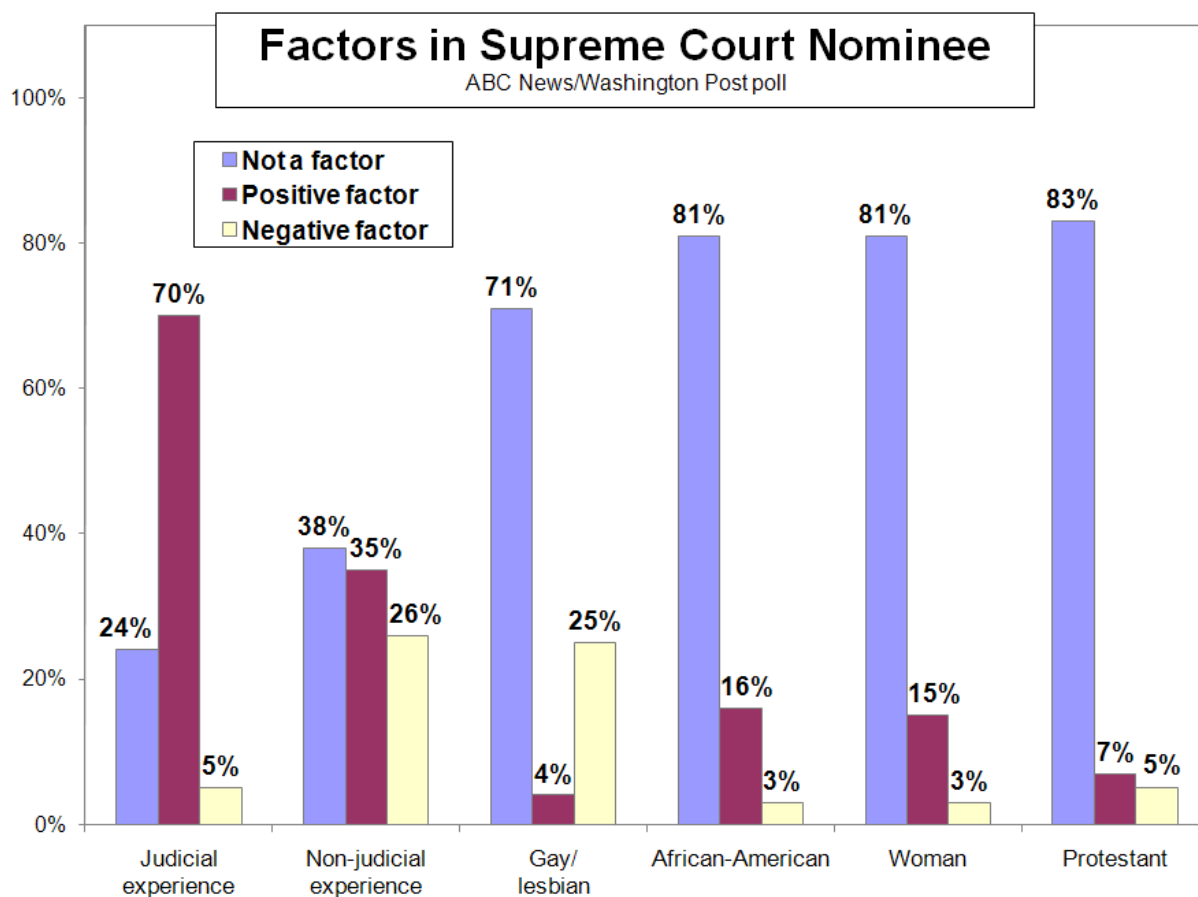


Public Gives Obama Latitude in Supreme Court Nomination

Americans give President Obama latitude in selecting the next Supreme Court nominee, with two-thirds saying they're comfortable having him make the choice and broad majorities rejecting most personal attributes as important factors in a justice – save one, experience on the bench.

Seventy percent in this ABC News/Washington Post poll say it'd be a net positive in their view if Obama's nominee to replace retiring Justice John Paul Stevens has experience as a judge. But for many even that's not a requirement – barely over half, 52 percent, call it a strong factor.

Other personal attributes, including items such as the nominee's race, sex, religion and sexual orientation, are not issues for sizable majorities, anywhere from 71 to 83 percent.



There's been a 10-point drop in the number of Americans who see the court as "too conservative" and an 8-point rise in those who call it "too liberal" since Obama's first nominee,

Sonia Sotomayor, took her seat on the bench in August. Still a plurality, 46 percent, say it's generally balanced in its decisions, near the average in ABC/Post polls since 1986.

Regardless, 65 percent in this ABC News/Washington Post poll say they're comfortable with Obama nominating the next justice, which the president says he'll do by the end of May. That comfort level – substantially higher than Obama's approval ratings overall and on specific issues – seems to reflect a longstanding public view of such nominations as chiefly a presidential prerogative. In polls since 1987 every nominee save two has achieved majority support; those were the unsuccessful Robert Bork and Harriet Miers.

Comfort with Obama making the selection takes in three in four moderates and two-thirds of independents, dropping sharply to around one in three conservatives, Republicans and evangelical white Protestants. Perhaps surprisingly, among those who'd like to see *Roe v. Wade* overturned – just fewer than four in 10 adults – nearly half nonetheless are comfortable with Obama making the pick.

ATTRIBUTES – Eight in 10 say they would not consider it a factor, pro or con, if the next nominee were a woman or African-American; among the rest, most view these attributes as positives, and strongly so. Eight in 10 also say it doesn't matter if the next nominee is Protestant (Stevens is the last remaining Protestant on the court); the rest divide on whether that would be a positive or a negative factor.

Seventy-one percent say it wouldn't matter in their assessment if Obama's choice were gay or lesbian. On this attribute, however, nearly all the rest say they'd see it as a negative, and nearly all of them feel strongly about it. Opposition to a gay nominee is most intense among evangelical white Protestants (51 percent of whom see that as a strong factor against) and to a lesser extent Republicans and conservatives (40 and 34 percent, respectively).

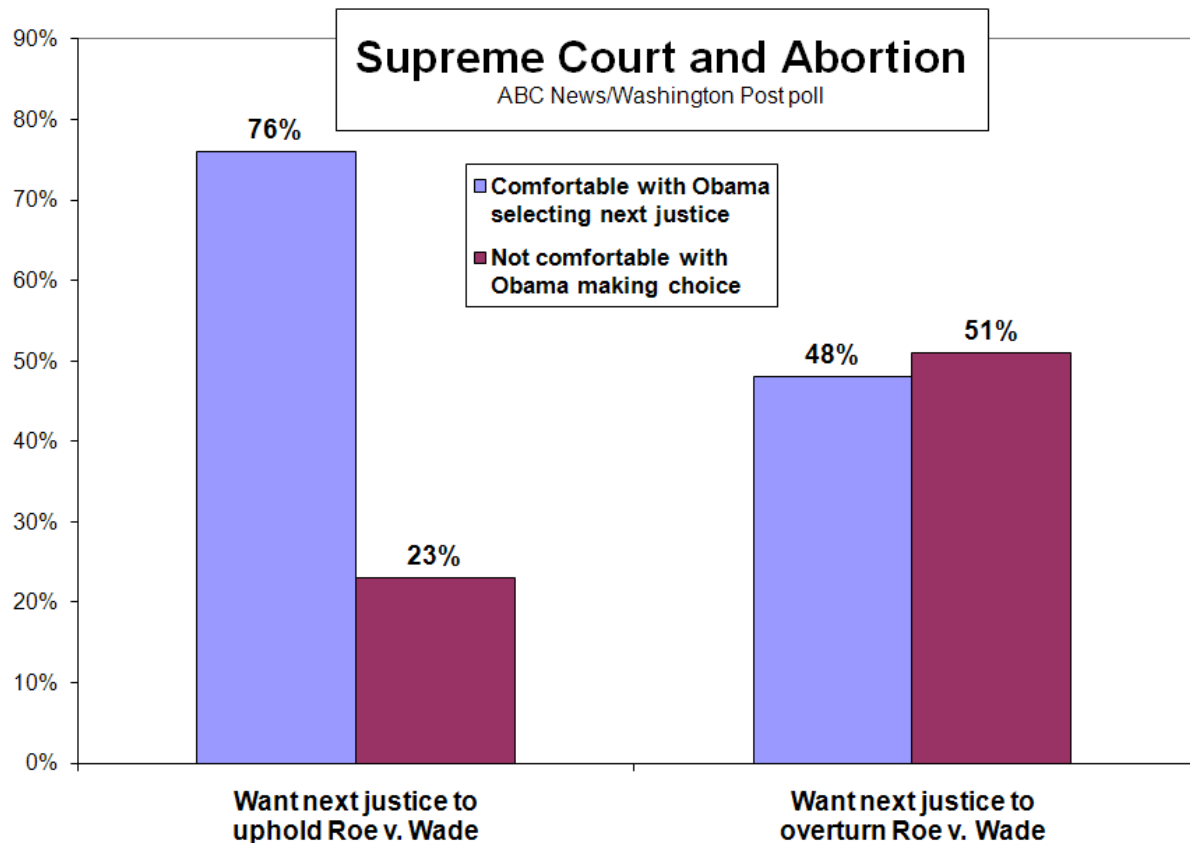
On other attributes, far more Americans prize a judicial background over experience outside the legal profession. As noted, 70 percent see experience as a judge as a factor in favor of a nominee, including 52 percent who feel that way strongly. In contrast, only 35 percent see experience in business or politics as a positive factor; indeed 26 percent see such experience negatively.

In recent decades Supreme Court justices mostly have come up through the judicial ranks, but history is dotted with exceptions, such as Earl Warren, a three-term California governor who became chief justice for the court's momentous civil rights rulings of the 1950s and 1960s.

IDEOLOGY – Americans appear to notice as the ideological pendulum swings on the Supreme Court. The number who say it tends to be too conservative in its decisions has declined from 31 percent in 2007, after John Roberts and Samuel Alito joined the court, to 21 percent now. Today 26 percent view the court as too liberal, up from 18 percent in 2007.

Views of the court have followed a similar pattern for years, with appointments of new justices – and sometimes landmark rulings – seemingly influencing views of its ideological position.

ABORTION – On the abortion issue, a frequent focus in discussion of court appointments, the public by 59-38 percent says the next justice should vote to uphold rather than overturn the 1973 Supreme Court ruling in *Roe v. Wade*. That’s about the same as last summer, 60 percent, and close to the average, 62 percent, in ABC/Post polls since 2005.



Among those who favor upholding the ruling, 76 percent are comfortable with Obama nominating the next justice; that declines to 48 percent – still nearly half – among those who would like to scrap *Roe v. Wade*, suggesting their view on abortion isn’t the key driver of their view on Obama making the choice.

METHODOLOGY – This ABC News/Washington Post poll was conducted by telephone April 22-25, 2010, among a random national sample of 1,001 adults, including landline and cell-phone-only respondents. Results for the full sample have a 3.5-point error margin. Click [here](#) for a detailed description of sampling error. Sampling, data collection and tabulation by TNS of Horsham, PA.

Analysis by Mike Mokrzycki.

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

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

1-15 previously released or held for release.

16. On another subject: Do you think the Supreme Court tends to be too (conservative) or too (liberal) in its decisions, or is it generally balanced in its decisions?

	Conservative	Liberal	Balanced	No opinion
4/25/10	21	26	46	7
7/21/07	31	18	47	4
7/21/05	19	22	55	4
7/17/95	22	22	54	3
9/15/91	31	16	48	5
7/1/91	33	21	39	6
9/23/87	19	24	52	5
6/23/86	19	18	54	8

17. How comfortable are you with Barack Obama selecting the next U.S. Supreme Court nominee - very comfortable, somewhat comfortable, not very comfortable or not at all comfortable?

	---- Comfortable ----			----- Not comfortable ----			No
	NET	Very	Somewhat	NET	Not very	Not at all	opinion
4/25/10	65	36	29	33	12	21	2
5/13/09 RV*	60	34	26	33	13	20	7

*Fox News poll

18. For each item I name, please tell me whether to you personally it would be a factor in favor of a Supreme Court nominee, a factor against a Supreme Court nominee, or not a factor one way or the other. What if the nominee is [ITEM]? Is that a strong factor or not a strong factor?

4/25/10 - Summary Table*

	----- In favor -----			----- Against -----			Not a	No
	NET	Strgly	NotStrg	NET	NotStrg	Strgly	factor	opin.
a. Woman	15	13	2	3	1	1	81	1
b. Gay or lesbian	4	4	*	25	4	22	71	0
c. Protestant	7	5	2	5	2	4	83	4
d. African-American	16	13	3	3	1	2	81	*
e. Someone with experience as a judge	70	52	18	5	2	3	24	1
f. Someone with experience outside the legal profession, for example in the field of business or politics	35	20	15	26	6	20	38	1

*Half sample asked items a-c; other half sample asked items d-f.

19. (IF FACTOR IN FAVOR AT Q18f) Which would be preferable to you for a Supreme Court nominee - someone with experience in business, or in politics?

	Business	Politics	Both (vol.)	No opinion
4/25/10	56	36	6	1

20. The Supreme Court legalized abortion 37 years ago in the ruling known as Roe versus Wade. If that case came before the court again, would you want the next justice to vote to (uphold) Roe versus Wade, or vote to (overturn) it?

	Uphold	Overturn	No opinion
Next justice, 4/25/10	59	38	3
Sotomayor, 6/21/09	60	34	6
Alito, 12/18/05	61	35	4
Alito, 11/2/05	64	31	5
Roberts, 8/28/05	60	33	7
Roberts, 7/21/05	65	32	4

21-32 held for release or previously released.

END