THE INDEPENDENT ADMINISTRATIVE ENTITIES

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A Comparative Analysis Between the Portuguese and American Administrative Law

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"A lady asks Dr. Franklin:
Well, Doctor, what have we got
a republic or a monarchy?
A republic - replied the Doctor -
if you can keep it"

James McHenry, 1787

BRIEF SUMMARY: 1 - Introduction. 2 - Administrative Law. 3 - The Portuguese Public Administration System. 4 - The American Public Administration System. 5 - Independent Administrative Entities. 6 - Conclusion.

1. INTRODUCTION

In 1910, Roscoe Pound, at the time Dean of the University of Nebraska College of Law, wrote "Law in Books and Law in Action".

Shortly three years later, Eugen Ehrlich developed the theoretical concept of "living law", in his renowned "*Grundlegung der Soziologie des Rechts*".

More than a century after, in the midst of globalization, anyone who aims to explore the intricate world of Law must never disregard the inescapable dichotomy between *law in books* and *law in action*, *written* and *living law*… truly, *what is* and *what ought to be.*

It is, therefore, vital for one to have a comparative method when approaching the analysis of a particular realm of Law.

That is precisely the objective of this present article.

That is to say, through a comparative insight between the Portuguese and American Administrative Law, it will be possible to determine the eventual similarities and contrasts regarding both administration systems and, specifically, the independent administrative entities.

Having that in mind, this article will conform to the following structure.

Firstly, it is imperative in a study on Administrative Law to determine a common definition for it, as a result of various doctrinal contributions. Once delimited the scope of the analysis, it will be, then, adequate to briefly describe, individually, the organization of the Portuguese and American Public Administration, before focusing on the definition of the independent administrative entities and particularities of each system.

In fine, as each study must not fall on the tempting and, perhaps, safer option of limiting itself to a mere description of the matter, a few brief final critical thoughts shall be presented regarding the importance of independent administrative entities, in a twenty-first century, democratic model of Public Administration.

2. ADMINISTRATIVE LAW

"*Omnis definitio in jure civili periculosa est*".[2]

Despite the Roman adage, the need for clarification of the notion of "administrative law" as a means of delimitation of its object can only be fulfilled by attempting to define it.

In this risky task, and to solidify the final result, reuniting different doctrinal contributions, from Portugal, the United States of America, and other origins, is of the essence.

In Portugal, eminent authors like Marcello Caetano and Diogo Freitas do Amaral present possible definitions of Administrative Law.

Professor Marcello Caetano describes it as being "system of legal norms that regulate the organization and the specific process of acting of the Public Administration and discipline the relationships through which it pursues collective interests, being able to use initiative and the privilege of prior execution".[3] Professor Diogo Freitas do Amaral defines it as "the branch of public law whose norms and principles regulate the organization and functioning of Public Administration in a broad sense, its normal public management activity and, also, the terms and limits of its private management activity".[4]

In the United Kingdom, William Wade characterizes it as, in its most instinctive form, the "law relating to the control of governmental power"[5], whereas, in Germany, Maurer defines it as the "content of legal norms that specifically regulate the Administration - administrative activity, process, and organization"[6].

Finally, in the United States of America, it is considered "the branch of law that controls the administrative operations of governance"[7]. In like manner, Daniel E. Hall describes it as "the body of law that defines the powers, limitations, and procedures of administrative agencies"[8].

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[2] *Digesto.* 50, 17, 202.
[3] CAETANO, Marcello – *Manual de Direito Administrativo*, volume I, 9th edition, 1970.
[4] AMARAL, Diogo Freitas do – *Curso de Direito Administrativo*, volume I, 4th edition, 2022.
[5] WADE, William – *Administrative Law*, 6th edition, 1988.
[6] MAURER, Hartmut – *Allgemeines Verwaltungsrecht*, 1992, quoted by Diogo Freitas do Amaral, *op. cit.*
[7] SCHWARZ, Bernard - *Administrative Law*, 1976, quoted by Diogo Freitas do Amaral, *op. cit.*
[8] HALL, Daniel E. - *Administrative Law: bureaucracy in a democracy*, 3rd edition, 2006.

In light of all these essential doctrinal contributions, it appears now legitimate to risk defining Administrative Law, and so completing the first step in the structure of this article.

Administrative Law consists of the *body of legal norms destined to regulate the organization of the Public Administration and discipline its relationship with the Citizens*.

3. PORTUGUESE PUBLIC ADMINISTRATION SYSTEM

First and foremost, the Public Administration is, in the words of Professor Diogo Freitas do Amaral, "the system of bodies, services, and agents of the State, as well as other public legal persons, and some private entities, which ensure, on behalf of the community, the regular and continuous satisfaction of the collective needs of security, culture, and welfare".[9]

In Portugal, it is divided into Direct Administration, Indirect Administration, Autonomous Administration, and Independent Administration.

It is crucial to analyze each one of them.

Firstly, the Direct Administration is characterized by its unity (as it is always the State, as a public legal person, acting) and the fact that the State is the only public legal person that is not created by Law - that is to say, it has an original, not derived, nature.[10] It also bears notice that it is subordinated to the power of direction of the Government, which derives from article 199th/*d*) of the Constitution of the Portuguese Republic (that will hereafter be cited as "CRP"), and that it is structured in a hierarchical form.

The Government is, in virtue of article 182nd of the CRP, the "senior organ of the Public Administration", comprising the Prime Minister, the Ministers, the Secretaries, and Under Secretaries of State.

The Direct Administration is susceptible to multiple classifications, *verbi gratia*, is called "central", when is responsible for the whole national territory, or "peripheric", if only for a particular section of that territory.[11]

Secondly, the Indirect Administration constitutes "the set of public entities that carry out, with their own legal personality and administrative (or administrative

[9] AMARAL, Diogo Freitas do – *op.cit.*
[10] Idem, Ibidem
[11] CAUPERS, João – *Introdução ao Direito Administrativo*, 12th edition, 2016

and financial) autonomy, an administrative activity aimed at achieving State purposes".[12]

The Indirect Administration distinguishes itself from the Direct Administration as (i) it represents the transfer - *devolution of power* from the State to other entities[13], that so direct their activity towards achieving the objectives of the State, being it also, ultimately, responsible for supporting financially their activity, which legitimates its powers over these entities[14] (ii) these entities have various levels of autonomy from the State - only administrative or administrative and financial autonomy (iii) it is, mainly, comprised by "*institutos públicos*" [15] and "*empresas públicas*"[16].

If both Direct and Indirect Administration serve the interests of the State, the same can not be applied to the Autonomous Administration.[17]

The Autonomous Administration, coherently following Diogo Freitas do Amaral's teachings, can be described as one that "pursues public interests specific to the people who constitute it and therefore directs itself, independently defining the direction of its activities, without being subject to the hierarchy or superintendence of the Government".

Regarding the entities that it incorporates, three assume special importance: (i) public associations (ii) local authorities (iii) the autonomous regions of Madeira and Açores.

Lastly, article 267º/3 of the CRP states that "the law may create independent administrative entities". There resides the start of our reflection.

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[12] AMARAL, Diogo Freitas do – *op.cit.*

[13] As an example, CP (*Comboios de Portugal*) is a public legal person separate of the State.

[14] As article 199/d) of the Constitution of the Portuguese Republic states, the Government has the power to "superintend the indirect administration, and to exercise oversight over the latter and over the autonomous administration".

[15] Defined by Diogo Freitas do Amaral as "a public legal person, of an institutional type, created to ensure the performance of certain administrative functions of a non-business nature, belonging to the State or another public legal person", in *op.cit.*

[16] Defined by Diogo Freitas do Amaral as "profit-making economic organizations created and controlled by public legal entities", in *op.cit.*

[17] Professor João Caupers, former President of the Portuguese Constitutional Court, critizes this formulation, considering as more appropriate "*organismos sob superintendência e tutela*", which was used in Decree-Law n.º 146/2000, July 18th. Vide CAUPERS, João – *op.cit.*

4. AMERICAN PUBLIC ADMINISTRATION SYSTEM

Given the previously referenced[18] doctrinal contributions of Bernard Schwartz and Daniel E. Hall, a fundamental question must be answered: "How is the American Public Administration organized?".

Following Daniel E. Hall's approach to this matter, it is, firstly, necessary to determine the various sources of Administrative Law.

As the CRP assumes an essential function in determining Public Administration's organization and activity, also does the Constitution of the United States of America (that will hereafter be cited as "USC"). *Verbi gratia*, its first article "establishes the power of the national government, including the power of Congress to regulate interstate commerce and other matters"[19] and the Fifth[20] and Fourteenth[21] Amendments refer to key limits on the power of administrative agencies: the due process of law and equal protection of laws.

Also worthy of mention are the (i) enabling laws - defined by Daniel E. Hall as "a statute that establishes an agency and sets forth the responsibilities and authority of that agency" (ii) the Administrative Procedure Act - an example of an enabling law (iii) executive orders issued by the President, that have, once verified all the legal provisions, the effect of a statue.

This power of the President derives from Article II of the USC.

In light of Montesquieu's concept of *separation of powers*, the Framers created a horizontal division of power, in which exist three branches: (i) executive (ii) legislative (iii) judicial.

Otherwise, as brilliantly defended by James Madison, in 1788, "the accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny"[22]. Furthermore, the limits

[18] Vide page 3, on the third paragraph.
[19] HALL, Daniel E. - *op.cit.*
[20] That states, v.g, "nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation".
[21] That states, v.g, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; (…) nor deny to any person within its jurisdiction the equal protection of the laws".
[22] MADISON, James - *The Particular Structure of the New Government and the Distribution of Power Among Its Different Parts*, Federalist no.47, 1787.

between powers must be respected. As the Supreme Court stated in *Marbury v. Madison*, regarding the legislative branch, "the powers of the legislature are defined and limited; and that those limits may not be mistaken or forgotten, the constitution is written"[23].

The Executive Branch consists of the President, its subordinates, and agencies and is "responsible for administering and enforcing the laws of government".[24]

Precisely in the name of this objective, existed, since the earliest days of the United States of America, administrative agencies. For example, the Departments of Treasury, Foreign Affairs, and Post Office were created by the first Congress and, in 1887, was created the Interstate Commerce Commission, which directly regulated people and business operations[25].

The administrative agencies are susceptible to numerous classifications.

Firstly, they can be distinguished between *social welfare*, *regulatory,* or *public service agencies*.

Considering Professor Daniel E. Hall's lesson on this matter, they can be, individually, defined as "administrative agencies responsible for promoting the general welfare of the people" (for example, the Department of Health and Human Resources or the Department of Veterans Affairs), "administrative agencies responsible for proscribing or requiring certain behavior, determining compliance with the law, and prosecuting those who violate the law" (*verbi gratia*, the Federal Communications Commission, regarding the control of licensing) and, finally, "administrative agencies that provide special, non-redistributive services such as research (for example, the National Science Foundation).

Finally, the administrative agencies can be referred to as *executive* or *independent*.

The Executive Administrative agencies are organs of the executive branch, that are led by a "secretary", nominated by the President of the United States of America.

And the *independent agencies*?

[23] *Marbury v. Madison*, 1 Cranch 137, 176 (1803) (Marshall, C.J)
[24] HALL, Daniel E. - *op.cit.*
[25] Idem, Ibidem.

5. INDEPENDENT ADMINISTRATIVE ENTITIES

Having defined the concept of Administrative Law and briefly described the organization of the Public Administration in Portugal and the United States of America, it is now appropriate to focus on the main object of this article - the *independent administrative entities*.

Let us, then, analyze both realities separately, in order to, in the final section of this article, present a critical view of them.

Given that these entities were first created in the United States of America and that their virtues inspired many other States to follow that example, it seems only evident to begin this reflection by analyzing the American experience.

5.1 The American Experience - *Independent Regulatory Agencies*[26]

As earlier referenced, the Congress of the United States of America created, in 1887, the Interstate Commerce Commission[27]. Yet, Congress made a historical decision when, only two years after, autonomized it from the Department in which it had been created.

For the first time, as Professor José Lucas Cardoso states, an administrative entity was not under the power of the President of the United States (contrary to what occurs in the executive agencies).

This was only the beginning of the process that led to a significant role of the independent agencies, in reason of which Dimock wrote that they "came to virtually revolutionize the American government in relation to what was envisaged by the authors of the Constitution"[28].

The creation of these independent agencies was motivated by the existence of a feeling of distrust from Congress towards the President's power and the correlative belief that independent agencies represented a more appropriate, trustworthy, and

[26] The expressions *independent agencies*, *independent regulatory agencies* or *independent regulatory comissions* are used indifferently by the Doctrine to refer to the same reality, as defends José Lucas Cardoso, in *Autoridades Administrativas Independentes e Constituição*, 2002.
[27] Vide page 8, fifth paragraph.
[28] DIMOCK, Marshall Edward / DIMOCK, Gladys Ogden – *The American Government in Action*, quoted by GUEDES, Armando Marques – *Ideologias e sistemas políticos*, 1984.

legitimate technique of guaranteeing that the principle of *due process of law* was strictly followed.[29] This position was proven accurate by reality itself. After all, following the *Watergate Scandal*, there was a substantial growth in the number of independent agencies, as Congress desired to limit the presidential powers.

Over the years, numerous independent agencies were created. As a mere example, in (i) the environmental sector - the *National Environmental Policy Act* led to the creation of the *Council on Environmental Quality* and the *Environmental Protection Agency* (ii) the communication sector - *Federal Communications Commission* (iii) the economic sector - *v.g*, the *Securities and Exchange Commission.*

Each independent regulatory agency is created by a specific statute that "gives it a name, governs its composition, defines its missions and grants it the necessary powers to properly pursue it"[30].

They are collegial bodies, whose members are nominated by the President, in virtue of the power granted by article II, section II, number 2, of the USC that reads "(…) he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law".

Regarding its competencies, they vary from "the development of legal norms, particularly of a regulatory nature, the issuance of authorizations and licenses, the carrying out of investigations, the application of sanctions and to the arbitration of conflicts between agents operating in the respective sector"[31].

However, despite every single one of these characteristics, the one that most clearly symbolizes the *ratio* of the whole existence of these specific agencies is its *independence*.

Independence towards the Executive branch - as derives from the prohibition of removal of its members (except in case of existence of cause shown)[32] and towards

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[29] In the same sense, José Lucas Cardoso in *Autoridades Administrativas Independentes e Constituição*, 2002, and Michaela Manetti – *Poteri neutrali e Constituzione*, 1994, quoted by the same Portuguese author.

[30] CARDOSO, José Lucas - *op.cit.*

[31] Idem, Ibidem and CARDONA, Maria - *Direito administrativo : contributo para o conceito e a natureza das entidades administrativas independentes*, 2014

[32] The Supreme Court has supported this position in *Humphrey's Executor v. United States* (1935) and *Wiener v. United States* (1958). In this last case, it is essential to quote a few passages of the Court's decision: "Within less than ten years, a unanimous Court, in *Humphrey's Executor v. United States*, 295 U. S. 602, narrowly confined the scope of the *Myers* decision to include only "all purely executive

other sources of influence such as *lobbies*. It is precisely in the name of this last point, that Congress has imposed multiple incompatibilities on the members of these agencies, to prevent the occurrence of the (unfortunately) well-known phenomenons of *agency capture*[33] or *revolving-doors*[34].

Lastly, even towards the judicial branch as the jurisprudence quite directly acknowledges, for example, in *Chevron USA, Inc. v. Natural Resources Defense Council* (1984) and *Baltimore Gas & Electric. Co. v. Natural Resources Defense Council* (1983) in which the Supreme Court stated that "The courts have no business substituting their judgments for the scientific and technical decisions of the agencies"[35].

No words could be more transparent than Justice Sutherland's in *Humphrey's Executor v. United States* (1935): "The Commission is to be non-partisan; and it must, from the very nature of its duties, act with entire impartiality"[36].

Finally, the independent regulatory agencies represent such an essential role in America's Public Administration System that numerous authors[37]have described it as the "fourth branch of government".

5.2 The Portuguese Experience - *Independent Administrative Entities*

As pointed out earlier [38], article 267º/3 of the CRP declares that "the law may create independent administrative entities".

This norm was introduced by the legislator in the third constitutional revision (that occurred in 1997), yet only fifteen years after was the legal statute on

officers." 295 U.S. at 295 U. S. 628. The Court explicitly "disapproved" the expressions in *Myers* supporting the President's inherent constitutional power to remove members of quasi-judicial bodies. 295 U.S. at 295 U. S. 626-627".

[33] Similarly, Professor Ernesto Dal Bó of the University of California, Berkeley defines regulatory capture, in a broad interpretation, as "*the process through which special interests affect state intervention in any of its forms, which can include areas as diverse as the setting of taxes, the choice of foreign or monetary policy, or the legislation affecting R&D*". Vide BÓ, Ernesto Dal – *Regulatory Capture: A Review*, in *Oxford Review of Economic Policy*, vol.22, no.2, 2006

[34] Jack Maskell defines "revolving-door" laws as "*the conflict of interest provisions applicable after one leaves government service to enter private employment*". Vide MASKELL, Jack – *Post-Employment, "Revolving Door", Laws for Federal Personnel*, 2014

[35] Quoted by Maria Cardona, in *op.cit.*

[36] Quoted in BREGER, Marshall J. – *The Modern Independent Agency in the United States,* in *Direito Comparado - Perspectivas Luso-Americanas*, vol. II, 2010

[37] Quoted, as examples, by Professor José Lucas Cardoso: Peter L. Strauss, Nino Longobardi, Gerad Conac and Parada Vásquez.

[38] Vide page 7, third paragraph.

independent administrative entities created - the Law n.º 67/2013, of August 28th[39] (hereafter cited as "LQE").

In Article 3º/1, this statute defines *independent administrative entities* (and respective competencies) as "legal entities of public law, with the nature of independent administrative entities, with responsibilities in terms of regulating economic activity, defending services of general interest, protecting the rights and interests of consumers and promoting and defending competition in the private, public, cooperative and social sectors".

Considering the previously [40] detailed division of the Portuguese Public Administration System, these entities integrate the Independent Administration, defined by Pedro Cardoso as the "universe of entities that are not subordinated to powers of hierarchy, superintendence or oversight of the Government and whose heads of their bodies exercise their functions linked to organic and functional independence due to vertical independence from the government and horizontal independence from those entities by them regulated"[41].

The articles 6º and 7º of the LQE regulate the creation of the independent administrative agencies. Similarly to the American's legal solution on this matter, they have to be created by a specific statute (article 7º/1), and the Government must define its "name and headquarters", "mission, responsibilities, and scope of the regulated sectors and economic activities", "powers of regulation, supervision, monitoring and sanctioning of infraction", "bodies, composition, respective powers and form of connection", the "asset and financial resources allocated, including the financing model and all sources of financing supported by the recipients of the respective activity"[42].

Regarding their composition, article 16º determines the existence of a collegial body responsible for the direction of the respective independent administrative entity - the *Administrative Council*[43], whose members must be selected within "individuals with recognized suitability, technical competence, aptitude, professional experience

[39] Which is only applicable to the the entities that are expressly legally referred to as " independent administrative entities", disregarding then, for example, the Bank of Portugal and the Portuguese Regulatory Authority for the Media, as derives from article 2º/3.
[40] Vide page 5, second paragraph.
[41] CARDOSO, Pedro Miguel dos Santos - *Da independência entre os órgãos das entidades independentes administrativas do poder governativo - O caso da Comissão de mercados de valores mobiliários*, 2021.
[42] Article 7º/3, a), b), c), d) and e) of the LQE.
[43] Translated from the Portuguese expression "*Conselho de Administração*".

and training appropriate to the exercise of their respective functions", as defined in article 17º/2.

In the same manner, as in the United States of America, the legislature imposes multiple incompatibilities. To quote just a few of them, their members can not be "holders of sovereign bodies, autonomous regions or local authorities, nor perform any other public or professional functions, except teaching or research functions, as long as they are not remunerated", "maintain, directly or indirectly, any link or contractual relationship, whether paid or not, with companies, groups of companies or other entities intended for the activities of the regulatory entity or hold any shareholdings or interests in them" and, even after ceasing their functions, can not, for two years "establish any link or contractual relationship with companies, groups of companies or other entities subject to the activity of the respective regulatory entity, having the right in that period to compensation equivalent to 1/2 of the monthly salary"[44] [45].

Furthermore, objectively following the example of the American doctrine and jurisprudence, the removal of the members of the Administrative Council of the independent administrative agencies is prohibited, except in case of the existence of a justified motive, which is defined and exemplified in article 20º/5 of the LQE[46].

6. CONCLUSION

In his renowned poem "Inscription for an Altar of Independence", Robert Burns wrote: "THOU of an independent mind, / With soul resolv'd, with soul, resign'd; / Prepar'd Power's proudest frown to brave, / Who wilt not be, nor have a

[44] Avoiding so the already referenced phenomenons of *agency capture* and *revolving-doors*. Vide page 11, third paragraph.
[45] Article 19º/ 1, a), b) and 19º/ 2 of the LQE.
[46] That states "*For the purposes of the provisions of the previous number, it is understood that there is a justified reason whenever there is serious misconduct, individual or collective responsibility, ascertained in a duly instructed investigation, by an entity independent of the Government, and preceding the opinion of the advisory council, if any, of the regulatory entity in question, and the hearing of the competent parliamentary committee, particularly in the case of: a) Serious or repeated disregard for legal norms and statutes, namely non-compliance with transparency and information obligations with regard to the activity of the regulatory entity, as well as well as the regulations and guidelines of the regulatory entity; b) Non-compliance with the duty to exercise functions on an exclusive basis or serious or repeated breach of the reserve duty; c) Substantial and unjustified non-compliance with the activity plan or budget of the regulatory entity*".

slave; / Virtue alone who dost revere, / Thy own reaproch alone dost fear - / Approach this shrine, and worship here".[47]

As beautiful and inspiring poetry is, *worshiping* independence *per se* is insufficient. One must translate it into practical, effective actions.

In light of this, and so returning to the world of Law, for an independent administrative entity to truly fulfill the mission behind its creation - that is to say, quoting, once again, Justice Sutherland's words in *Humphrey's Executor v. United States* (1935): "The Commission (…) must, from the very nature of its duties, act with entire impartiality"[48] - words are not enough.

Despite the many differences between the Portuguese and American Public Administration Systems, both converge on what concerns imposing measures to ensure the independence of these administrative agencies. The greatest of which would, undoubtedly, be the, nearly, total prohibition of removal of its members by the Executive.

Multiple questions arise, however, of the analysis, particularly, of the Portuguese legal statute.

After all, the legislature establishes incompatibilities towards the members of the Administrative Council, regarding the present titularity of public offices and the present and future (in a period of two years) relation with private entities subject to the activity of the independent administrative entity, in article 19º/1 and 2 of the LQE.

With all due respect, the legislature seems to have forgotten… itself.

As Professor Carlos Blanco de Morais brilliantly defends, the legal statue, as it now exists, allows "the inclusion in the directive bodies of these entities, of people involved in partisan political activism"[49].

Is this the desirable notion of independence?

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[47] Quoting Professor Vasco Pereira da Silva, "*we can't forget that between law and culture there is a kind of "loving relationship" (to quote a phrase aptly coined by MICHEL PRIEUR when describing the relationship between law and aesthetics)*", in *"My Fair Lady": Introductive Lecture,* in *Innovative Teaching in European Legal Education*, 2021. In the same sense, it is my strong belief that one must not, when studying any given legal matter, restrict himself to Law in its most strict conception. Law is, intrinsically, a social and dynamic reality.

[48] Quoted in BREGER, Marshall J. – *op. cit.*

[49] MORAIS, Carlos Blanco de – *A Lei-Quadro das Entidades Reguladoras e o seu Estatuto de Independência*, in *JURISMAT*, nº7, 2015.

How can an active member or supporter of a political party be perceived as independent?

If this configurates an acceptable concept of independence, should also judges be politically active?

In light of this flagrant distortion of the whole *ratio* of the existence of the independent administrative agencies, the statute must be subject to two amendments: (i) being a member or an active supporter of a political party should be a factor of incompatibility (ii) the members of the Administrative Council should be nominated by the President of the Republic, in order to ensure an effective impartiality of these administrative entities.

Only then will be reduced the void between *written* and *living law, what is* and *what ought to be*… so that these administrative agencies are truly *independent*.

Let us not forget Benjamin Franklin's words: "A republic (…) if you can keep it". It is all citizens' responsibility to ensure that *independence*, *democracy,* and *republic* are not mere, empty words… rather tangible and objective realities.

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