

# Celebrate Sunshine Week together as Americans

*“Sunshine is said to be the best of disinfectants.”*

—Future U.S. Supreme Court Justice Louis Brandeis, 1913

Newspapers and other media as well as civil liberty groups celebrate Sunshine Week this week as a way to remind Americans of the importance of transparency in government, local, state and federal.

Louis Brandeis went on to write in his article in *Harper's Weekly*: “If the broad light of day could be let in upon men's actions, it would purify them as the sun disinfects.”

“It's widely believed and passed upon by generations of Vedic scholars that sunlight is the best disinfectant to kill diseases, germs, bacteria microorganisms, bugs, virus and toxic ideas and ideology.”

As we sink further into a post-factual America, we need to keep government open and therefore honest. At most points in our history, facts — especially science — were considered cultural currency. Now, it seems, conspiracy theories feed the beast daily doses.

As Richard Moore writes elsewhere on this page, there have been multiple efforts at the state level over the past decade to override the state's transparency laws.

That's a shame.

When I left the state 20 years ago, Wisconsin was second best for open records and open meeting laws — second only Florida. Journalists carried around a list of the only six exemptions to open records laws — on a business card. There was no need for 1,000 pages of litigation to go over.

The laws were clear and concise. (Speaking of concise, I always like to note the First Amendment protects five freedoms in just 45 words — the most elegantly written law in history.)

I return to my beloved home state where clarity has been lost and transparency laws remind me of the old Pete Seeger song, “Waist Deep in the Big Muddy.”

In my short time here, I've already written about efforts to remove some legal notices from newspapers, under the short-sighted and fully wrong argument that “everybody is online now.” I've seen that fight in five states now and I know the underlying effect will be less transparent government.

And it's not just about newspapers.

In the five states in which I've practiced journalism, inevitably, the vast majority of open records requests are submitted by citizens — usually in the range of two-thirds to three-fourths are from citizens.

That's a profound reminder of the brilliance of the Constitution: The people are in charge of the government, not vice versa.

Before James Madison wrote his first draft, the exact opposite was practiced in all countries. Those who maintained power ruled with swords and then gunpowder against any commoner who might question their rule.

There have been slips and blips in governance over the ensuing 234 years. The great commonality of we humans is our infallibility.

Yet we have managed — together — to come to this point in 2021 where we can have this conversation. No one is going to arrest me silently in the middle of the night for any column I write or any letter or column I print.

That's because the government is held accountable as to how it treats citizens. The Founding Fathers were aware they were not far removed from The Star Chamber, where citizens could be whisked off the streets and disappear forever. A similar point was made by Wisconsin State Supreme Court Justices in the *Newspapers Inc. vs. Breier* decision in 1979.

Those working for us cannot hide information from us.

We must continue together to fight, as have the generations before us. Attend public meetings, seek out public records. Support those who do the same. Vote for candidates who don't just talk the transparency talk but who walk it as well.

And I mean together. We are Americans. We are not enemies of each other.

So let us, together, enjoy the sunshine — and see to it the disinfectant continues.

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