

代號：10110-11610
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108年公務人員特種考試司法人員、法務部調查局調查人員、國家安全局國家安全情報人員、海岸巡防人員及移民行政人員考試試題

考試別：司法人員、調查人員、國家安全情報人員、海岸巡防人員、移民行政人員

等別：三等考試

類科組：各類科組

科目：國文（作文、公文與測驗）

考試時間：2小時

座號：_____

※注意：禁止使用電子計算器。

甲、作文與公文部分：

(一)請以藍、黑色鋼筆或原子筆在申論試卷上由左至右橫式作答，於本試題上作答者，不予計分。

(二)不得於試卷上書寫姓名或入場證號。

一、作文：(60分)

以往企業都以「負責」作為用人的考量，自 1990 年代之後，「當責」(Accountability) 成了全球最熱門的企業管理概念。「負責」是指個人做好份內的工作，「當責」則是個人不只做完份內的事，也會為了組織或團隊有更好的成果、更好的績效，主動多做一點，願意將原本不屬於自己責任範圍的工作額外多做，以謀求企業組織最佳的成效。如果組織內成員的態度，都能從負責轉為當責，那麼企業主的管理，就會由原本消極的「事後追究責任」，提升到積極正面的「事先承擔責任」，一個當責的企業組織，當然能讓客戶得到最滿意的服務。請以「從負責到當責」為題，撰文一篇，加以申論。

二、公文：(20分)

任何社會多少都會存在「社會邊緣人」或「反社會型人格」，這些人多因種種不幸因素，如常被霸凌、長年缺乏友伴、家人經常吵架、經濟狀況惡劣、常與損友為伍等等，以致長大之後游走社會邊緣，甚至形成危險的反社會型人格。其預防之道，還是要從教育著手。試擬教育部函各大學及直轄市、各縣市教育局，請各級學校輔導室及所有教師，發現學生有下列異常表現者，須給予特別關照，並以耐心輔導。

1. 過度依賴別人。
2. 強烈害怕被排斥。
3. 責任感超乎尋常，形成重壓。
4. 過於自戀，唯我獨尊。
5. 冷酷而常以壓榨他人為樂。
6. 在孤獨時痛苦，卻又逃避人群。
7. 妄想多發，連親近的人也不相信。
8. 常在恐懼焦慮之中，厭惡自己。

乙、測驗部分：(20分)

代號：1101

(一)本測驗試題為單一選擇題，請選出一個正確或最適當的答案，複選作答者，該題不予計分。

(二)共10題，每題2分，須用2B鉛筆在試卡上依題號清楚劃記，於本試題或申論試卷上作答者，不予計分。

1 下列文句「」內的詞語，前後兩句意義最相近的是：

- (A)今當遠離，臨表涕泣，「不知所云」／這篇文章完全「不知所云」
- (B)風霜高潔，「水落而石出」者，山間之四時也／事情真相終於「水落石出」
- (C)太倉之粟，「陳陳相因」，充溢露積於外／這篇報告「陳陳相因」，毫無創意
- (D)「怒髮衝冠」，憑欄處，瀟瀟雨歇／他氣得青筋暴露、「怒髮衝冠」，大家都嚇壞了

2 昔齊桓好衣紫，闔境不鬻異采；楚莊愛細腰，一國皆有饑色。……故俗苟滌，必為法以矯之；物苟溢，必立制以檢之。累於俗，飾於物者，不可與為治矣。（《尹文子》）

下列選項，何者最符合上文意旨？

- (A)古者君之使臣，求不私愛於己
- (B)上之所以率下，乃治亂之所由也
- (C)同己則喜，異己則怒，此人之大情
- (D)祿賞之所勸，名法之所齊，不出於己心，不利於己身

3 書生以囊螢聞於里。里人高其義，晨詣之；謝他往。里人曰：「何有囊螢讀，而晨他往者？」謝者曰：「無他，以捕螢往，晡且歸矣。」（張大復〈囊螢〉）

根據本文，下列選項何者為書生「囊螢」最適切的形容？

- (A)好大喜功
- (B)自作聰明
- (C)刻苦自勵
- (D)欺世盜名

4 陶淵明〈讀史述九章〉：「遠哉長公，蕭然何事？世路多端，皆為我異。斂轡竭來，獨養其志。寢跡窮年，誰知斯意？」

下列選項，何者最符合作者對張長公的讚賞？

- (A)與世不偶，獨善其身
- (B)世無知音，守窮待時
- (C)世道混濁，仍思彌縫
- (D)眾人皆醉，唯我獨醒

5 王陽明說：「六經者，吾心之記籍也，而六經之實，則具於吾心。」此說涉及對於經典之詮釋法，下列敘述最符合上文意旨的是：

- (A)批判性閱讀，提出疑問，回歸本心，以求印證
- (B)盡信書，不如無書，需要大膽假設，小心求證
- (C)有一分證據說一分話，以科學態度去辨明真理
- (D)海納百川，廣收眾人意見，進而作出正確判斷

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6 管仲束縛，自魯之齊，道而飢渴，過綺烏封人而乞食。烏封人跪而食之，甚敬。封人因竊謂仲曰：「適幸，及齊不死而用齊，將何報我？」曰：「如子之言，我且賢之用，能之使，勞之論。我何以報子？」（《韓非子·外儲說左下》）

- (A)管仲的行為是感恩圖報 (B)管仲的行為是恩怨分明
(C)封人的行為是施恩望報 (D)封人的行為是以義割恩

7 晉、鄭之間有躁人焉，射不中則碎其鵠，弈不勝則齧其子。人曰：「是非鵠與子之罪也，盍亦反而思之乎？」弗喻。卒病躁而死。郁離子曰：「是亦可以為鑒矣。夫民猶鵠也，射之者我也，射得其道則中矣；兵猶子也，行之者我也，行得其道則勝矣。致之無藝，用之無法，至於不若人而不勝其憤，恚非所當恚，烏得而不死？」（劉基《郁離子》）

郁離子對於「躁人」不得善終的看法，下列最恰當的選項是：

- (A)己所不欲，勿施於人 (B)天作孽猶可違，自作孽不可逭
(C)喜則天下和之，怒則暴亂者畏之 (D)勿以善小而不為，勿以惡小而為之

8 「鑿開混沌得烏金，藏蓄陽和意最深。爝火燃回春浩浩，洪爐照破夜沉沉。鼎彝元賴生成力，鐵石猶存死後心。但願蒼生俱飽暖，不辭辛苦出山林。」

下列選項對於本詩之解讀，何者錯誤？

- (A)此詩所詠之物，應為埋於地下的煤炭
(B)全詩藉物為喻，充滿積極奉獻之熱情
(C)「鼎彝」、「鐵石」均可視為作者自喻
(D)「爝火」、「洪爐」意象強調捨身奉獻

9 「我們的人生只在某節車廂繁衍。座位雖有軟硬之分，窗台有高低之別，驛程風景一樣。走了一個皇帝，那座椅馬上被另一個皇帝登基，下了個引車賣漿，來了副剃頭擔子。座位不動，塗塗改改是姓名。每人手上有一張車票，註明起站與終站，起站名稱人人識得，終程空欄只蓋了個印『靜候通知』——列車本無始終，有始有終是乘客。」

下列選項，何者最接近上文所表達的人生省思？

- (A)生年不滿百，常懷千歲憂 (B)人生不相見，動如參與商
(C)舊時王謝堂前燕，飛入尋常百姓家 (D)年年歲歲花相似，歲歲年年人不同

10 「我們常把一句北歐諺語當作口號：『刺骨的北風造就了北歐海盜。』我們怎麼會有這種想法，認為舒適安全的生活、輕鬆安逸沒有困難的日子會讓人更快樂幸福？剛好相反，愛自憐的人舒舒服服地躺在沙發上也能自憐。由歷史看來，在任何狀況下都有人覺得幸福。不論順逆，只要對自己負責，他就能覺得快樂。一點都不錯，北極風確實造就了強悍的北歐海盜。」

上文旨趣，與下列選項何者最為相近？

- (A)近朱者赤，近墨者黑；聲和則響清，形正則影直
(B)鯀魚多刺，海棠無香；甘瓜抱苦蒂，美棗生荊棘
(C)物不經冰霜，則生意不固；人不經憂患，則德慧不成
(D)順風旗好打，上水船難撐；歲寒知松柏，板蕩識忠臣

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考試別：司法人員、海岸巡防人員、移民行政人員

等別：三等考試

類科組：各類科組

科 目：法學知識與英文（包括中華民國憲法、法學緒論、英文）

考試時間：1小時 座號：_____

(一) 本試題為單一選擇題，
(二) 本科目共 50 題，每題 2
(三) 共計 100 分

- 1 依憲法及憲法增修條文規定，下列何者非屬立法院之職權？
(A)提出總統、副總統之罷免案 (B)對行政院院長提出不信任案
(C)依憲法規定提出緊急命令 (D)解決中央與地方間有關剩餘權分配之爭議

2 依憲法增修條文之規定，下列何者不屬於經立法院提出後，須經中華民國自由地區選舉人投票複決或同意，始為通過之議案？
(A)憲法修正案 (B)領土變更案 (C)總統、副總統彈劾案 (D)總統、副總統罷免案

3 依憲法及憲法增修條文規定，關於總統職權之行使，下列何者毋須經行政院會議決議？
(A)宣布戒嚴 (B)任命內政部長 (C)發布緊急命令 (D)宣戰

4 依憲法及憲法增修條文規定，有關行政院組織，下列敘述何者正確？
(A)行政院設有行政院會議，故行政院為合議制機關
(B)行政院之組織毋須適用法律保留原則
(C)國家機關之職權、設立程序及總員額，得以法律為準則性之規定
(D)憲法增修條文明文授權行政院得設二級獨立機關

5 憲法基本國策章有關國民經濟之規定，下列敘述何者正確？
(A)甲所有土地所蘊藏之煤礦，亦為甲所有 (B)憲法規定公用事業應以公營為原則
(C)憲法要求發達私人資本 (D)國家徵收土地增值稅，嚴重侵害人民財產權

6 依司法院大法官解釋，有關行政執行法上拘提管收之相關規定，下列敘述何者錯誤？
(A)管收係於一定期間內拘束人民身體自由於一定之處所，屬憲法第8條第1項所規定之拘禁
(B)管收與刑事程序之羈押，目的不同，故其所踐行之司法程序自無須與羈押完全相同
(C)行政執行法關於拘提、管收由行政執行處執行之規定，違反憲法第8條第1項所定應由司法或警察機關為之的規定
(D)行政執行法之管收處分，目的係在貫徹公法上金錢給付義務之履行，尚非憲法所不許

7 依司法院大法官解釋：「自辦市地重劃由部分土地所有權人申請主管機關核定成立之籌備會發動，此將使重劃範圍內不同意參與重劃之土地所有權人，被迫參與自辦市地重劃程序」，涉及憲法何項基本權利之限制？
(A)財產權 (B)平等權 (C)生存權 (D)工作權

8 依司法院大法官解釋，關於商業言論，下列敘述何者錯誤？
(A)化粧品廣告之事前審查乃對言論自由之重大干預，原則上應為違憲
(B)菸品與酒類對人體健康皆有影響，立法者對其標示應為相同之規範
(C)菸品容器上應以中文標示所含尼古丁及焦油含量，乃菸品財產權所具有之社會義務
(D)商業言論所提供之訊息，應受憲法第11條言論自由之保障

9 依租稅法律主義，須明定於法律者，不包括下列何者？
(A)稅目 (B)租稅優惠減免 (C)納稅方法 (D)列舉扣除額證明方式

10 依司法院大法官解釋，關於婚姻之保障，下列敘述何者錯誤？
(A)一夫一妻之婚姻受憲法所保障
(B)民法關於重婚無效之規定，就一般情形而言，並未對人民之婚姻自由造成違憲之限制
(C)國家遭遇重大變故，在夫妻隔離，相聚無期之情況下所發生之重婚，後婚姻應受憲法保障
(D)憲法保障性行為之自由，故刑法通姦罪違憲

11 依司法院大法官解釋，下列何者並非憲法第22條保障之基本權利？
(A)名譽權 (B)婚姻自由 (C)性行為自由 (D)政府資訊公開請求權

12 關於總統之刑事豁免權，下列敘述何者錯誤？
(A)總統在職期間犯內亂罪或外患罪時，仍得對之為刑事訴究
(B)憲法保障之刑事豁免權係屬實體之免責權
(C)刑事豁免權並不免除總統之行政或民事責任
(D)總統原則上不得拋棄其刑事豁免權

13 依據憲法增修條文規定，下列何者非監察院之職權？
(A)彈劾權 (B)糾舉權 (C)審計權 (D)同意權

14 下列何者不是聲請大法官釋憲之主體？
(A)立法院 (B)臺北市市長 (C)人民 (D)地方法院法官

- 15 有關司法院大法官解釋之效力，下列敘述何者錯誤？
 (A)大法官解釋有拘束全國各機關之效力
 (B)大法官依人民聲請所為之解釋，對聲請人據以聲請之案件，亦有效力
 (C)大法官解釋有拘束全國人民之效力
 (D)大法官解釋之效力，不得溯及既往
- 16 下列何者並非依照憲法第 170 條之程序所制定之法律？
 (A)國立歷史博物館組織條例 (B)臺灣地區與大陸地區人民關係條例
 (C)離島建設條例 (D)高雄市建築管理自治條例
- 17 總統為下列行為，何者須經行政院院長之副署？
 (A)依法公布法律 (B)發布行政院院長之任免命令
 (C)發布依憲法經立法院同意任命人員之任免命令 (D)發布解散立法院之命令
- 18 下列何者不須經公開發行公司股東會之同意？
 (A)公司發行限制權利新股給員工 (B)修正公司章程
 (C)股東以對公司之貨幣債權繳納股款 (D)公司減資彌補虧損
- 19 依司法院大法官解釋，關於規定請求權消滅時效之法規，下列敘述何者正確？
 (A)應以憲法規定 (B)應以法律規定
 (C)得以法律或法律授權之法規命令規定 (D)得以行政規則規定
- 20 屬於地區性、專門性、特殊性或臨時性事項之法律，其名稱通常為下列何者？
 (A)法 (B)律 (C)條例 (D)通則
- 21 依據地方制度法規定，地方立法機關得訂定：
 (A)自治規則 (B)自律規則 (C)委辦規則 (D)行政規則
- 22 行政命令經立法院各該委員會審查後，發現有違反、變更或牴觸法律者，或應以法律規定事項而以命令定之者，應提報院會，經議決後，結果如何？
 (A)該行政命令失其效力 (B)由立法院公告廢止該行政命令
 (C)由立法院通知原訂頒之機關更正或廢止該行政命令 (D)由立法院通知行政院予以函告無效
- 23 關於推定之敘述，下列何者錯誤？
 (A)推定乃對於某種事實之存在與否不明確時，依照一般常理加以推論認定之意
 (B)推定乃法律對生活關係合理之規範，不問是否真實，對一定事實之存在，依據法律加以確定
 (C)推定乃是依據法律規定所為之推論認定，若有不同之主張，允許提出反證推翻
 (D)依據經驗法則判斷即屬於推定
- 24 依司法院大法官解釋，下列何者違反法律明確性原則？
 (A)教師法以「行為不檢有損師道，經有關機關查證屬實」為解聘、停聘或不續聘之構成要件
 (B)社會秩序維護法規定，無正當理由，跟追他人，經勸阻不聽者，處新臺幣 3000 元以下罰鍰或申誡
 (C)檢肅流氓條例關於欺壓善良、品行惡劣、遊蕩無賴之規定
 (D)刑法第 235 條規定所稱「猥褻」之資訊、物品
- 25 甲已喪偶，育有乙、丙、丁 3 名子女，乙結婚時，甲贈與 200 萬元，丙開設電腦公司時，甲贈與 300 萬元，丁出國遊學時，甲贈與 60 萬元旅費，甲死亡時，留下遺產 400 萬元。丁可分得多少遺產？
 (A)200 萬元 (B)240 萬元 (C)260 萬元 (D)300 萬元
- 26 下列法律行為或意思表示，何者不是無效？
 (A)表意人無欲為其意思表示所拘束之意，而為意思表示，但其情形為相對人所明知
 (B)表意人與相對人通謀而為之虛偽意思表示
 (C)背於公共秩序或善良風俗之法律行為
 (D)限制行為能力人未得法定代理人之允許，所訂立之契約
- 27 甲、乙、丙三人平均共有之 A 動產被丁不法侵奪，甲欲起訴丁請求返還。下列敘述何者正確？
 (A)須以甲、乙、丙三人為共同原告 (B)須以甲、乙為共同原告，請求將 A 返回予原告
 (C)甲得單獨起訴，請求將 A 返回予共有人全體 (D)須有過半數之共有人為共同原告
- 28 有關合夥與隱名合夥之敘述，下列何者錯誤？
 (A)合夥有團體性，隱名合夥則無
 (B)合夥人之出資得以信用或勞務為之，隱名合夥僅以財產為限
 (C)合夥人僅由執行業務合夥人負出資義務，隱名合夥僅由隱名合夥人出資
 (D)合夥事務，原則上由合夥人全體共同執行；隱名合夥之事務，原則上專由出名營業人執行
- 29 甲到花蓮遊玩，在乙開設之商店購買當地名產 A 物，帶回公司與同事丙分享，詎料二人食用 A 物後均產生食物中毒現象，經查 A 物為丁工廠所製作，之所以發生食物中毒，主要係因為丁工廠原料使用不當所致。下列敘述，何者正確？
 (A)乙開設之商店為消費者，得向丁工廠請求損害賠償
 (B)丙非消費者，因為 A 物並非丙所交易購買
 (C)甲為消費者，僅得向丁依消費者保護法規定請求損害賠償
 (D)甲為消費者，得向企業經營者乙、丁依消費者保護法規定請求損害賠償
- 30 下列關於勞工保險之給付，何項敘述錯誤？
 (A)被保險人在保險有效期間發生傷病事故，於保險效力停止後 1 年內，得請領任一傷病及其引起之疾病之傷病給付、失能給付、死亡給付或職業災害醫療給付
 (B)被保險人退保後，經診斷確定於保險有效期間罹患職業病者，得請領職業災害保險失能給付
 (C)同一種保險給付，不得因同一事故而重複請領
 (D)領取保險給付之請求權，自得請領之日起，因 5 年間不行使而消滅

第 37 題至第 40 題為篇章結構題組，各題請依文意，從四個選項中選出最合適者，各題答案內容不重複：

Is bedtime just a time for dreaming? Do our brains turn off for the night? What if I told you that scientists recently discovered that our brains may be just as busy at night as they are during the day? 37 Researchers at the University of Rochester found that the brain may be busy cleaning house -- cleaning out harmful waste materials.

As with many studies, the researchers turned to mice for help. They studied mice that had colored dye injected into their brains. They observed the mice brains as they slept and when they were awake. The researchers say they saw that the brains of sleeping mice were hard at work. Dr. Maiken Nedergaard led the study. 38 It seems they have daytime jobs. Later they “moonlight” at a nighttime job. “Moonlighting” is working a nighttime job in addition to a day job. And this study says that is what our brains seem to be doing – working an extra job at night without additional pay for overtime. Whereas during sleep, they work very, very hard at removing all the waste that builds up when we are awake.

"When we are awake, the brain cells are working very hard at processing all the information about our surroundings. The researchers say that the waste material includes poisons, or toxins, responsible for brain disorders such as Alzheimer's disease. It is not just beauty sleep. The brain needs us to sleep so it can get to work. 39 This shrinking permits waste to be removed more effectively.

Dr. Nedergaard says these toxins end up in the liver. There, they are broken down and then removed from the body. "So our study suggests that we need to sleep because we have a macroscopic cleaning system that removes many of the toxic waste products from the brain."

The brain's cleaning system could only be studied with new imaging technologies. The test animal must be alive in order that this brain process may be seen as it happens. Dr. Nedergaard says the next step is to look for the process in human brains. 40 The research may also one day lead to treatments to prevent or help fight neurological disorders.

- 37 (A)They also found that during sleep, the brain's cells shrink, or become smaller.
(B)While we sleep, our brains are doing much more than getting ready for the next day.
(C)She said the results demonstrate just how important sleep is to health and fighting disease.
(D)The brain expert says our brains perform two very different jobs.

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請依下文回答第 41 題至第 45 題：

It is believed that the color choices you make reflect a deeper meaning about your personality traits. For example, introverts and extroverts are likely to choose different colors – blue and red respectively. The colors you choose to wear might also say something about how you are feeling that day. Some days you may feel like wearing something lighter, something red, or something blue. These choices are often a reflection of how you are feeling at the moment. Additionally, wearing certain colors may cause you to react differently to certain situations.

The research also shows there may be a link between car color and serious injuries as a result of car accidents. From a safe perspective, it is recommended to choose expansive color with bright colors rather than contractive color.

with dark colors. Cars in light colors make lighter and cleaner impression than those in other colors. The study in Australia identified a clear statistically significant relationship between vehicle color and crash risk. Compared to white vehicles, a number of colors, generally those lower on the visibility index, were associated with higher crash risk. The association between vehicle color and crash risk was strongest during daylight hours. The analysis results also suggested that vehicle color has an association with crash severity with lower visibility colors having higher risks of more severe crashes, although environmental factors can also modify the relationship between vehicle color and crash risk. Further work is required to quantify this.

- 41 Which of the following is NOT mentioned in the passage?
(A) Colors can expand your personality. (B) Colors can reveal your feeling.
(C) Colors can change your mood. (D) Colors can cause you to react differently.
- 42 Which of the following is considered as low on the visibility index?
(A) Expansive colors (B) Contractive colors (C) Light colors (D) Transparent colors
- 43 Which of the following might be the safest vehicle color according to the study?
(A) black (B) red (C) silver (D) white
- 44 According to the passage, which of the following statements is true?
(A) Vehicles with dark colors have higher crash risk during daylight hours.
(B) Vehicles with light colors have higher crash risk during daylight hours.
(C) Vehicles with dark colors have lower crash risk during daylight hours.
(D) Vehicles with light colors have more severe crashes during daylight hours.
- 45 Which of the following correlative factors has NOT been proven to be significant?
(A) Vehicle color and environmental factors (B) Vehicle color and crash risk
(C) Vehicle color and time of the day (D) Vehicle color and crash severity

請依下文回答第 46 題至第 50 題：

One of the most dramatic features of the world is the cycle of day and night. Almost all species exhibit daily changes in their behavior and/or physiology. These daily rhythms are not simply a response to the 24-hour changes in the physical environment imposed by the earth turning on its axis but, instead, arise from a timekeeping system within the organism. This timekeeping system, or biological “clock,” allows the organism to anticipate and prepare for the changes in the physical environment that are associated with day and night, thereby ensuring that the organism will “do the right thing” at the right time of the day.

The synchrony of an organism with both its external and internal environments is critical to the organism’s well-being and survival; a lack of synchrony between the organism and the external environment may lead to the individual’s immediate demise. For example, if a nocturnal rodent were to venture from its burrow during broad daylight, the rodent would be exceptionally easy prey for other animals. Similarly, a lack of synchrony within the internal environment might lead to health problems in the individual, such as those associated with jet lag, shift work, and the accompanying sleep loss.

The mechanisms underlying the biological timekeeping systems and the potential consequences of their failure are among the issues addressed by researchers in the field of chronobiology. Although no single experiment serves as the defining event from which to date the beginning of modern research in chronobiology, studies conducted in the 1950s on circadian rhythmicity in fruit flies and in humans can be considered its foundation. The area of sleep research, which also is subsumed under the field of chronobiology, evolved somewhat independently, with the identification of various sleep stages around the same time.

- 46 What is the best topic of this passage?
(A) The Foundation of Chronobiology. (B) The Feature of Life Cycle.
(C) The Internal and External Environments. (D) The Overview of Biological Mechanism.
- 47 What does the word “subsumed” mean in the last paragraph?
(A) Included (B) Reduced (C) Downsized (D) Underestimated
- 48 Which of the following is the result of an asynchrony of an organism with its internal environment?
(A) Daily leaf movements of a plant exposed to sunlight.
(B) Nocturnal animals having a sound sleep during daylight.
(C) People experiencing difficulty falling asleep at night.
(D) People feeling shocked when witnessing a car accident in the daytime.
- 49 Which of the following is considered an external environment?
(A) An office setting. (B) A meditative activity.
(C) A biological timekeeping system. (D) A desire to change one’s behavior.
- 50 According to this passage, which of the following statements is true?
(A) Chronobiology began with the studies on circadian rhythm in fruit flies and humans.
(B) All species simply respond to the cycle of day and night.
(C) All species have an internal clock that is crucial for their survival.
(D) Jet lag is a failure of a biological timekeeping mechanism.