

Hoy, March 30, 2012

The Untold Story of Jacqueline Montañez

In 1992, 15-year old Jacqueline Montañez, along with two other young women, was convicted of killing two rival gang members in Humboldt Park in a crime that shocked Chicago.

On April 11, lawyers representing Montañez will present a clemency petition to the Prisoner Review Board asking the Governor to reconsider her sentence of “life without parole.” The U.S. Supreme Court recently heard oral arguments on whether such sentences for juveniles are constitutional.

Gang violence horrifies us all. We cannot avoid the issue that Jacqueline Montañez killed two people. Why should anyone care about what happens to her?

We can begin by listening to Jose Lopez, Executive Director of Chicago’s Puerto Rican Cultural Center. He said: “Jacqueline Montañez is the face of our community. There are thousands of Jacqueline Montañezes?” How can Lopez say this? Listen to Jacqueline’s story and see if you can recognize someone you know.

Her story begins with a shocking lack of concern by those who were supposed to protect her. At the tender age of seven, Jacqueline Montañez’s step-father, a gang drug user and dealer, began raping and physically abusing her. He put her to work in his drug business and every time she ran away, she was returned by social services. When she finally escaped, was it a surprise she joined the rival gang to her step-father? And those gang members she shot, you may have already guessed, were members of her step-dad’s gang. “It wasn’t them I wanted to shoot” she told me emotionally. “It was my step-father.” No one, not even her own defense attorneys, ever asked about her life of horror. “There was no childhood in this child” she said in one of her poems. How many of the youth we know have also lost their childhood?

The way she was treated by police is also familiar. Since she was a gang member, the police and courts proceeded without much concern for legal safeguards. The detectives who arrested her threatened to drop her in the territory of the gang whose members she had shot if she did not confess. This is a common tactic by Area 5 Chicago Police officers who have been cited for more than 50 cases of coercion and frame-ups. One of the officers

who arrested her, Detective Ray Guevera, cost the City of Chicago \$21 million to settle a case when he forced another gang member to make a false confession. Police also refused to allow Ms. Montañez's mother to see her until Jacqueline signed a confession the night of her arrest.

This blatantly illegal tactic got her first conviction reversed. The prosecution appealed the dismissal all the way to the US Supreme Court and when that failed, the judge simply stated that the higher courts didn't have all the facts and reinstated her confession! She was just a gang member and who cares about them? She was convicted again and sent to die in prison. Montañez wrote she was "a baby in a cement casket."

Montañez could be treated this way because as a Latina gang member she could be easily demonized and no one would care. She was certainly not worthy of the kid gloves treatment of former Mayor Daley's nephew, Richard, "R.J." Vanecko when he killed young David Korshman. Vanecko got off scot-free. Montañez's judge pointed out that if she was only a few weeks older, 15 year old Jacqueline could have received the death penalty.

Prosecutors blustered that Montañez's crimes were such that "would make Al Capone proud." Her killing was proof, they said falsely, that women were becoming as violent as men. I don't think they meant white women. Montañez was denounced as "evil," and "the teen queen of criminals." A video of her flashing gang signs as she was booked was played again and again to jurors and lives on in reruns of *Gangland*. Montañez was no more than a cartoon character for the court. The press cheered the prosecutors on and asked no critical questions.

But perhaps we should turn the tables and ask our own questions about the other faces at her trial? The detectives, we've already seen, were dirty cops, coercing confessions whenever they could. Montañez's lead prosecutor, William Gamboney, apparently thought so highly of police brutality that he became the *defense attorney* for Jon Burge, the infamous Chicago cop who tortured gang members for decades. And her judge, John J. Mannion, was himself a former police detective. He volunteered to be a *character witness* for Burge at his federal perjury trial. These are the faces of "justice" in thousands of trials of our youth.

Montañez's automatic sentence of life without parole allowed the court to legally disregard any mitigating evidence. The juvenile justice system, founded on the assumption that youth should be treated differently from adults, now routinely waives serious juvenile crime to adult court — unless you have friends in high places. The trial of Jacqueline Montañez exposes the demonization of minority youth that underlies public acceptance of police coercion and neglect of basic rights.

Jacqueline Montañez is not a cartoon character; she is an impressive 35 year-old woman who has been incarcerated for more than 20 years. Her life has had many turns and she is a fierce advocate for her fellow inmates and youth. She takes full responsibility for what she did as a 15 year old. She has the backing of many leaders in the Puerto Rican community and Northwestern University Law School's Bluhm Legal Clinic. Ms. Montañez knows she can't bring back the victims, Hector Reyes and Jimmy Cruz. She has seen it all and now wants to help youth resist gangs. "I did what they say I did" she says. "But I'm not who they say I am."

Don't we all know this woman-child? Shouldn't she get a second chance?

Please go to <http://jacquelinemontanez.com> and sign the petition to Governor Quinn asking him to reconsider her sentence of life without parole.

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