

**Multiple Choice Answers for
Statutory Interpretation Midterm 2018**

1. A

This question asks for specific examples of *exclusio unius*. Answer B says the exact opposite of *exclusio* by allowing the court to infer an additional mode of preemption which Congress, presumably, chose to leave out of the statute. Answer C makes a similar misstep by assuming that Congress meant to include proof of knowing conduct that Congress failed to include in this section of the statute simply because Congress required it in another portion of the statute. Both D and E are incorrect based on the answers to B and C, which leaves A as the only correct example of *exclusio*.

2. B

This question asks which interpretative canon best applies to a statute that bars the operator of an elder care facility from receiving federal contracts because of a violation that occurred 10 years ago. Answer A is incorrect because there is no state statute preempted by the federal statute. Rule C is incorrect because the federal statute does not impose any criminal penalty, but instead only bars someone from federal contracts. Answer D is incorrect because this statute does not impinge on any state sovereignty concerns. Based on these answers, both E and F are incorrect. That leaves answer B, the presumption against retroactivity, as the correct answer.

3. B

This question asks for a description of the Dictionary Act. Answer A is incorrect because the Supreme Court has never considered the constitutionality of the Dictionary Act at all. Answer C is incorrect because the Dictionary Act is a federal, not Texan, statute. And, of course, Answer D is incorrect based on the two prior answers. As a result, answer B is correct.