

February 22, 2022



**SUPPORT THE CONFIRMATION OF ARIANNA FREEMAN
TO THE U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT**

Dear Senator:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 230 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, we write to express our strong support for the confirmation of Arianna Freeman to the U.S. Court of Appeals for the Third Circuit.

Ms. Freeman's stellar reputation and impressive experience in pursuit of equal justice make her well-qualified to serve on the federal bench. Currently, Ms. Freeman serves at the Federal Community Defender Office of the Eastern District of Pennsylvania, where she is the managing attorney of the Non-Capital Habeas Unit. Previous to this role, she was an assistant federal defender and a research and writing specialist. Additionally, Ms. Freeman has helped to train future lawyers, teaching at Drexel University School of Law. A graduate of Swarthmore College and Yale Law School, Ms. Freeman has clerked for three judges on the U.S. District Court for the Eastern District of Pennsylvania: Judge James T. Giles, Judge Harvey Slomsky, and Judge C. Darnell Jones, II. Throughout her entire career, Ms. Freeman has shown a strong commitment to defending the rights of people in our criminal-legal system and would be a tremendous asset to our federal courts.

Ms. Freeman's professional background would bring vital experience to the Third Circuit. During her time at the Federal Community Defender Office, she specialized in post-conviction relief, handling hundreds of cases on behalf of clients who could not afford counsel. For example, after the Supreme Court's decision in *Johnson v. U.S.* invalidated part of the Armed Career Criminal Act, which had imposed mandatory minimum sentences for people convicted of certain crimes, Ms. Freeman oversaw litigation for more than 500 post-conviction matters on behalf of those seeking relief.¹ This decision was crucial in helping to address disparities in the criminal-legal system, as mandatory minimum sentencing disproportionately impacts communities of color, provides an unfair one-size-fits-all approach to sentencing that fails to consider mitigating factors, and relies on sentence lengths that often ignore whether the sentence is proportional to the offense.² Her depth of experience is commendable and would bring important professional experience to our federal judiciary, which currently lacks judges with experience that public and community defenders possess. If confirmed, she would be only the second public defender to ever serve on this court.³ Ms. Freeman's career has been dedicated to making sure people have access to counsel, which is a much-needed perspective that would greatly benefit the bench.

¹ *Johnson v. United States*, 576 U.S. 591, 135 S. Ct. 2551, 192 L. Ed. 2d 569 (2015).

² Alison Siegler, *End Mandatory Minimums*, THE BRENNAN CENTER FOR JUSTICE (October 2021).

³ [Biographical Directory of Article III Federal Judges, 1789-present](#), Federal Judicial Center (Accessed February 2022) Search includes all judges for the U.S. Court of Appeals for the Third Circuit who listed "community defender", "public defender" or "federal defender" as non-volunteer work experience).



The confirmation of Ms. Freeman would also mark a significant and much overdue milestone for this court. If confirmed, she would be the first woman of color, and indeed the first Black woman, to ever sit on this court.⁴ The Third Circuit is home to more than 3 million Black people, yet there have only been five Black judges in this court's history, none of whom were Black women.⁵ Public trust in the judiciary is central to its function and is bolstered when the bench better reflects the communities it serves.⁶ Additionally, this diversity of professional and lived experiences also improves judicial decision-making.⁷

Ms. Freeman is an excellent choice to serve on the U.S. Court of Appeals for the Third Circuit, and we strongly urge the Senate to confirm her to this position. If you would like to discuss this matter further, please contact Lena Zwarenstejn, Senior Director of the Fair Courts Program, at (202) 466-3311. Thank you for your consideration.

Sincerely,

Wade Henderson
Interim President & CEO

Jesselyn McCurdy
Executive Vice President of Government Affairs

⁴ See [Biographical Directory of Article III Federal Judges, 1789-present](#), Federal Judicial Center.

⁵ [Quick Facts: Delaware, New Jersey, Pennsylvania](#), The U.S. Census Bureau (accessed February 2022).

⁶ Sen, Maya, [Diversity, Qualifications, and Ideology: How Female and Minority Judges Have Changed, or Not Changed, Over Time](#), 2017 Wis. L. Rev. 367 (2017).

⁷ Berry, Kate, [Building a Diverse Bench: Selecting Federal Magistrate and Bankruptcy Judges](#) BRENNAN CENTER FOR JUSTICE AT NYU SCHOOL OF LAW AND AMERICAN BAR ASSOCIATION JUDICIAL DIVISION (2017).