Case #1

1. Adjective _____

2. Verb Base Form _____

3. Verb Base Form _____

4. Verb Base Form _____

5. Verb Base Form _____

6. Verb Past Tense _____

7. Adjective _____

8. Adverb _____

9. Adjective _____

10. Proper Noun _____

11. Adjective _____

12. Adverb _____

13. Verb Present Ends In Ing _____

14. Adjective _____

15. Noun Plural _____

Case #1

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 _____Adjective_____. Several of the words that

accompany "harm" in the § 3 definition of "take," especially "_____Verb Base Form_____," "_____Verb Base Form_____," "

_____Verb Base Form_____," and "_____Verb Base Form_____," refer to actions or effects that do not require direct

applications of force. Second, to the extent the court read a requirement of intent or purpose into the words used

to define "take," it _____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" _____Adverb_____ the same function as

other words in the definition, thereby denying it _____Adjective_____ meaning. The canon, to the contrary, counsels

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."