For a few days in January, the School of Law’s courtrooms stood in for Guantanamo Bay during filming of The Response (above); actor Aasif Mandvi (below); director Adam Rodgers confers with director of photography Richard Chirolm as actor Eric Brown looks on.
How do you draw the line between national security and individual rights? A new movie, developed in collaboration with the law school, sheds fresh insights on the issues so fundamental to the secrecy-shrouded U.S. military tribunals at Guantanamo, Cuba.

The prisoner stands before the tribunal in loose-fitting prison scrubs, cheap flip-flops on his feet. His head is covered in an unadorned kufi, the traditional Muslim skullcap. Though both hands are free, his ankles are shackled and chained to the floor. He faces three judges seated behind a high bench: two men and a woman in American military uniforms.

Asked if he understands why he is there, he says yes. He is a suspected terrorist, accused of working for Al Qaeda. But, he demands, how can I answer this charge? Show me the proof. Give me the name of the person who accuses me. The judges refuse. That information is classified. By the rules of the combatant status review tribunal, they tell him, they are not allowed to reveal the evidence against him.

Seen through the movie camera's lens, the tribunal room feels confined and claustrophobic. And yet, for University of Maryland School of Law students and faculty, the room also seems curiously ... familiar.
And well it should. The terrorist and his judges are well-known Hollywood actors. One of the Marines standing guard over the prisoner is a current student. And the tribunal chamber is actually the law school's Bekman Moor Courtroom. This encounter between an accused terrorist and his American military judges is a scene from The Response, a 30-minute film shot on the law school campus last February. When released later this year, says the film's writer and producer Sig Libowitz '07, audiences for the first time ever will be able to see and hear for themselves what is actually going on inside the United States military tribunals in Guantanamo, Cuba.

Libowitz, who enjoyed a successful career as an actor, writer and production executive before becoming an attorney (audiences will recognize him from recurring roles on The Sopranos and Law & Order), was inspired to write the script for The Response after taking an eye-opening class in the university’s Center for Health and Homeland Security with professor and center director Michael Greenberger. “I began to realize that we are at the crossroads of a great and fundamental constitutional moment,” says Libowitz of his experience in Greenberger's Homeland Security and the Law of Counter-Terrorism class. The class led Libowitz, frustrated and fascinated by a subject matter where there is little in the way of settled law and not even a standard textbook, down a Kafka-esque legal research trail which he called “eye opening.” “With the guidance of Professor Greenberger and others, I found in the public domain copies of actual tribunals from Guantanamo and I thought, what’s more fundamental than the balance between constitutional [rights] and national security?” And, Libowitz knew from experience, what better art form to explore a fundamental conflict than the movies?

“Sig's script is very good at defining the essential elements of this matter in stark detail,” says Greenberger, who served as a consultant and technical advisor on the project. “The war on terror has caused us to think about the kind of things that the founding fathers were thinking about in 1789. When laws appear to deny the rights to get into the federal courts, we are revisiting the most fundamental legal issues.”

Something in the subject matter hit a nerve. The actors, many of the crew, even some of the equipment rentals—all came to the project at greatly reduced or no fees. The film stars Peter Riegert (whose credits include Animal House), Kate Mulgrew (known to millions as Captain Kathryn Janeway in the long-running Star Trek: Voyager) and Aasif Mandvi (well-known as a “news correspondent” on The Daily Show with Jon Stewart). Screenwriter Libowitz appears as one of the three judges. The talented crew includes an Emmy-award winning director, cinematographer and sound mixer.

“The keys to the movie are the subject matter of the film, which no one’s seen before and is fascinating,” said Libowitz, “and the fact that the film is not an agit-prop piece catering to either side. That’s not interesting and doesn’t further the debate. We want to tell a riveting courtroom drama with accurate ambiguity and mystery. We want to bring an audience into the actual
decision-making process of these three military judges. Here are the issues, here are the legal and moral quandaries, here's this detainee and his story. Go."

The movie is being produced—on a proverbial shoestring budget—with the help of the law school and its "Linking Law and the Arts" series (generously funded by a grant from the France Merrick Foundation), which in the past has funded other innovative explorations of critical legal issues through the prism of the contemporary arts.

"The idea behind the program is to tackle complex problems facing our society by using the arts to provoke meaningful conversation," says law school Dean Karen Rothenberg. "Previously we've brought together faculty from different areas to use readings, live theater, and even sculpture to examine issues ranging from segregation to domestic violence. But rather than just viewing art and talking about art, this is the first time we have actually supported the creation of art. The Response represents the next level of this project."

The Response has been selected for a number of film festivals and offered for television distribution. "In all of these projects we've done, the one principle we've demanded is that there must be a strong educational purpose," says Dean Rothenberg. "People may have strong feelings about the subject matter, but we want to do something that enables them to think their positions through." One use she hopes to see for the completed film is as a teaching tool, widely available to other colleges and universities.

While a law school helping to make a movie may be unusual, movies that help us to understand difficult legal issues are not. Law school professor and resident law film expert Taunya Lovell Banks notes that the lawyer genre film has a long pedigree in Hollywood. "These kinds of movies are popular because they are good story telling devices," she says. "But until recently people took these stories as stories, not as educational devices. Now that seems to be changing."

There are profound legal, political and ethical issues involved in denying certain persons access to the legal system by declaring them "enemy combatants." Greenberger says one purpose of the film is to illustrate for the ordinary citizen exactly what this means. During the rehearsal process he met with the actors to discuss the underlying issues at stake. "Peter Riegert asked me, 'What is habeas corpus?' and I thought, now here is this very bright and well-read person asking me a very fundamental question about how the system works," he says. "The right to appear before a judge and learn about the evidence against you is an essential element of the American Republic. We've become so accustomed to this idea that we really don't think about it anymore. This movie asks us to start thinking about it again."

The prisoner in The Response—played by Aasif Mandvi—never learns the specific evidence against him. But the details of his background and activities suggest the possibility that he might be an Al Qaeda operative. Later, in a cramped office, the three officers struggle to come to a decision. Should the prisoner be classified an enemy combatant, and held without recourse indefinitely? How do you draw the line between national security and individual rights? Theirs is not a task undertaken lightly. "Our response is what matters," Reiger's character says. "The response defines us."

This is such a compelling issue and people are intrigued but don't know a lot about it," says Libowitz. "When they see the film, they very often say 'I had no idea.' I tell them 'Neither did I, until I read the transcripts.' On one level this movie is a simple courtroom drama: Did he or didn't he? But at another level this is about issues people will be fighting over and reading about and analyzing far into the future. And we're living it right now. How exciting is that?"

Mike Field is a journalist and playwright who lives in Baltimore.

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On Screen
The Response has been selected for numerous film festivals, including three Academy Award-qualifying festivals. Recent and upcoming events include:
- LA Shorts Fest, Aug. 21
- Palm Springs Short Fest, Aug. 24
- Virginia Film Festival, Oct. 30-Nov. 2

In addition, UM Law graduates and friends are invited to a special Baltimore screening on the evening of Oct. 22. For more information, and to RSVP, visit www.law.umaryland.edu/response.