

tivities were *ultra vires*, we are entitled to a comparable privilege. Neither Kassebaum nor Gramm-Rudman is a surgical excision made in pursuit of a plausible theory of *ultra vires*. Aside from being illegal, these across-the-board cuts are self-defeating. America's leverage at the United Nations depends mightily on the size of our budgetary contribution. These cuts, by reducing our ability to withhold for clearly targeted purposes—the UN activities in support of the PLO are an example—constitute something akin to the fiscal equivalent of unilateral disarmament.

As for the travel restrictions, one cannot quarrel with the legality of controls on private travel of UN civil servants. The Charter-prescribed impartiality of that civil service is seriously undermined, however, when the United States seeks to control the official travel of senior Secretariat personnel and makes it significantly more difficult, say, to send a Bulgarian to a development-planning seminar in San Francisco than a French citizen. The Secretary-General, rightly, has responded by making the controls applicable equally to all staff; and Washington, mercifully, seems to have backed off from becoming the official travel agent for some four thousand UN employees.

Nevertheless, the embittering conflict over this issue need never have arisen. For obvious reasons, the legitimate security interest of the United States is focused on the unofficial travel of UN employees, some of whom are suspected of doing more than admiring the Grand Canyon. Requiring notification of such unofficial travel by all employees would not have assaulted the principle of an independent Secretariat or have antagonized a Secretary-General whose sympathetic attitude towards the United States is now a rapidly wasting asset.

THOMAS M. FRANCK

JUDGE PHILIP C. JESSUP (1897–1986)

As this issue went to press, the editors learned with great sadness of the death of Judge Philip Jessup, one of our most illustrious colleagues and a beloved friend. The July issue will contain a special section in tribute to the work and memory of Judge Jessup.