

1. Heading. *Babbitt v. Sweet Home Chapter of Communities for a Great Oregon*, 515 U.S. 687 (1995)
 - a. Petitioner: Bruce Babbitt, Secretary of the Interior
 - b. Respondent: Sweet Home Chapter of Communities for a Great Oregon
 - c. Court: Supreme Court of the United States
2. Facts. The Sweet Home Chapter of Communities for a Great Oregon represented a number of families, land owners, and logging companies dependent upon the Oregon logging and forest industries. Bruce Babbitt, Secretary of the Interior at the time believed he possessed the authority to define “harm” under the Endangered Species Act. The Sweet Home Chapter believed that Babbitt did not have authority to define “harm” under the Endangered Species Act and that “harm” should only include actions which “actually kill or injur[e] wildlife.” The Sweet Home Chapter challenged the definition of “harm” promulgated by Babbitt, who defined “harm” to include “significant habitat modification or degradation.” Because of the presence of the northern-spotted owl (a threatened species) and the red-cockaded woodpecker (an endangered species) in the Oregon forests, if Babbitt’s definition of “harm” was adopted, the Endangered Species Act would prohibit logging in the forest because it would significantly modify the habitat of and, thus, “harm” the endangered and the threatened species within the forest.
3. Procedural History. The District Court held for the Babbitt, and the Sweet Home Chapter appealed. The Court of Appeals reversed. Babbitt appealed, and the Supreme Court granted certiorari.
4. Legal Issues. The main issues in this case are:
 - a. Does “harm” under the Endangered Species Act include “significant habitat modification or degradation?”
5. Holding or Decision. The court decided:
 - a. Yes. The text of the Endangered Species Act supported defendant’s interpretation of “harm,” which includes “significant habitat modification or degradation.”
6. Reasoning or Dicta
 - a. “Harm” ordinarily means to hurt or injure. Significant habitat modification, such as deforestation caused by logging could hurt or injure an endangered species. Habitat modification could actually injure or kill an endangered species. Furthermore, habitat modification could interfere with an animal’s breeding or feeding habits. Any of these consequences of the modification of the northern-spotted owl or red-cockaded woodpeckers’ habitats could lead to either specie’s extinction. In *TVA v. Hill*, the Court emphasized that expansive efforts must be taken under the Endangered Species Act to protect endangered and threatened species. Babbitts definition of “harm” is consistent with an expansive reading of the Endangered Species Act and with the Court’s opinion in *TVA v. Hill*.
7. Dissenting Opinions (Scalia): The Court should not defer to Babbitt’s definition of “harm” because there is no ambiguity in the text of the Endangered Species Act. Scalia looks at the definition of “to take” within the Endangered Species Act. All of the actions prohibited under “to take” in the Endangered Species Act are “acts done directly and intentionally” to a specific endangered species. Scalia concludes that habitat modification is an indirect harm to an endangered species and therefore is not a permissible construction of “harm” under the Endangered Species Act.