

# 【法學英文】：模擬測驗練習第一回

張瑋心副教授命題

文章閱讀：軍法專刊第 60 卷第 6 期「從同志婚姻反思平等保護權」

## 【專用語彙】

1. 捍衛婚姻法案：Defense of Marriage Act (DOMA)
2. 性別：gender
3. 較嚴格的審查標準：heightened scrutiny; intermediate scrutiny
4. 司法部門：Department of Justice (DOJ)
5. 合理基礎審查標準：rational basis standard
6. 性傾向：sex orientation
7. 準可疑分類：quasi-suspect class
8. 請求上級法院審查之移審令：certiorari
9. 正當法律程序條款：Due Process Clause
10. 所欲保護的自由：The liberty protected
11. 生命、自由、財產：life, liberty, and property
12. 政府的公權力：the police power
13. 基本權：fundamental rights
14. 迫切的國家利益：compelling governmental interest
15. 嫌疑類別：suspect class
16. 種族：race
17. 可疑分類：suspect classifications
18. 一個被分離與隔絕的少數：a discrete and insular minority
19. 具有不可改變的特徵：with an immutable characteristics
20. 一段遭受歧視的歷史：a history of suffering discrimination
21. 仔細考慮：narrowly-tailored
22. 優惠性差別待遇；正面、積極、扶持的行動措施：affirmative action
23. 逆向歧視：reverse discrimination
24. 直接相關：directly related

25. 合理相關：reasonably related
26. 事實上：de facto
27. 法律上：de jure
28. 平等保護條款：equal protection clause
29. 恣意性：arbitrary
30. 惡意性：invidious
31. 平等適用：equal application
32. 種族分類：racial classification
33. 權力分立原則：doctrine of separation of powers
34. 司法審查基準：standards of judicial review
35. 不合理：unreasonable
36. 不允許的：impermissible
37. 恣意：arbitrary
38. 任意：capricious
39. 顯然違反法律規定：manifestly contrary to the statute
40. 允許的：permissible
41. 執行法律的任務：task of enforcement
42. 白人至上：White Supremacy
43. 成年依存伴侶：adult interdependent

### 【模擬測驗】

1. When the Court believes a fundamental right is at stake, the government's action in depriving someone of it is judged with what is called: (A) strict scrutiny (B) intermediate scrutiny (C) rational basis test.
2. The Supreme Court has determined that laws impacting on women and illegitimate children are to be judged by (A) strict scrutiny (B) intermediate or heightened scrutiny (C) rational basis test.
3. Classifications involving race and ethnicity receive A) strict scrutiny (B) intermediate or heightened scrutiny (C) rational basis test.
4. For other rights, such as regulation of wages, hours, and working conditions involved in *Lochner* case, the Court now applies what test? (A) strict scrutiny (B) intermediate Lochner case, the Court now applies what test? (A) strict scrutiny (B) intermediate scrutiny (C) rational basis test.