

系級	法律學系碩士班 F 組(財稅法)	考試時間	100 分鐘
科目	法學英文	本科總分	100 分

※一律作答於答案卷上(題上作答不予計分)；並務必標明題號，依序作答。

I. Translation (English to Chinese) (30%)

1. Inauguration
2. Executive Order
3. The Civil War
4. Actual Malic
5. En Banc
6. Accountability
7. Stare decisis
8. Standing
9. Dissent
10. Commerce Clause
11. Symbolic Speech
12. Jeffersonian Democracy
13. Fighting Words
14. Liberalism
15. Compensation

II. Translation (Chinese to English) (20%)

1. 美國憲法
2. 程序性正當程序
3. 美國聯邦最高法院
4. 權利法案
5. 政治問題
6. 彈劾
7. 赦免
8. 減刑
9. 協同意見書
10. 批准

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III. Word Choice: Pick from the following words to fill the blanks (30%)

Convention, Founding, Virginia, Oaths, Union, Constant, Religion, Delegates, Utterances, Witness, Spirit, Consequences, Bible, Romans, Thirst,

_____1_____ are nearly an anthropological _____2_____ in human societies. They predated organized _____3_____, magical _____4_____ only later incorporated into systems of belief centered on divine beings and eventually a singular God. They were, in effect, self-curses: in an oath, wrote John Milton, “we call God to _____5_____ the truth of what we say, with a curse upon ourselves, either implied or expressed, should it prove false.”

Readers of the Baron de Montesquieu’s “The _____6_____ of Laws” — they cited no book but the _____7_____ more often than his — learned that “nothing bound [the _____8_____] more strongly to the laws” than did an oath, for which they would do more “than they ever would have performed for the _____9_____ for glory or for the love of their country.”

The _____10_____ generation believed that oaths have _____11_____, binding those who took them to a course of action. And so, in the summer of 1787 _____12_____ to the Constitutional _____13_____ knew from the outset that whatever they came up with would include oaths. The famous “_____14_____ Plan,” a 19-point checklist offered up as a starting point for debate, proposed that all governmental powers within the states “be bound by Oath, to support the articles of _____15_____.”

IV. Translation (English to Chinese) (20%)

In short, the framers believed that oaths mattered, and they were the only ones who could write it. No one wanted an all-powerful executive, but the idea of making the president “the mere creature of the Legislature,” in the words of Mason, was a “violation of the fundamental principle of good government.” So, Congress could not write the president’s oath — this one or any other. As Thomas Jefferson would write as he was preparing to take the oath in 1801, “it may be questionable whether the legislature can require any new oath from the president.” They have never tried.

(Quoted from “*This is why we have a presidential oath*,” by Kevin Butterfield. 此括弧內文字無需翻譯)