

State high court: Revenge porn isn't protected speech

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In a decision with implications for the case of a disgraced former state lawmaker from the suburbs and others like him, the Illinois Supreme Court has ruled that disseminating private sexual images without permission — better known as revenge porn — is not constitutionally protected free speech.

The 5-2 ruling handed down Friday stems from the case of a McHenry County woman who sent friends and family nude images of a woman she caught having an affair with her then-fiance. County authorities charged Bethany Austin in 2016 with nonconsensual dissemination of private sexual images, a felony, after she emailed the images along with a four-page letter explaining why she and her fiance had called off their wedding, court documents state.

Her attorneys last year argued that the charge is an unconstitutional restriction of speech that does not serve compelling government interest. A McHenry County judge agreed and dismissed the charge.

The high court's ruling Friday reverses that decision and sends the case back to McHenry County for further proceedings.

In the majority opinion, Justice P. Scott Neville Jr. writes that the state's revenge porn law is not intended to prohibit certain forms of speech, but instead to protect privacy.

The court also ruled there is no legitimate public interest in the private sexual activities of the victim or in the embarrassing facts revealed about her



Nick Sauer

life. Justices harshly rejected Austin's argument that the law criminalizes the "stupidity" of the person in the images at the expense of the First Amendment.

"Defendant's crude attempt to 'blame the victim' is not well received and reinforces the need for criminalization," Neville wrote.

In a dissenting opinion, Justice Rita B. Garman writes that the revenge porn law is not narrowly tailored enough to avoid punishing protected speech. Unlike other states' revenge porn laws, which require malicious intent by the person distributing the images, Illinois' statute does not address motive or whether the victim suffered harm, she notes.

"The absence of any such nefarious intentions proscribed by other states opens the door wide for innocent conduct to be criminalized," Garman writes, with Justice

Mary Jane Theis joining her in the dissent.

Besides Bethany Austin, the ruling could have significant ramifications for the case of former state Rep. Nick Sauer.

Sauer, 36, faces 12 counts of nonconsensual dissemination of private sexual images alleging he posted lewd images of two former girlfriends online without their consent.

The Lake Barrington Republican resigned from his 51st District seat in the state House last year after allegations surfaced claiming he created an Instagram account in a former girlfriend's name and posted images there to lure men into graphic discussions.

A second woman later came forward with similar accusations.

Attorneys in Sauer's case were awaiting Friday's decision before proceeding with a defense motion asking a judge to throw out charges against him.

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Lightfoot: Teacher talks progress, but classes not likely to resume Monday

Chicago Sun-Times

The Chicago Teachers Union and city leaders each praised "progress" made at the bargaining table as the teachers' strike entered its third day Saturday, but Mayor Lori Lightfoot said she'd be "surprised" if a deal can be hammered out in time for classes to resume Monday.

As CTU president Jesse Sharkey and vice president Stacy Davis Gates returned to Malcolm X College to continue contract talks, Mayor Lori Lightfoot visited a West Side youth development group's basketball program, where students asked when their schools would reopen.

"I think if we really work

hard at it, we could get a deal done this weekend," Lightfoot told them, adding she'd be surprised if classes resumed Monday.

Entering an afternoon bargaining session, CTU general counsel Robert Bloch said he hoped to see momentum carry over from Friday's negotiations.

"We made some progress (Friday) on class size and staffing," Bloch said. "We still have a ways to go on those issues, but we're working off the same page now, which is important. It's a sign of progress."

• This report was produced in partnership with the Chicago Sun-Times. For the full story, visit chicago.suntimes.com.

Ravinia's leader leaving

Chicago Sun-Times

Welz Kauffman, the Ravinia Festival president and CEO who has helmed the world-renowned music behemoth in Highland Park for nearly two decades, will be stepping down from his post, it was announced Saturday.

Kauffman, 58, will depart after the 2020 season, which will mark his 20th year with Ravinia. "After much reflection, I've decided that this milestone anniversary would be the right time to make way for someone new to shape the festival's future," Kauffman said in a statement.

Before Ravinia, Kauffman worked for the New York and Los Angeles Philharmonics, the Olympic Arts Festival, the J. Paul Getty Trust, the Los Angeles Chamber Orchestra, the Atlanta Symphony Orchestra and the Saint Paul Chamber Orchestra.

Ravinia's Board of Trustees will be forming a search

committee for Kauffman's successor, Saturday's announcement stated. He is only the third person to helm Ravinia in the organization's history, following Edward Gordon (1974-1989) and Zarin Mehta (1990-2000).

• This report was produced in partnership with the Chicago Sun-Times. For the full story, visit chicago.suntimes.com.

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