NIU professor carries torch

After pro bono work at Guantanamo Bay, Falkoff even more committed to instilling fire for justice

BY JACK SILVERSTEIN
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Marc D. Falkoff stood in his criminal procedure class at Northern Illinois University College of Law and faced his students, pain in his heart. It was September 2012, and Adnan Farhan Abdul Latif, his client of eight years, was dead.

Latif was one of 12 detainees at the U.S. facility in Guantanamo Bay, Cuba, who Falkoff and a half-dozen other colleagues represented. After injuring his head in a car accident in 1994, Latif traveled through the Middle East looking for medical attention, eventually entering Afghanistan in 2001.

Soon after, 9/11 hit.

Latif was captured as an alleged enemy combatant and brought to Guantanamo in January 2002. In 2004, 2006 and 2008, the military recommended his transfer out of the camp. Each time, the Bush administration disagreed.

He received his first habeas corpus hearing in 2009. He won the hearing in front of the U.S. District Court for the District of Columbia, but the ruling was reversed by the U.S. Court of Appeals for the Federal Circuit.

Falkoff appealed to the U.S. Supreme Court. The justices passed on the case.

In September 2012, Latif found his way out.

He killed himself.

Now Falkoff was standing in front of 65 students, telling them his client’s story and, by extension, his own.

He told them about the sacred calling he feels to fight for the rule of law. About Latif waiting seven years to state his case in front of a judge.

He told them of his heartbeat.

He let them see his pain.

“It was a tremendous pain for Afshan, for his death,” he said. “But it’s also rooted in this sadness that our country is not living up to its ideals.”

Path to the classroom

Falkoff always thought he would end up teaching — literature, that is.

After graduating from the University of Pennsylvania, he earned a Ph.D. in American literature from Brandeis University. He planned on becoming a professor but was disappointed by academia.

“There was this cynicism about the quest for truth and meaning,” he said. “I didn’t want to spend a lot of my time working on academic pieces that I didn’t think would be meaningful to the public.”

Unsure about his future, Falkoff volunteered at New York state’s Capital Defender Office. Soon after, he was hooked.

He earned his J.D. at Columbia Law School and spent summers at the NAACP Legal Defense and Educational Fund and the Southern Center for Human Rights.

His passion for the rule of law grew from there. So did his expertise in habeas corpus.

That brought him to Guantanamo.

His firm, Covington & Burling LLP in New York, decided in 2004 to represent Guantanamo detainees. Falkoff was asked to join.

“When I became a lawyer, I took a solemn vow to uphold the rule of law,” he said. “And these guys were getting none of that. The U.S. was failing in a sacred obligation.”

Nevertheless, Falkoff believed what he had been told: His clients were terrorists, “the worst of the worst,” as the Bush administration said.

“When I went down to Guantanamo for the first time, I didn’t know what to expect,” he said.

“I would not have been surprised if I’d found a dozen variations of Muslim Hannibal Lecters at Guantanamo, some kind of superterrorists. Should I leave my pen on the desk, or will they somehow manage to grab it to harm me?”

Instead, he found Latif and men like him — thin, meek, thoughtful, scared.

In 2007, Falkoff learned that Latif and others had been writing poetry from the fire and sadness.

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