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To: Interested Parties

**RE: American Public Strongly Backs President's Position in Nomination
Fight over Judge Merrick Garland**

The Center for American Progress and GBA Strategies recently completed one of the most comprehensive examinations to date of public attitudes about President Obama's nomination of Judge Merrick Garland to fill the vacancy to the United States Supreme Court following the death of former Justice Antonin Scalia.

The results across multiple measures are clear. American voters want the United States Senate to uphold its constitutional duty to offer its advice and consent on the President's nomination and move forward with confirmation hearings and an up-or-down vote for Judge Garland. Voters reject the Senate leadership's position on the nomination, and elected officials who refuse to grant Judge Garland confirmation hearings and a vote risk losing favor with voters nationally and in their home states.

This study included a total of 4200 interviews with registered voters nationally (1300 interviews) and in the key states of Arizona (600 interviews), Iowa (500 interviews), Ohio (600 interviews), Pennsylvania (600 interviews), and Wisconsin (600 interviews). The surveys were conducted using both landlines and cell phones. The margin of error for the national survey is +/- 3.1 percent at the 95 percent confidence interval; +/- 4.0 percent in AZ, OH, PA, and WI; and +/- 4.4 percent in IA.

Data for all of the surveys will be publicly available, and slides outlining the results accompany this memo.

The most important findings from the study include:

Majorities of voters—across the partisan and ideological spectrum—want the U.S. Senate to hold hearings and an up-or-down confirmation vote for Judge Merrick Garland, President Obama's nominee to the Supreme Court. By a 69 percent to 27 percent margin, voters nationally overwhelmingly think the U.S. Senate should move forward with hearings and an up-or-down vote for Judge Garland. This includes 79 percent of self-identified Democrats; 67 percent of Independents; 59 percent of Republicans; and 55 percent of self-identified conservatives/libertarians.

Support for hearings and an up-or-down vote is strong across all 5 states as well. *"As you may have heard, President Obama nominated Judge Merrick Garland to fill the vacant seat on the Supreme Court. Do you think the U.S. Senate should hold hearings*

and then have an up-or-down confirmation vote on Judge Garland's nomination?"
(Initial test)

- Arizona 68 percent (yes); 27 percent (no)
- Iowa 66 percent (yes); 29 percent (no)
- Ohio 65 percent (yes); 30 percent (no)
- Pennsylvania 66 percent (yes); 28 percent (no)
- Wisconsin 64 percent (yes); 29 percent (no)

Pluralities of voters nationally, and in key states, believe Judge Merrick Garland should be confirmed to the United States Supreme Court. Beyond the minimal level of consideration for his nomination, voters nationally by a 48 percent to 36 percent margin think that Judge Garland should be confirmed to the U.S. Supreme Court. Partisan differences are more pronounced on this measure with 75 percent of Democrats supporting his confirmation compared to 41 percent of Independents and 23 percent of Republicans.

"Based on what you know, do you think Judge Merrick Garland should be confirmed by the U.S. Senate and seated as the next Justice of the U.S. Supreme Court?"

- Arizona 44 percent (yes); 33 percent (no)
- Iowa 43 percent (yes); 35 percent (no)
- Ohio 43 percent (yes); 27 percent (no)
- Pennsylvania 42 percent (yes); 35 percent (no)
- Wisconsin 46 percent (yes); 36 percent (no)

Voters reject the decision of Republican leaders in the United States Senate to not hold confirmation hearings and an up-or-down vote for Judge Garland. A full 60 percent of voters nationally say they oppose the decision of Senate Republican leaders to not hold confirmation hearings and an up-or-down vote for the President's nominee to the Supreme Court. This includes 84 percent of Democrats and 60 percent of Independents. Only 34 percent of voters nationally support this decision, including 62 percent of Republicans and 57 percent of conservative/libertarian voters.

"The Republican leadership in the U.S. Senate has said that it will not hold confirmation hearings or an up-or-down vote for President Obama's Supreme Court nominee, Judge Merrick Garland. Do you support or oppose this decision by the Republican leadership in Congress?"

- Arizona 39 percent (support); 55 percent (oppose)
- Iowa 38 percent (support); 54 percent (oppose)
- Ohio 35 percent (support); 58 percent (oppose)
- Pennsylvania 37 percent (support); 55 percent (oppose)
- Wisconsin 35 percent (support); 58 percent (oppose)

By a 2-1 margin, voters nationally say they will look less favorably upon any elected official who refuses to support confirmation hearings and an up-or-down vote for Judge Garland. By a 43 percent to 20 percent margin, voters nationally say they would view an elected official from their state less favorably if that official refused to support hearings and a vote for Judge Garland. Thirty-four percent of voters nationally say it would make no difference in their opinions. Fifty-seven percent of Democrats and 48 percent of Independents say they would view an elected official less favorably for refusing to hold hearings and a confirmation vote. In contrast, by a 33 percent to 24 percent margin, Republican voters would view an official taking this position more favorably rather than less.

In the state polls, the names of respective U.S. Senators, some of whom have indicated potential willingness to move forward with the process, were inserted into the questions producing results roughly in line with national trends.

“If [U.S. Senator’s name] refuses to support holding hearings and a confirmation vote for Judge Merrick Garland for the U.S. Supreme Court, would you view him more favorably or less favorably, or would it make no difference?”

- Arizona Senator John McCain 17 percent more/**39** percent less
- Iowa Senator Chuck Grassley 20 percent more/**40** percent less
- Ohio Senator Sen. Rob Portman 17 percent more/**38** percent less
- Pennsylvania Senator Pat Toomey 20 percent more/**38** percent less
- Wisconsin Senator Ron Johnson 21 percent more/**39** percent less

Seven in ten voters nationally believe Republican leaders are refusing to hold hearings and a confirmation vote for Judge Garland mostly for political purposes. In terms of what is motivating Senate leaders to make these decisions, a full 70 percent of voters nationally believe Republican leaders are doing this for political reasons rather than doing this mostly based on what they think is best for the country. Eighty-seven percent of Democrats and 71 percent of Independents see political reasons behind the decision not to hold hearings and a vote, as do 48 percent of Republicans and 49 percent of conservatives/libertarians.

“Do you think Senate Republican leaders are refusing to hold hearings or a confirmation vote mostly for political reasons or mostly because they think it is the best thing for the country?”

- Arizona **65** percent political reasons/30 percent best thing for country
- Iowa **63** percent political reasons/31 percent best thing for country
- Ohio **68** percent political reasons/28 percent best thing for country
- Pennsylvania **64** percent political reasons/30 percent best thing for country
- Wisconsin **64** percent political reasons/29 percent best thing for country

Arguments in favor of moving forward with Judge Garland's nomination are more convincing to voters than arguments in favor of not moving forward with his nomination process. Our study tested an equal number of arguments for and against confirmation hearings and an up-or-down vote for Judge Garland. Majorities of American voters nationally find 7 of 8 arguments in favor of moving forward with the nomination convincing compared to only 1 of 8 arguments against it.

The most convincing argument in favor of moving forward with the nomination process focuses on the constitutional duties of the both the President and the Senate. By a 69 percent to 29 percent margin, voters nationally find the following argument convincing as a reason to support granting Judge Garland hearings and a vote:

The President has a constitutional duty to nominate a qualified nominee to fill any vacant seat on the Supreme Court, and the U.S. Senate has a constitutional duty to offer its advice and consent. The President has done his job, now the Senate should do theirs.

Two-thirds or more of voters in each of the state polls also find this message about the constitutional duties of the President and Senate convincing. Other arguments focused on Judge Garland's record and qualifications, his ideological disposition and bipartisan support, and overall judicial experience also emerge as convincing to more than 6 in 10 voters nationally.

Only one argument for opposing any hearings or vote for Judge Garland is convincing to a majority of voters nationally. Fifty-six percent of voters nationally, and majorities of voters in each of the states tested, find the following line of reasoning from opponents convincing:

Since the Supreme Court is now split evenly between four liberal and four conservative justices, it is important to let voters make the final decision in the upcoming election about the ideological direction of the Court.

All of the other arguments for opposing hearings and a vote for Garland fail to convince a majority of voters nationally, including an argument that the Senate should delay the process until later in the year after the elections.

After hearings arguments from both sides, nearly two-thirds of voters nationally continue to believe Judge Garland should be granted confirmation hearings and an up-or-down vote. By a 65 percent to 32 percent margin, national voters say Garland should get hearings and a vote after hearing balanced information from both sides of this debate. Support holds among Democrats (80 percent, yes) and Independents (65 percent, yes) while Republicans move into plurality opposition as the debate takes on a more partisan frame (49 percent, no).

Similar patterns are seen across all of the states surveyed, with majorities of voters in each state continuing to back hearings and a vote for Judge Garland, although at slightly lower levels as some Republican voters move to opposition.

The prospect that a 4-4 split on the Supreme Court could threaten issues of importance to voters motivates people to get more involved in the nomination process. When asked to choose which two priorities matter most to them in terms of issues before the Court, voters nationally are focused on a number of issues, including “immigration” (30 percent, top two), “health care” (28 percent, top two), “civil rights and voting rights” (26 percent, top two), and “money in politics” (23 percent, top two).

When presented with the idea that a 4-4 split on the Court might influence these issues that matter most to them, 45 percent of voters nationally say they are more likely to get involved in the nomination process versus 3 percent who say they would be less likely to get involved. Motivation to get involved is higher among African American voters (65 percent more likely), Latinos (58 percent more likely), Democrats (58 percent more likely), and progressives/liberals (60 percent more likely).

Likewise, regardless of their position on the nomination, 76 percent of voters nationally say they are likely to take a candidate’s position on the nomination into account in their voting decisions this fall.

Overall, these surveys provide clear evidence that American voters are more in line with President Obama’s position on the nomination of Judge Garland than they are with the stance of Republican leaders in the Senate. Although voters are somewhat open to the Republican rationale about waiting for the fall elections, these arguments ultimately fail to overcome the overwhelming public sentiment in support of moving forward and granting Judge Garland confirmation hearings and a vote.