

EVALUATING PRESIDENT TRUMP'S NEXT SUPREME COURT NOMINEE

The Court, the Constitution, and the Voters

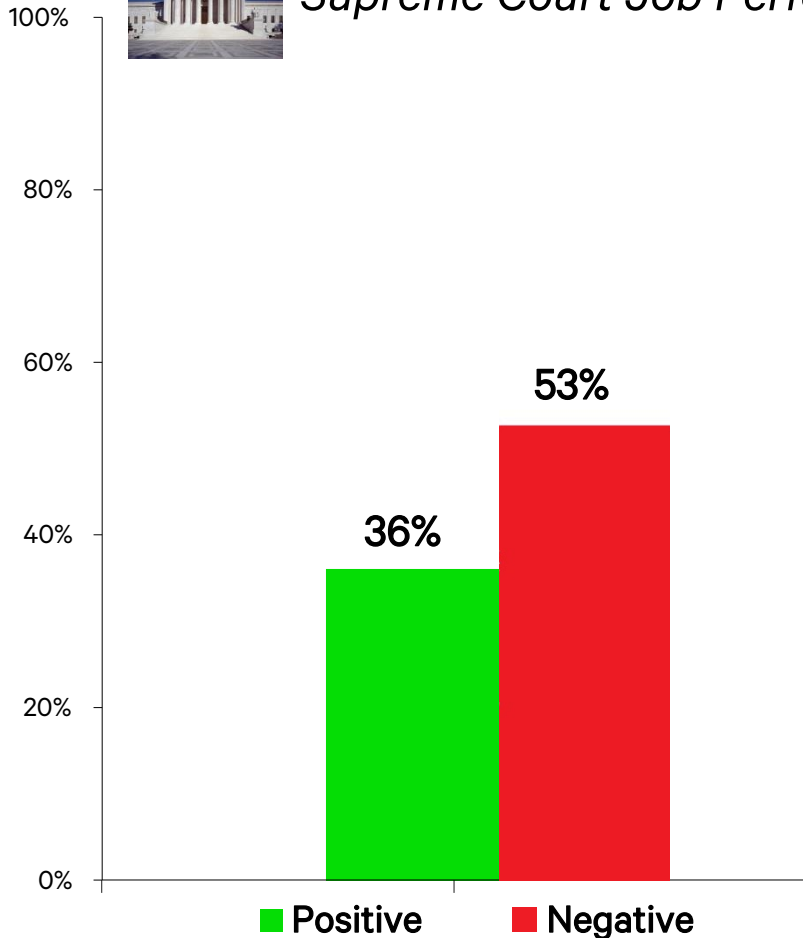
- National telephone survey (landline and mobile) of 1,000 registered voters
Interviews conducted Sept 19-24, 2017
Margin of error +/- 3.1 percentage points, larger for subgroups
- Focus groups of swing voters and Democrats In Columbus, OH and Richmond, VA
Conducted February 15 & 16, 2017



The Court's Negative Performance Ratings



Supreme Court Job Performance



	Pos
Liberal Democrat	33%
Mod/Cons Democrat	36%
Independent	32%
Republican	40%
Male	34%
Female	37%
18-39	31%
40-59	39%
60+	36%
HS or less	31%
Some College	29%
Coll Grad +	42%
White Coll	45%
White Non-Coll Men	36%
White Non-Coll Women	34%
Black	19%
Hispanic	28%





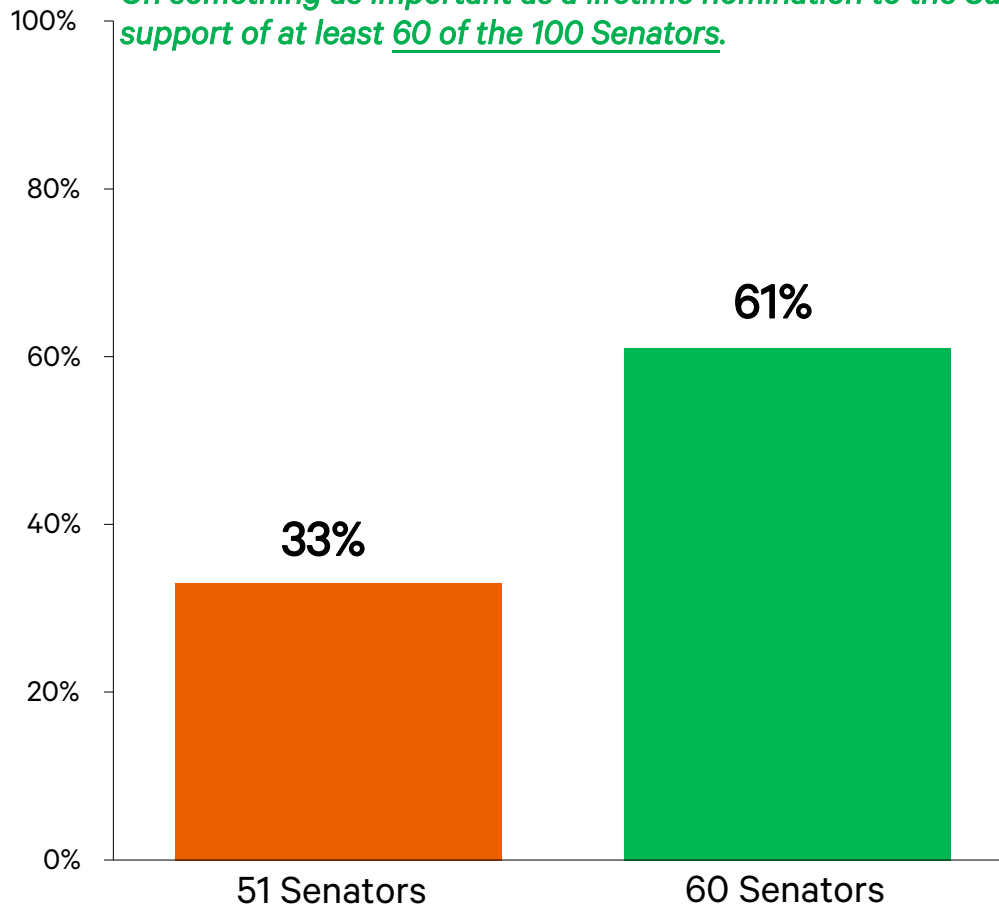
Most Think Supreme Court Nominations Should Require 60 Senate Votes For Confirmation

Even 4 Out Of 10 Republicans Want 60 Votes

Which comes closer to your point of view:

When the President nominates a Justice to the Supreme Court, it should only take the votes of 51 of the 100 Senators to confirm the nominee and make them a SC Justice.

On something as important as a lifetime nomination to the Supreme Court, a nominee should have to get the support of at least 60 of the 100 Senators.



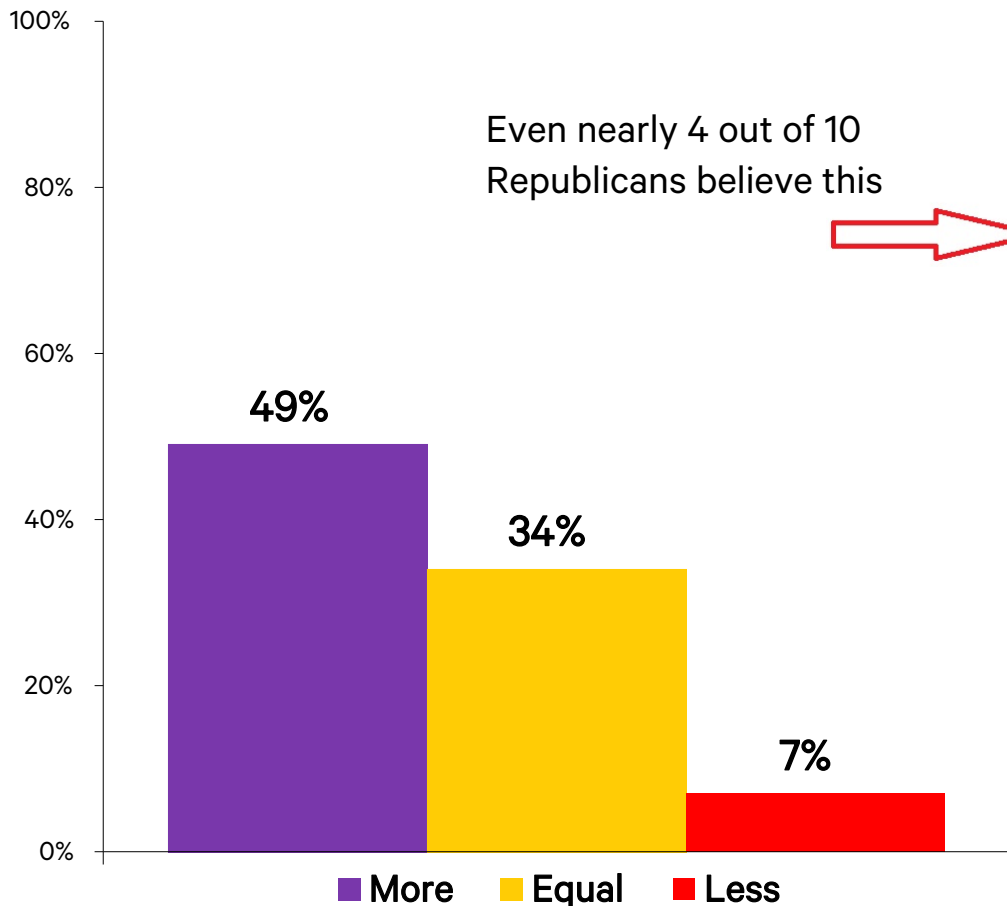
	51 Senators	60 Senators
Liberal Democrat	11%	84%
Mod/Cons Democrat	24%	67%
Independent	34%	62%
Republican	55%	40%
Male	39%	56%
Female	29%	65%
18-39	30%	64%
40-59	36%	59%
60+	34%	60%
HS or less	38%	53%
Some College	32%	63%
Coll Grad +	33%	63%
White Coll	35%	61%
White Non-Coll Men	47%	47%
White Non-Coll Women	31%	62%
Black	22%	77%
Hispanic	29%	63%





More Say The Supreme Court Treats Corporations More Favorably Than Individuals

Do you think the U.S. Supreme Court treats corporations more favorably than people like you, does the Supreme Court treat corporations less favorably than people like you, or do you believe it treats corporations and people like you about equally?



	Corps More Favorably	Corps Less Favorably
Liberal Democrat	63%	6%
Mod/Cons Democrat	57%	10%
Independent	49%	9%
Republican	37%	7%
Male	52%	6%
Female	47%	9%
18-39	52%	9%
40-59	50%	5%
60+	46%	8%
HS or less	44%	9%
Some College	53%	7%
Coll Grad +	49%	7%
White Coll	47%	7%
White Non-Coll Men	52%	6%
White Non-Coll Women	44%	9%
Black	51%	10%
Hispanic	58%	11%

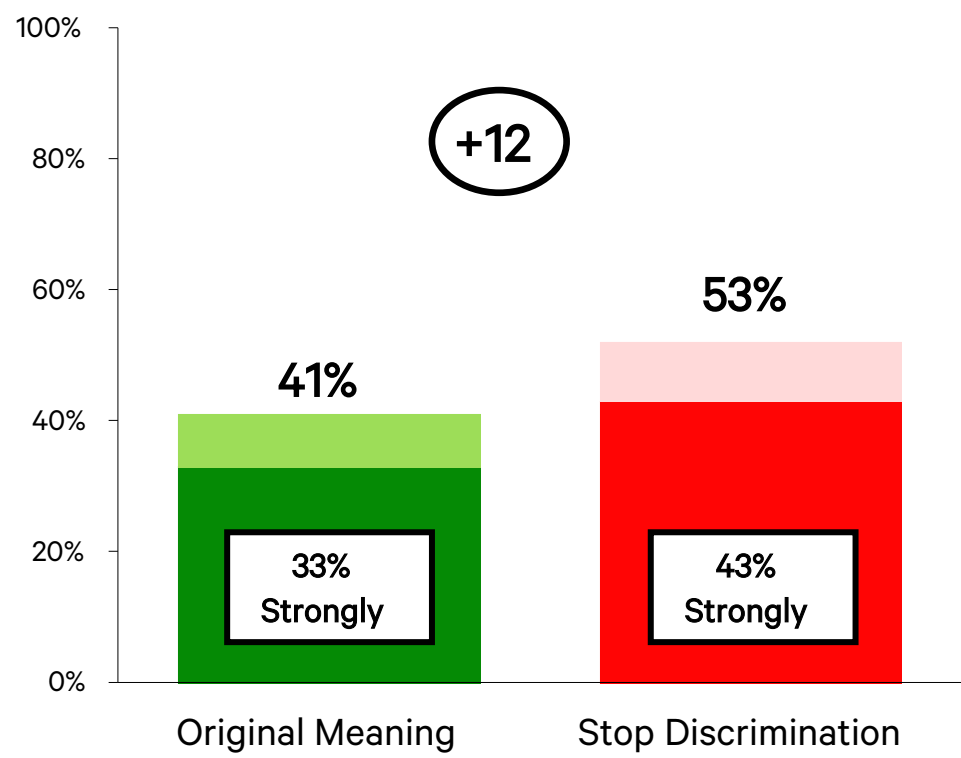




Voters Want Judges To Intervene To Correct Discrimination

Statement A. Judges should not overreach to try to solve social issues from the bench, but rather allow Congress and the President to address them. If judges apply the original meaning of the Constitution as written, instead of inserting their own personal beliefs, everyone’s rights will be protected equally. Our country creates a level playing field for all.

Statement B. Equality is still not a reality in America. Discrimination based on race, religion, gender, and economic circumstances remains widespread in workplaces, schools and courtrooms. If judges apply the text, history, and values of our Constitution – including Amendments that guarantee equality for everyone – then the rights of more Americans will be protected as we strive to build a “more perfect Union.”



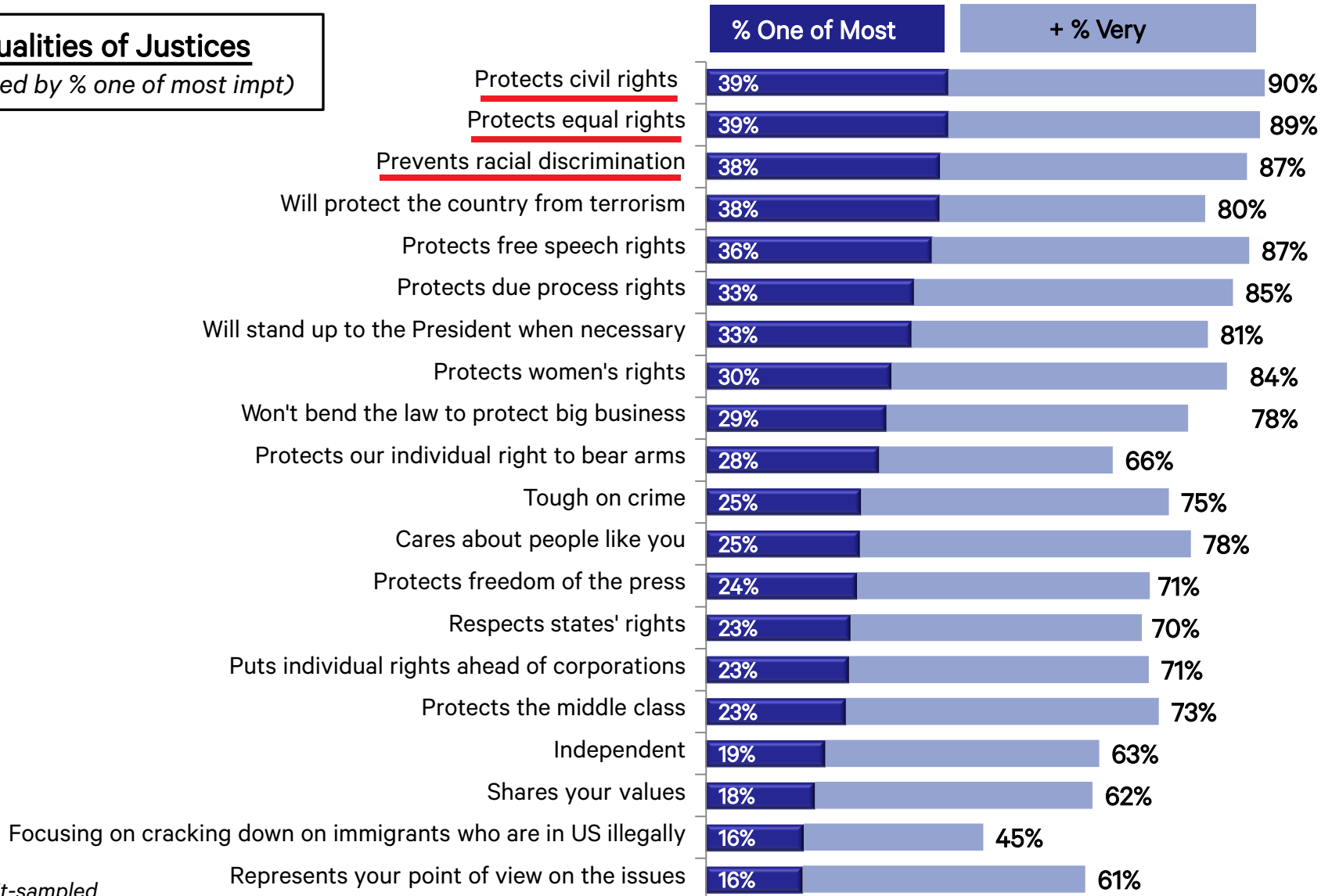
	Original	Stop Disc.
Liberal Democrat	18%	78%
Mod/Cons Democrat	36%	58%
Independent	38%	53%
Republican	63%	30%
Male	45%	49%
Female	37%	55%
18-39	31%	61%
40-59	44%	50%
60+	46%	47%
HS or less	51%	41%
Some College	40%	54%
Coll Grad +	37%	56%
White Coll	42%	54%
White Non-Coll Men	56%	38%
White Non-Coll Women	42%	50%
Black	26%	68%
Hispanic	26%	64%





Protecting Civil Rights & Equal Rights, Preventing Racial Discrimination Most Important to Voters When Evaluating A Supreme Court Justice

Qualities of Justices
(ranked by % one of most imp't)



Italics = split-sampled



THE MELLMAN GROUP

RESEARCH
BASED
STRATEGY



Racial Discrimination Is A Top Focus Of Hispanics And African-Americans

SC Justice Descriptions <i>ranked by % one of the most impnt.</i>	Total	Black	Hisp.
Protects civil rights	39%	39%	46%
Protects equal rights	39%	39%	52%
Prevents racial discrimination	38%	51%	52%
Will protect the country from terrorism	38%	36%	47%
Protects free speech rights	36%	35%	38%
Protects due process rights	33%	32%	40%
Will stand up to the President when necessary	33%	37%	38%
Protects women's rights	30%	35%	37%
Won't bend the law to protect big business	29%	29%	29%
Protects our individual right to bear arms	28%	23%	24%
Tough on crime	25%	22%	18%





While Non-College Whites Focus On Terrorism, College Whites Have More Mixed Priorities Including Standing Up To The President

SC Justice Descriptions <i>ranked by % one of the most imp.</i>	Total	White Coll	White Non-Coll
Protects civil rights	39%	39%	40%
Protects equal rights	39%	39%	36%
Prevents racial discrimination	38%	34%	34%
Will protect the country from terrorism	38%	30%	42%
Protects free speech rights	36%	34%	37%
Protects due process rights	33%	32%	32%
Will stand up to the President when necessary	33%	36%	29%
Protects women's rights	30%	27%	31%
Won't bend the law to protect big business	29%	32%	29%
Protects our individual right to bear arms	28%	23%	33%
Tough on crime	25%	23%	29%





Among College Whites, Women Rank Equal Rights At The Top, While Men Place Additional Emphasis On Free Speech & Due Process

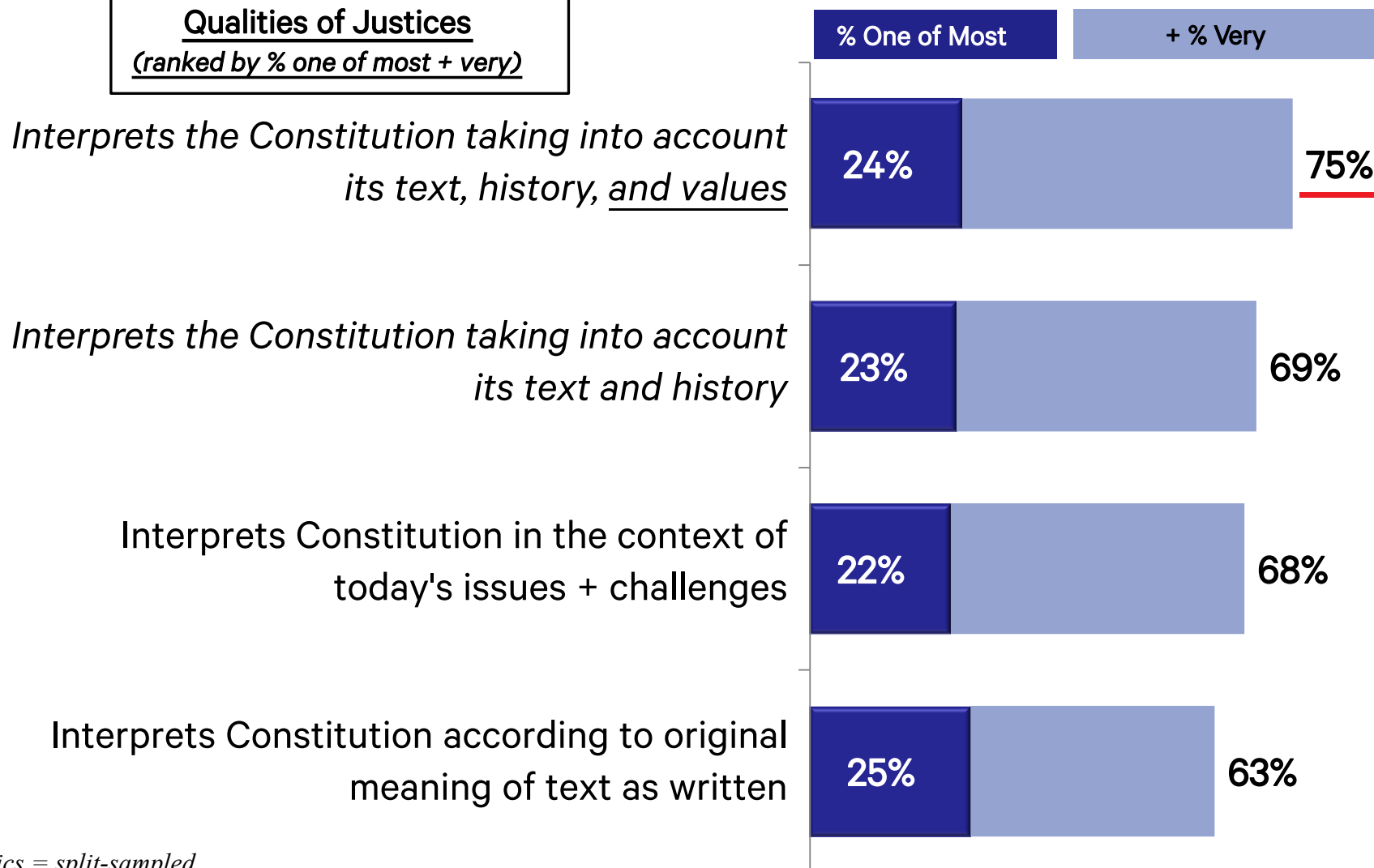
SC Justice Descriptions <i>ranked by % one of the most imp.</i>	Total	White Coll Men	White Coll Women
Protects civil rights	39%	44%	35%
Protects equal rights	39%	41%	37%
Prevents racial discrimination	38%	37%	31%
Will protect the country from terrorism	38%	31%	29%
Protects free speech rights	36%	41%	29%
Protects due process rights	33%	39%	26%
Will stand up to the President when necessary	33%	39%	33%
Protects women's rights	30%	32%	23%
Won't bend the law to protect big business	29%	37%	28%
Protects our individual right to bear arms	28%	28%	19%
Tough on crime	25%	23%	23%





More Voters Want Justices To Take Into Account The Constitution's "Text, History, And Values," While Fewer Want "Original Meaning of Text as Written"

Qualities of Justices
(ranked by % one of most + very)



Italics = split-sampled

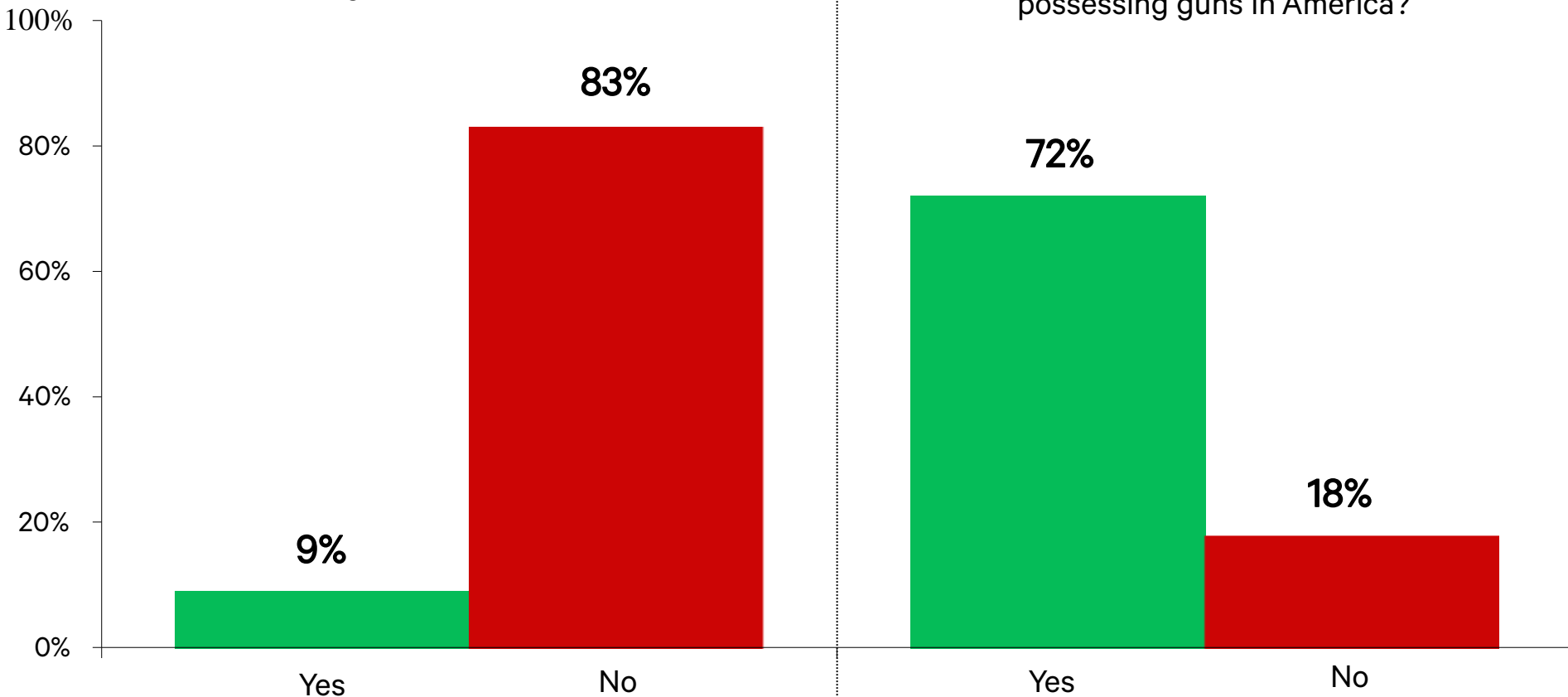




Overwhelmingly And Across Partisanship, Voters Believe The Constitution Allows Strict Gun Laws, But Not A Ban

Do you believe the Constitution allows the government to ban the private ownership of all guns in America?

Do you believe the Constitution allows the government to make and apply strict laws that prevent dangerous people from buying or possessing guns in America?





Everyone Heard This Argument Against A Judicial Role In Women's Rights

CONSERVATIVE ARGUMENT: Judges have a responsibility to interpret the Constitution according to the original meaning of the text as written. The Constitution doesn't say anything about women's rights to an abortion or getting equal pay, but instead gives Congress and the states the power to write these laws. Judges should not be legislating women's rights from the bench. These issues should be resolved through the political process, not by judges interpreting the Constitution based on what they would like it to say.

And Heard One Of These Two Arguments In Favor Of A Judicial Role In Women's Rights

CAC ARGUMENT: *Judges and legislators have a responsibility to uphold women's rights under the Constitution, which guarantees equal protection of the law for both women and men. When women don't earn equal pay, when women are denied the right to control their own bodies, or when women face discrimination in the workplace, their fundamental rights to liberty and equality are violated. It isn't 1789 anymore. Women are equal and judges must recognize that the Constitution has been amended to ensure women's equal citizenship.*

LIVING DOCUMENT ARGUMENT: *The Constitution is a living document that adapts to our changing world. When judges or lawmakers try to limit what women can do with their bodies or deny them equal pay for equal work, they are denying women their constitutional rights. Judges and legislators should recognize it isn't 1789 anymore. Even if there isn't a specific place in the Constitution that protects women's rights, judges should do what's right and apply the law based on a general belief in women's equality.*



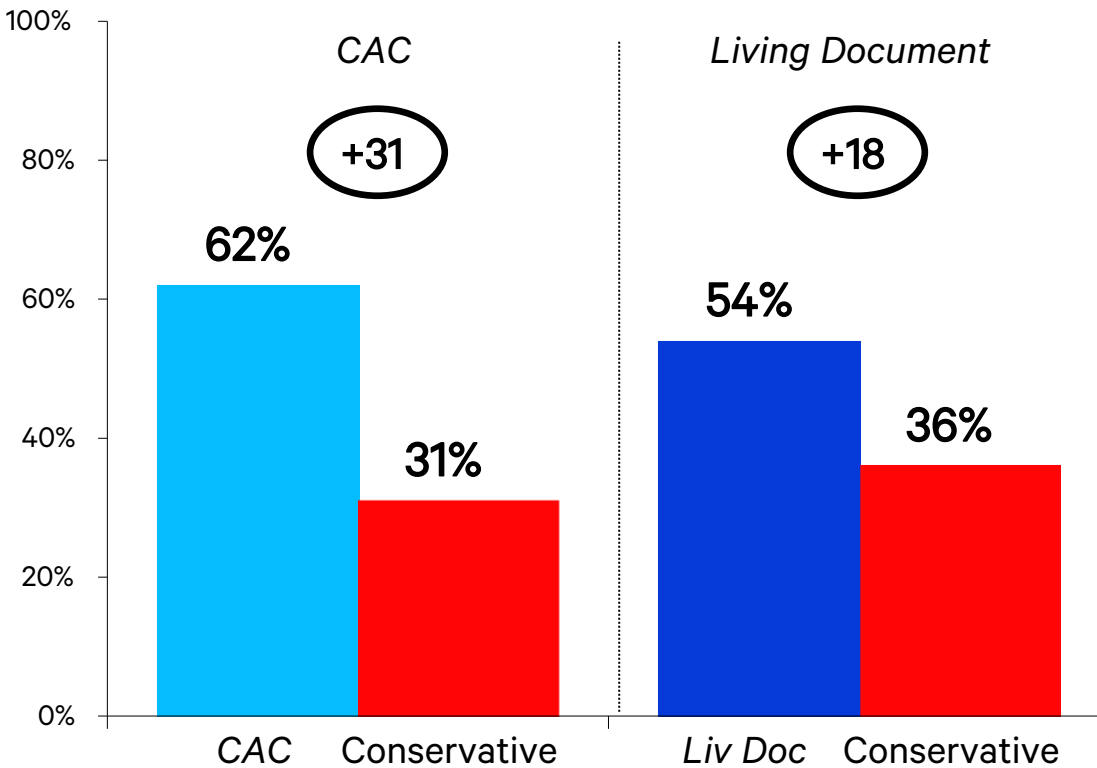


Judicial Role on Women's Rights: CAC's Argument Elicits Stronger Support

This Is Particularly True Among Independents, Men, Younger & Less Educated Voters

Which of the following statements comes closer to your point of view?

- Conservative Argument
- CAC Argument
- Living Document Argument



	Net CAC	Net Liv Doc
Liberal Democrat	+62	+72
Mod/Cons Democrat	+47	+34
Independent	+40	+14
Republican	-7	-28
Male	+30	+7
Female	+32	+28
18-39	+44	+21
40-59	+22	+11
60+	+27	+23
HS or less	+36	+14
Some College	+25	+16
Coll Grad +	+32	+21
White Coll	+30	+19
White Non-Coll Men	+8	-6
White Non-Coll Women	+29	+20
Black	+48	+28
Hispanic	+42	+59

