

THE



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Lawyer's Response to Military Tribunals

By Jean Marbella

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You don't have to be an attorney, or even a regular viewer of *Law and Order*, to know that the military tribunals that take place at the Guantanamo prison camp are worlds away from what most Americans know as the criminal justice system.

Sig Libowitz is an attorney—who, not so coincidentally, has also played one on *Law and Order*—but when he came across a transcript of a Guantanamo tribunal as a student at the University of Maryland Law School several years ago, it literally was an eye-opening experience.

“His eyes got wider and wider,” UM Law professor Michael Greenberger recalled yesterday.

The tribunals, at which terrorist suspects come before a military panel that decides whether they are enemy combatants and thus can be held indefinitely, have many of the trappings of courtroom proceedings, Libowitz found, but little else: No judge. No jury. No defense lawyers. No cross-examination. Not even the most basic rules of evidence, such as the defendant's right to see what the government has on him so he can challenge his imprisonment.

All of which led Libowitz to the one conclusion that makes perfect sense given his dual background in law and entertainment: “There's a movie in this.”

And soon, there will be: Libowitz and three better-known actors—Peter Riegert, Kate Mulgrew and Aasif Mandvi—spent the past weekend shooting scenes at the law school for a film, *The Response*, that Libowitz wrote based on transcripts of the tribunals. While the film won't be edited and completed for several months, Libowitz, Riegert, Mulgrew and others involved in its production spoke to students yesterday at the law school about both their fictional take on the tribunals, as well as the real-life issues that they raise.

“What is the proper balance between individual rights and national security?” Libowitz said. “The law is being made now.”

Now, as in, right now: The Supreme Court heard arguments in December on whether the Guantanamo prisoners have a right to challenge their detentions in American federal courts. It is expected to rule in June or July, Libowitz said, which should give his film even more currency.

But if Libowitz straddles the law and entertainment industries—the 2007 law grad is an associate at Venable and in addition to his acting gigs previously worked as a film executive—he views *The Response* more as engaging drama than legal treatise.

“It's not trying to be an issue movie,” Libowitz said. “If you try to make an issue movie, people run away.”

The movie, which he hopes to enter in the film festival circuit, features Mandvi, perhaps best-known for his role as a correspondent on the fake news program *The Daily Show*, as a detainee who comes before a tribunal of three officers played by Riegert, Mulgrew and Libowitz.

Libowitz said the movie raises questions rather than answers them one way or the other on the issue of the tribunals. That puts the onus on viewers, he said - “the audience is forced to be involved.”

There's no question, though, where at least one of the other actors stands.

“I have a very strong opinion about Guantanamo,” Mulgrew said, “and it was confirmed.”

Mulgrew, who is married to a Democratic official in Cleveland—Tim Hagen, a county commissioner who unsuccessfully ran for governor of Ohio—called the tribunals “a black mark on our nation,” and said Guantanamo should be closed and the detainees tried on U.S. soil.

Her character in *The Response*, though, is a colonel who apparently believes otherwise. “I'm always in a uniform,” she said ruefully, noting the role with whom many in the audience most associate her: Captain Janeway of television's *Star Trek: Voyager*.

Mulgrew said actors are usually mocked when they express political opinions, so it was refreshing to be able to perform in a movie that delves into an issue of great concern to her.

The film was largely a Baltimore operation: In addition to Libowitz, director Adam Rodgers and cinematographer Richard Chisolm—he worked on the *Hopkins 24/7* documentary—are from here, and Maryland law school professors consulted on it. The film is part of the school's Linking Law and Arts project, which uses the latter to explore the former, and is funded by the France-Merrick Foundation. The filmmakers are hoping to have a premiere of the movie in Baltimore in September.

Most of the action filmed this weekend took place in a courtroom on the second floor of the law school, where Mandvi, as the detainee, was shackled to the floor and questioned by the three officers.

“There's this inherent claustrophobia” in filming a single space, Rodgers said. “It was inherently intense.”

Riegert, whose long Hollywood career dates back to a starring role in the movie *Animal House*, agreed. He called the shoot “a mighty three days,” and said he felt like he was “part of something bigger” than himself.

It is his character whose line gives the movie its title, referring as it does to how the U.S. has reacted to the 9/11 terrorist attacks.

“The response matters,” Riegert said, quoting his character. “Our response defines us. ... Anyone can claim to have character, but character is defined by crisis.”

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