

## 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

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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 \_\_\_\_\_ *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."