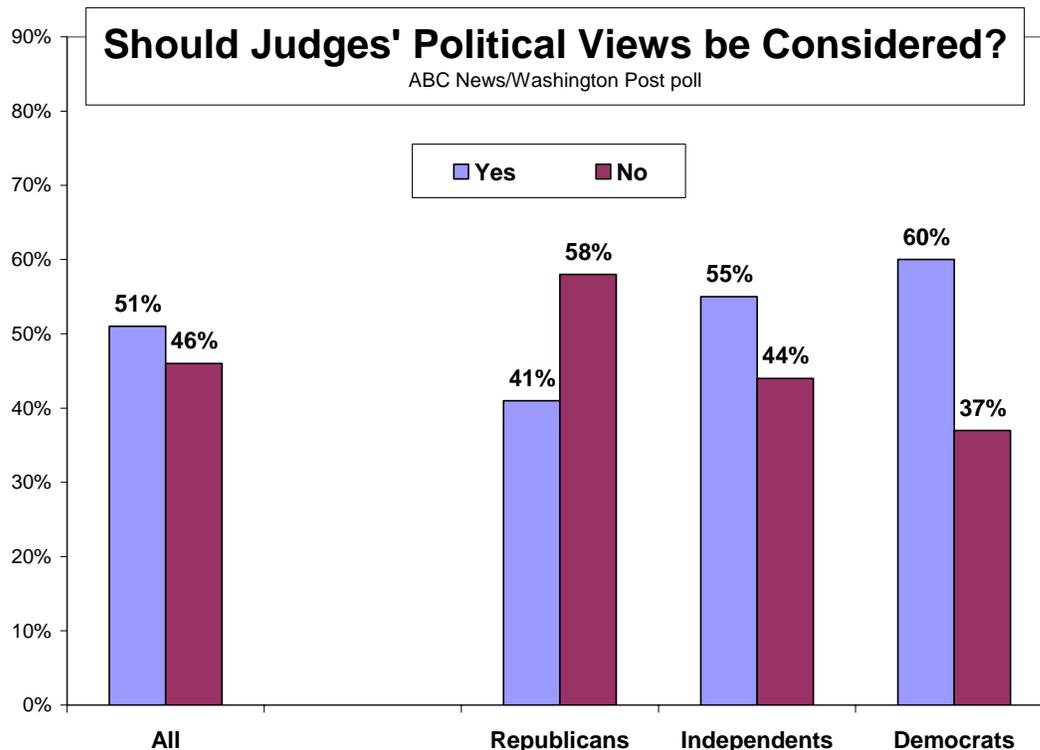


## Public Closely Split on Whether to Consider Judges' Political Views

The jury is out on whether the Senate should consider a judicial nominee's political views: The public divides closely on the issue, with broad partisan differences reflecting this nation's deep political divisions.

Fifty-one percent in this ABC News/Washington Post poll say the Senate should consider a judge's views on political issues, not solely his or her background and qualifications. But nearly as many, 46 percent, say politics should be left off the table.

The question is of heightened interest given the possibility of an upcoming vacancy on the U.S. Supreme Court, as well as the controversy over some of Bush's appeals court nominees. In this poll, nearly six in 10 Republicans say the Senate should consider only a judge's qualifications, not his or her views on political issues; 55 percent of independents and six in 10 Democrats say political views should also be taken into account.



Most conservatives agree with Republicans on this issue, while most liberals and moderates side with the majority of Democrats and independents.

And age and gender are factors as well: Younger Americans are 22 points more likely than senior citizens to favor looking at a nominee's political views. Most women also favor such consideration, while men are split.

IDEOLOGY – Amid wide speculation about a Supreme Court vacancy – Chief Justice William Rehnquist has thyroid cancer – a plurality of Americans, 41 percent, say the next justice should be more of a moderate than a conservative or liberal. Thirty-five percent prefer a conservative and about two in 10 say the nominee should be a liberal.

While that follows the public's own ideological composition, conservatives are more focused on getting one of their own on the court, and liberals less so. Three in four conservatives say the next Supreme Court nominee should be a conservative; two-thirds of moderates call for a moderate, and 55 percent of liberals want a liberal.

	Next Supreme Court nominee should be a:		
	Liberal	Moderate	Conservative
All	21%	41	35
Liberals	55	32	12
Moderates	15	67	15
Conservatives	6	16	75

BUSH APPROVAL – Americans are nearly evenly split on Bush's overall handling of the nomination of federal judges: Forty-six percent approve, 44 percent disapprove, with, again, deep partisan and ideological splits. Nearly eight in 10 Republicans and two-thirds of conservatives approve, while seven in 10 Democrats and nearly two-thirds of liberals disapprove. Independents and moderates, the middle-ground Americans, are somewhat more likely to disapprove than to approve.

COURTS vs. LEGISLATURES – In terms of state courts, there's no consensus on trust in state courts vs legislatures to handle the hot-button issues of gay marriage, abortion and the death penalty. Americans divide evenly, 44-44 percent, on whether they trust their state's courts or legislature more to deal with abortion. Legislatures have a slight edge, 45-40 percent, in trust to handle gay marriage; but the courts have greater trust, 53-40 percent, on the death penalty.

Again, there are broad divisions. Republicans and conservatives are much more likely than Democrats and liberals to trust their state legislatures to deal with each of these – likely reflecting Republican criticism of “activist judges.”

There are also regional differences, with Westerners the least likely to trust their elected officials to handle gay marriage and abortion; and religious ones, with evangelical Protestants the most likely to want their state legislatures to deal with such questions.

	Trust more to handle:		
	Gay marriage	Abortion	Death penalty
Courts	Leg.	Courts	Leg.
Leg.	Courts	Leg.	Courts

All	40%	45	44%	44	53%	40
Republicans	29	57	34	54	48	48
Independents	46	41	51	39	57	38
Democrats	44	38	48	39	54	37

METHODOLOGY – This ABC News/Washington Post poll was conducted by telephone June 2-5, 2005, among a random national sample of 1,002 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).

2. Do you approve or disapprove of the way Bush is handling (ITEM)?

	Approve	Disapprove	No op.
c. The nomination of federal judges	46	44	10

46. 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.
6/5/05	21	41	35	3
12/19/04	21	43	33	3

47. 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 political issues?

	Background, experience and qualifications	Views on issues	No opinion
6/5/05	46	51	2

48. Who do you trust more to deal with the issue of (ITEM), your (state legislature) or your (state courts)?

6/5/05 - Summary Table

	State legislature	State courts	Both equally (vol.)	Neither (vol.)	No op.
a. gay marriage	45	40	1	11	3
b. the death penalty	40	53	1	4	1
c. abortion	44	44	1	10	2

\*\*\*END\*\*\*

