



# QUIET REVOLUTION

## DISCUSSION QUESTIONS

The following is a list of questions you may use to spur discussion in conjunction with a screening of Quiet Revolution.

1. **How does the quiet revolution mesh with the founders' vision of the constitution?**

*Follow-up question:* What do you think judicial activism and judicial restraint really mean? What should it mean? Should we stop using these terms?

2. **What role should the court play in American society?**

*Follow-up question:* What do you see as the key threats of the quiet revolution?

3. **What do you see as the key impacts of the quiet revolution so far?**

*Follow-up question:* Are ultra-conservatives right to argue that the Courts should more aggressively police the boundaries of Congressional power? And less aggressively police the boundaries of executive power?

4. **What are the quiet revolution's prospects for success?**

*Follow-up question:* We want judges to be able to keep an open mind about cases that might come before them. So which questions should judicial nominees be expected to answer during their hearings and which questions should they refuse to answer?

5. **The right wing has taken over the discourse, how do we change it?**

*Follow-up question:* Does the film accurately portray the right's legal goals?

6. **Is it true that their agenda is really all about 'judicial restraint' and not 'legislating from the bench'?**

*Follow-up question:* Does overturning precedent constitute activism? What if the decision being overturned was itself a decision that invalidated a state or federal law?

7. **What is the role of the minority political party? How far should they go to stop judges that they think are dangerous? Is filibustering judicial nominees appropriate?**

*Follow-up question:* Drew Days said it's not too late and Senator Obama said we can make a difference by causing ripples. What kinds of specific steps can we take to advance our own positive vision of the law?

8. **Do you think the right's legal agenda genuinely reflects a value-neutral vision of the law or do you think it is simply a political program in legal dress?**

*Follow-up question:* What is the responsibility of a lawyer to be intellectually honest when they're advocating? How does the Bybee torture memo fit in?

9. **If you're advocating for a position as a lawyer how much should that matter in becoming a judge?**

*Follow-up question:* Whitford tells us that Roosevelt said "Victory comes to those in the arena." Have the democrats forfeited the arena?

10. **The film illustrated Justice Thomas' willingness to say one thing at his hearing and write quiet another once safely on the court. Will Roberts and Alito go back on what they said in their hearings too?**

*Follow-up question:* Has the war on terror changed discourse about the balance of power between the courts, congress and the executive branch? How?

11. **Should the president have more power in the war on terror?**

*Follow-up question:* Do judges own the right to "just follow the law"?

12. **Is Chief Justice Roberts' analogy of a judge and umpire useful or overly simplistic/misleading?**

*Follow-up question:* Does any judge just "interpret, not make the law"?