Sample Multiple Choice Review Questions

1. Which of the following “vetogates” will automatically result in the death of pending legislation?
   a. Failure by the Speaker of the House to refer the bill to committee.
   b. The President decides not to sign the legislation within the last twenty days of an active session of Congress.
   c. A majority of the committee which has received the bill fails to report it back to the House or Senate.
   d. a and c.
   e. All of the above.

2. The textual canon *noscitur a sociis* is best described as:
   a. A tool to clarify the meaning of a broad catch-all term at the end of a list of more specific terms.
   b. A maxim that draws on the common or shared aspects of other words listed in proximity with an unclear statutory term to help clarify that term’s meaning.
   c. Latin for “a thing is known by its companions”.
   d. b and c.
   e. All of the above.

3. The decision principle announced by Justice O’Connor in *Gregory v. Ashcroft* is best described as:
   a. The federalism canon.
   b. The federalism clear statement rule.
   c. The presumption against preemption.
   d. A and C.
   e. All of the above.
4. The two elements required to invoke the constitutional avoidance canon are:
   a. ____________________________________________________________
   b. ____________________________________________________________

5. Which judicial action best demonstrates the doctrine of scrivener’s error?
   a. A court determines that Congress erroneously overlooked an administrative interpretation of a statute when it reauthorized that statute, and therefore Congress did not mean to adopt that interpretation by reference.
   b. A court rules that Congress used the wrong year in specifying a deadline of “April 15, 2013” for tax filings in 2015.
   c. A court holds that Congress did not intend to allow claims submitted on Dec. 31, 2013 if the statute required submittals “prior to Dec. 31.”
   d. B and C.
   e. All of the above.

6. To deal with the rampant use of off-label use of prescription drugs to enhance academic performance (Ritalin, Modafinil, Adderall), Congress passes a law that disqualifies any student from federal financial aid if they submit a sample that tests positive for these substances (and they do not have a legitimate prescription for those drugs). Some colleges begin to require drug tests as part of their financial aid applications, and these drug tests include analyses of hair samples – which can yield data on historical drug use for up to 12 months (or, in some cases, much longer).

   A student is disqualified from financial aid because of a hair sample result that indicated use of cognitive enhancers prior to the passage of the law, and she files a lawsuit challenging application of the law to her financial aid request. Which of the following courses will a federal court most likely taken when applying statutory interpretative canons?
   a. The law does not apply to the student because of the rule of lenity.
   b. The law does not apply to the student because the presumption against retroactivity disfavors that interpretation (assuming Congressional intent is not otherwise clearly stated).
   c. The law would apply to the student because the remedial purpose canon overrides the presumption against retroactivity.
d.  A and C.

e.  None of the above.