

In the Case of Jacqueline Montanez

**Affidavit Prepared for the Children
and Family Justice Center,
Northwestern University**

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I, John M. Hagedorn, Ph.D. am presently Professor of Criminology, Law, & Justice at the University of Illinois-Chicago. I have been employed there for the past 14 years. I have been researching street gangs for the past 25 years, beginning in Milwaukee, Wisconsin in 1984 and since 1996 in Chicago. I have been involved in several international cross-cultural research projects, including participation in a Social Science Research Council study of youth and organized violence. I am the author of three books, two on gangs, and one on the child welfare system. I am also editor of two collected volumes, both on gangs. I have published in peer reviewed academic journals in sociology, criminology, history, African American studies, urban studies, and for the US Air Force. I was a consultant for the National Institute for Justice, training social scientists in Department of Justice funded gang research. I have published many chapters in edited books, popular articles, and am the owner of the website, gangresearch.net. My books and articles are among the most cited academic works on gangs. My research builds on more than 80 years of social science studies on gangs in Chicago.

Directly relevant to the issues in the Jacqueline Montanez case, I was the Principal Investigator of a Harry Frank Guggenheim study on homicide in Chicago in the 1990s. I was a contributor to the 1998 Crime & Justice volume on teenage homicide that published essays from the leading scholars in the field. I also was the Principal Investigator of a multi-year National Institute on Drug Abuse "Homegirl" study of female gangs in Milwaukee, Wisconsin. I am the co-editor, with Meda Chesney-Lind, of the only edited volume on female gangs ever published. I co-authored, with Joan Moore, a formal Department of Justice review of the literature on female gangs. I was the architect of a major social service reform in Milwaukee and author of a book detailing the failures of the child welfare system, *Forsaking Our Children*. I have consulted and/or testified in approximately 50 trials including more than a dozen capital cases. I am currently conducting a long-term study of the history of gangs in Chicago.

I have reviewed trial transcripts and police reports in this case. I have viewed a video interview of Ms. Montanez's stepfather and have met with Ms. Montanez three times at Dwight Correctional Facility for a total of more than 9 hours. Included in that time was a one on one interview of approximately 2 hours. I have reviewed the relevant literature on gangs, female gangs, violence, and child abuse, and documents on this case by the Children and Family Justice Center. I have consulted on this affidavit with both Joan Moore and Meda Chesney-Lind, two of the most prominent researchers on female gangs in the country.

I submit this affidavit as an expert on Chicago street gangs, female gangs, and homicide.

Please also note that nothing in my affidavit should in any way minimize the loss of life of Hector Reyes and Jimmy Cruz. I offer my condolences to their families and friends and join with them in a sincere desire for peace and justice.

Overview

This affidavit presents research findings relevant to understanding Ms. Montanez's actions that were not raised at trial or sentencing.

My principal finding is that Ms. Montanez's history of incestuous rape, family violence, pre-teen drug use, exploitation by William Barrero, her Latin King stepfather, and the failure of child welfare institutions are essential aspects of the complex and tortured chain of events that led to the tragic killings in Humboldt Park. Far from being unredeemable, I find that Ms. Montanez has the potential to lead a productive, violence-free life.

The affidavit first reviews the literature on females and homicide and how it was misunderstood or distorted by the prosecution. The effect of this distortion was to demonize Ms. Montanez and divert attention from the deeper reasons for her actions. The second section explores those deeper reasons, both from the literature and from my interviews with Ms. Montanez. Her own words demonstrate the connection between sexual abuse and family violence to her violent actions as a 15 year old. The child welfare system, despite being aware of serious abuse, failed to intervene when it most mattered. Finally, I look at what we know from my own and other studies about the capacity of women like Ms. Montanez for rehabilitation.

As an overarching concern, and as a gang researcher and social welfare reformer, it is difficult for me to comprehend why the desperately waving red flags of Ms. Montanez's behavior did not trigger anyone – her defense attorney, the states attorney, court personnel, or the media – to look into her obviously troubled family background. The sexual and physical abuse she suffered as a child does not excuse her teenage actions, but should have been considered as mitigating factors in both the charging decision and her sentencing.

1. Females and Homicide

The context for Ms. Montanez's sentencing to life without parole was the assertion by the State's Attorney that Ms. Montanez's actions were 1. part of a societal trend of increases in female and gang violence, and a 2. gang-related, "cold blooded" murder. Both assertions are contradicted by authoritative social science studies.

a. The Context: Mass Media and Official Statements

The homicides in Humboldt Park by a young woman captured the attention of Chicago at the time. Recorded on video, Ms. Montanez's entrance into a police station, flashing her gang signs and appearing unrepentant, was played multiple times during her trial. The clip is now featured in a sensationalist "Gangland" episode. Police, the news media, and later in a Chicago Crime Commission Report (heretofore CCC), used this shooting to warn that "females are more violent than ever before" (p 6).

The Crime Commission Report followed a veritable litany of articles in the media warning of the coming epidemic of female violence. The Chicago Tribune, just one week after the shooting of Reyes and Cruz, reported "the case has raised fears that females, who have until now played a supportive role in gang violence, may be assuming a more active stance, gang experts say." The article went on to quote States Attorney Michael Krejci "Everyone thinks of women as not being as cold as the males. It's obviously changing." (Stein and Wilson, 5/17/92).

The trend, the Crime Commission Report later warned, is for women, having a "taste of feminism" (CCC, p 2) to become more like men, including use of violence. The closing argument of State's Attorney Gamboney once again played the video clip for the jury of Ms. Montanez "flashing her gang signs, her pitchfork, and saying "KK. Maniac, King Killers..." (E-151).

Mr. Gamboney's closing argument, however, went on to ask the jury *not* to take gender into consideration.

There is something different about this case. We have gang murders all over the city. But quite frankly, there is not a lot of cases where females do the shooting. And what I'm submitting to you at this point is you should not let your sympathies or prejudices affect you in deliberating on the case. *The fact that the Defendant is a female, the fact that she might have been young are not for your deliberation.* (E-136; my italics)

My findings are exactly the opposite. *The principal facts in this case are inextricably related to Ms. Montanez's age and gender.* The sentencing of a severely abused girl to life without parole, with no consideration of the horrific circumstances of her life, compounds the tragedy of the deaths of Cruz and Reyes.

b. Trends in Homicide

Social science studies as well as the actual data on female homicide sharply contradict both scare stories of more violent females and the denial by the State's Attorney that gender and age have anything to do with the crime.

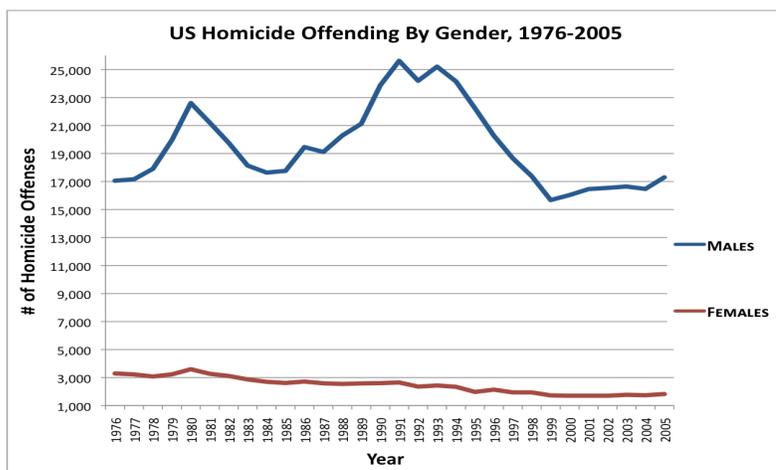
The vast majority of female homicides, Ann Jones (1996) reports, are killings of spouses or children. In the Montanez case, the first indicator of something

beneath the surface was the atypical nature of violence by a woman against young males not her spouse or children. These homicides were interpreted by the media and State's Attorney as representing a new trend of increased female violence. However, credible studies on female homicide, such as Jones' classic, *Why Women Kill*, (1996, 29-30), summarize the actual data:

The rate of murders committed by women has remained steady at 15 percent of all murders for as long as anyone has kept records anywhere.

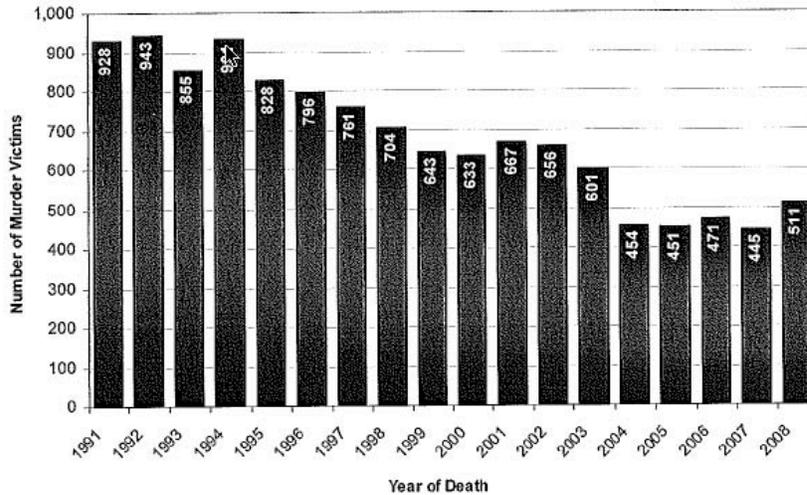
It is understandable that the State's Attorney would forecast more increases in gang homicides, given the gang wars at the time. Fortunately for Chicago and the US, this prediction of increasing gang violence was wrong. The Bureau of Justice Statistics reports 1992 was at the beginning of a sharp *decline* in homicide for both males and females, youth and adults. Violence fell in cities and states with zero tolerance policies and harsher sentences, and in cities and states with less harsh sentencing policies and "softer" policing strategies (Blumstein 2000). More importantly for this case, female homicides have declined steadily for more than 40 years.

Figure 1



For female homicide, readily available historical data directly contradict sensationalist rhetoric predicting "women acting like men." Any competent social science analysis of female homicides would have forecast little change, not a female crime wave. The low rate of female homicides has not appreciably changed for as long as we have collected data, both nationally and in Chicago.

FIGURE 1: NUMBER OF MURDER VICTIMS IN THE CITY OF CHICAGO, 1991 TO 2008



Source: Chicago Police Department

Why is this “misreading” of the data important? The media hype and statements by the State’s Attorney lent themselves to an atmosphere of fear surrounding the trial based on unscientific speculations that ran exactly opposite to the data. This does not mean that fears of gang violence were not real, and we cannot forget Chicago was at the time nearing the end of a gang/drug war. The two young men killed in this case cannot and should not be forgotten. However, by focusing on non-existent, sensationalist trends of increased female violence, and distorting the actual trends in homicide, the State’s Attorney diverted attention from the significance of the journey through hell that was Ms. Montanez’s life. As female delinquency scholar Meda Chesney-Lind (1997, 98) puts it:

... women murderers...are interesting precisely because of their rarity.

Ms. Chesney-Lind, after reviewing this affidavit, said to me that Ms. Montanez is an example of what she calls the “denial/demonization syndrome” – deny that gender plays a role and instead demonize her actions. Ms. Montanez was demonized in the proceedings, consistent with how Ann Jones (140-1) describes the labeling of some “women who kill” as “fiendish.” Ms. Montanez was pictured as a woman who violated gender norms so severely that she *must* be a monster. As Jones states, particularly when the female is nonwhite, she is not considered to be a “lady” who has done a bad thing, but rather defined as someone with “not one spark of womanhood” (361).

The State's Attorney's denial of age and gender as playing a role in this case conforms to Jones' findings that prosecutions of female homicides tend to "unsex" such women and claim they have a "brutal, subhuman nature" (236-241). This characterization ignores the complex, emotional maelstrom of these women's lives. It is to a social science understanding of Ms. Montanez's horrific childhood that we must turn.

2. Research on violence, gender, and gangs

Ms. Montanez lived in an abusive home from her earliest days. By the time she was seven years old, she had been raped by her step-father, surrounded by a home filled with drugs and guns, was a participant in her step father's drug sales, and was hit and threatened with guns. Her family ignored her pre-teen alcohol and drug use and she constantly ran away. Despite Ms. Montanez herself reporting broken bones and bruises as the results of Mr. Barrero's abuse, the Illinois Department of Family and children Services (DCFS) failed to intervene. Dr. Beyer's report details the terror of Ms. Montanez's early life that classically define the terms "trauma" and "child abuse." In this section, I apply the literature on gangs and family violence to Ms. Montanez's actions.

a. The Relationship of Child Abuse to Adult Violence

The most misleading statements at trial characterized the killings as "not complicated," and Ms. Montanez as "a cold, calculating, vicious murderer... the teen queen of criminals." Mr. Gamboney stated in closing that people ask him "what the hell is going on here?" Had Mr. Gamboney looked into any textbook on homicide, he would have found out the obvious: "child abuse." Neither did Ms. Montanez's public defender conduct what should have been an absolutely obvious investigation into her family background. Even a cursory investigation would have turned up Gilligan's insight in his classic study of violence:

When emotional pain is overwhelming, it provokes an automatic, unconscious, reflexlike self-anesthetization, a self-deadening.
(Gilligan 1996, 50)

Ms. Montanez lived this classic description. She told me that since a very young age she would

...pound my head on the wall so I didn't have to feel. The pain drove away any other feelings.

This life long, "self-deadening" behavior is confirmed by her stepfather's video interview. The child abuse, rape, violence, drug use, and incest in Ms. Montanez's life is a text book example of the emotional correlates of later violence:

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The source of their most intolerable distress is not in their present environment, bad as that is, but in themselves; i.e. in their memories of past experiences, and in the means by which they attempt and are still attempting to protect themselves from the pain of those experiences and their memories.

(Gilligan, 1996, 51)

These conclusions are not limited to the eminent Dr. Gilligan. The National Research Council's definitive "Understanding and Preventing Violence" (Reiss and Roth 1993, 112) summarizes accepted knowledge:

Research suggests that sexual abuse in childhood plays a conditional role in a causal chain that leads to subsequent violence.

Please note the deliberate use of the phrase "*causal chain*." This official United States social science research body concludes, from an exhaustive review of the literature, that sexual abuse in childhood not only sets the conditions but can be said to *cause* later violence.

The evidence of a violence/child abuse link is even stronger when we look at the literature on women. For example, Ann Jones classic *Women Who Kill* is explicit in the link between prior abuse and women's violent actions. Chesney-Lind's book, *The Female Offender*, cites the literature that the prevalence of child abuse in the lives of women incarcerated for violent acts is greater than for men (1997, 153).

Ms. Montanez's childhood abuse does not excuse her actions. But taken together, the literature on gender, child abuse, and violence leads to the inescapable conclusion that considering Ms. Montanez nightmare upbringing is absolutely indispensable for any rational notion of justice. Even a cursory glance at the literature on gangs should have seen Ms. Montanez's gang membership as further evidence of extreme childhood problems.

b. Gangs, Girls, and Street Socialization

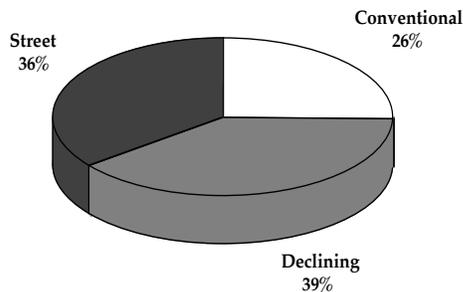
Careful research (Thrasher 1927; Short and Strodbeck 1965; Horowitz 1983; Moore 1991) has found that gang members come from a variety of families. While some gang members come from conventional, two parent families, most gang members today come from what I've called "declining" families (1998). These families have one or more problems, including drug use, generational gang affiliations, domestic violence, alcohol abuse, and a history of family criminality. For these gang members, however, the troubles in their family do not sharply differentiate them from others in the neighborhood. Many families have problems, but not all of their children join gangs.

A final set of gang families are filled with troubles and the children within these families are socialized to the streets. Children from these "street" families see the experience of violence, drugs, and gangs as "normal."

Sociological research (e.g. Fine 1987; Moore 1991) calls this “normal deviance.” In my Milwaukee studies, I found that male and female gang members came from three types of families, represented below.

Figure 3

Types of Gang Families



My studies are consistent with Joan Moore’s East Los Angeles research, particularly on female Hispanic gangs. For Moore, female gang members come from significantly more troubled families than males, and the gang is more of a “refuge” (1991, p. 101) for girls than for boys. After reviewing this affidavit, Moore said to me that Ms. Montanez was instantly recognizable to her. She is similar to those East Los Angeles Mexican girls Moore studied who hid their pain in “la vida loca,” the crazy life of the streets. This pattern appears to be more salient for Latinas than for African American girl gang members.

Ms. Montanez comes from a prototypical “street” family. She was raised to see family violence as normal, with guns everywhere in the house. William Barrero said in his interview that he “may have” aimed a gun at her mother, but he never aimed it at the kids. Ms. Montanez remembers differently. For example, she told me with great emotion:

He had the gun pointed at me. (He said) “I’m tired of this smart mouth little bitch.”

It was clear from my conversations with Ms. Montanez and William Barrero’s testimony that she led an early childhood life of fear. She told me:

Death was natural to me. I all along thought he would kill me. I thought I would never live to 16.

When I told her that her stepfather said he was high “95%” of the time, she responded angrily

He wasn't high all the time. One time he wouldn't let me go to visit my grandmother until I went with him in that van and parked under the highway and he had sex with me.

Ms. Montanez was 11 years old at the time. Ms. Montanez also told me that as a pre-teen she participated in her stepfather's drug sales. William Barrero's interview confirmed that by age 10 she was delivering drugs for him. Her father was a member of the Latin Kings and being brought up into gang life also normalized that experience for her. While she has an explosive mixture of feelings for her stepfather, his repeated sexual abuse of her was bound to not only lay a basis of hatred for him, but for his gang. It is hardly an accident that she joined the Maniac Latin Disciples, bitter enemies of the Latin Kings.

Ms. Montanez's family background of rape, violence, drugs, gangs and abuse by her stepfather are examples of what the social science literature concludes is a “causal chain” between her childhood and adult violence. In this sense, the lack of intervention by child welfare authorities failed to interrupt a seemingly inevitable cycle of violence. Ms. Montanez told me of repeatedly informing school, police, and DCFS officials of her injuries and Barrero's abusive behavior. Her frustration and anger mounted as welfare, police, and educational institutions all failed to protect her. My own studies and work in Milwaukee's Child Welfare system (1995) provides numerous examples of the tragic outcomes of bureaucratic routines that have little to do with the interest of the child or family.

Keeping Ms. Montanez's childhood horrors in mind, we need to examine more closely the State's Attorney's claim that her actions on May 11, 1992 were “cold blooded.”

c. Instrumental and Expressive Violence.

The State's Attorney presented the homicides as an “uncomplicated” act of gang retaliation. An examination of both the literature on gangs and violence, and the descriptions of the events by Ms. Montanez directly contradict this statement.

Did the Maniac Latin Disciples plan revenge after the killing of their homeboy “Muda?” Absolutely. Ms. Montanez, who had been elevated in rank the day of the shootings persuaded her male gang members not to do a drive-by.

It was me who said, no, let us (Ms. Mulero and Ms. Mendoza) go out to their turf, bait them and make them come to us. That was the plan.

Importantly, according to Ms. Montanez, the “plan” was not for her to commit the shootings, but be the “bait.” But events would play out very differently. In many gang homicides, violence may have “rational” causes, to enforce gang rules, resolve drug business problems, or retaliate (Berkowitz 1993). But the shooters in gang homicides are often chaotic, damaged individuals whose actions are rooted in emotional storms unrelated to the surface event.

In other words, research on gangs has found violence may be “expressive” of a person’s emotional state even if it appears to be an “uncomplicated” act of revenge. Violence is seldom as simple as it appears, despite Mr. Gamboney’s statements. A recapitulation of the events in Humboldt Park demonstrates an unmistakable “causal chain” between Ms. Montanez’s actions and her childhood torture by her stepfather.

Probing Ms. Montanez for her feelings during the events of May 11, 1992, she told me she was trying to “prove herself” after being elevated in rank. The gang, she said was unaware of her age. She always had acted and looked older than her age. But how did she feel, I asked?

We drove out to Humboldt Park and it was a ghost town. No one was around. So we drove to Beach and Spaulding -- the home territory of the LKs. We were high on acid. I was scared. My heart was beating hard and fast. I was praying to God we didn’t see nobody. If they found us the LKs would kill us.

Why did they drive through Beach and Spaulding, I asked, the heart of Latin King territory, with little escape if they were noticed? She had already taken LSD and was high, a common practice when violence is imminent. But far from being motivated only by a desire for retaliation, her words to me uncovered deeper layers to the story. As she drove through King territory, she acted bizarrely:

Tuti had my legs and I was hanging out the window screaming all the way through Beach & Spaulding, all over Humboldt Park. I wanted them to know it was ME. I wanted them to TELL MY DAD.

Ms. Montanez then angrily recalled molestation by Latin Kings when she was a pre-teen and her step father ignoring it. She hates Latin Kings, she said

...because they touched me at meetings. When I was 7 or 8 they touched me. They had all those older bitches they wanted them to fuck them, but they had to touch a little girl....My dad did nothing to stop them.

Ms. Montanez could not describe why she shot Jimmy Cruz or make sense of her emotional state at the time. She went on tearfully and with obvious emotional pain that it was her stepfather whom she wanted to lash out at:

I should have killed him. He was the one I wanted dead. Two people died and they weren't the ones I wanted to kill.

Ms. Montanez's admission captures the meaning of the social science literature on the relationships between child abuse and violence. The chance event of meeting with Cruz and Reyes and the subsequent shootings in Humboldt Park were the result of a tragic chain of reactions that had its deepest roots, according to all we know about homicide, in Ms. Montanez's childhood.

This does not mean she is excused from her actions. Responding to my question on this, she said

I know I'm responsible. I know I have to be punished.

But her acts were not those "that would make a hit man proud" as astonishingly alleged by the State's Attorney. Ms. Montanez's profile is the direct opposite of what we know about hit men. Randall Collins (2008, 433), in his seminal social psychological study *Violence*, explains that hit men are "experts in emotion management" who focus on the technical details of a crime partly out of a way to calm themselves. "The hit man," Collins (434) adds, "is not without emotions but he manages them."

For the hit man, the act of killing is dispassionate. "Having kept his adrenaline arousal within a controlled range," Collins (436) points out, "he has no need to work it off in "boisterous and wild behavior." The "hit" is typically performed alone and the hit man does not display violence and emotion in his everyday life.

Hit men I've interviewed in Chicago support this characterization. Some gangs cultivate professional killers and hits are carefully planned including the escape and alibi. Emotional control is prized. Displays of emotion are signs of weakness and unreliability. The term "cold blooded" applies since it suggests unnatural calmness in the fact of extreme acts of violence.

This does not in any way describe Ms. Montanez's day-to-day character. Ms. Montanez's actions called attention to her and left her with no alibi, unlike any hit man. Her "boisterous and wild" entry into the police station supports the social science reading that her acts were fundamentally emotional or expressive, a searing response to abuse deep inside her, surely not the technical proficiency of the professional killer.

In 1992, Ms Montanez was an emotional volcano, whose eruption produced a horrific tragedy on the night of May 11. Her emotional response was untreated by the child welfare system and allowed to boil until a terrific explosion erupted. Calling this troubled girl a hit man, like sounding the alarm

of a rising tide of female violence, made good quotes for the press, but was based on bad science. Or more likely, was based on no science at all.

Ms. Montanez's acts that night were wrong and reprehensible. They were also a direct and understandable reaction to her sexual and physical humiliation as a child at the hands of William Barrero, her Latin King stepfather. But despite her acts, the social science literature demonstrates that children like Ms. Montanez can be rehabilitated and lead a safe, productive life.

3. Child Soldiers and Rehabilitation

In my cross-cultural research, I have found one category of child that corresponds to Ms. Montanez: the child soldier, or its non-civil war analog, Children in Organized Armed Violence (COAV). In Sierra Leone and other countries, pre-teen children were given drugs and abused by their military masters, surrounded with violence and taught to use weapons. Some were even compelled to kill their parents. Killing was normalized and the price of disobedience was sometimes fatal.

In a ten-nation study, we found that civil war-like conditions were replicated in areas of cities in countries as diverse as Brazil, Jamaica, the Philippines, Nigeria, El Salvador, Colombia, and the United States. Particularly for children raised in abusive environments, a life of violence became to be seen as normal, similar to the outlook of child soldiers.

Youth with these troubled backgrounds are often ordered by gang leaders to commit acts of violence. This neatly protects the leader from both retaliation and prosecution and instrumentally sacrifices the street socialized, emotional child. It is also not lost on gang leaders that such emotional people are unstable elements within the gang and may be better off dead or in jail. A professional hit, on the other hand, is assigned to more valuable resources, almost always *men* that can keep their emotions under control and can organize an alibi.

The Children in Organized Armed Violence literature is important because it found that youth, even those who have killed, should not automatically be considered as worthless and executed or sentenced to long prison terms. The experience of child soldiers demonstrates that youth with even very troubled backgrounds and histories of violence can be rehabilitated. One example is the remarkable story of Ishmael Beah in his best selling autobiography *A Long Way Gone: Memoirs of A Boy Soldier*. He overcame a life of violence as a child in Sierra Leone to become rehabilitated and attend college in the US.

The UN policy of DDR – Demobilization, Disarmament, and Reintegration – is a framework that stresses the capacity of most child soldiers to “reintegrate”

with society. It understands the responsibility of the brutal nature of a youth's family life and the harsh environment an armed group, while not dismissing personal accountability. It proposes a policy of treatment and economic opportunity as components of an overall solution for those who kill but who are also victims.

Ms. Montanez fits this category, and can also be understood through literature on "maturing out" of the gang. I've found that one important factor in rehabilitation are conventional aspirations. Ms. Montanez told me:

I want to be a mother. I want to have a wedding. I want a man. I want to be able to raise kids the right way.

Remarkably, she is beginning to understand her own rage, and trying to move beyond it. She described her anger at her mother:

You shoulda fuckin' saved me. You didn't because you wanted to be loved, to be held by a man. You protected my sisters, why didn't you protect me? I would have preferred if she gave me away.

But, she goes on, to describe her process of understanding since her mother's death:

When she died I forgave her. It's only since then that my rehabilitation has begun. I still need some time.

My studies of adult gang members find that aspirations and understanding of the emotional storms of one's life begin the process of change. Ms. Montanez has come to some healthy conclusions about her acceptance of the label of "fuck up."

I'm not a fuck-up. My whole life I thought I was.

She is gaining confidence in herself and shedding some of the fears of her earlier life.

I'm not that scared little girl anymore

I have watched hundreds of gang members age and change over the past twenty five years of my research career. In my expert opinion, the process Ms. Montanez is undergoing in her life is the process of conventionalization. She realistically understands she cannot go back to Chicago, where her life would still be in danger. But she is imagining a normal life "in the free world," healthy steps toward a conventional future.

Conclusion. What message do we want to send?

Ms. Montanez is aware that her criminal acts must have consequences. She has now been in prison most of her life. At age 15, when the homicides occurred, the still-fresh humiliations of Ms. Montanez's childhood sexual abuse could not help but to color and distort her adolescent actions. Applying the social science literature, I can see no reason to think, if released after more than 18 years in prison, Ms. Montanez cannot lead a productive, non-violent life in the community.

The State's Attorney and her Defense Attorney either ignored, distorted, or were simply unaware of basic social science findings on girls in gangs, violence, child abuse, and rehabilitation. Many of the statements made in court appeared to play to the public's fears through an eager, sensationalist mass media. Rather than practice a rational search for justice, the state's attorney's sentence in this case appears to be more akin to the criminal justice system, as Garland (2001, 135) puts it "acting out," or demonstrating "outrage" rather than seeking justice. Ms. Montanez's motivation was assailed as one-dimensional. She was demonized and assumed to be evil and beyond rehabilitation. The flamboyant statements of the State's Attorney and the silence of Ms. Montanez's public defender shamefully allowed the underlying issues of the effects of severe child abuse to go unnoticed.

The State's Attorney said the sentencing of Ms. Montanez was meant to "send a message." It wasn't really clear from his words what that message was supposed to be. Is the message the State's Attorney wanted to send that child abuse is not important or plays no role in adult behavior? Is it that abused children, if they let go of their rage, cannot ever recover and live a decent life? Must these abused children be put to death or spend the rest of their lives behind bars without opportunity for redemption? Such a message would ignore the findings of social science and runs contrary to common sense and the morality of the Illinois public.

A message of justice would be to consider the conditions of Ms. Montanez's life and reevaluate her sentence.

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