

March 27, 1980

Office of the Attorney General
Washington, D.C. 20530
MEMORANDUM FOR THE PRESIDENT

I continue to favor seeking special legislation would include authority for the President (1) to prohibit the USOC or any other U.S.

organization from participating or sponsoring the participation of American athletes in the Moscow games; and (2) to block transactions between U.S. persons and the Soviet Union which are connected with or would contribute to the Moscow games.

Recognizing that such legislation, given our late start, could not be passed in time to block the \$9 million NBC payment due on April 1, I would recommend that you send a strongly worded letter to NBC stating that it is against the foreign policy interests of the United States for the payment to be made and calling on NBC not to make any further payments relevant to the Moscow games. (A suggested draft of such a letter is attached).

I favor immediately using the Export Administration Act to prohibit the export by U.S. persons to the Soviet Union of any goods to be used in connection with the MOSCOW games.

I favor extending the current grain embargo regulations issued under the Export Administration Act to reach U.S. persons who attempt to circumvent the embargo by shipping grain to the Soviet Union from third countries.

I favor aggressive, highly visible action to organize and promote alternative games as a means of demonstrating our resolve not to participate in or support in any way the Moscow games. I oppose the declaration of a national emergency and the invocation of your emergency powers under the International Emergency Economic Powers Act for the purpose of blocking the NBC payments to the Soviets and the IOC. While fully recognizing that the Soviet invasion of Afghanistan poses a grave threat to the national security of the United States and the decision to declare a national emergency is clearly within your discretion as a matter of law, it is my view that the action of blocking a payment by NBC to the Soviets is an inadequate reason for calling upon the broad emergency powers that accompany a declaration of a national emergency.

It is argued that the declaration of a national emergency will be used to justify not only the blocking of the NBC payment but will also provide the basis for barring the sale and shipment of Levies, javelins and other U.S. products to the MOSCOW games as well as barring U.S. companies from circumventing the grain embargo by arranging for shipments of grain to the Soviet Union from third countries. But those actions can be taken immediately under the Export Administration Act without a declaration of national emergency.

It is further argued that the declaration of a national emergency will provide authority to prohibit travel to Moscow by athletes who decide to disregard your decision to boycott the Moscow games. As presently drafted the proposed Executive order would authorize the

Secretary of Treasury and the Secretary of Commerce to block all transaction connected to the games. That order would provide the authority to prohibit any American--athlete, spectator, or news reporter--from traveling to Moscow to participate in or to witness the games. The present proposal, as I understand it, is not to bar tourists or reporters or even individual's athletes from attending the Moscow games, but only to prohibit participation by a USOC team.

As a matter of law, I believe that you have the authority under IEEPA, upon declaring a national emergency, to prohibit transactions with Soviets which provide the means for American athletes to purport to represent the United States in the Moscow games. I strongly agree that organized representation of the United States in the Moscow games should be prohibited. I continue to believe, however, that legislation giving you the authority flatly to prohibit the USOC or any other organization from sending a U.S team to the Moscow games is the most effective and most appropriate course to achieve this end.

Attachment

cc: Honorable Cyrus R. Vance
Honorable G. William Miller
Honorable Lloyd Cutler

DRAFT TO THE PRESIDENT OF NBC:

I understand that you have independently determined not to broadcast the 1980 Olympic Games in Moscow, in view of the policy of our Government not to participate in those Games. Apart from the question of the actual telecast of those Games, however, a question has arisen whether it is appropriate for NBC to continue to make payments in connection with its contract to televise the Games.

Specifically, with respect to a payment which I am advised is due shortly, and with respect to all other payments associated with your contract, this letter is to advise you that it is my judgment that any further payments with respect to the Moscow Games will be seriously harmful to the foreign policy interests of the United States. For that reason, I call on you not to make any further payments associated with your broadcast contract for those Games. Should you determine to disregard my judgment, I will utilize the constitutional and statutory powers that are available to me to prevent the making of such payments.

The President Respectfully,

Benjamin R. Civiletti
Attorney General