

Tempered Support for Alito

Americans offer modest support for the latest U.S. Supreme Court nominee: Forty-nine percent say the U.S. Senate should confirm Samuel Alito, far more than oppose him, but lower than the initial support for newly installed Chief Justice John Roberts.

Alito may be feeling a spillover effect from George W. Bush's popularity problems and the derailed nomination of Harriet Miers. Still, just 29 percent oppose Alito's nomination, with 22 percent waiting to hear more.

	Confirm	Reject	No opin.
Alito	49%	29	22
Roberts (7/05)	59	23	17

In another sign of his comparatively soft start, 44 percent of Americans see Alito as "about right" ideologically, 14 points fewer than said the same of Roberts shortly after his initial nomination as an associate justice. More instead are withholding judgment on Alito.

ABORTION – Some critics have seized on Alito's opinion as a federal judge that states may require women seeking an abortion to notify their husbands. But the spousal notification ruling is a wash: Twenty-seven percent of Americans say it makes them more likely to support Alito; 26 percent more likely to oppose him. A plurality, 46 percent, say it makes no difference in their view of his nomination.

While previous polling has found broad support for spousal notification laws, majorities continue to support legal abortion overall. Sixty-four percent – including roughly equal numbers of men and women – say they'd want Alito, if confirmed, to vote to uphold *Roe v. Wade* if it came before the court again. (About as many said they'd like to see Roberts uphold *Roe*.)

The debate therefore may hinge on whether Alito is seen just as supportive of some restrictions on abortion, or as inclined to reverse *Roe* entirely.

WOMEN – Women are nine points more likely than men to respond unfavorably to the spousal notification opinion; 30 percent of women say it makes them more likely to oppose Alito, compared with 21 percent of men. And fewer women than men currently favor Alito's confirmation, 45 percent compared with 53 percent of men.

But spousal notification likely isn't a big cause, since there was a very similar gender gap on Roberts (men were nine points more apt to support him). Pure partisanship is involved: Women are more apt than men to be Democrats, the political group in which Alito (like Roberts before him) is weakest.

	Alito		Roberts	
	Confirm	Reject	Confirm	Reject
Men	53%	26	64	21
Women	45	32	55	25

PARTISANSHIP – Support for Alito is also more tepid than Roberts’ across party lines. Most independents supported Roberts, but just under half currently favor Alito. Democrats were divided on Roberts, but more oppose than support Alito. And while Republican support for Alito is high (73 percent), it’s lower than it was for Roberts shortly after his initial nomination in July (84 percent).

	Alito	Roberts
Democrats		
Confirm	33%	41
Not Confirm	43	40
Republicans		
Confirm	73%	84
Not Confirm	11	7
Independents		
Confirm	48%	58
Not Confirm	30	21

METHODOLOGY – This ABC News/Washington Post poll was conducted by telephone Oct. 31-Nov. 2, 2005, among a random national sample of 641 adults. The results have a four-point error margin. Fieldwork by TNS of Horsham, PA.

Analysis by Jon Cohen.

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).

1-33 Held for release.

34. On another subject, as you may know, Bush has nominated federal judge Samuel A. Alito to serve on the U.S. Supreme Court. Do you think the U.S. Senate should or should not confirm Alito's nomination to the Supreme Court?

	Should	Should not	No opinion
Alito, 11/2/05	49	29	22
Roberts, 9/11/05*	55	26	19
Roberts, 8/28/05	57	22	20
Roberts, 7/21/05	59	23	17
Breyer, 5/15/94	52	10	37
Thomas, 10/14/91**	59	28	14
Thomas, 10/13/91	56	29	15
Thomas, 10/12/91	50	29	20
Thomas, 10/9/91	47	23	30
Thomas, 10/8/91	50	25	24

Thomas, 9/15/91 63 24 14

*as chief justice

**No opin. for Thomas includes "wait and see" (vol.)

35. Given what you know, do you think Alito is a (more) conservative nominee than you'd have liked, (less) conservative than you'd have liked, or about right?

	More	Less	About right	No opinion
Alito, 11/2/05	29	10	44	17
Roberts, 7/21/05	26	9	58	7

36. The Supreme Court legalized abortion 32 years ago in the ruling known as Roe versus Wade. If that case came before the court again, would you want Alito to vote to (uphold) Roe versus Wade, or vote to (overturn) it?

	Uphold	Overturn	No opinion
Alito, 11/2/05	64	31	5
Roberts, 8/28/05	60	33	7
Roberts, 7/21/05	65	32	4

37. Alito wrote a legal opinion saying a state can require a woman to notify her husband if she decides to have an abortion. Does knowing this make you more likely to (support), more likely to (oppose) or doesn't it make much difference in your opinion?

	More likely to support	More likely to oppose	No Diff.	No opin.
11/2/05	27	26	46	1

END