



February 11, 2022

United States Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Durbin, Ranking Member Grassley, and Committee Members:

On behalf of our 1.5 million supporters nationwide, People For the American Way enthusiastically supports the nomination of Arianna Freeman to the Third Circuit Court of Appeals. When confirmed, she will become the first Black woman ever to serve on that court. Having dedicated her career to ensuring that no one is deprived of the protections guaranteed by the law, she will now bring that commitment to justice and fairness with her to the courtroom.

Freeman has demonstrated a lifelong commitment to advancing justice, with a clear recognition of courts' vital role toward achieving that goal. After college, she engaged in research for the Center for Court Innovation in New York. The Center was founded as a public-private partnership to research and promote ways that courts can help solve societal problems like addiction, quality-of-life crime, domestic violence, and child neglect.ⁱ She also spent several months in South Africa as a research intern with the Bureau of Justice Assistance, an entity established to make that nation's justice system more fair, effective, and humane.

After graduating from Yale Law School in 2007, she had two consecutive year-long clerkships with federal district court judges in the Eastern District of Pennsylvania: James T. Giles and C. Darnell Jones II. Since 2009, she has dedicated her career to helping indigent people at the Federal Community Defender Office in Philadelphia, specializing on habeas cases. She spent several years in their Capital Habeas Unit before moving to their Non-Capital Habeas Unit, where she has been a managing attorney for the past six years.

Public defenders play a vital and underappreciated role in protecting freedom, not only of poor people accused of crime but also of all people in the United States. We have given our government the power to take people away from their homes, imprison them, and even execute them. That power is a weighty one and potentially subject to abuse. So, if our government is going to use that power against someone, it must do so in a way that complies with the safeguards set forth in the Bill of Rights. That basic tenet of the United States Constitution is vital to protecting all of us. Freeman's work representing indigent people convicted of crimes has also given her insight into how the system works in real life and can fail to serve justice—insight that circuit court panels could use to make more informed decisions.

In one recent case, Freeman represented Curtis Crosland, who in 1991 had been wrongfully convicted of murder and whose petitions for relief over the years had been repeatedly denied by the courts. When Freeman began to represent him in 2019, she reviewed the case and identified

substantial evidence of his innocence. She took the evidence to the Philadelphia district attorney's Conviction Integrity Unit, which conducted a further investigation. It turned out that both of the key witnesses against Crosland had recanted their testimony – but prosecutors had unconstitutionally failed to inform Crosland or his defense counsel, leading to decades of imprisonment for a crime he did not commit. He was freed in 2021.ⁱⁱ

Failure to turn over exculpatory evidence is just one constitutional violation that Freeman has sought to expose and correct for in habeas petitions over the years. She has protected clients whose most fundamental rights at trial had been violated due to unconstitutionally ineffective assistance of counsel,ⁱⁱⁱ conviction under an unconstitutionally vague criminal law,^{iv} deprivation of the right to confront their accusers,^v conviction in spite of significant intellectual disability,^{vi} and more.

Arianna Freeman's extensive litigation experience, her demonstrated commitment to the Constitution, and her understanding of the courts' role in protecting the rights of everybody will make her an excellent addition to the Third Circuit. We urge the Senate to confirm her.

Sincerely,

A handwritten signature in cursive script that reads "Marge Baker".

Marge Baker
Executive Vice President

ⁱ Center For Court Innovation, <https://web.archive.org/web/20020602203011/http://www.courtinnovation.org/center.html> (archived June 2, 2002).

ⁱⁱ *Crosland v. Superintendent Phoenix SCI*, Nos. 18-3536 & 19-3743 (3d Cir.); *In re Crosland*, No. 21-1048 (3d Cir.); *Crosland v. Vaughn*, No. 21-cv-476 (E.D. Pa.).

ⁱⁱⁱ *Velazquez v. Superintendent Fayette SCI*, 937 F.3d 151 (3d Cir. 2019).

^{iv} *United States v. Harris*, No. 17-1861 (3d Cir.).

^v *Brown v. Folino*, Civ. No. 09-3970 (E.D. Pa.); *Brown v. Superintendent Greene SCI*, 834 F.3d 506 (3d Cir. 2016); *Gilmore v. Brown*, 137 S. Ct. 1581 (2017).

^{vi} *Rivera-Rodriguez v. Wenerowicz*, No. 13-cv-4299 (E.D. Pa.); *Rivera-Rodriguez v. Attorney Gen. of Pennsylvania*, 684 F. App'x 129 (3d Cir. 2017).