

國立交通大學 101 學年度碩士班考試入學試題

科目：英文(8201) (8211)

考試日期：101 年 2 月 18 日 第 3 節

系所班別：管理學院碩士在職專班

組別：科技法律組甲類、乙類 第 1 頁, 共 7 頁

【不可使用計算機】*作答前請先核對試題、答案卷(試卷)與准考證之所組別與考科是否相符!!

本試卷共有二十小題，每一小題為五分，共一百分。**請用答單作答。**
每一小題有四個選項，為單選題。答對一題得五分，**答錯倒扣二分**，未作答不給分。

第一大題：請選出最適當的答案填入空格內，以使句子完整。

1. Peter's sudden death was a great blow to Jane and it took her a long time to _____ the grief.
(A) put out (B) come across (C) get over (D) go round
2. The acronym FIFA _____ Federation Internationale de Football Association.
(A) stays for (B) sticks for (C) stands for (D) strikes for
3. The more one is _____ the English-speaking environment, the better he or she will learn the language.
(A) exposed to (B) filled in (C) caught on (D) kept up
4. Abel Lafleur created Jules Rimet statuette _____ gold _____ a base _____ semi-precious stones.
(A) with, in, of (B) by, in, with (C) with, on, of (D) in, on, of
5. The Titanic _____ in Belfast (Ireland).
(A) have built (B) was built (C) was being built (D) had been built
6. On the lifeboats there was _____ for half of the passengers.
(A) only enough room (B) enough room to only (C) enough room only (D) enough only room
7. Today's official World Cup trophy _____ the possession of the FIFA.
(A) remained (B) remains (C) is remaining (D) is remained
8. A: I'm afraid I _____ your invitation.
(A) may not accept (B) shouldn't to accept (C) must not accept (D) can't accept
B: Oh, that's a pity! I'm so sorry.

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第二大題：請選出最合適的句子。

9. Choose the correct statement.

- (A) Many people have computer phobia, that generates more unemployment.
- (B) Many people have computer phobia, which generates more unemployment.
- (C) Many people have computer phobia, that's why generates more unemployment
- (D) Many people have computer phobia, what generates more unemployment.

10. Which is the best sentence?

- (A) I've smoked, but I don't anymore.
- (B) I've been smoking, but I don't anymore.
- (C) I used to smoke, but I don't anymore.
- (D) I smoked, but I don't anymore.

11. How would you like your steak?

- (A) I like it very much.
- (B) No, thank you.
- (C) A slice, please.
- (D) Rare, please.

12. Don't you have the right change?

- (A) No, I only have two nickels.
- (B) Yes, I changed nickels for dimes earlier this morning.
- (C) No, let's change it here.
- (D) No, I don't want to look strange.

13. Sandra: I think watching TV is a waste of time. Most programs are stupid or boring.

Jack: _____. What about sports or the news? You watch those sometimes, don't you?

Sandra: Well, actually for the news, I prefer the newspaper.

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- (A) That's my opinion, too.
- (B) Well, I disagree.
- (C) I don't like channel surfing.
- (D) I hate all the TV commercials.

第三大題：閱讀測驗。請閱讀以下文章並回答後附問題

The True Costs of Privacy Invasion

New York Times Editorial, December 2, 2011

The Privacy Act of 1974 allows a person to sue a federal agency for intentionally disclosing personal, confidential information without permission. But the government is trying to limit the force of that law and make it harder to hold agencies accountable for such violations.

In *Federal Aviation Administration v. Cooper*, a case argued this week in the Supreme Court, the government contends that the statute allows a plaintiff to recover "actual damages" only for monetary losses, but not for emotional distress.

Stanmore Cooper brought the suit because in an exchange of data to identify medically unfit pilots, the Social Security Administration gave the Federal Aviation Administration confidential information that revealed that he was H.I.V.-positive and was receiving disability benefits. He was devastated when he learned of this revelation. He experienced anxiety, sleeplessness and other serious problems. He pleaded guilty to a misdemeanor for not disclosing his H.I.V. status to the F.A.A., but he sued the government for severe mental and emotional distress.

The Supreme Court held in 2004 that it is necessary to show actual damages in a lawsuit under the Privacy Act but did not say whether nonmonetary harm like emotional distress comes under that heading. In Mr. Cooper's case, the United States Court of Appeals for the Ninth Circuit ruled that it does. It found support in Congress's intent to provide relief for "any damages"; in the Supreme Court's view that in privacy cases "the primary damage is the mental distress from having been exposed to public view"; and in the law in seven other federal circuits.

The government, however, contends that the statute does not explicitly allow damages for emotional distress claims. To counter this argument, Justice Ruth Bader Ginsburg pointed out that "the person who is subject to this, to this embarrassment, this humiliation, doesn't have out-of-pocket costs, but is terribly distressed, nervous, anxious, and all the rest." If Congress did not intend to allow damages for emotional distress, she said, "Then maybe Congress shouldn't have passed this statute."

The government's restricted interpretation would gut the point of the Privacy Act, and in too many

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cases would allow agencies to act improperly with impunity.

14. According to the view of the government, which of the following should be awarded to Stanmore Cooper in this litigation?

- (A) Actual monetary losses
- (B) Actual Mental distress
- (C) Punitive damages
- (D) Attorney fee

15. What type of personal information was released in Mr. Cooper's case?

- (A) Age
- (B) Sexual orientation
- (C) Gender
- (D) Disease

16. In the view of Justice Ginsburg, why actual damages in privacy invasion cases should include emotional distress?

- (A) The plaintiff is afflicted with out-of-pocket losses.
- (B) Anxiety, sleeplessness and other emotional distress are the primary damage that plaintiff suffers in this type of cases.
- (C) In enacting the statute, Congress was clearly conscious of the fact that emotional distress is the main damage inflicted in privacy invasion cases.
- (D) If Congress did intend to allow damages for emotional distress, Congress would have done so explicitly in the statute.

第四大題：閱讀測驗。請閱讀以下文章並回答後附問題

How to Fix California's Democracy Crisis

By James S. Fishkin

New York Times, October 10, 2011, Stanford, Calif.

ONE hundred years ago today, California voters added the ballot initiative to the State Constitution, allowing citizens to use petitions to bring proposed statutes and constitutional amendments for a

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public vote.

But as California, the nation's most populous state, marks this anniversary, the accumulated impact of direct democracy has made it virtually ungovernable. A two-thirds vote was required in each chamber of the Legislature to approve new taxes as a result of Proposition 13, the fabled tax initiative adopted in 1978. Ballot-box budgeting locks in large portions of the budget; Proposition 98, passed in 1988, dedicates about 40 percent of the state's general fund to public education.

The "three strikes" law (Proposition 184, passed in 1994) greatly increased the cost of the criminal justice system. Term limits (Proposition 140, adopted in 1990) have reduced the number of state legislators with significant experience. Finally, once a measure is passed by a vote of the people in California, it cannot be overturned by the Legislature, but only by another vote of the people (or by the courts).

Direct democracy in California was born in the hopes of bringing the people into the governance process, but it has led to a kind of audience democracy. Voters have become consumers of television sound-bite campaigns and new-media messaging, not authors of the laws they give to themselves. It was supposed to take the role of money out of politics but it has, instead, created a vast appetite for advertising. Getting on the ballot costs millions of dollars to pay for professional signature gatherers because the threshold of signatures required is so high (5 percent of the number of voters who turned out in the last election for statutes, and 8 percent for constitutional amendments). So instead of the process being open to everyone, it is open mostly to those organized interests that can pay the entrance fee.

But the cure for the ills of democracy can be more democracy. Ballot measures have been approved in an attempt to address partisan gridlock — the "top two" primary system (in which the top two primary vote-getters advance to the general election, even if they are from the same party) and redistricting with a citizens commission (both for the State Legislature and Congressional districts). The public has an appetite for major reforms. It understands the state is not working.

The public complains about the lack of transparency in initiatives, often wondering what interests are really financing a proposal or the opposition to it. It complains about the complexity of propositions, sometimes not being clear what a no vote or a yes vote really means. And it complains about the torrent of ads, often misleading, untrue or sensational. Lastly, voters complain about not really knowing what a proposal will cost and how it will be paid for.

My colleagues and I heard all of these concerns when we gathered a scientific sample of more than 400 of the state's registered voters in Torrance over the weekend of June 24-26, to discuss the ballot initiative and other elements of California governance. Our project, known as What's Next California?, was the first statewide deliberative poll — a poll that gathers a scientific sample of respondents to answer questions both before and after they have had a chance to deliberate competing arguments and

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trade-offs. It provides a window on what voters think of direct democracy and what changes they would, and would not, support. Despite the evident problems, California voters have more confidence in the ballot initiative than they do in other elements of their state government. After spending a weekend immersing themselves in the issues and questioning competing experts about possible reforms, 65 percent of the sample expressed disappointment with California's state government in general and 70 percent expressed disappointment in the Legislature, but only 37 percent were disappointed in the ballot initiative.

They do think the system needs reform, but in many cases not the reforms championed by policy elites. The popularity of proposals to involve the Legislature in the initiative process sank once voters in our poll discussed their implications. After deliberating, they did not want the Legislature to be able to place a counter-measure on the ballot or to amend an initiative that has passed, or even to remove an initiative from the ballot by enacting it into law. They held the Legislature in low regard (at an approval rate of only 14 percent). They viewed the ballot initiative as "the people's process," and they wanted the Legislature to keep its hands off it. . . .

James S. Fishkin, a professor of communication and the director of the Center for Deliberative Democracy at Stanford University, . . .

Correction: October 11, 2011

An earlier version of this article contained an outdated reference to California's budget process. Under Proposition 13, a tax initiative adopted in 1978, a two-thirds vote was required in each chamber of the Legislature to approve new taxes and the state budget. However, a separate initiative, Proposition 25, adopted last year, replaced the two-thirds requirement for budget approval with a simple majority requirement.

17. According to this essay, which of the following is **not** the negative implication that direct democracy brings to California?
- (A) Locking in large portions of the budget to public education.
 - (B) Two-thirds vote was required in each chamber of the Legislature to approve new taxes.
 - (C) The "top two" primary system, in which the top two primary vote-getters advance to the general election, even if they are from the same party.
 - (D) Substantially increasing the cost of the criminal judicial system.
18. Which of the following is an unexpected result of the direct democracy in California?
- (A) Bringing the people into the governance process of the state.

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(B) Most people in California have lost confidence in direct democracy.

(C) Californians want the Legislature to be able to amend an initiative that has passed, or to remove an initiative from the ballot by enacting it into law.

(D) Further strengthening the role of money in state politics.

19. Which of the following is **not** the complaint that the public already put forth concerning the ballot initiative system?

(A) The lack of transparency in initiatives.

(B) The complexity of initiatives on the ballot.

(C) Only a yes or no could be voted at the ballot.

(D) Not really knowing what a proposal will cost and how it will be paid for.

20. What is an important finding of the author in his research project?

(A) Most people in California have lost confidence in direct democracy.

(B) California voters have more confidence in other elements of the state government than they do in the ballot initiative system.

(C) The popularity of proposals to involve the Legislature in the direct democracy process decreased once voters have in-depth discussion on their possible implications.

(D) Voters think the ballot initiative system needs drastic reforms, which shall be carefully structured and deliberated by true experts.