

**Multiple Choice Answers for
Statutory Interpretation Midterm 2019**

1. D

This question focuses on whether your client's pop-up ads fall within the Act's ban on deceptive sales practices in "sale, resales, or leases through misleading electronic advertisements." Answer A does not apply because the statute only imposes civil penalties, while the rule of lenity typically applies solely to penal statutes. Answer B is incorrect because the Act imposes penalties on the actions taken by your client after the statute was already in effect. Answer C is not the best answer because the statute's listing of "misleading electronic advertisements" makes it hard to say that the legislature did not mean to regulate pop-up ads by excluding them. So Answer D is correct: if "misleading electronic advertisements" applies only to its last antecedent - "leases" - and not to "sales" or "resales," your client's software sales would fall outside the Act's prohibition.

2. C

This question centers on the President's constitutional power to hire and fire as well as the ability of Congress to limit that power. Answers A and B - *Myers* and *Free Enterprise Fund* - both involve cases where the court struck down Congressional attempts to limit the President's power to terminate inferior officers. By implication, answer D and E (which incorporate A and B) are also wrong. That leaves answer C - *Morrison v. Olson* - as the remaining answer, which is correct. As you know, that case upheld the constitutionality of Congressional legislation to limit the President's power to fire independent prosecutors.

3. B

The Senate, unlike the House, does not require that amendments to its bills be germane (unless the Senate has invoked cloture). Given that this bill still awaits a committee hearing and therefore hasn't triggered a filibuster, the correct answer is B.