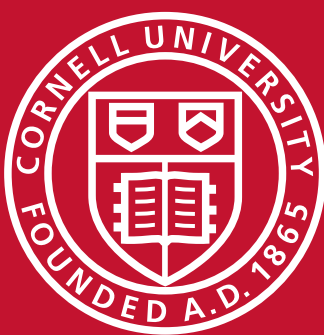


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HER
WHOLE
TRUTH

Lisa
Montgomery

Profiles of Women Facing
Extreme Sentences



Cornell Law School
Cornell Center on the Death Penalty Worldwide

LISA MONTGOMERY: A VICTIM OF INCEST, CHILD PROSTITUTION AND RAPE FACES EXECUTION

By Sandra Babcock



UPDATE: *We are devastated and outraged. Lisa Montgomery was executed in the early hours of January 13, 2021.*

On October 16, in the middle of Domestic Violence Awareness month, the United States Department of Justice scheduled the execution of Lisa Marie Montgomery—a survivor of multiple rapes, child abuse, torture, and domestic violence. Years of torture at the hands of caregivers, documented brain damage, and untreated severe mental illness made it impossible for Mrs. Montgomery to function in the world. Even today, she requires a complex cocktail of psychotropic medications to maintain contact with reality. The current administration’s mission to execute the only woman on federal death row on January 12th is shocking for its moral blindness and outright cruelty.

The story of Lisa’s life reads like the script of a horror movie. Her stepfather, Jack Kleiner, sexually assaulted her for the first time when Lisa was eleven years old. For years, he raped her repeatedly, coming into her room at night and threatening to rape her younger sister if she resisted. Lisa’s mother later testified in her divorce proceedings that she witnessed at least one rape, stating, “He was in her. He was pumping her.” Lisa’s mother was less forthcoming about her role in terrorizing Lisa.

Lisa’s mother Judy was an alcoholic whose drinking caused Lisa to be born with permanent

brain damage. She beat her children, including Lisa. She punished them by putting them in cold showers or by whipping them with belts, cords or hangers. On one occasion she killed the family dog in front of Lisa and her siblings to punish them, brutally smashing its head with a shovel until it died.

Judy ultimately married six times, and had multiple partners throughout Lisa’s childhood. She began prostituting Lisa to older men when Lisa was in her early teens. Lisa was anally, orally, and vaginally raped by several men, one after the other for several hours at a time. As a result of her sexual torture, Lisa began to dissociate. She developed complex post-traumatic stress disorder. She told people about the abuse—including a cousin who was a law enforcement officer—but no one intervened to help.

Lisa’s grades declined, and she was eventually placed in special needs classes. She came to school dirty, in clothing that was torn and full of holes. Around this time, the family was living in an isolated trailer home with no running water. School administrators suspected abuse at Lisa’s home, but failed to take steps to investigate further or report it to the police.

At her mother’s instigation, Lisa became engaged to her stepbrother at age seventeen, and they married when she was eighteen. He continued the cycle of abuse, raping and beating her. She gave birth to four children.

After her fourth child was born, she was pressured into an involuntary sterilization. Over the years, her mental health continued to deteriorate, and her behavior became increasingly erratic. She lived in dire poverty, and by the time she was thirty-four she had moved sixty-one times. She divorced and married again.

The crime for which Lisa was convicted and sentenced to death reflects the depth of her mental illness and despair. The facts are grim. Two days before the crime, her abusive former husband (and stepbrother) filed for custody of two of her children. At the time, she had told her new husband she was pregnant—which her former husband knew was untrue because she had been sterilized against her will. He threatened to expose her, and said he would use the imagined pregnancy in court to obtain custody of her children. The threat of losing her children combined with years of trauma and severe mental illness pushed Lisa past the brink. She went to the home of Bobbie Jo Stinnett, who was twenty-three and eight months pregnant. Lisa killed her, cut the baby girl from her mother's abdomen, took the baby home, cared for her and pretended she was her own child.

Before I continue, it is important to pause here and observe that the death penalty in the United States is not mandatory for murder. In all cases, prosecutors must choose to seek the death penalty. And in virtually all cases like Lisa's over the last few decades, prosecutors have decided not to ask for death. But the Bush Justice Department—under disgraced Attorney General Alberto Gonzales—decided to buck that trend.

In any capital case, the most important factor that determines whether the defendant will live or die is the quality of the defense team. In Lisa's case, the defense team was controlled by Dave Owen, a lawyer who had never before defended a person facing the death penalty, let alone a woman with a history of sexual violence and trauma. Concerned about his inexperience, national experts recommended the appointment of Judy Clarke to the defense

team. Judy Clarke is one of the most talented capital defense attorneys in the country, and she is renowned for her work with mentally ill clients and those who are victims of abuse and trauma. She agreed to join the defense team, and quickly built a relationship of trust with Lisa. But Owen, who was known for his disparaging views of women, couldn't handle being told what to do by a female lawyer. According to female lawyers working in the same office with Owen, he "[chafed] at Ms. Clarke's leadership role on the team" and was not "particularly good at working with women," especially "[women] on equal footing." The chief investigator on Lisa's case, who was also male, repeatedly made clear that he was "not going to take any orders from any damn woman."

Without informing Ms. Clarke, Owen and his boss asked the male federal judge to remove her from the case. The Judge ordered that all contact with Ms. Clarke be cut off, and on April 20, 2006, when Ms. Clarke attempted to visit Lisa in jail, she was refused entry. Lisa did not see Ms. Clarke again until after Lisa was sent to federal death row.

Lisa's trial attorneys bungled her defense and failed to present the full extent and impact of her childhood torture and sexual abuse. Federal prosecutors dismissed the evidence of her sexual abuse that was presented, calling it the "abuse excuse." They faulted Lisa's mothering skills, telling the jury that she didn't go to her children's events, and that "[s]he didn't cook, and [s]he didn't clean." They told the jury that she lived in a "filthy home." The jury recommended that she be sentenced to death.

Since her conviction in 2007, Lisa has maintained connection with her children. She is now a grandmother. She has accepted responsibility for her crime and has expressed deep remorse.

Lisa Montgomery committed a crime that she can never take back, and her actions had tragic consequences for Ms. Stinnett and her family. But Lisa herself was a victim of terrible crimes, and her actions are inextricably linked to her

own history of trauma, mental illness, and brain damage. Her trial and subsequent appeals were compromised by misogyny. And now, the United States Department of Justice under the current administration seeks to execute her during a global pandemic, after an election that may well result in a change of administration.

According to her attorneys, Lisa continues to suffer from a reality-distorting mental illness, and this alone is reason to stay her execution. Dr. Katherine Porterfield, a renowned expert on torture and trauma, testified that the impact of Lisa's sexual abuse was "massive," and that her dissociative disorder was one of the most severe cases she has ever seen. But the deeper question is this: should the United States execute a woman whose history of sexual torture and child prostitution was dismissed as "the abuse excuse," and whose poor parenting skills were trotted before the jury as one of the reasons to kill her?