

Testimony of
Jessica A. Bergeman

February 27, 2007

TESTIMONY OF JESSICA A. BERGEMAN
ASSISTANT STATE'S ATTORNEY, COOK COUNTY, ILLINOIS
U.S. SENATE JUDICIARY COMMITTEE HEARING
"STRENGTHENING OUR CRIMINAL JUSTICE SYSTEM: THE JOHN R. JUSTICE
PROSECUTORS AND DEFENDERS INCENTIVE ACT OF 2007"
FEBRUARY 27, 2007

Thank you Senator Durbin, Chairman Leahy, Ranking Member Specter, and other members of the Committee for inviting me here to testify today about the John R. Justice Prosecutors and Public Defenders Initiative Act of 2007.

There are 10 misdemeanor assistant state's attorneys in my division. Allow me to introduce a few:

Mark has been with the office for several years. He has rotated through each of the assignments in my district--from petty tickets, to Class A misdemeanor court calls, to domestic violence, to preliminary hearings, to felony review. Mark walks to work whenever the Chicago weather permits regardless of the fact that it takes him almost 40 minutes each way to do so because leg power costs less than gas for the car. He pays \$500 a month in student loans. He still has \$70,000 to go.

Laura is uniquely situated to both investigate criminal charges and respond to the needs of the victims of crime. She came to the office after receiving both undergraduate and master's degrees in psychology and having interned at the Organized Crime Division of the Federal Bureau of Investigation with top-secret clearance. Laura owes a minimum of \$150,000 in post-grad loans. She, like me, makes \$52,000 per year and lives for payday when she can pay her bills and use almost everything left for groceries and a full tank of gas.

And then there's me. I was raised by my mother, a single parent and secretary for more than 35 years. I grew up in Boyertown, Pennsylvania, an area that until recently was a hotbed of neo-Nazi and KKK activity. It was there that I learned about both power and fear. On one hand, I was the golden child--honor roll student, cheerleader, Junior Miss Congeniality award winner and nationally ranked public speaker; but on the other, I was mocked and harassed because of my color while my cousin was chased home by a truckload of klansmen.

I decided to become a prosecutor because I hate bullies. Nothing infuriates me more than watching someone wield power without compassion or, worse, vindictively or with hatred. Crime, at its essence, is about power--the power to forcibly or by deception take something not rightfully yours; the power to cause fear through the swinging of a fist or seeing the glint of steel

flash before you. And yet, I recognize that the members of the judicial system, particularly prosecutors, wield significant power themselves.

Prosecutors hold the power to control the fate of cases and determine in which instances the People, whom we've sworn to represent, have actually been harmed and would demand redress. Or the other instances in which no harm is done and the criminal is, in fact, a criminal only because of circumstance. For example, if one's old, semi-dilapidated car (much like my 10 year old Explorer) fails to pass an emissions test, the Secretary of State will suspend the driving privilege of the registered owner of the vehicle. Driving on a suspended license is a Class A misdemeanor punishable by up to 364 days in the Cook County Department of Corrections, a fine of up to \$2,500 or some combination of the two. Many defendants are too poor to fix the car, certainly too poor to buy a new one, and have unreliable or no public transportation option; yet need to get to work to maintain their income--however limited. That is an untenable position.

If the prosecuting attorney standing on the far side of the bench has never wondered-- much less lost sleep over--how to make ends meet financially, how much compassion will they have for the defendant's dilemma? And will they seek justice in the situation?

My car has been in the repair shop 4 times since October and while I'm thankful for my credit cards in those instances, my heart leaps into my throat when the bills arrive because I wonder how many times until my next paycheck I'm going to be eating Cup O' Noodles for dinner.

Additionally, I keep the heat in my apartment set at 62 degrees, which if you've ever visited Chicago in the winter you'll know isn't warm. But I do it because if it is set any higher, my heating bills exceed \$200 per month and even the budget plan requires a monthly \$100 payment all year long.

Finally, my student loan payments total just under \$400 per month. My last one is due on February 20, 2030. I will be 55 years old. I understand financial dilemmas.

But beyond just the economics, out of the 26 assistant state's attorneys in my division, I am the only African-American prosecutor. I have been mistaken in court for the interpreter, the clerk and the public defender--on a near daily basis. Yet when I explain who I am, even those people who want to hate me have a grudging respect showing in their eyes.

I truly believe that it is good for the communities of Chicago to see Assistant State's Attorneys of color. Unfortunately, it is often we who are most burdened with educational debt. People like me who are forced to leave the office because they cannot afford to stay cannot be categorized as just a personal career set-back, but rather it has the potential to further the divisions between the prosecutors and so many of the people they prosecute.

The word justice has a definition. The search for justice in the criminal system that bears its name requires a variety of perspectives and experience. Without bills in place like the John R. Justice Prosecutors and Public Defenders Initiative Act, the perspectives of the people entrusted with administering it will be narrowed, the experiences homogenous, and justice itself more and more elusive.

Thank you again for bringing me here to speak to you today.