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March 9, 1995

The Honorable Pu'uhonua Kanahale  
Head of State  
Hawai'i  
Post Office Box 80  
Waimanalo, O'ahu, Hawai'i 96795

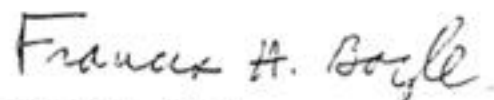
Dear Sir:

You have asked me to render an opinion on whether or not the elections to be supervised by the Hawaiian Sovereignty Elections Council as described in H.B.976 would constitute a genuine "plebiscite" in accordance with the generally recognized standards of international law and practice. At a minimum, international law and practice would require the following conditions to be fulfilled for there to be a genuine plebiscite for the Native Hawaiian People:

1. A genuine plebiscite would have to be supervised by the United Nations Organization in order to guarantee a free, fair, impartial, and objective electoral process in accordance with historically recognized international standards and procedures;
2. Prior to the beginning of the plebiscite process, the United States government must withdraw its military forces, security agencies, and intelligence services (e.g., FBI, CIA, DIA, BATF, etc.) to their military bases and offices where they would be confined for the duration of the process, and their confinement must be monitored and ensured by the United Nations Organization;
3. After U.S. military forces and security agencies and intelligence services have been confined to their bases and offices, the Native Hawaiian People would need a substantial period of time in which they could engage freely and without fear of threat or intimidation in the processes of educating themselves and publicly debating among themselves as to the various options available, together with their meaningful access to the mainstream news media in Hawaii;
4. It must be guaranteed before the process begins that the will of the Native Hawaiian People is determinative and will be honored and respected whatever the results of such a plebiscite might be, including independence.

Based upon my reading of H.B.976, it does not appear that the process described therein would qualify as a genuine "plebiscite" in accordance with the generally recognized standards of international law and practice. Therefore, in order to ensure honesty, fairness and candor for the Native Hawaiian People, I would recommend that you seek to amend this legislation so as to call the process described therein something other than a "plebiscite".

Yours very truly,



Francis A. Boyle  
Professor of International Law