

# **THE STATE OF THE NATION FROM A POLITICAL OPPOSITION'S PERSPECTIVE**

**By**

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On behalf of Liberty Party  
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I am grateful to Jehovah God for yet another opportunity to address the nation on behalf of the Liberty Party.

Liberia stands at a very difficult crossroad. The choices appear to be many: whether we allow our country and people to fall back into political violence; whether we maintain the status quo of failed governments; whether we strive for cosmetic changes, basking in a comparison with failed governments of the past; whether we revert to the days of a few to the exclusion of the many; or whether we move forward, laying the foundation for sustainable democracy, building a society of inclusion.

But our country and our people can afford one and only one option—together, we must move forward, laying the foundation for sustainable democracy and a society of inclusion. And that is why Liberty Party continues to engage the government.

Today, Liberty Party addresses you on “**The State of the Nation from a Political Opposition’s Perspective.**” We speak on behalf of Liberians who love our country, respect its fledgling institutions, and only wish to see our country succeed in a way that all would share in the wealth with which God has endowed our nation. As the Alternative Voice, we remain a loyal but vibrant opposition.

**The state of the nation is a story of two nations!**

## ***COMMENDATION OF THE GOVERNMENT AND FRIENDS OF LIBERIA.***

We commend President Ellen Johnson-Sirleaf for the progress her government has made over the last year, all of which were enumerated in her Annual Message to the Nation. Therefore, at the risk of redundancy, we note the repaving of the Jallah Town Road, the repair works that are currently being carried out on Tubman Boulevard and the Robertsfield Highway, among others. We also congratulate the President on the renovation of public buildings, such as the Capitol Building and the Temple of Justice. Of course, we have been hopeful that the President would prioritize the renovation of the Executive Mansion, the seat of the Presidency, as well as the infrastructure of the University of Liberia.

Again, we congratulate the President and her government for the work done in the Security Sector, as evidenced by the training of more soldiers, police and immigration

officers. It is our sincere hope that this will translate into true security and protection of the average Liberian.

We also congratulate the government on Liberia's gaining full membership into the Kimberly Process Certification Scheme. It is, however, of concern that no effort has been made by the government to review diamond and gold concessions concluded by the various interim and transitional governments as well as the Taylor government. The President dismissed all logging concessions entered into by the Taylor government, but there has been no such action with regard to the diamond mining industry. Although the President has reported that Liberia is back in the business of exporting diamonds, she has yet to mention the conclusion of any new diamond mining concession, which has been ratified by the Legislature, allowing exploitation of the diamond mining sector. We are reminded that a major source of many years of conflict in both Liberia and Sierra Leone is said to have been diamond, not logging. We, therefore, request the government to take a look at the diamond mining sector as well.

The steps the President and her government have taken in the past two years that raised funds to liquidate the arrears on the country's debt to the World Bank, the IMF and the African Development Bank are highly commended, and the Liberty Party heartily congratulates the President for the success.

Because Liberia still has a long way to go in the debt waiver process, we would make the following suggestions:

1. Government should also focus on Liberia's other external debts, including suppliers' credit, as the arrears on the debt owed the World Bank, the IMF, and the ADB amount to a smaller share of Liberia's total external debt.
2. Government should develop an economic recovery plan so that if Liberia were to successfully achieve the completion point of the HIPC process, the government would be able to raise sufficient funds from domestic sources to finance the sectors whose sustained growth is essential to full compliance with any debt waiver agreement likely to be concluded. As the debt in reality will not be forgiven, but instead of paying the creditor, Liberia will be required to verifiably allocate and spend the amounts that the creditors reportedly loaned that would have been "waived".

However, all of these efforts would yield no real result or sustainable economic benefit to the people of Liberia until the President is able to bring under control the cancer of corruption, which she refers to as public enemy number one, but with which her government appears to have concluded an armistice. The President and our development partners would do well to focus on this national malignancy.

There has never been a time in the history of Liberia, when so many members of the international community have been so willing to aid our country. I said to the President during a recent private meeting, and I say so now, that she is blessed to be the President

of our country at this time when international goodwill toward our country is unprecedented.

Along these lines, we thank Liberia's friends, regional and international partners, for the funds provided the government to carry out the requisite works for our country's recovery and reconstruction. We believe that with such unprecedented level of support, which our country is enjoying from the international community, the government should continue to reconstruct and improve Liberia's damaged and destroyed infrastructure.

### ***THE CHALLENGE OF A NEW LIBERIA.***

But Liberia's real challenge is not the rebuilding of physical infrastructure, but developing the institutional infrastructure that would sustain the country in the long-run and prevent the destruction again, of the repaired or newly constructed physical infrastructure. We should never forget that the absence of the physical infrastructure, which we now strive to build, is the consequence of the war, and not its cause! (I REPEAT!)

History is replete with examples of developing countries sacrificing good governance for "national security", transparency and accountability for expediency in government, government of exclusion for the sake of political domination, pursuing economic growth but without development, or physical development without the corresponding development of the requisite institutional framework. The consequences have always been dire!

No matter which political party or persuasion we belong to, or even those who claim to be apolitical, we all would like to have a government that succeeds and a country that progresses. And so, we have a right to expect our government to not simply restore what the locusts have eaten, but rend and replace the old garments that provoked the locusts in the first place.

Along with improving the physical infrastructure, the government has an obligation to ensure that the founding ideals of our nation—to establish justice, ensure domestic peace, and promote the general welfare of all—are achieved. As important as it is that our government "succeeds", its success must be grounded in the welfare of the people. The President and her government must not believe otherwise. If the President is willing to join hands with Liberians on the other side of the political aisle in restoring the hope of our people and their faith in their government, it can be done. There is indeed a better way to govern Liberia!

But reaching across the political aisle must not be misconstrued as a program designed or envisaged to co-opt by simply offering jobs to individuals who happened to have been supporters of other political parties or candidates during the 2005 elections. A real "government of inclusion" is one in which different views—the views of the real opposition—are not only tolerated but also encouraged. When the President and her

government join hands with the opposition, ensuring that ideas from across the political aisle are included in the national agenda, that is a win-win proposition for a post-conflict nation like ours.

### ***GOVERNANCE AND THE RULE OF LAW.***

From the perspective of good governance and democratic practices, instead of leaping into the future, the government has found a way to reconnect with our failed past. But even in the past, whenever a president conducted the affairs of our nation contrary to the law and practices of democracy, the people took comfort in the fact that there was the law; that someday the law would prevail.

For the first time in the history of “good governance” in Liberia, President Sirleaf has appointed a city mayor. Sadly, a narrow majority of the Supreme Court upheld the President’s appointment as constitutional. Today, it is not just a Liberian president who is wrong, but also the law has been made wrong.

But we on the other side of the political aisle must assist in ensuring that our nation is placed back on the democratic path. We will be requesting members of the Legislature, including members of the President’s party, to pass a bill calling for the election of city mayors throughout the country. The legislation will redefine “political subdivision,” embodied in pre-existing statutory language, which was adopted into the Constitution. The definition of political subdivision will again specifically exclude cities, as was originally intended by the people, ensuring that there is no doubt as to the use of the phrase in the Constitution.

We implore the President, for love of country to support that bill and sign it into law.

The President recently dismissed a magistrate, which she has the statutory authority to do. But even the dismissal of a magistrate by the Executive, without proven cause, undermines the independence of the judiciary. The statute, as worded, lends to mischief that contributes to the overly powerful presidency—a serious threat to the development of democracy in Liberia. The statute must, therefore, be amended to delete the provision that allows the removal of a magistrate from office “at the pleasure of the President.” No official that performs any judicial function, even a magistrate, should be subject to dismissal at the will and pleasure of the President. That would only further erode the independence of the judiciary.

We will seek to have that provision of the law amended, and again implore the President to support such a bill and sign it into law.

But good governance entails more than rewriting constitutional and statutory laws of Liberia. More importantly, it requires the political will and resolve of national leadership to do what is right, the letter of the law notwithstanding. Liberia’s political landscape will not be changed by rationalizing bad practices of the past.

If the President is going to dismiss a magistrate for cause, there must be an independent investigation that establishes cause in accordance with due process of law. The dismissal cannot be based on the recommendation of the Ministry of Justice who had suffered an adverse ruling at the hand of the magistrate. What happens then when the circuit court confirms the ruling of the magistrate, would the circuit judge also be removed from office?

Even if the Minister of Justice's disagreement with the magistrate's ruling is sound in the law or in the interest of Liberia's "national security", just think of the perception that the dismissal of the magistrate creates in the mind of the next magistrate—you rule against the government, you lose your job! Would party litigants have any confidence in our court system? So the President must not dismiss a magistrate without affording him his constitutional right of due process of law.

We are pleased to inform the public that democratic governance is stronger in Liberia today than it would have been, if CDC and Liberty Party had not intervened, calling to the President's attention the unconstitutionality of her action in dismissing the Debt Court Judge and rotating the Labor Court Judge. The President reversed her decision and the Judiciary remains intact.

The President has signed into law an Act to amend the Revenue Code that empowers the President to transfer up to twenty percent of the National Budget from one account to another without the prior approval of the Legislature. That bill was defeated last year, but unfortunately enacted into law this year. To allow presidential changes by fiat of a budget passed by the Legislature defies the notion of good governance. It also confirms that the budget is not a realistic plan and policy instrument.

Regrettably, the Government's justification for the Act is that until now, there were no restrictions on budgetary transfers by the Executive. Would the President have her government compared with failed governments of yesterday, instead of leading with the institutionalization of good governance in Liberia? What happened to fiscal and financial discipline, transparency and accountability? The Executive now appropriates up to twenty percent of national revenue to the exclusion of the Legislature—the branch of government that is constitutionally responsible for all government revenue and budgetary appropriations.

Allow me ladies and gentlemen, to share this quote with you: "The Russian government under Vladimir Putin has amassed so much central authority that the power-grab may undermine Moscow's commitment to democracy. In any country, if you don't have countervailing institutions, the power of any one president is problematic for democratic development.

I think there is too much concentration of power in the Kremlin. I have told the Russians that! Everybody has doubts about the full independence of the judiciary. There are clearly questions about the independence of the electronic media and there are, I think, questions

about the strength of the Duma (referring to the Russian parliament).” These are not my words; these are the words of Dr. Condoleezza Rice, Secretary of State of the United States of America. We ask the President to heed those remarks.

Post-conflict Liberia must begin to build sustainable institutions of government, and not engage in practices that are tailored around the personality of a particular president. Public institutions must be strengthened and laws reformed so that the excesses of whom ever is president would be contained. President Sirleaf must lead in not only shedding the extra-constitutional powers that the presidency has acquired over the years, but also be ready to cause a realignment of presidential powers in accordance with the principles of good governance and public policy.

The President reported that during the previous year her government permitted 1,711 aliens who came into Liberia as visitors to adjust their status to residents. The action of the government is disheartening and arguably unlawful. My fellow Liberians, you will recall that on August 1, 2007, Liberty Party, in an Open Letter to the Government through the Minister of Labor, stated the following:

“During this great period of hope in our country, we must ensure that expatriates do not occupy jobs and secure public contracts that Liberians can do. But we must also ensure that Liberians who replace expatriates are selected on the basis of open competition, not patronage or nepotism. All Liberians alike must be afforded equal opportunity to access the benefits of the peace dividend that this era in Liberia’s history promises to create.”

### ***MANAGEMENT OF THE ECONOMY.***

There will be no poverty reduction if non-Liberians are granted permission by our government to perform jobs that Liberians so badly need. Thus, the US’ Millennium Challenge Corporation gives unusually low marks to Liberia’s efforts in the past two years, under its category—“Investing in People.” Only when the state invests in its people can poverty alleviation become a realistic goal.

For most Liberians, the economy remains precarious—cost of living continues to rise— increase in the price of basic commodities such as rice, petroleum products, cement, among others, is the order of the day. Yet our government continuously reports increase in revenue collection, confirming that the sole purpose of the government Tax Code is revenue generation.

The Tax Code prescribes too many taxes and allows too much discretion for officials of government. This government, well in its third year, needs to draft a tax code reflecting a vision for economic recovery; a broader fiscal policy instrument with a goal of enhancing economic growth. Reducing taxes and providing incentives for the average Liberian to engage in business should be the hallmark of any economic recovery program.

When taxes are unreasonably high all that is accomplished is that financial resources are removed from the private sector, contracting the economy as businesses are unable to make additional investment to enhance the economy. That is not good economic sense.

Liberia's staple—rice—continues to be a reason of concern among average Liberians. The President points out three reasons for the high price of rice in Liberia: (i) increase in the world market price of rice, (ii) profiteering by local business persons, and (iii) “the poor condition, inefficiencies and corruption at the Port (Free Port of Monrovia) and at other ministries and agencies involved in the processing and monitoring of trade transactions.”

Although the government has no control over world market prices, the government can certainly do something about profiteering by local business persons, the inefficiencies and corruption at the Port, and other government agencies and ministries, as the President repeatedly admits. Could the oligopolistic structure of the rice market have something to do with the high price of rice on the Liberian market?

When the President chaired the Rice Committee established by Chairman Gudye Bryant, she reported that “the escalation in the price of rice ... can be traced to the activities of two major rice importers...” The internal market structure has not changed, only the players have changed. But now the President blames world market price for the hardship of the people.

Howbeit, there are measures that may be immediately employed by the government to alleviate harsh effects of the high price of rice on the Liberian people. One of which the President has already announced—suspension of US\$2.00 tax on a bag of rice. But the following additional measures, if implemented by the government without delay, would minimize the hardship of average Liberians.

1. All funds/revenue that have been collected as a result of the rice stabilization fund tax should be used to lower the price of rice on the local market. The President should inform the nation of how much money is currently in the rice stabilization fund account.
2. If there is no money in the rice stabilization fund account because of the corruption in government, as the President repeatedly alludes to, then those responsible must be brought to justice, and the rice stabilization tax be managed differently.
3. When the President headed the Rice Committee of the NTGL she determined that the tax on rice amounted to US\$2.16, so why suspend only two dollars? What about the remaining sixteen cents? Tax on rice is highly regressive—Liberians who can least afford the tax pay the most, as the cost of rice as a share of their income is much higher than those whose higher income enable them to afford a more diversified diet. Not only should the US\$2.00 tax on

each bag of rice be suspended, but also have the Legislature abolish all taxes on rice, except the rice stabilization tax.

Rice stabilization tax should be placed in a separate account, not commingled with general government revenue, and be used only to stabilize the price of rice as and when necessary, at the risk of criminal sanction.

4. Open the rice market and inefficiency and profiteering, which are generally associated with a restricted supply market, will be minimized by competition. Profiteering contravenes both the law and public policy, and those who engage in such should be prosecuted.
5. Fully disclose to the public the costing of rice on the Liberian market—the CIF cost of rice, how much tax is imposed by the government, including stabilization fund tax, every other charge on rice, and how much mark-up is allowed to rice sellers (importers/dealers and retailers). This will help to not only reduce profiteering, but also minimize corruption in government.

The Sirleaf Rice Committee said:

“... the Committee believes that the Ministry of Commerce which has this responsibility by law, should make effort to get BIVAC (the contracted inspection entity) to verify price trends at source. **BIVAC should also be requested to publish in key national dailies the World Market Price of Rice and Shipment Cost to Liberia.** (Emphasis hers)

The Sirleaf Rice Committee indicated that “The current price structure allows in addition to all cost recovery documented and undocumented a margin of US\$1.00 for wholesalers. It also allows the retailers a US\$1.00 margin. The Committee notes that importers are also wholesalers, thereby enjoying an additional gain. This should be given due consideration in any price fixing in the future.” So as President, Mrs. Sirleaf must now ensure that the price of a bag of rice is further reduced by another US\$1.00.

There is a US\$2.60 factored in the price of a bag of rice as overhead cost of rice dealers. The Sirleaf Rice Committee found that the US\$2.60 was unreasonably high, and concluded that US\$1.15 would be a more reasonable allowance for overhead cost. The Sirleaf Committee noted that “... the overhead or indirect cost component includes items such as house purchases, donations, gratuities etc. This practice allows the importer to pass such cost to the rice consumers with little incentive for cost efficiency. It also provides the means to encourage corrupt practice which contributed to the high price of rice.”

By the President’s own estimation, a bag of rice is overpriced. Therefore, in addition to the US\$2.00 tax that the President promised to waive, the price of a bag of rice can be further reduced by another US\$2.61. A reduction of US\$4.61 from a bag of rice would go a long way in helping the people.

We will be requesting members of the Legislature to pass a bill repealing all taxation, direct and indirect, on rice. We again implore the President to support that bill and sign it into law, for love of country and the people.

The government economic recovery program should include major investment in local rice investment, providing incentives for local farmers to produce more Liberian rice.

On April 4, 2008, Liberty Party called upon the government to roll back its recent increase in the prices of petroleum products on the Liberian market by reducing the following levies:

- i. Import levy ranging from US\$0.20 to US\$0.25 per gallon;
- ii. Sales tax of US\$0.20 per gallon;
- iii. Storage fee ranging from US\$0.07 to US\$0.27 per gallon;
- iv. Evaporation fee of US\$0.02 per gallon; and,
- v. Port charge of US\$0.02 per gallon.

Levies imposed by the government, LPRC, and the Port range from US\$0.51 to US\$0.76 per gallon. In addition to all of this, LPRC proudly informs the public that it made profits off the public in excess of half million United States dollars. Amounts realized from reducing the levies, and the profit from the Nigerian oil deal, plus the profit made by LPRC in its regular course of business would be more than sufficient to pay for the price increment roll back that Liberty Party has called upon the government to implement.

We were most pleased and gratified when we heard that the President had recalled her government's draft Investment Act, which sought to repeal the Act in support of the Liberianization of certain businesses, which have been set aside for Liberians. We ask the President not to resubmit that section of the bill. Our gratitude goes out to the Liberian Business Association and all others who brought pressure to bear on President Sirleaf to withdraw the draft Act.

We believed now, as we did at the time of the passage of the Liberianization Act into law, that no nation can develop without a middle class and that there is no better way to develop a middle class than to empower Liberians through ownership of small businesses and investment in other private ventures. All the talk of poverty reduction will be nothing more than talk, unless and until Liberians are empowered to own and operate their own business.

We have heard two basic arguments against the Liberianization Act: (i) that Liberians do not have the requisite capital to invest in the small scale businesses that have been set aside for Liberians; and, (ii) that the Act discriminates against non-Liberians.

With regard to the first contention, the solution is not to continue the trend that has impoverished the people, but to create means by which Liberians can be empowered to share in the promise of a better Liberia. Our government should, for example, provide incentives for financial institutions to give loans to Liberians for the establishment of

small to medium size businesses. Government should also provide incentives for import houses (businesses) to extend trade credit to Liberians desirous of trading in such goods.

Secondly, the intent of the Act is not to discriminate against non-Liberians, but to correct an anomaly that has existed in our country for more than fifty years—trade and commerce are dominated by non-Liberians. The Act is an attempt to reverse that trend and give Liberians an opportunity to participate in the commerce of Liberia. Ironically, it must take a sort of affirmative action plan to empower Liberians to participate in trade and commerce in their own country.

But more importantly, is there any country in the world, industrialized or not, that does not discriminate in favor of its citizens?

Liberia must not pretend that immediately after a conflict, our nation can start implementing a completely free market economy in the *laissez-faire* manner as the Sirleaf administration believes. Experience shows that government intervention by means of incentives, investment in the people, and creating opportunities that would allow Liberians to move from the informal to the formal sector of the economy would be necessary not only to jump-start the economy but also to alleviate the hardship on the people. Active government participation and guidance of the economy, at least in the short-run, would be necessary to lower the dissatisfaction level of many Liberians.

Government can help empower Liberians to start their businesses in Tapita, Tuzon, Foyah, Deso Town, and so forth. Whether provision shops, tailor shops, or other small businesses; Liberians should be empowered to begin the process of building a middle class.

It was great to learn that the Firestone Concession Agreement had been finalized, and that the concession agreement of the Liberian Agriculture Company (LAC) and other rubber companies would soon be renegotiated. But the future of our country is not in the extractive industry. Our future, as a nation and a people, is in Liberians owning commercialized farms and businesses and, shops, among others.

### ***NATIONAL ELECTIONS COMMISSION.***

There is a need to enact a whole new body of elections laws, which would include the establishment of an election court. A little over a month ago Liberty Party received a Citation from the National Elections Commission charging the party with subversive activities with the intent to abolish Liberia's democratic society and endanger the existence of the Republic, as outlined in Article 80 (a) and (b) of the Constitution. The Election Commission was the accuser, the jury, and the judge of the proceedings. Only by the Grace of God were we acquitted of subversive activities, and found guilty of lesser charges.

For the first time in the history of the civilized world, an election commission, instead of the government, has charged an opposition political party with subversive activities.

It is either that the Commissioners are determined to frighten opposition parties off the political scene, making Liberia a one party state or they lack the requisite competence to preside over a truly independent elections commission. Whatever the case, the Election Commission, as constituted today, signals the 2011 presidential and general elections as occurrences of dire portent.

Prior to our party being charged with subversive activities, the Chairman of the Election Commission held a press conference during which he referred to Liberty Party as a party of “hooligans.” Such intemperate language from the Election Commission Chairman of a post-conflict nation says much about the direction in which Liberia is headed. Least did we know, of course, that the stage was being set for revoking the party’s registration.

Liberty Party no longer has confidence in the integrity and ability of the Chairman and Members of the National Elections Commission to conduct free and fair elections in Liberia. Regrettably, none is likely to resign, nor would they, as officers of an administrative agency, be probed for charging a political party with treason simply because we dare to question the irregular and unfair manner in which elections are conducted. The Elections Commission conducts elections and refuses to give a copy of the “Record of Counts”—the evidence of the number of votes each candidate received at a voting center—to each of the candidates. Although there were thirteen candidates in the just ended Margibi by-elections, the Election Commission instructed its presiding officers to give out only two Records of Counts. Liberty Party objected to such undemocratic, unfair, and less than transparent practice, and will continue to do so.

All Liberians need to be aware of how serious this issue is to the future of our country. We only need look at Kenya today and look back to our own 1985 election, which brought us twenty years of war and mayhem, to be reminded of the dire consequences a partisan Elections Commission can have on a nation. Liberty Party, therefore, calls on all Liberians and other political parties in particular, as well as members of the international community to insist on creating the safe guides that will support a truly independent and impartial Elections Commission.

We ask the President to join us for the love of country and support the needed change in our electoral process.

### ***PUBLIC CORPORATIONS.***

There is a need to review and reform the role of the board of directors of state-owned enterprises (SOEs), or public corporations, as we call them. Improving the role of the boards of SOEs will also contribute to improving corporate governance in Liberia.

The legal environment has to be created to ensure that all corporate powers are to be exercised by or under the authority of the board, and that the business and affairs of a

public corporation should be managed by the board of directors. The legal regime would also establish that directors owe fiduciary duties—of good faith, diligence, care, and skill to the entity, the government, and the public—to the stakeholders of public corporations.

Directors should be required to take active, rather than passive, roles in meeting their duties of care and loyalty, at the risk of breaching their fiduciary duties and incurring liabilities, recognizing the difference between delegating one's role and abdicating it. Directors who fail to diligently exercise their responsibilities should be subject to sanctions, civil and criminal.

Appointment of directors should be on bases different from political appointments—appointments to the boards of public corporations should be made based on relevant qualification and demonstrated competence, not political affiliation or other forms of nepotism. Otherwise, directors would be more interested in serving the interest of the appointing power than the interest of the entity and its stakeholders.

Although there are many highly capable and competent individuals serving on the boards of public corporation, because of the absence of sanctions for poor and or non-performance, many boards of public corporations appear to be either disinterested or unwilling to ensure transparency and impose accountability for themselves and the management of these entities.

### ***REFUGEES.***

No nation can feel good or prideful when so many of its citizens are scattered abroad, as refugees, subjected to less than humane conditions in foreign lands. The recent crisis in Ghana regarding certain Liberian refugees under orders of deportation for alleged illegal protests highlights the need for a concerted effort to have Liberians, who are willing, returned home to begin the process of rebuilding their lives. While we found the grievance of our brothers and sisters legitimate, it is regrettable that their frustrations may have been channeled in ways that caused the Ghanaian government to feel threatened. Regrettably, the initial handling of the crisis by our government did not help much. Thankfully, international human rights organizations were able to intervene using the Ghanaian legal process and international law to obtain some temporary relief and protection for those and other Liberian refugees in Ghana. It has, however, become the urgent duty of our government to accelerate the return and resettlement of Liberian refugees within the borders of Liberia where they can avail themselves of the full constitutional protection of the Liberian state. We call on the president to revamp her “return of refugee” policy and call on the legislature to prioritize this program in its budget allocations for the upcoming fiscal year. To our brothers and sisters lingering in refugee camps around the world, Liberty Party remains the alternative voice for you as well.

May Jehovah God bless us all, and save the nation!