agency, and the shortfall has already led to spending cutbacks of up to 20% for some laboratories. France's secretary of state for research, Elisabeth Dufourcq, told a gathering of journalists last week that the government recognizes this gap as a debt that should be paid back to the CNRS.

The news comes as a surprise, especially as one of the first steps taken by the new administration was to absorb the research portfolio into a new "superministry," with Dufourcq's office replacing a separate research ministry. The superministry also includes secondary education, the universities, and "professional integration" of young people starting their first jobs. That move was widely interpreted as signaling a lower priority for science (*Science*, 26 May, p. 1127.) Coming on top of a major spending freeze enacted by the previous government in late 1994, it convinced many French scientists that bad times were ahead for the nation's research effort.

But sources close to the budget process say that in its request to the French Parliament, the government will actually maintain research spending and, in addition, make a downpayment of $60 million toward reducing the deficit at the CNRS. There is one important catch, however: The government is expected to cancel $40 million of the promised payback entirely.

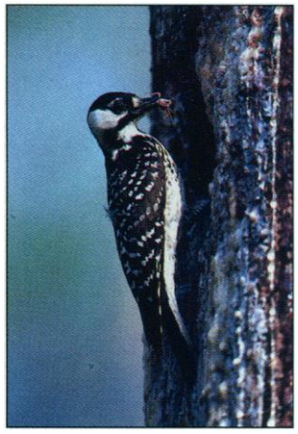
Says one research official, who asked not to be identified: "It could have been a lot better, but it could have been a lot worse." The revised budget is expected to be submitted to Parliament this week and should be voted on by mid-July. But many French scientists are keeping their fingers crossed that the legislature will follow the government's recommendations and leave the research budget alone. "This is a period of economic restriction, and it is possible that [research] will have to be included," says developmental biologist Anne-Marie Duprat of the Paul Sabatier University in Toulouse. "That is what is worrying."

–Michael Balter

ENDANGERED SPECIES ACT

Court Upholds Need to Protect Habitat

A canon of conservation biology—that protecting wildlife requires preserving habitat—last week survived its toughest legal challenge when the Supreme Court upheld federal rules limiting land use to protect endangered species. Writing for the majority in a 6–3 vote, Justice John Paul Stevens explained that the federal definition of harm "naturally encompasses habitat modification that results in actual injury or death to members of an endangered or threatened species." Opponents had argued that habitat protection was outside the scope of the federal law.



C. C. LOCKWOOD / ANIMALS ANIMALS

Home, sweet home. Ruling protects red-cockaded woodpecker's habitat.

"I'm ecstatic," says Cornell University ecologist Thomas Eisner, one of 14 scientists who filed a brief in support of the regulations. "It's such a self-evident notion—without habitat a species can't survive," he says. Indeed, a recent National Academy of Sciences report endorses the importance of habitat protection under the Endangered Species Act (ESA) (*Science*, 26 May, p. 1124).

It may be obvious that organisms need habitat. But how much habitat should be set aside—and at what price—were the tough questions behind this litigation as well as a debate in Congress over revising the 22-year-old act, the basis for most federal efforts to protect wildlife. The Supreme Court's decision "is everything we could have asked for," says Robert Baum, a lawyer with the Interior Department, which enforces the act.

But that's not what they were hoping to hear in Sweet Home, a town in western Oregon near prime habitat of the threatened northern spotted owl. In 1992, after the federal government curtailed logging in the Pacific Northwest to protect the owl, timber interests in Sweet Home challenged a rule that defines "harm" to an endangered species as including "significant habitat modification or degradation where it actually kills or injures wildlife." Joining the suit were timber interests in Washington state and in Georgia, where similar land-use restrictions were put in place to protect habitat of the endangered red-cockaded woodpecker.

The Sweet Home coalition faced an uphill battle against existing court rulings that habitat destruction could constitute harm to an endangered species under the ESA. In 1986, a district court ruled for environmentalists who had sued a Hawaii state agency that had allowed sheep to graze in habitat of the endangered palila bird. The sheep were eating seeds and shoots of mamane trees, in which the palilas make their homes. An appeals court upheld that ruling 2 years later.

> **"To raze the last remaining ground on which the piping plover currently breeds ... would obviously injure the population."**
>
> **—Sandra Day O'Connor**

But the Sweet Home coalition argued that Congress had written the ESA to protect creatures against direct injury, from activities such as hunting and trapping, rather than against indirect or potential injury, such as from logging. Both the U.S. District Court in Washington, D.C., and the appellate court upheld the government's definition of harm, although the appeals court reversed itself in 1994. It had agreed to rehear the case after being asked to focus on whether Congress intended harm to include habitat degradation. In that ruling, the appellate court concluded that the ESA implied a "direct application of force" to injure or kill wildlife.

Interior officials asked the Supreme Court to resolve the difference between the appeals court's decision in Sweet Home and the earlier Hawaiian ruling. In its petition, Interior argued that "the ordinary meaning of harm encompasses killing or injuring, whether by habitat modification or otherwise." The scientists' brief explained the rationale for habitat protection: "The rate of extinction is accelerating in direct response to the relentless destruction, degradation, and fragmentation of habitat," it stated.

The minority view, summarized by Justice Antonin Scalia, reflected the belief of opponents that regulations enforcing the act were too broad. Scalia argued that it was unnecessary to protect breeding sites, for example, because impaired breeding "does not injure living creatures." But Justice Sandra Day O'Connor disputed that view. "To raze the last remaining ground on which the piping plover currently breeds ... would obviously injure the population," she wrote in an opinion concurring with the majority.

The court's decision is unlikely to end debate over habitat protection. "This is a call to arms for Congress to scrap the current ESA and write a law that works," says Ike Sugg, a fellow at the Competitive Enterprise Institute. In the meantime, researchers believe that the ruling validates the scientific arguments linking habitat degradation and species loss. "I hope this is the beginning of a reasonable dialogue," Eisner says.

–Richard Stone