

June 23, 2022

VIA EMAIL

United States Senate
Washington, D.C. 20003

Re: *Letter in Support of Ms. Arianna Freeman for the U.S. Court of Appeals for the Third Circuit*

Dear Senator:

On behalf of the National Women’s Law Center (the “Law Center”), I write to express support for the confirmation of Ms. Arianna Freeman to the U.S. Court of Appeals for the Third Circuit. The Law Center fights for gender justice – in the courts, in public policy, and in society – working across the issues that are central to the lives of women and girls. The Law Center uses the law in all its forms to change culture and drive solutions to the gender inequity that shapes society and to break down the barriers that harm women and girls – especially those who face multiple forms of discrimination, including women of color, LGBTQ people, and low-income women and families. For nearly 50 years, the Law Center has been on the leading edge of every major legal and policy victory for women.

Ariana Freeman’s extensive legal experience as a public defender and commitment to equal justice for all make her well-qualified to serve on the U.S. Court of Appeals for the Third Circuit. She began her career at the Federal Community Defender Office of the Eastern District of Pennsylvania as a Research & Writing Specialist for the Capital Habeas Unit then progressed to serve as a Managing Attorney for the Non-Capital Habeas Unit.¹ Her commitment to fighting for the rights of indigent defendants is evidenced throughout her career, particularly in *In re Crosland* when she secured the exoneration of Mr. Curtis Crosland, who served had 34 years in prison after being convicted of a crime that he did not commit.² Her background as a public defender defending the rights of low-income people accused of crimes would bring an important perspective to the federal bench to ensure that the rights of all are protected.

Ms. Freeman’s dedication to protecting the rights of women and girls is also reflected in her volunteer work. She is currently the board president of the National Clearinghouse for the Defense of Battered Women, an organization that aims to increase justice for—and prevent

¹ Ariana Freeman, SJQ, https://www.judiciary.senate.gov/imo/media/doc/Freeman%20SJQ%20Public%20_Final1.pdf

² Mr. Crosland was sentenced to life imprisonment based on testimony by just two witnesses that eventually recanted their testimony. Thanks to Freeman’s representation, Crosland was exonerated on all counts and released from prison after 34 years behind bars ; Federal Community Defender Office for the Eastern District of Pennsylvania, “The Federal Community Defender Office Celebrates Curtis Crosland’s Exoneration,” June 25, 2021, <https://pae.fd.org/federal-community-defender-office-celebrates-curtis-croslands-exoneration>. Mr. Crosland was sentenced to life imprisonment based on testimony by just two witnesses that eventually recanted their testimony. Thanks to Freeman’s representation, Crosland was exonerated on all counts and released from prison after 34 years behind bars.

further victimization of—arrested, convicted, or incarcerated survivors of battering.³ Her role as board president illuminates a fierce drive to lead in efforts to combat injustice in the carceral system, especially as it pertains to the treatment of women and girls. It is vital for our nation’s judges to understand the impact of our laws on women and girls, particularly those who are survivors of assault.

Moreover, Ms. Freeman brings an impressive academic background and early legal career. She received her B.A. with honors from Swarthmore College and a J.D. from Yale Law School. At Yale Law School, she was an editor of the Yale Journal of International Law. Her commitment to public service was also well known during her time in law school. Ms. Freeman received the Stephen B. Massey prize, which is awarded to the student who best exemplifies, in work on behalf of clients and in other community service, the values of the Jerome N. Frank Legal Services Organization at Yale Law School.⁴ She also has clerked for Judge James T. Giles of the United States District Circuit for Eastern District of Pennsylvania and for Judge James C. Darnell Jones II of the United States District Court for the Eastern District of Pennsylvania.⁵

Importantly, Ms. Freeman’s background and professional experience would help to move the federal courts to reflect the rich diversity of our country. If confirmed, Ms. Freeman would be the first Black woman and first woman of color to sit on the Third Circuit.⁶ It’s disappointing that no Black woman or woman of color has ever served on the Third Circuit considering that it covers Pennsylvania, New Jersey, Delaware and the U.S. Virgin Islands where the combined populations are comprised of 12% Black Americans.⁷ If confirmed, Ms. Freeman would also be just the second judge with significant experience as public defender to ever serve on that court.⁸ Federal appellate bench judges who have spent the majority of their careers in private practice or as a federal prosecutor make up 70% of sitting appellate judges.⁹ In contrast, only about 1% of sitting appellate court judges have spent the majority of their careers as public defenders or

³ Ariana Freeman, SJQ, <https://www.judiciary.senate.gov/imo/media/doc/Freeman%20SJQ%20Public%20Final1.pdf>; National Clearinghouse for the Defense of Battered Women, “About Us,” accessed June 10, 2022, <https://www.ncdbw.org/about-us>.

⁴ Ariana Freeman, SJQ, <https://www.judiciary.senate.gov/imo/media/doc/Freeman%20SJQ%20Public%20Final1.pdf>; Yale Law School, “Yale Law School 2021-2022: Bulletin of Yale University,” August 10, 2021, <https://bulletin.yale.edu/sites/default/files/yale-law-school-2021-2022.pdf>.

⁵ The White House, “President Biden Names Thirteen Round of Judicial Nominees,” January 19, 2022, <https://www.whitehouse.gov/briefing-room/statements-releases/2022/01/19/president-biden-names-thirteenth-round-of-judicial-nominees/>.

⁶ Jonathan Tamari and Jeremy Roebuck, “Biden nominates federal public defender to be the first woman of color on the appellate court based in Philadelphia,” *The Philadelphia Inquirer*, January 19, 2022, <https://www.inquirer.com/news/biden-nominates-ariana-freeman-20220119.html>.

⁷ Center for American Progress, “Examining the Demographic Compositions of U.S. Circuit and District Courts,” <https://www.americanprogress.org/article/examining-demographic-compositions-u-s-circuit-district-courts/>.

⁸ Federal Judicial Center, “Biographical Directory of Article III Federal Judges, 1789-present,” accessed June 10, 2022, <https://www.fjc.gov/history/judges/search/advanced-search>.

⁹ Center for American Progress, “Pipelines to Power: Encouraging Professional Diversity on the Federal Appellate Bench,” October 3, 2019, <https://www.americanprogress.org/article/pipelines-power-encouraging-professional-diversity-federal-appellate-bench/>.

within a legal aid setting.¹⁰ Racial, gender, and professional diversity on the federal bench are crucial to building public trust and confidence in our judicial system, especially when it comes to applying the law fairly. When there is public trust in our institutions, it strengthens the fabric of our country's democracy.

During her hearing before the Senate Judiciary Committee, Ms. Freeman demonstrated an even temperament and commitment to the rule of law that will serve her well on the federal bench. Ms. Freeman thoroughly answered the Senate Judiciary Committee members' questions and displayed her deep expertise and legal acumen. Throughout her hearing she exhibited a calm demeanor under pressure, which is a vital trait for any judge. Her intelligence, temperament and substantive legal experience make her an excellent candidate for the Third Circuit.

Ms. Freeman is exceptionally qualified to serve on the U.S. Court of Appeals for the Third Circuit. Her long-standing commitment to public service and equal justice for all indicates that she will make an excellent addition to the federal appellate bench. She would undoubtedly serve as a fair and impartial judge and ensure equal justice for all.

The Law Center offers its support of the nomination of Ms. Freeman to serve on the United States Court of Appeals for the Third Circuit and urges the Senate to quickly approve her nomination. Please feel free to contact Erinn D. Martin, Director of Nominations & Cross-Cutting Policies, at (202) 588-7608 should you have any questions.

Sincerely,



Fatima Goss Graves
President and CEO

¹⁰ Center for American Progress, "Pipelines to Power: Encouraging Professional Diversity on the Federal Appellate Bench," October 3, 2019, <https://www.americanprogress.org/article/pipelines-power-encouraging-professional-diversity-federal-appellate-bench/>.