾案不在此限。

總統經參議院之咨議及同意，並得該院出席議員三分之二贊成時，有締結條約之權。總統提名大使、公使、領事、最高法院法官及其他未另作規定之美國官吏，經參議院之咨議及同意任命之。但國會如認為適當，得以法律將下級官員之任命權授予總統、法院或各部長官。

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

總統有權任命人員以補參議院休會期間所發生之缺額，惟該項任命應於參議院下次會議終結時滿期。

### 第三項（總統之立法權力）

總統應時時向國會報告美國國務情形，並以本人所認為必要而便宜之政策咨送於國會，以備審議。總統得於非常之時召集兩院或任何一院。遇兩議院對於休會期間意見不一致時，總統得命休會至其本人所認為適當之時間。總統接見大使及其他公使，注意一切法律之忠實執行，並任命美國政府一切官吏。

### 第四項（文官之彈劾）

總統、副總統及美國政府之文官，受叛逆罪、賄賂罪或其他重罪輕罪之彈劾而定讞時，應免除其職位。

## 第三條 < 司法 >

### 第一項（聯邦法院與法官）

美國之司法權，屬於一最高法

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

院及國會隨時制定與設立之下級法院。最高法院與下級法院之法官忠於職守者皆受保障，按期領受俸金，繼續服務期中並不得減少之。

第二項（聯邦法院之管轄權）

司法權所及之範圍：基於本憲法與美國各種法律，及根據美國各種權力所締結與將締結之條約而發生之通行法及衡平法案件；涉及大使、公使及領事之案件；關於海軍法及海事法管轄之案件；美國為當事人之訴訟；二州或諸州間之訴訟；一州與他州公民間之訴訟；不同州公民間之訴訟；同州公民間爭執不同州所讓與土地之訴訟；一州或其公民與外國或其公民或臣民間之訴訟。

關於大使、公使、領事及一州為當事人時之案件，最高法院有初審管轄權，對於前述其他一切案件，最高法院有關於法律及事實之上訴審管轄，但須依國會所定之例外與規則之規定。



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

一切罪案，除彈劾案外，應以陪審團審判之。該項審判應於發生該項罪案之州舉行之，但罪案非發生於任何州時，該項審判應在國會以法律所定之地點舉行之。

### **第三項（對美國之叛逆罪）**

背叛美國，僅包括與合眾國或其州進行戰爭，或依附、幫助及慰藉合眾國之敵人。無論何人，非經該案證人二人證明或經其本人在公開法庭自首，不受叛國罪判決。

國會有宣告處罰叛國罪之權，但公權之剝奪，不牽累犯罪者之後人，其財產之沒收，亦僅能於其生前為之。

## **第四條〈州與州之關係〉**

### **第一項（「完全之信賴與尊重」條款）**

各州對於他州之法律、紀錄與司法程序，應有完全之尊重與信任。國會得以一般法律規定該項法律，紀錄與司法程序之證明方法及其效力。

### **第二項（州際公民權）**

每州人民得享受其他各州人民之一切特權與豁免。

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

凡在任何一州被控犯有叛逆罪、重罪或其他罪案之人，逃出法外而在他州被尋獲時，應因其人所由逃出之州行政當局之請求，即被交出並移解至對該項犯罪有管轄權之州。

凡根據一州之法律應在該州服務或服工役者，逃往他州時，不得因逃往州之任何法律或條例而解除其服務或勞役，應因有權要求服役之州之請求，將其人交出。

### 第三項（准許新州加入）

國會得准許新州加入本合眾國；但新州不得建立於他州轄境之內；未經關係州州議會及國會之許可，亦不得併含兩州或兩州以上或數州之一部分以建立新州。

國會有權處分並制定關於美國所有之土地或其他財產之必要規則與條例。本憲法之規定，不得為損害合眾國或某一州之權利之解釋。

### 第四項（保證共和政體）

美國應保證全國各州實行共和

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

政體、保護各州不受外來之侵犯，並應因州議會或州行政機關(當州議會不能召集時)之請求而平定州內暴亂。

### 第五條 < 修憲程序 >

國會遇兩院議員三分之二人數認為必要時，或諸州三分之二之州議會之請求而召集修憲會議，得提出本憲法之修正案。以上兩種情形中之任何一種修正案，經各州四分之三之州議會或經修憲會議四分之三絕對多數批准時，即認為本憲法之一部而發生效力。至採用何種批准之方法，由國會提議之。惟在一八一八年前所制定之修正案，無論如何，不得影響本憲法第一條第九項第一、第四兩款之規定，無論何州，如未經其同意，不得剝奪其在參議院中之相等之表決權。

### 第六條 < 聯邦法律之最高性 >

本憲法通過前所訂之債務與所立之契約，本憲法承認其對美國之效力，與在邦聯時代相同。

本憲法與依據本憲法所制定之

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.

## **Amendments to the Constitution of the United States**

### **Amendment I (1791)**

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

美國法律, 及以美國之權力所締結或將締結之條約, 均為全國之最高法律, 縱與任何州之憲法或法律有所抵觸, 各州法院之法官, 均應遵守而受其約束。

前述之參議員與眾議員、各州州議會議員及合眾國與各州所有行政官與司法官應宣誓或宣言擁護本憲法; 但宗教條件則永不能為美國政府下任何官職或公共職務之資格限制。

### **第七條 < 憲法之批准 >**

經九州州會議批准後, 本憲法應即成立。在批准本憲法之各州內亦即發生效力。

## **美國憲法增修條文**

**第一條 (宗教、言論、出版、集會及請願自由。1791.12.15 生效)**

國會不得制定關於下列事項之法律: 設立宗教或禁止信教自由; 限制或削奪人民言論及出版之自由; 削奪人民和平集會及向政府請

redress of grievances.

### **Amendment II (1791)**

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 (1791)**

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 (1791)**

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 (1791)**

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

願救濟之權利。

第二條（備有及佩帶武器之權力。1791.12.15 生效）

紀律嚴明之民團，為保障每一自由州之治安所必需，故不得侵害人民攜帶武器之權利。

第三條（不得任意駐軍於民房。1791.12.15 生效）

未經屋主之許可，不得於平時駐紮軍隊於民房，除依法律所規定之手續外，亦不得於戰時在民房駐紮軍隊。

第四條（人民不受無禮之搜索與扣押。1791.12.15 生效）

人民有保護其身體、住所、文件與財物之權，不受無理拘捕、搜索與扣押，並不得非法侵犯。除有正當理由，經宣誓或代誓宣言，並詳載搜索之地點、拘捕之人或收押之物外，不得頒發搜索票、拘票或扣押狀。

第五條（個人在民事與刑事案件上之權利。1791.12.15 生效）

非經大陪審團提起公訴，人民不受死罪或其他不名譽罪之審判，但戰時或國難時期服現役之陸海軍或國民兵所發生之案件，不在

danger; nor shall any person be subject for the same offense 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 (1791)**

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 (1791)**

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 (1791)**

Excessive bail shall not be required, nor excessive fines imposed,

此限。同一罪案，不得令其受兩次生命或身體上之危險。不得強迫刑事罪犯自證其罪，亦不得未經正當法律手續剝奪其生命、自由或財產。非有公正賠償，不得將私產收為公用。

第六條（聯邦刑事訴訟程序中被告之權利。1791.12.15 生效）

在一切刑事訴訟中，被告應享受下列之權利：發生罪案之州或區域之公正陪審團予以迅速之公開審判，其區域當以法律先確定之；要求通知告發事件之性質與理由；准與對造證人對質；要求以強制手段取得有利於本人之證人，並聘請律師為之辯護。

第七條（民事訴訟之陪審制。1791.12.15 生效）

在普通法上之訴訟，其訴訟標的超過二十元者，仍保留其由陪審團審判之權。陪審團所判定之事實，除依普通法之規則外，不得於美國任何法院中再加審理。

第八條（不得要求超額保證金或處以過重刑罰。1791.12.15 生效）

nor cruel and unusual punishments inflicted.

在一切案件中，不得需索過多之保證金，亦不得科以過重之罰金，或處以非常殘酷之刑罰。

### **Amendment IX (1791)**

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

第九條（人民所保留之權利。1791.12.15 生效）

本憲法列舉各種權利，不得解釋為否認或取消人民所保有之其他權利。

### **Amendment X (1791)**

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.

第十條（州權利之保留。1791.12.15 生效）

本憲法所未授予美國政府或未禁止各州行使之權限，皆保留於各州或其人民。

### **Amendment XI (1798)**

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

第十一條（各州之訴訟豁免權。1795.2.7 生效）

美國之司法權，不得受理他州公民或外國公民或外國臣民控訴美國任何一州之普通法或衡平法之訟案。

### **Amendment XII (1804)**

The electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of

第十二條（總統選舉。1804.6.15 生效）

選舉人應集合於本州，投票選舉總統與副總統，其中至少應有一人非選舉人同住一州之居民；選舉人應於票上書明被選為總統之人名，並於另一票上書明被選為副總統之人名。並分別造具被選為總統

all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists 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 for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, 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. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice- President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-

總統。被選為副總統之人名及每人所得票數之名單，各該項名單應由選舉人簽署並證明之，封印後即以之送達美國政府所在地，逕交參議院議長。參議院議長應當參議院與眾議院全體議員之前，開拆所有證明書，然後計算票數。凡獲總統選舉票最多者即當選為總統，惟其票數須為選舉人總數之過半數。無人獲得此項過半數時，眾議院應從被選為總統之名單上得票比較多數之前三名，投票選舉一人為總統。依據此項手續選舉總統時，應由各州投票，每州代表合投一票，選舉總統之法定人數，應有三分之二州之眾議員出席。以各州之過半數為當選。如眾議院有選舉總統之權而於次年三月四日尚未選出總統時，則副總統執行總統職務，一如總統亡故或憲法所規定其他不能視事之情形然。得副總統選舉票最多者即當選為副總統，惟該項多數應為所有選舉人總數之過半數。如無人獲得此項過半數，參議院應從名單上得票比較多數之首二名，選舉一人為副總統。選舉副總統之法定人數由參議員三分之二人數組成，且須全體參議員之過半數為當選。憲法規定無資格當選為總統者，亦不得當選為美國副總統。



President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

### **Amendment XIII (1865)**

#### **Section 1.**

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

#### **Section 2.**

Congress shall have power to enforce this article by appropriate legislation.

### **Amendment XIV (1868)**

#### **Section 1.**

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities

第十三條（奴隸制度。1865.12.6 生效）

第一項（禁止奴隸制度）

美國境內或屬美國管轄區域之內，不准有奴隸制度或強迫勞役之存在。但因犯罪而被判強迫勞役者，不在此限。

第二項（國會有權立法執行）

國會有制定適當法律，以執行本條之權。

第十四條（公民之政治權利與民權。1868.7.9 生效）

第一項（公民之權利）

凡出生或歸化於美國並受其管轄之人，皆為美國及其所居之州之公民。無論何州，不得制定或執行損害美國公民特權或豁免權之法

of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

**Section 2.**

Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty- one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

**Section 3.**

No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer

律;亦不得未經正當法律手續使任何人喪失其生命、自由或財產;並不得否定管轄區內任何人法律上平等保護之權利。

第二項 (眾議員之比例分配)

各州之眾議員人數,應按其人口分配之,除不納稅之印第安人外,此項人口數目包括每州人口之總數。各州之男性居民,除因犯叛國或其他罪不計外,年滿二十一歲且為美國公民者,其選舉美國總統與副總統之選舉人,國會議員,一州之行政官,或該州州議會議員之權利被否定時,該州眾議員人數,應按該州男性公民總數與該州年達二十一歲之男性公民人數之比例而核減之。

第三項 (剝奪其擔任聯邦政府官員之資格)

凡為國會議員、美國官員、州議會議員或州之行政官或司法官而曾宣誓擁護美國憲法者,如曾對美國作亂謀叛,或幫助或慰藉美國之敵人時,不得為國會參議員或眾

of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

#### **Section 4.**

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

#### **Section 5.**

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

### **Amendment XV (1870)**

#### **Section 1.**

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

議員，或總統與副總統之選舉人，或在美國之政府或在任何一州政府任文官或武官官職。但該項公權得由國會中每院三分之二之投票表決恢復之。

#### 第四項（公共債務之有效性）

凡經法律認可之美國公債，包括為支付有功於平定內亂或叛逆者之養老金與獎勵金所負之國債，不得否認之。但美國或任何一州皆不得承擔或償付為資助對美國作亂或謀叛所負之債務；亦不得因奴隸解放而要求損失或補償；所有各該項債務與要求，應認為非法而不發生效力。

#### 第五項（國會有權立法執行）

國會有制定適當法律以執行本條之權。

#### 第十五條（投票權。1870.2.3 生效）

##### 第一項（黑人投票權）

美國或其任何一州，對於美國任何公民之投票權，不得以種族、膚色或曾為奴隸而否定或剝奪之。

**Section 2.**

The Congress shall have power to enforce this article by appropriate legislation.

**Amendment XVI (1913)**

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census of enumeration.

**Amendment XVII (1913)**

**Section 1.**

The Senate of the United States shall be composed of two Senators from each state, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

**Section 2.**

When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies: Provided, that the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

**Section 3.**

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it

第二項（國會有權立法執行）

國會有制定適當之法律以執行本條之權。

第十六條（國會有徵所得稅之權。1913.2.3 生效）

國會有權賦課並徵收任何收入之所得稅，該稅不必分配於各州，亦不必根據戶口調查或統計。

第十七條（參議員之普選。1913.4.8 生效）

第一項（普選）

美國參議院以每州人民選舉二位參議員組織之。參議員各有一表決權，其任期為六年，各州選舉人應具州眾院議員選舉人所需之資格。

第二項（填補缺額）

任何一州所選參議院議員中遇有缺額時，該州之行政官長得頒布選舉令以補該項缺額。惟任何州州議會得授權於行政官長，在人民依州議會之命令舉行選舉前，任命臨時議員。

第三項（生效日期）

本增修案於本條被批准為美國憲法之一部分而發生效力前所選

becomes valid as part of the Constitution.

### **Amendment XVIII (1919)**

#### **Section 1.**

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

#### **Section 2.**

The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.

#### **Section 3.**

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the states by the Congress.

### **Amendment XIX (1920)**

#### **Section 1.**

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

出各參議員之選舉或任期，不發生影響。

第十八條(禁酒。1919.1.16 生效)

第一項(禁酒)

自本條批准一年後，凡在美國及其管轄之土地區域內，製造、售賣或轉運酒類飲料者，均應禁止。其輸入或輸出於美國及其管轄土地者，亦應禁止。

第二項(國會與州有權立法執行)

國會與各州均有制定適當法律以執行本條之權。

第三項(本條生效之時間限制)

本條除依照本憲法規定經各州州議會於國會將本條提交各州之日起七年內，批准為本憲法之修正案外，不發生效力。

第十九條(婦女投票權。1920.8.18 生效)

第一項(婦女投票權)

美國或各州不得因性別關係而否定或剝奪美國國民之投票權。

**Section 2.**

Congress shall have power to enforce this article by appropriate legislation.

**Amendment XX (1933)**

**Section 1.**

The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

**Section 2.**

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

**Section 3.**

If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring

第二項（國會有權立法執行）

國會有制定適當法律以執行本條之權。

第二十條（跛鴨官員之任期。

1933.1.23 生效）

第一項（官員任期）

在本案未修改前，總統與副總統之任期，應於任期屆滿之年一月二十日午時終止，參議員與眾議員之任期於原定任期屆滿之年一月三日午時終止。其繼任者之任期即於同時開始。

第二項（國會之集會）

國會每年至少應開會一次。除國會以法律另定日期外，該項會議應於一月三日午時開始。

第三項（總統職位之繼承）

如總統當選人在規定接任日期以前身故，副總統當選人應繼任為總統。如規定之總統接任日期已屆而總統尚未選出，或當選之總統不合資格，則當選之副總統應代行總統職權，至總統合格時為止。如當選之總統與當選之副總統均未能合格，國會得以法律宣布應行代理總統職權之人，或代行總統職權者之選舉方法。該人應即依法代理總統職務，至總統或副總統合格時為

who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

**Section 4.**

The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

**Section 5.**

Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

**Section 6.**

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the date of its submission.

**Amendment XXI (1933)**

**Section 1.**

The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

止。

**第四項 (缺位之處理)**

國會得以法律規定下述情形發生時處理之辦法：眾議院於有權選舉總統而可選為總統之人中有人亡故時；參議院於有權選舉副總統而可選為副總統之人中有人死亡時。

**第五項 (生效日期)**

第一與第二兩項，應於本案已獲批准後十月十五日生效。

**第六項 (本條生效之時間限制)**

本條除經各州四分之三議會於國會提出本條之日起七年內，批准為美國憲法之修正案外，不發生效力。

**第二十一條(廢止禁酒 1933.12.5 生效)**

**第一項 (廢除禁令)**

美國憲法增修條文第十八條應即廢止。

**Section 2.**

The transportation or importation into any state, territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

**Section 3.**

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the states by the Congress.

**Amendment XXII (1951)**

**Section 1.**

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this article shall not apply to any person holding the office of President when this article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this article becomes operative from holding the office of President or acting as President during the remainder of such term.

**第二項（州之禁酒法令）**

凡將酒類飲料輸入任何一個訂有禁酒法律之州、領土或屬地，違反其法律而在該地交付或供該地使用者均應禁止。

**第三項（本條生效之時間限制）**

本條除依照本憲法之規定，經各州議會於國會將本條提交各州之日起七年內批准為本憲法之修正案外，不發生效力。

**第二十二條(總統任期 1951.2.27 生效)**

**第一項（兩任限制）**

任何人被選為總統者，不得超過兩任。任何人繼任為總統或代行總統之職權者，其期間如超過一任中兩年以上，任滿後僅能獲選連任一次。本條對於國會提出本修正案時之總統不適用之：本條對於施行時已繼任為總統或代行總統職權而補足原任期間者，亦不適用之。



**Section 2.**

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the date of its submission to the states by the Congress.

**Amendment XXIII (1961)**

**Section 1.**

The District constituting the seat of government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a state, but in no event more than the least populous state; they shall be in addition to those appointed by the states, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a state; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

**Section 2.**

The Congress shall have power to enforce this article by appropriate legislation.

**Amendment XXIV (1964)**

**Section 1.**

The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or

第二項（本條生效之時間限制）

本條除經各州四分之三之議會於國會提出本條之日起七年內批准為美國憲法之修正案外，不發生效力。

第二十三條（哥倫比亞特區選舉人票。1961.3.29 生效）

第一項（選舉人票之分配）

美國政府所在地哥倫比亞特區，應視同一州，依國會規定之方式，選派總統與副總統之選舉人。選舉人名額，相當於一州得選出國會參議員與眾議員之總數，但不得超出人口最少之州所選出之名額。哥倫比亞特區之選舉人，應視同州所選派之選舉人，附合於各州所選派之選舉人，共同選舉總統與副總統。特區之選舉人應於當地集會，以執行憲法修正案第十二條所規定之任務。

第二項（國會有權立法執行）

國會有權制定適當之法律以執行本條款。

第二十四條（聯邦選舉禁抽人頭稅。1964.1.23 生效）

第一項（聯邦選舉禁抽人頭稅）

美國或各州不得因未納人頭稅

Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any state by reason of failure to pay any poll tax or other tax.

**Section 2.**

The Congress shall have power to enforce this article by appropriate legislation.

**Amendment XXV (1967)**

**Section 1.**

In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

**Section 2.**

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

**Section 3.**

Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

或其他捐稅，而否定或剝奪美國國民在任何初選或選舉總統、副總統、國會參議員或眾議員之其他選舉中之投票權。

第二項（國會有權立法執行）

國會有制定適當法律以執行本條之權。

第二十五條（總統不能視事時副總統之職務。1967.2.10 生效）

第一項（副總統繼任為總統）

總統免職、死亡或辭職時，副總統應為總統。

第二項（副總統之提名與任命）

副總統一旦出缺，總統應提名一人為副總統，經國會兩院過半數議員投票同意後就任副總統職位。

第三項（總統辭職時由副總統代理）

一旦總統以書面遞交參議院臨時主席及眾議院議長聲明不能行使權力與執行職務時，由副總統代理總統職權，至相反之書面聲明送交參議院臨時主席及眾議院議長時為止。

#### Section 4.

Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is

第四項（副總統與內閣聲明總統不能行使職權）

一旦副總統與行政部門或國會得為法律規定之其他機構中之過半數主要官員以書面遞交參議院臨時主席及眾議院議長，聲明總統不能行使權力與執行職務時，副總統應立即代理總統職權。

嗣後，如總統以書面遞交參議院臨時主席及眾議院議長，聲明其不能行使權力與執行職務之原因已不存在而應復行視事時，除非副總統與行政部門或國會得為法律規定之其他機構中過半數主要官員於四日內以書面遞交參議院臨時主席及眾議院議長，聲明總統不能行使權力與執行職務，若在開會期中，國會應於四十八小時內集會對此一問題予以裁決；如國會於收到後一書面聲明二十一日內，或國會如不在開會期中，在必須集會之二十一日內，經兩院三分之二議員投票裁決總統不能行使權力與執行職務，由副總統繼續代理總統職權外；否則，總統應復行視事。

required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

### **Amendment XXVI (1971)**

#### **Section 1.**

The right of citizens of the United States, who are 18 years of age or older, to vote, shall not be denied or abridged by the United States or any state on account of age.

#### **Section 2.**

The Congress shall have the power to enforce this article by appropriate legislation.

### **Amendment XXVII (1992)**

No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened.

第二十六條（十八歲以上之公民投票權。1971.7.1 生效）

第一項（十八歲以上之公民投票權）

美國或任何一州不得因年齡而否定或剝奪十八歲以上美國公民之投票權。

第二項（國會有權立法執行）

國會有制訂適當法律以執行本條之權。

第二十七條（參眾議員報酬之限制。1789.9.25 國會通過，1992.5.7 批准生效）

變更參眾議員服務報酬之法律，在眾議員經過改選之前，不生效力。

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- 說明：1. 上揭美利堅合眾國憲法譯文經國民大會秘書處同意轉錄自該處出版之「世界各國憲法大全」乙書，譯者鄒文海先生。  
2. 各條項譯文所冠標題為本院所附加，主要參照傅崑成先生等十三人所編譯之「美國憲法逐條釋義」乙書。