## Case #1

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The Court of Appeals made three errors in asserting that "harm" must refer to a direct application of force
because the words around it do. First, the court's premise was Several of the words that
accompany "harm" in the § 3 definition of "take," especially "
applications of force. Second, to the extent the court read a requirement of intent or purpose into the words used
to define "take," it \text{Verb Past Tense} \ \ \ 11's Adjective provision that a "knowing" action is enough to
violate the Act. Third, the court employed noscitur a sociis to give "harm" the same function as
other words in the definition, thereby denying it meaning. The canon, to the contrary, counsel
that a word "gathers meaning from the words around it." The statutory context of "harm" suggests that
Proper Noun meant that term to serve a Adjective function in the ESA, consistent with, but distinct
from, the functions of the other verbs used to define "take." The Secretary's interpretation of "harm" to include
Adverb Verb Present ends in ING Adjective Noun Plural through habitat modification
permissibly interprets "harm" to have "a character of its own not to be submerged by its association."

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