

國立高雄第一科技大學 100 學年度 碩士班 招生考試 試題紙

系 所 別：科技法律研究所

組 別：不分組

考科代碼：2352

考 科：英文

注意事項：

- 1、本科目不得使用電子計算器。
- 2、請於答案卷上規定之範圍作答，違者該題不予計分。

There are 15 multiple-choice questions and one essay question in the test. Please read these three paragraphs (A.B.C.) carefully before answering these multiple-choice questions. Good Luck!

A.

In the current liberal trade order monitored by the WTO, countries are striving for the reduction of trade barriers. However, countries are allowed to impose protectionist measures to defend against unfair trade. One such measure is antidumping. This dissertation examines whether antidumping can be used as a form of economic statecraft. If mere accusations of dumping (that is, the initiation of an antidumping case) have a negative impact on exports, then antidumping can be used intentionally by states to financially harm other states. To answer this, the centerpiece of this dissertation is an empirical study that uses a statistical ARIMA intervention transfer model to examine a 12-year export time-series of 191 products accused of being dumped by the United States. It finds that in almost ten percent of the cases, the mere initiation of antidumping investigations has produced negative effects on U.S. exports, confirming the notion that antidumping can be used as a form of economic statecraft. The study explores two additional research questions. First, have developing countries learned how to use antidumping cases against the United States? The statistical results indicate that developing countries have adapted to the system, successfully using antidumping initiations even against the hegemon. Although questions remain about whether states have engaged in genuine as well as tactical learning in using antidumping as a form of economic statecraft, the dissertation sets forth a research agenda for pursuing this issue. Second, the dissertation asks: What are the implications, if any, for hegemony in the current international economic system? According to one view, the negative effects of antidumping on trade can be interpreted as a form of discord in an international economic system that can survive

the end of hegemony. By contrast, they can also be seen as symbolizing the weakening of the liberal economic system due to the decline of the United States as its hegemon. In this and other ways, the dissertation represents a foundation for answering whether the chickens have learned how to come home to roost.

Please answer the following questions:

1. The verbal phrase “striving for” is equal to (1) declining to (2) working hard to (3) begging for (4) looking for (5%)
2. According to this paragraph, does the initiation of antidumping investigation by other countries have some bad influence to U.S. exports? (1) Yes, it does. (2) No, it doesn't. (3) It is not mentioned in this paragraph. (4) It is not clear. (5%)
3. The word “hegemon” means (1) power position with domination (2) a soft spot (3) the climax (4) a beneficiary (5%)
4. Which the following is described in this paragraph? (5%)
 - (1) The antidumping design is a perfect mechanism in WTO.
 - (2) The U.S. is still maintaining its hegemon in the word.
 - (3) The negative effects of antidumping are indicating the weakening of the liberal economic system.
 - (4) None of these answers described in this paragraph
5. The word “dissertation” is best described as (1) thesis (2) working project (3) discussion (4) legal opinion (5%)

B.

The US Constitution's Fourth Amendment protects “the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” In the 1928 case of *Olmstead v. United States*, the US Supreme Court addressed for the first time whether wiretapping a phone line violates this provision.

- 1 The Court's conclusions—that wiretapping involves no physical trespass onto personal property and therefore isn't a “search,” and that intangible conversations aren't “effects” that government agents can “seize”—proved less enduring than Justice Louis Brandeis's dissent in the case. Justice Brandeis argued that “every unjustifiable intrusion by the government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the Fourth Amendment.”
- 2 In effect, Justice Brandeis anticipated the privacy threats posed by emerging communications technologies. Observing that “the progress of science in furnishing the Government with means of espionage is not likely to stop with wire-tapping,” he argued that courts must “give effect to the principle underlying the Fourth Amendment” rather than placing an “unduly literal construction upon

it.”

- 3 Nearly 40 years after its decision in *Olmstead*, the Supreme Court essentially adopted Justice Brandeis’s approach. In *Katz v. United States*, the Court abandoned its focus on physical trespass as the trigger for Fourth Amendment protection and instead asked whether government surveillance techniques invade the privacy upon which we justifiably rely—a formula that soon evolved into the “reasonable expectation of privacy” test for what constitutes a search under the Fourth Amendment.

Please answer the following questions:

1. What is the correct statement with regard to 1928 case of *Olmstead v. United States* (5%)
 - (1) The conduct of wiretapping a phone line constitutes “search and seizure”.
 - (2) The conduct of wiretapping a phone line constitutes no search.
 - (3) Whether there is a physical intrusion has nothing to do with the issue of search.
 - (4) None of these answers is correct.
2. Justice Brandeis’ opinion in *Olmstead v. United States* is (1) the majority opinion (2) the dissenting opinion (3) the concurring opinion (4) the unanimous opinion (5%)
3. What is the new rule for judging “unreasonable search and seizure” in *Katz v. United States*? (5%)
 - (1) privacy (2) physical trespass (3) unduly literal construction theory (4) triggering theory
4. The word “invade” is similar to (1) incise (2) impose (3) include (4) infringe (5%)
5. Whose viewpoint finally prevails in the issue of “unreasonable search and seizure”? (1) Justice Brandeis (2) Justice O’Connor (3) Justice Steven (4) Justice Scalia (5%)

C.

Knowing what to do when meeting a prospective client for lunch, or going to lunch with the boss or colleague can be confusing at times. Here is a quick list of items to remember:

1. Being on time.

This sounds so commonsensical. The percentage of people being late is over 65 percent. Don't _____ your time to the last minute before leaving the office so you will be late.

2. Turn off your cell phone before entering the restaurant.

No one around you wants to hear your conversation. Even if you let it ring, it up and then take it outside. Did you leave your lunch companion alone? This is just plain rude.

3. If you are woman and this is business, it's appropriate now to stand up and shake the hand of a male.

This ____ the old rule of staying seated. If the meeting is for your spouse's business and you are coming along because other spouses are coming, then you stay seated as your spouse stands up.

4. Think of an opening statement to make as you are shaking hands.

This is part of your first ____, so make it good. Always use the guest's first name either at the beginning or at the end of the statement.

5. Who ____ the tab?

If you did the inviting, you are responsible for the check. No matter how more well-off they are. If a joint meeting, ask at the beginning or when scheduling the lunch on check splitting.

Please fill in the blanks within this paragraph:

1. (1) put (2) date (3) push (4) finish (5%)
2. (1) pick (2) throw (3) cut (4) do (5%)
3. (1) tunes up (2) takes up (3) overrides (4) beats up (5%)
4. (1) impression (2) baloney (3) hatchet (4) gloom (5%)
5. (1) put up with (2) comes up (3) messes up (4) picks up (5%)

Essay:

Please describe why you want to be admitted to the Graduate Institute of Science and Technology Law in National Kaohsiung First University of Science and Technology and how you would like to achieve in this program. (25%)