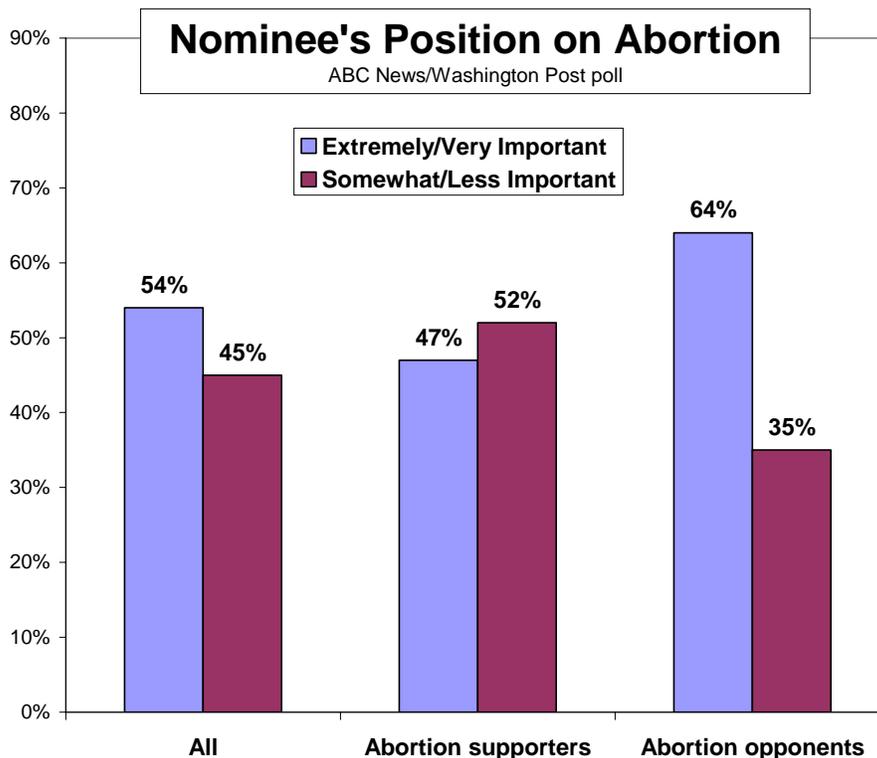


Supreme Court Litmus Test Matters More to Abortion Opponents

Most Americans want the next U.S. Supreme Court nominee to share their view on abortion – but opponents of legal abortion are much more apt to say so than supporters.

With vacancies on the court likely during George W. Bush's second term in office, 54 percent of Americans say it's very or extremely important to them that the next nominee agrees with their position on abortion. But that includes 64 percent of those generally opposed to legal abortion, compared with 47 percent of those who support legal abortion.

Regardless of their views on abortion, most do think a nominee's position on the issue should be taken into account. Six in 10 say the Senate should not only consider a nominee's background, experience and qualifications, but also his or her views on issues such as abortion, gun control and affirmative action.



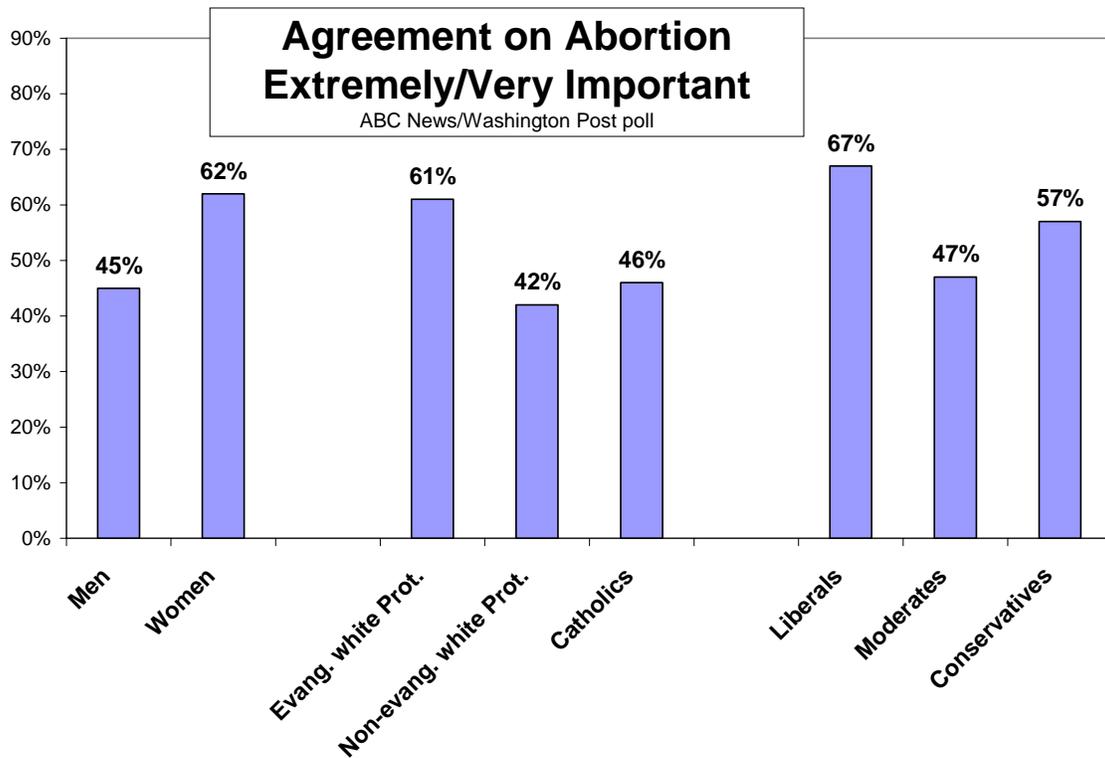
During the presidential debates, Bush said in reference to abortion, "I will pick judges who will interpret the Constitution, but I'll have no litmus test."

ABORTION VIEWS – Overall, 55 percent of Americans say abortion should be legal in all or most cases, essentially unchanged from last spring and about the average in polls since 1995. That includes 21 percent who say it should be legal in all cases, and 34 percent who say it should be legal in most cases. Among the 42 percent who say abortion should be illegal, 25 percent say it should be so in most cases, 17 percent in all cases.

Those in either extreme are more likely than others to say it's important that a Supreme Court nominee share their position. Among adults who say abortion should be legal in all cases, 62 percent say it's extremely or very important to them that a judge agrees; among those who say abortion should always be illegal, more, 77 percent, say so.

There's a similar difference among those who take a more moderate position on either side. Among people who say abortion should be mostly legal, just 38 percent call it important that a nominee shares their view. But among Americans who think abortion should be mostly illegal, more, 56 percent, say it's important.

There are also differences among other demographic groups. Sixty-one percent of evangelical white Protestants (who broadly oppose legal abortion) say a judge's position on the issue is highly important to them; 42 percent of non-evangelical white Protestants (who broadly support legal abortion) say so. And while there is no significant difference between men and women on abortion in general, women are 17 points more likely than men to call it important for a judge to share their view on the issue.



Partisanship is not a factor: Roughly equal numbers of Democrats and Republicans think it's important a Supreme Court nominee shares their view on abortion. But ideology is – 67 percent of liberals call it important (they're the most apt to favor legal abortion in all cases), compared with 57 percent of conservatives and 47 percent of moderates.

IDEOLOGY – A plurality of Americans, 43 percent, say Bush should nominate someone to the court who's more of a moderate; one-third say he should pick a conservative justice, while two in 10 say he should pick a liberal. That matches almost identically the public's ideological composition in this poll.

However, among people who say they voted for Bush, most – 54 percent – want a more conservative justice. Among those who voted for John Kerry, most want a moderate.

ABORTION – Support for legal abortion is highest in the Northeast (70 percent), and lowest in the South (45 percent). It's 66 percent in the so-called blue states – states Kerry won – compared with 45 percent in the red states, where Bush won.

Support is also higher among Democrats (64 percent), and peaks, at 79 percent, among liberals. Opposition to legal abortion is highest among Republicans (58 percent), conservatives (63 percent) and evangelical white Protestants (63 percent).

METHODOLOGY – This ABC News/Washington Post poll was conducted by telephone Dec. 16-19, 2004, among a random national sample of 1,004 adults. The results have a three-point error margin. Sampling, data collection and tabulation by TNS of Horsham, Pa.

Analysis by Dalia Sussman.

ABC News polls can be found at ABCNEWS.com at <http://abcnews.com/pollvault.html>.

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Full results follow (*= less than 0.5 percent).

23. On another subject, do you think abortion should be legal in all cases, legal in most cases, illegal in most cases or illegal in all cases?

	-----Legal-----			-----Illegal-----			
	NET	All cases	Most cases	NET	Most cases	All cases	No opin.
12/19/04	55	21	34	42	25	17	3
5/23/04	54	23	31	44	23	20	2
1/20/03	57	23	34	42	25	17	2
8/12/01	49	22	27	48	28	20	3
6/24/01	52	22	31	43	23	20	4
1/15/01	59	21	38	39	25	14	1
9/6/00 RV	55	20	35	42	25	16	3
7/23/00	53	20	33	43	26	17	4
9/2/99	56	20	37	42	26	15	2
3/14/99	55	21	34	42	27	15	3
7/12/98	54	19	35	42	29	13	4

8/5/96	56	22	34	41	27	14	3
6/30/96	58	24	34	40	25	14	2
10/1/95	60	26	35	37	25	12	3
9/21/95	60	24	36	36	25	11	4
7/17/95	59	27	32	40	26	14	1

24. How important is it to you that the next person nominated to join the U.S. Supreme Court agrees with your position on abortion - is that extremely important to you, very important, somewhat important, or less important than that?

	-----Important-----			----Less important----			No
	NET	Ext.	Very	NET	Smwt.	Less	opin.
12/19/04	54	26	28	45	30	15	1

25. When it comes time for Bush to nominate a new justice to the U.S. Supreme Court, do you think he should pick someone who is more of a (liberal), moderate or (conservative)?

	Liberal	Moderate	Conservative	No opin.
12/19/04	21	43	33	3

26. As you may know, the Constitution gives the Senate the power to confirm the president's nominations to the federal courts. Would you say that the Senate should only consider a judge's background, experience and qualifications, OR should the Senate also consider a judge's views on such issues as abortion, gun control and affirmative action?

	Background, experience and qualifications	Views on issues	No opinion
12/19/04	35	60	5

END