

關鍵詞英中索引

A

- abrogation of a treaty (廢止條約) 137
- a case in law or equity
(普通法或衡平法上的個案) 100
- acts of Congress granting jurisdiction
(司法管轄之立法分配權) 56
- Age Discrimination in Employment Act
(就業年齡歧視法) 185
- a matter of public (公共事務) 59
- a reasonable time, place, or manner
restriction of expression
(對於表現自由合理之時間、
地點及方式之限制) 354
- a superior, paramount law (最高法) 37
- abatement (排除) 303
- abortion right (墮胎權) 203
- abortion (墮胎) 193
- abridge free speech (限縮言論自由) 345
- actual damages (實際損害) 320
- actual injury redressed by the court
(可獲法院補償之實際損害) 73
- actual malice (惡意) 338
- adequacy and independence of state law
(充分而獨立之州法) 111
- adequate and independent state grounds
(充分而獨立之州法基礎) 111
- administrative appeal (訴願) 288
- administrative convenience
(行政便利) 147
- adversary proceeding
(辯論式訴訟程序) 314
- advertising of casino gambling
(賭場廣告) 331
- affirmative defense (免責抗辯) 241, 246
- age discrimination (年齡歧視) 185
- agency law (代理法則) 234
- alimony (贍養費) 169
- alternative (替代方案) 293
- altitude (高度) 281
- Amendment to Constitution
(憲法修正案) 173
- appellate jurisdiction
(上訴(審)管轄權) 36,103
- apportionment (分配) 130
- association (社團) 83
- automatic liability (自動法律責任) 241
- avoiding intrafamily controversy
(避免家庭內部爭議) 144

B

- Bill of Attainder Clause
(剝權法案條款) 293
- bona fide occupational qualification
(真誠職業資格) 185
- bona fide seniority system
(真誠的年資制度) 185
- broadcast coverage of criminal trials
(刑事審判報導) 326

C

- case and controversy (個案和爭議;
案件與爭議) 73, 100, 103; 97

- case-and-controversy doctrine
 (個案與爭議原則) 63
- case or controversy (個案或爭議) 83, 92
- "case or controversy" requirement
 (「個案與爭議」要件) 70
- citizen standing
 (公民訴訟當事人適格) 70
- citizenship (公民權) 258
- citizen-soldier program
 (公民/軍人課程) 160
- civil servant (公務員) 288
- civility code (禮貌準則) 237
- class action (集體訴訟) 108
- classified information
 (經保密之資訊) 320
- clear and convincing evidence
 (明顯而令人信服的證據) 249
- close/strict judicial scrutiny
 (嚴密/嚴格的司法審查) 147
- commercial speech (商業言論) 331
- compensation (補償) 281
- compulsory retirement (強制退休) 185
- conclusive discretion (專屬裁量) 36
- concrete injury (具體損害) 70
- conflict-of-interest (利益衝突) 293
- congressional intent (國會意旨) 293
- constitutionality of a statute "on its face"
 (法律之形式合憲性) 115
- constitutionality of the legislative act
 (國會行為之合憲性) 100
- constructive trust (擬制信託) 320
- contract clause (契約條款) 276
- contractual obligation (契約義務) 276
- contractual relationship (契約關係) 276
- controversies (爭議) 62
- credit report (徵信調查報告) 338
- criminal statute、criminal law
 (刑法) 118
- cross petition (反訴) 288
- D**
- declaratory judgment (宣示性判決) 118
- declaratory relief (宣示性救濟) 118
- defamation cases (毀謗案件) 338
- deferential analysis (順從式分析) 160
- direct injury (直接損害)
- discouraging effect, chilling effect
 (寒蟬效應) 315
- discretion (裁量) 288
- discretion of the national legislature
 (立法裁量) 45
- disparate treatment (差別待遇) 237
- double damages (雙倍損害賠償) 185
- due process clause
 (正當法律程序條款) 169, 285, 303
- due process of law clause
 (正當法律程序條款) 193, 263, 288
- due process of law
 (正當法律程序) 97, 258, 264, 269
- due process (正當程序) 249, 326, 331
- E**
- easement or servitude (地役權) 281
- emergency (緊急狀態) 298
- employer liability (雇主法律責任)
 229, 234, 237, 241, 246
- employment discrimination
 (就業歧視) 229, 237
- Equal Employment Opportunity
 Commission: EEOC
 (平等就業機會委員會) 233
- Equal Pay Act of 1963
 (一九六三年同酬法) 153

equal protection clause (平等保護條款)
 97, 160, 169, 249, 285
 equal protection doctrine
 (平等保護原則) 293
 equal protection of the law
 (法律平等保護) 258
 equal protection (平等保障 ;
 平等權) 130, 140, 144; 331
 equal wages for equal work
 (同工同酬) 153
 evidential hearing (採證) 273
 exclusionary zoning practices
 (排他性區域計畫) 83
 exercise of legislative discretion
 (立法裁量權之行使) 285
 expressive conduct (表現 (性質的) 行為)
 354, 366

F

factor other than sex
 (除性別以外之因素) 153
 fair trial (公平審判) 326
 Federal Declaratory Judgment Act
 (聯邦宣示性判決法) 118
 federal injunction (聯邦禁制令) 115
 federal law (聯邦法) 111
 fiduciary obligation (忠誠義務) 320
 Fifth Amendment
 (憲法增修條文第五條) 281
 First Amendment (憲法增修條文第一條)
 331, 345, 354, 366
 Flag Protection Act (國旗保護法) 366
 flight (飛行) 281
 freedom of expression (表現自由 ;
 言論自由 ; 表意自由) 314; 345; 366
 freedom of speech (言論自由) 108
 functional test (功能測試) 293

G

general welfare (公共福利) 269
 government of the Union
 (聯邦政府) 45
 grievance procedure (申訴程序) 229

H

hearing (聽證) 288
 heightened scrutiny (加強審查) 160
 homosexuals (同性戀者) 173
 hostile environment sexual harassment
 (敵意 (工作) 環境性騷擾)
 228, 223, 246
 hostile or abusive work environment
 (敵意或惡劣之工作環境) 237

I

imminent danger (立即危險) 293
 immutable characteristic
 (不可改變的特徵) 147
 impairment of contract (契約損害) 298
 implied power (默示授權) 45
 informed consent
 (告知後同意原則) 249
 inherently suspect
 (本質上具有違憲嫌疑) 147
 injunction (禁制令或禁止處分) 118, 303
 injury in fact (事實上之損害) 73
 injury (損害) 92
 integrity of the judicial process
 (司法程序之完整性) 326
 interest at stake (訴之利益) 288
 involuntary servitude
 (非自願性勞務) 258
 irrational, arbitrary or capricious
 (不理性、獨斷或專擅) 269

J

- job evaluation system
 (工作評估制度) 153
- judicial act (司法行為) 56
- judicial duty (司法責任) 36
- judicial power (司法權) 100
- judicial review (司法審查) 108, 288
- judicial self-governance
 (司法自我約束) 83
- jurisdiction ((司法)管轄權)
 56, 63, 111, 122, 169
- just compensation (合理補償) 169, 285
- justiciability (可訟性; 達於可訴訟狀態;
 可裁判性) 62; 103; 122
- justiciable character (可訟性質) 59

L

- land use (土地利用) 285
- landowner (土地所有權人) 281
- lawmaker (立法者) 293
- lease (出租) 285
- legislative act contrary to the constitution is
 not law (違憲立法無效) 36
- legislative punishment (立法裁罰) 293
- liberty and property interests
 (自由及財產利益) 273
- liberty of press (新聞自由) 303
- liberty of speech (言論自由) 303
- liberty to contract (締約自由) 264
- limitation of judicial power
 (司法權限) 73, 115
- limited power (限制權力) 36

M

- mandamus (強制處分令) 36
- mandatory preference
 (強制性優越地位) 144

- matters of public concern
 (公共關心事項) 338

- motives of the legislature
 (立法動機) 56

N

- navigable airspace (可航行空間) 281
- necessary and proper (必要而適當) 45
- necessary means (必要手段) 45
- nominal damages (名義損害) 320
- nonjusticiability (欠缺可裁判性) 122
- nonpossession regulation
 (未持有管制) 345

O

- obligation of contract (契約義務) 298
- original and supreme will
 (原始、最高意志) 37

P

- pension (養老金) 276
- permanent injunction (永久禁令) 173
- police power (警察權) 169, 264, 285
- political act (政治行為) 36
- political gerrymander
 (將議員選區劃成不規則形狀) 140
- political question doctrine (政治問題「不受
 司法審查」之原則) 134
- political question
 (政治問題) 122, 137, 140
- potential life (潛在生命) 193, 203
- power of taxation (to be concurrently
 exercised) (徵稅權(競合)) 45
- precedent (判決先例) 111
- preliminary injunction (初步禁令) 173
- present interest of property
 (財產上現有利益) 83

presumed damages (推定的損害賠償)	338
previous restraint (事先審查、事先限制)	303
price control (價格控制)	269
prima facie case of age discrimination (年齡歧視證據確鑿案件)	185
prima facie case of racial discrimination (種族歧視證據確鑿案件)	179
primary jurisdiction (初審管轄權)	36
prior restraint (事前審查)	314, 320
private contract (私契約)	276
Private Pension Benefits Protection Act (個人養老給付保護法)	276
private property (私有財產)	281
privilege of employment (僱用特權)	185
privileges and immunities (特權及豁免權)	258
probate courts (遺產法院)	144
procedural due process (程序性正當程序)	273
prompt judicial review (立即性司法審查)	315
proof of pretext (藉口的證明)	179
public broadcast of a trial (公開司法程序)	326
public moral (公序良俗)	298
public nuisance (公害)	303
public welfare; public interest (公眾福祉)	276
punitive damages (懲罰性損害賠償)	320, 338

Q

qualifications of Congress members (國會議員資格)	134
<i>quid pro quo</i> sexual harassment (交換性騷擾)	246

R

racial discrimination (種族歧視)	92, 179, 237
racial restrictive covenant (以種族為限制條件之協定)	97
ratification of a treaty (條約批准)	137
rational relationship (合理關係)	144
reapportionment (重新分配)	130
reasonable care (善良管理人注意(義務))	241, 246
reasonable person (合理個人)	234
reasonable relationship (合理關係)	269
reasonable victims (合理被害人)	234
reasonable, not arbitrary (合理而非恣意)	144
redeem (贖回)	298
re-employment (再僱用)	179
relation of a taxpayer to the federal government (個別納稅人與 聯邦政府關係)	59
remand (發回)	179
remedial plan (補救方案)	160
remedy (賠償)	298
republican form of government (政府的共和體制)	122
requirement of "injury in fact." (「具體損害」要件)	70
reverse (廢棄)	140
right to terminate the pregnancy (終止懷孕之權利)	203
romantic paternalism (浪漫的父權主義)	147
rules of standing (當事人適格法則)	83

S

separation of powers (權力分立)	92
sex discrimination (性別歧視)	153, 229, 237

- sex discrimination in employment
 (就業上性別歧視) 233, 241, 245
- sexual harassment (性騷擾) 228, 237
- sexual harassment in the workplace
 (工作場所性騷擾) 228, 241, 245
- sovereign power
 (主權; 公權力) 276; 298
- sovereign state (主權州) 45
- sovereignty (主權) 45
- standing (當事人適格)
 62, 73, 92, 97, 122, 169
- standing to make that challenge
 (質疑之適格) 315
- standing to sue (訴訟當事人適格) 70
- stare decisis (遵循判決先例原則) 203
- state law (州法) 111
- stereotype (刻板印象) 147
- substantial government interest
 (實質政府利益) 354
- supervisory sexual harassment
 (管理監督者所造成之性騷擾;
 主管性騷擾) 241; 246
- supreme law of the land (最高國法) 36
- symbolic speech (象徵性言論) 345
- T**
- taking (取得) 281
- tax-exempt (免稅) 92
- taxpayer (納稅人) 63
- taxpayer standing
 (納稅人訴訟當事人適格) 70
- terminate the pregnancy (終止懷孕) 193
- textually demonstrable Constitutional
 Commitment; textual commitment
 (憲法明文承諾) 134
- three great divisions of power in the
 government (三權分立) 100
- Title VII of the Civil Rights Act of 1964
 (一九六四年民權法第七章)
 179, 229, 233, 238
- to grant habeas corpus (提審) 56
- torts (侵權行為) 281
- trimester framework
 (三分期架構) 193, 203
- two laws conflict with each other
 (規範衝突) 36
- U**
- unconstitutional (違憲) 36
- "undue burden" test
 (「不當負擔」審查標準) 203
- Universal Military Training and Service
 Act (三軍訓練與服務法) 345
- unprotected expression
 (不受保護之表達) 314
- V**
- validity of Congressional legislation
 (國會所通過的立法之有效性) 100
- viability (獨立存活能力) 193, 203
- vicarious liability ((於代理關係下)
 本人之法律責任) 241, 246
- Virginia Military Institute
 (維吉尼亞軍校) 160
- vital interest (重大利益) 298
- W**
- welfare recipient (福利受益人) 273
- working conditions (工作條件) 153
- writ of certiorari (移審令) 169, 173
- writ of habeas corpus (人身保護令) 56
- written constitution (成文憲法) 36
- Z**
- zoning (土地使用分區管制規定) 285