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# Americans Divided on Kavanaugh's Nomination to the Supreme Court

*Democrats are worried he will make court too conservative*

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# Americans Divided on Kavanaugh's Nomination to the Supreme Court

*Democrats are worried he will make court too conservative*

A week after Donald Trump nominated Brett Kavanaugh to fill Justice Anthony Kennedy's seat on the U.S. Supreme Court, the public is split in its early views of the nomination. Overall, 41% think the Senate should confirm

Kavanaugh to the Supreme Court, while about as many (36%) say they should not; 23% do not offer a view on the question.

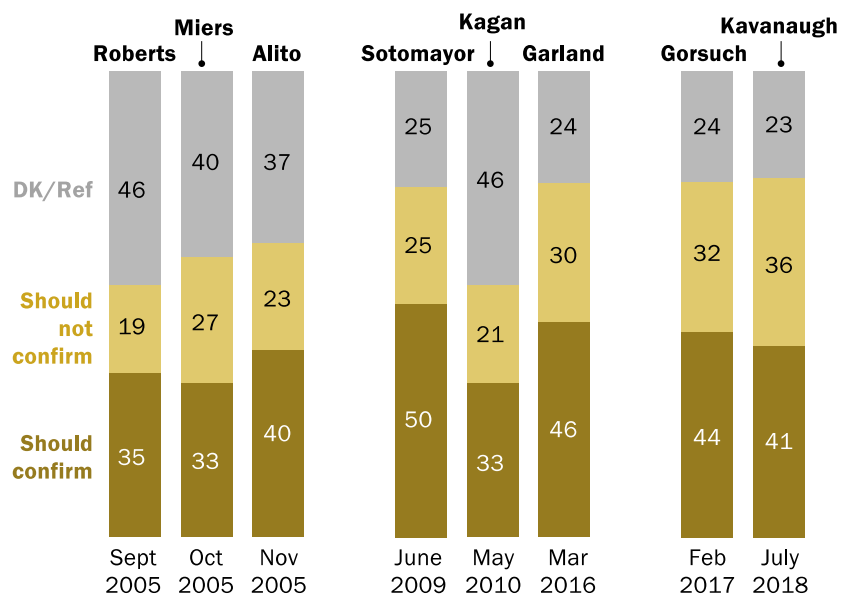
In February 2017, views of Neil Gorsuch's nomination were similar, though the balance of opinion was more positive. At that time, 44% said the Senate should confirm Gorsuch to fill the seated vacated by the late Justice Antonin Scalia; fewer (32%) said it should not.

And most previous nominees to the court during the presidencies of Barack Obama and George W. Bush were initially viewed more positively than negatively.

Ahead of Kavanaugh's Senate confirmation hearing, opinions of his nomination are already deeply polarized: 73% of Republicans and Republican-leaning independents think he should be confirmed. By contrast, a wide majority of Democrats and Democratic leaners (63%) say the Senate should not confirm him. The partisan gap is comparable to the divide over Gorsuch's nomination last year, but is wider than for most previous Supreme Court selections.

## Public is split on Kavanaugh's nomination to the U.S. Supreme Court

*% saying the Senate \_\_\_ each nominee to the Supreme Court*



Source: Survey of U.S. adults conducted July 11-15, 2018.

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The survey by Pew Research Center, conducted July 11-15 among 1,007 adults, finds widespread concern among Democrats about Kavanaugh's impact on the court's ideological balance.

Among the public overall, 31% say they worry that Kavanaugh would make the Supreme Court too conservative, while just 11% worry he would make the court not conservative enough; 46% say they don't worry about this and another 12% do not offer a view.

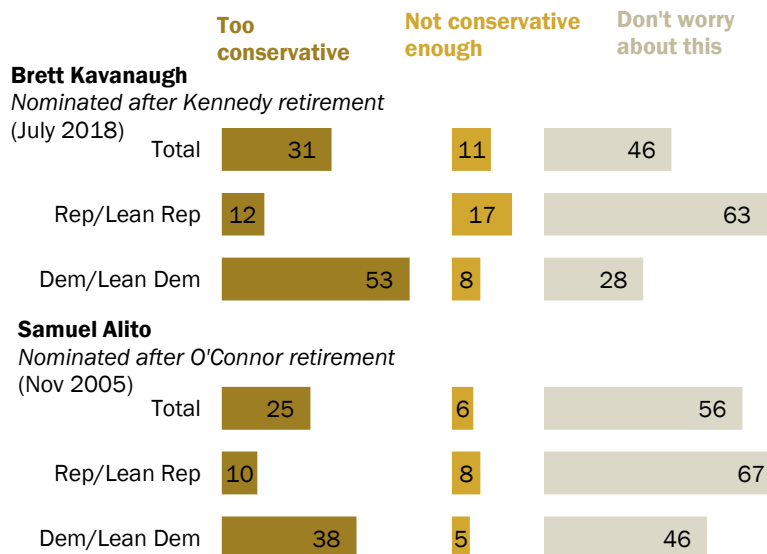
But among Democrats and Democratic leaners, 53% say they worry Kavanaugh would make the Supreme Court too

conservative, while far fewer say they don't worry about this (28%). Among Republicans, a 63% majority say they don't worry about Kavanaugh shifting the court's ideology; small shares worry that he would make the court too conservative (12%) or not conservative enough (17%).

Democratic concern about the Supreme Court moving in a conservative direction is higher today than it was in November 2005, when George W. Bush nominated Samuel Alito to replace Justice Sandra Day O'Connor. At that time, fewer than half of Democrats (38%) said they worried Alito would make the court too conservative.

### Majority of Democrats say Kavanaugh would make the Supreme Court 'too conservative'

% who say they worry that \_\_\_\_ would make Supreme Court ...



Note: Don't know responses not shown.

Source: Survey of U.S. adults conducted July 11-15, 2018.

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## Most people say the choice of the next Supreme Court justice is very important to them personally

A large majority of Americans (83%) say the choice of the next Supreme Court justice is either very or somewhat important to them personally, with 63% saying it is very important. Just 16% say it is not too important or not at all important.

In [2016](#), shortly before Obama nominated Merrick Garland to the court, slightly fewer (57%) said the selection of the next justice was very important. Just 40% expressed this view in 2010, after Justice John Paul Stevens announced his retirement from the court and before Obama named Justice Elena Kagan as his replacement.

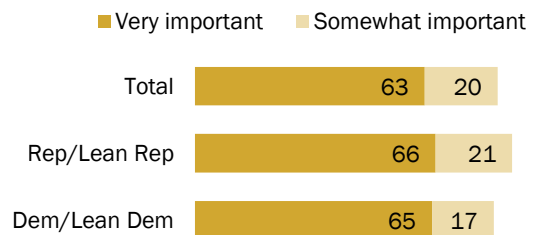
Similar majorities of Republicans and Republican leaners and Democrats and Democratic leaners say the choice is very important to them personally (66% and 65%, respectively).

Conservative Republicans (71%) are more likely than moderate and liberal Republicans (54%) to say the choice of the next Supreme Court justice is very important. Similarly, a larger share of liberal Democrats (71%) than conservative and moderate Democrats (58%) place great importance on the choice of the next court justice.

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### No partisan gap in views of importance of choice of next Supreme Court justice

*% who say the choice of the next Supreme Court justice is \_\_\_ to them personally*



Source: Survey of U.S. adults conducted July 11-15, 2018.

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## Most want Kavanaugh to address abortion in confirmation hearings

Nearly four-in-ten Americans (39%) say that if Kavanaugh is confirmed by the Senate to sit on the Supreme Court he would overturn the court's Roe v. Wade decision guaranteeing the right to abortion. Fewer (29%) say Kavanaugh would not vote to overturn Roe, while 32% do not express an opinion or say it would not matter.

Democrats, especially liberal Democrats, think Kavanaugh would support overturning Roe v. Wade. A majority of Democrats (55%), including two-thirds of liberals (67%), say Kavanaugh would vote to overturn the landmark decision on abortion. Just 43% of moderate and conservative Democrats say the same.

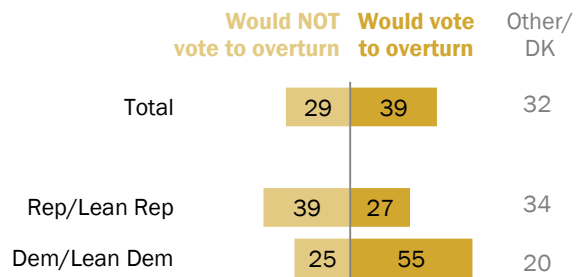
In contrast, Republicans are divided: 39% say Kavanaugh would not vote to overturn Roe, while 27% say he would do this; 34% offer no response. There are no significant ideological differences among Republicans in these views.

While the public is divided in its expectations of how Kavanaugh would address Roe, most Americans want Supreme Court nominees to answer senators' questions on issues like abortion during confirmation hearings.

Overall, 61% of adults – including 70% of Democrats and 51% of Republicans – say that when senators ask about issues like abortion, Supreme Court nominees should be required to answer.

### Majority of Democrats think Kavanaugh would vote to overturn Roe v. Wade

*% who say that if Kavanaugh is confirmed to sit on the Supreme Court, he \_\_\_ the Roe v. Wade decision...*

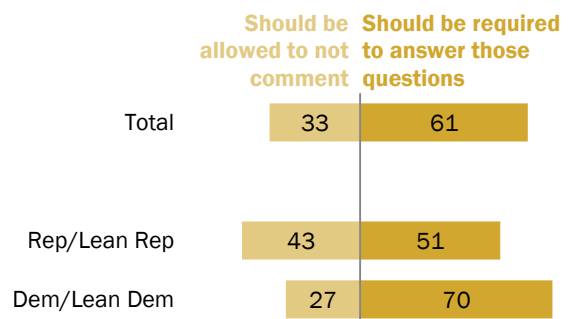


Source: Survey of U.S. adults conducted July 11-15, 2018.

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### Most Americans want Supreme Court nominees to address issue like abortion

*% who say when senators ask Supreme Court nominees questions about issues like abortion, nominees...*



Note: Don't know responses not shown.

Source: Survey of U.S. adults conducted July 11-15, 2018.

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## Gender and age differences in views of Kavanaugh's nomination

Opinions about Kavanaugh's nomination to the Supreme Court are divided by gender and age, as well as by partisanship.

Nearly half of men (49%) say they think the Senate should confirm Kavanaugh to the Supreme Court; 32% think he should not be confirmed. Women are less positive in their views: 40% think he should not be confirmed, compared with 33% who think he should be.

Adults ages 50 and older are significantly more likely to support than oppose the Senate confirming Kavanaugh to the Supreme Court. There is more opposition among adults younger than 50, who are roughly divided in their views.

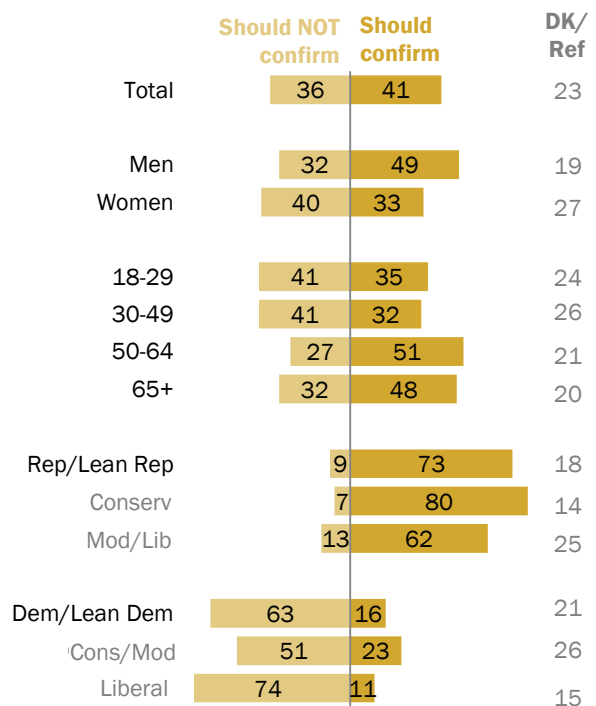
Both parties are divided ideologically in views of Kavanaugh's nomination, in part because both liberal Democrats and conservative Republicans are more likely than less ideological members of their parties to express an opinion about the issue.

Among Republicans and Republican leaners, conservatives (80%) are more likely than moderates and liberals (62%) to say they think the Senate should confirm Kavanaugh.

And while liberal Democrats and Democratic leaners overwhelmingly oppose the nomination (74% to 11%), conservative and moderate Democrats oppose it by a much smaller margin (51% to 23%).

### Gender gap in views of Kavanaugh's nomination to the Supreme Court

Do you think the Senate \_\_\_\_ Brett Kavanaugh to the Supreme Court? (%)



Source: Survey of U.S. adults conducted July 11-15, 2018.

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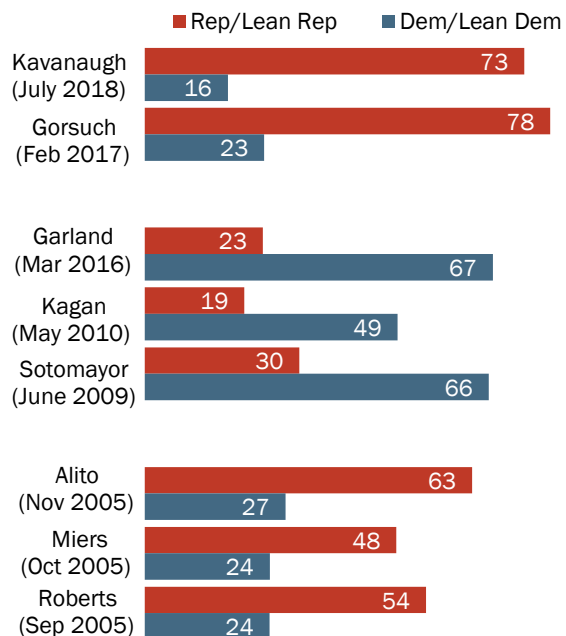
The overall partisan gap between Republicans and Democrats in views of Kavanaugh's nomination is as large as it has been for any nominee in recent years.

Republicans and Republican leaners (73%) are 57- percentage points more likely than Democrats and Democratic leaners (16%) to say they think the Senate should confirm Kavanaugh to the Supreme Court. This is about the same as the partisan gap in views of Neil Gorsuch in February 2017 (55 points), but larger than for previous appointments made by George W. Bush and Obama.

For example, in June 2009 there was a 36- point gap between the shares of Republicans (30%) and Democrats (66%) who supported the confirmation of Obama's nominee Sonya Sotomayor to the Supreme Court. And in September 2005, the partisan gap in views of Bush's nominee John Roberts was about half of what it is today for Kavanaugh (30 points vs. 57 points).

### Partisan gap on Kavanaugh among the largest for recent Supreme Court picks

% who say the Senate *should* confirm \_\_\_ to the Supreme Court



Source: Survey of U.S. adults conducted July 11-15, 2018.

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## Acknowledgements

This report is a collaborative effort based on the input and analysis of the following individuals:

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## Methodology

The analysis in this report is based on telephone interviews conducted July 11-15, 2018 among a national sample of 1,007 adults, 18 years of age or older, living in the United States (398 respondents were interviewed on a landline telephone, and 609 were interviewed on a cellphone, including 392 who had no landline telephone). The survey was conducted under the direction of SSRS. A combination of landline and cellphone random-digit-dial samples were used; both samples were provided by Marketing Systems Group. Interviews were conducted in English and Spanish. Respondents in the landline sample were selected by randomly asking for the youngest adult male or female who is now at home. Interviews in the cell sample were conducted with the person who answered the phone, if that person was an adult 18 years of age or older. For detailed information about our survey methodology, see <http://www.pewresearch.org/methodology/u-s-survey-research/>

The combined landline and cellphone sample are weighted to provide nationally representative estimates of the adult population 18 years of age and older. The weighting process takes into account the disproportionate probabilities of household and respondent selection due to the number of separate telephone landlines and cellphones answered by respondents and their households, as well as the probability associated with the random selection of an individual household member. Following application of the above weights, the sample is post-stratified and balanced by key demographics such as age, race, sex, region, and education. The sample is also weighted to reflect the distribution of phone usage in the general population, meaning the proportion of those who are cellphone only, landline only, and mixed users.

The following table shows the unweighted sample sizes and the error attributable to sampling that would be expected at the 95% level of confidence for different groups in the survey:

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*Survey conducted July 11-15, 2018*

<b>Group</b>	<b>Unweighted sample size</b>	<b>Plus or minus ...</b>
Total sample	1,007	3.7 percentage points
Republican/Lean Republican	456	5.5 percentage points
Democrat/Lean Democrat	419	5.7 percentage points

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Sample sizes and sampling errors for other subgroups are available upon request.

In addition to sampling error, one should bear in mind that question wording and practical difficulties in conducting surveys can introduce error or bias into the findings of opinion polls.

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July 11-15, 2018 OMNIBUS  
FINAL TOPLINE  
N=1,007**

**QUESTION 1 HELD FOR FUTURE RELEASE****ASK ALL:**

Q.2 How much, if anything, have you heard about Donald Trump's choice of Brett Kavanaugh [**PRONOUNCED:**"Kav-uh-naw"] to be the next Supreme Court justice? Have you heard [**READ IN ORDER**]?

**TRENDS FOR COMPARISON:**

		--Gorsuch--	--Garland--	-----Sotomayor-----
July 11-15		Feb 7-12	Mar 17-26	Jul 22-26
<u>2018</u>		<u>2017</u>	<u>2016</u>	<u>2009</u>
40	A lot	40	32	46
36	A little	36	44	33
24	Nothing at all	23	24	19
1	Don't know/Refused ( <b>VOL.</b> )	1	*	2
				Jun 10-14
				<u>2009</u>
				39
				38
				21
				2

**ASK ALL:**

Q.3 How important is the choice of the next Supreme Court justice to you personally [**READ IN ORDER**]?

	Very <u>important</u>	Somewhat <u>important</u>	Not too <u>important</u>	Not at all <u>important</u>	( <b>VOL.</b> ) <u>DK/Ref</u>
July 11-15, 2018	63	20	9	7	1
<b>Obama</b>					
Mar 17-26, 2016	56	27	11	5	1
Feb 18-21, 2016	57	24	8	9	2
Apr 21-26, 2010 <sup>1</sup>	40	32	14	11	3
<b>Bush</b>					
Nov 2005	47	28	13	11	1
Mid-Sept 2005 <sup>2</sup>	48	34	9	7	2
July 2005	47	30	14	8	1
June 2005	47	29	14	8	2
Late March 2005	38	36	15	8	3

**ASK ALL:**

Q.4 From what you've seen and heard so far, do you think the Senate should or should not confirm Brett Kavanaugh [**PRONOUNCED:** "Kav-uh-naw"] to the Supreme Court?

		<u>Should</u>	<u>Should not</u>	( <b>VOL.</b> ) <u>DK/Ref</u>
<b>Kavanaugh</b>	July 11-15, 2018	41	36	23
<b>Gorsuch</b>	Feb 7-12, 2017	44	32	24
<b>Garland</b>	Mar 17-26, 2016	46	30	24
<b>Kagan</b>	June 17-20, 2010	33	25	42
<b>Kagan</b>	May 13-16, 2010	33	21	46
<b>Sotomayor</b>	July 22-26, 2009	50	23	27
<b>Sotomayor</b>	June 10-14, 2009	50	25	25
<b>Alito</b>	January, 2006	33	19	48
<b>Alito</b>	Early December, 2005	32	19	49

1 In April 2010 and earlier, the question read: "How important is the president's choice of the next Supreme Court justice to you personally?"

2 In mid-September 2005 the question was asked about the two Supreme Court openings: "How important are the president's choices of the next Supreme Court Justice to you personally?"

**Q.4 CONTINUED...**

		<u>Should</u>	<u>Should not</u>	<u>(VOL.)</u> <u>DK/Ref</u>
<b>Alito</b>	November, 2005	40	23	37
<b>Miers</b>	Early October, 2005	33	27	40
<b>Roberts</b>	Mid-September, 2005	46	21	33
<b>Roberts</b>	Early September, 2005	35	19	46

**ASK ALL:**

Q.5 Do you worry that Brett Kavanaugh [**PRONOUNCED:** "Kav-uh-naw"] would make the Supreme Court too conservative, not conservative enough, or don't you worry about this?

**TREND FOR COMPARISON:**

		<u>-----Samuel Alito-----</u>	<u>Harriet Miers</u>	<u>John Roberts</u>	<u>Next Supreme Court Appt.</u>
July 11-15		Early Dec	Early Nov	Early Oct	Early Oct
<u>2018</u>		<u>2005</u>	<u>2005</u>	<u>2005</u>	<u>2005</u> <sup>3</sup>
31	Too conservative	21	25	18	20
11	Not conservative enough	6	6	8	9
46	Don't worry about this	53	56	56	60
12	Don't know/Refused ( <b>VOL.</b> )	20	13	18	11

**ASK ALL:**

Q.6 When Senators ask Supreme Court nominees questions about issues like abortion that may come before the court, do you think [**INSERT ITEM, ROTATE**] or do you think [**NEXT ITEM**]?

		<u>Early Nov</u>	<u>Early Oct</u>
July 11-15		<u>2005</u>	<u>2005</u>
<u>2018</u>			
61	Nominees should be required to answer those questions	60	55
33	Nominees should be allowed to not comment on those questions	35	39
5	Don't know/Refused ( <b>VOL.</b> )	5	6

**ASK ALL:**

Q.7 If Brett Kavanaugh is confirmed to sit on the Supreme Court, do you think he would vote to OVERTURN the Roe versus Wade decision that established a woman's right to an abortion, or don't you think he would vote to overturn the Roe versus Wade decision?

**TREND FOR COMPARISON:**

		<u>Samuel Alito</u>
July 11-15		Early Dec
<u>2018</u>		<u>2005</u>
39	Would vote to overturn Roe v. Wade	27
29	Would NOT vote to overturn Roe. v. Wade	26
4	Not important/Doesn't matter ( <b>VOL.</b> )	4
27	Don't know/Refused ( <b>VOL.</b> )	43

**QUESTIONS 8-9 HELD FOR FUTURE RELEASE**

<sup>3</sup> In July 2005 the question was worded "Do you worry that the president's next Supreme Court appointment will make the court ..."

**ASK ALL:**

PARTY Generally speaking, do you usually think of yourself as a Republican, Democrat, or an independent?

**ASK IF INDEP/NO PREF/OTHER/DK/REF (PARTY=3,4,5,9):**

PARTYLN As of today do you lean more to the Republican Party or more to the Democratic Party?

	<u>Republican</u>	<u>Democrat</u>	<u>Independent</u>	<u>Other</u> <u>party</u>	<b>(VOL.)</b> <u>DK/Ref</u>	Lean <u>Rep</u>	Lean <u>Dem</u>
July 11-15, 2018	26	29	39	2	2	15	15