

TABLE TALK WITH ERIC M. FREEDMAN '71 By Bill Ewing

Eric Freedman '71 believes that truth can change the world. A nationally recognized public interest lawyer, Freedman is involved in upwards of 100 pro bono cases a year, dealing with such issues as capital punishment, the habeas corpus rights of alleged criminals and the First Amendment. Recently named the Maurice A. Deane Distinguished Professor of Constitutional Law at Hofstra University School of Law, where he has taught for the last 16 years, Freedman is also a dedicated educator and well-published scholar.

"All lawyers have an obligation to be engaged citizens and to do everything possible to make the legal system live up to its own ideals," says Freedman. It was this conviction that led Freedman to become involved with the cases of individuals detained at the Guantanamo Bay Naval Base in Cuba as part of the Bush administration's war on terror. Believing the legal system was at risk of faltering, if not breaking down entirely, in a time of national crisis, Freedman says he felt compelled to get involved.

"This was an absolutely critical moment for anybody who believes in the U.S. Constitution," he explains. "In a time of war, it would be maximally counterproductive to abandon core democratic values exactly when they are most needed. It was very clear that that proposition was going to be heavily tested by various cases that were clearly going to go to the Supreme Court."

With three separate, uncoordinated cases proceeding to the U.S. Supreme Court each involving different detainees, each with separate legal teams-Freedman thought it in everyone's best interest to work together. "I reached out to some of the lawyers in the early Guantanamo cases and sought to bring them together so that they could maximize their collective resources and coordinate their efforts," he explains. The result was two outright wins and one virtual win, resulting in a wave of new cases being filed on behalf of individual detainees. "There are currently upwards of 65 petitions pending in the District Court of Washington," says Freedman, who is still serving as a consultant.

The son of a foreign news editor for *The New York Times*, Freedman comes by his crusading ways quite naturally. He grew up reading the *Times* starting at age 6 and was a savvy consumer and interpreter of current events well before arriving at Exeter. His sister, Alix '75, went on to become a Pulitzer Prize-winning reporter for *Die Wall Street Journal*.

At Exeter, Freedman was already showing abundant signs of what was to come, pushing the Academy for institutional reform in a number of areas. He worked to get the first drivers education program offered on campus and, when the school went coed in 1970, he helped draft a visitation policy. Most telling of all, when the administration tried to censor *The Exonian*, Freedman was part of the editorial board that reigned en masse, claiming their First Amendment rights had been violated.

Freedman likens Exeter to the legal system he currently inhabits, describing both as responsive and open to change within their existing structures. "I didn't consider Exeter to be a hide-bound, immovable institution," he says. "It was, to some extent, the model of a reasonable government."

Political rebellion and protests aside (this was, after all, the era of Vietnam and Richard Nixon), Freedman says the dialogue between students and faculty was near constant and always constructive.

"At the risk of sounding like a stereotypical alum being profiled in an alumni/ae magazine, I really do feel that my Exeter education has benefited me enormously throughout my career," he says. "In studying history with Henry Bragdon and Don Cole, I learned how to approach the field conceptually and, most significantly, how to evaluate evidence. In taking English from a series of passionate teachers from Robert Bates to Fred Tremallo, I developed a lifelong appreciation for the power of English prose."

From Exeter, Freedman went on to earn both his undergraduate and law degrees from Yale, with a Fulbright scholarship taking him to study in New Zealand in between. Before joining the faculty of Hofstra in 1988, where he teaches everything from constitutional law to trial techniques and legal history, Freedman served as a litigation associate with the New York law firm of Paul, Weiss, Rifkind, Wharton & Garrison, and as a clerk for judge Irving R. Kaufman of the U.S. Court of Appeals for the Second Circuit. He took his first pro bono case as a law student at Yale, and hasn't stopped since.

"The response of any practicing lawyer who has done pro bono work is invariably 'This is why I went to law school,'" says Freedman. "Providing legal help to someone who could not otherwise get it is certainly a case where the giver is enriched far more than the recipient."

