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Interview dates: November 19-21, 2004  
Interviews: 1,000 adults, 853 registered voters  
Margin of error:  $\pm 3.1$  for all adults,  $\pm 3.4$  for registered voters

**THE ASSOCIATED PRESS POLL  
CONDUCTED BY IPSOS-PUBLIC AFFAIRS**

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## *Americans Say New Supreme Court Nominees Should Uphold Roe V. Wade*

*The Associated Press Poll is conducted by Ipsos-Public Affairs. Between November 19-21, 2004, the AP-Ipsos poll interviewed a representative sample of 1,000 adults nationwide. The margin of error is  $\pm 3.1$  for all adults. Margin of error for subgroups may be higher.*

**Washington, DC, November 29, 2004** — The latest Associated Press/Ipsos-Public Affairs survey finds that by a two-to-one margin, Americans say that any future Supreme Court justices nominated by President Bush should uphold (59%) rather than overturn (31%) Roe v. Wade.

Q. The 1973 Supreme Court ruling called Roe v. Wade made abortion in the first three months of pregnancy legal. Do you think President Bush should nominate Supreme Court justices who would uphold the Roe v. Wade decision, or nominate Supreme Court justices who would overturn the Roe v. Wade decision?

|                                                                                  | ALL<br>ADULTS    | REGISTERED<br>VOTERS |                |
|----------------------------------------------------------------------------------|------------------|----------------------|----------------|
|                                                                                  | 11/19 -<br>21/04 | 11/19 -<br>21/04     | 11/3 -<br>5/04 |
| Nominate Supreme Court justice who would uphold the Roe v. Wade decision .....   | 59               | 59                   | 61             |
| Nominate Supreme Court justice who would overturn the Roe v. Wade decision ..... | 31               | 32                   | 34             |
| Not sure .....                                                                   | 10               | 9                    | 5              |

The belief that new justices should uphold Roe v. Wade is strongest among younger women (65% of those under age 45), women with some college experience (66%) or a degree (67%), residents of the western U.S. (68%, and 72% in the Pacific region), unmarried men (67%) and women (66%), and Catholics (66%). Three-quarters of Democrats (74%) prefer justices who would preserve Roe v. Wade, and Republicans are fairly evenly divided (43% uphold, 47% overturn). Opinions among white Evangelicals also show division (41% uphold, 52% overturn).

A majority (61%) also feel that Supreme Court nominees to publicly state their position on abortion before being confirmed by the Senate; most feel strongly about this. Just over a third (36%) feel nominees should not reveal their position on abortion prior to being approved by the U.S. Senate.

- Q. Do you think the next person nominated to join the U.S. Supreme Court should or should not publicly state his or her position on abortion before being approved by the U.S. Senate for the job? Do you feel that way strongly or not strongly?

|                               |           |
|-------------------------------|-----------|
| <b>TOTAL SHOULD.....</b>      | <b>61</b> |
| - Feel strongly .....         | 52        |
| - Do not feel strongly.....   | 9         |
| <b>TOTAL SHOULD NOT .....</b> | <b>36</b> |
| - Feel strongly .....         | 28        |
| - Do not feel strongly.....   | 8         |
| <b>Not Sure.....</b>          | <b>3</b>  |

Those who want Roe v. Wade upheld (64%) and those who want it overturned (65%) both say future nominees' positions should be publicly stated before being approved. Seven in ten Democrats (69%) say positions should be made public. Republican women (67% should; 30% should not) are more decided than Republican men (42%-48%) about wanting to know candidates' views.

### **Six in Ten Back Mandatory Retirement, Say Court Has Right Amount of Power**

Although the Constitution grants Supreme Court justices lifetime tenures, six in ten Americans feel that they should be subject to a mandatory retirement age. Senior citizens (72% of those 65 and over) are the most consistent supporters of mandatory retirement.

- Q. As you may know, U.S. Supreme Court justices are appointed for their lifetimes, and they do not have to retire at a certain age. Do you think there should be a mandatory retirement age for U.S. Supreme Court justices, or not?

|               |    |
|---------------|----|
| Yes .....     | 60 |
| No.....       | 39 |
| Not sure..... | 1  |

Six in ten (62%) say the Supreme Court has "the right amount of power;" a quarter (23%) say it is too powerful. There isn't much difference between Republicans, Democrats and Independents on this issue. However, opponents of Roe v. Wade (33%) are more likely than the ruling's supporters (20%) to say the Court has too much power.

- Q. Do you think the U.S. Supreme Court is too powerful, not powerful enough, or does it have about the right amount of power?

|                           |    |
|---------------------------|----|
| Too powerful.....         | 23 |
| Not powerful enough ..... | 10 |
| Right amount .....        | 62 |
| Not sure.....             | 5  |

Four in ten Americans are able to identify William Rehnquist as either Chief Justice or a member of the Supreme Court. College graduates (60%) are most often able to identify Rehnquist correctly. Men (47%) are more aware than women (30%) that Rehnquist sits on the Supreme Court. Most adults under age 30 (74%) and those with up to a high school education (77%; including 88% of non-college women) "don't know" who Rehnquist is.

Q. Please tell me, if you know, what job or political office is now held by William Rehnquist?

|                                         |    |
|-----------------------------------------|----|
| Chief justice of the Supreme Court..... | 19 |
| Supreme Court Justice .....             | 19 |
| Judge .....                             | 3  |
| Other .....                             | 6  |
| Not sure.....                           | 53 |

### Six in Ten Oppose Gay Marriage; Young Adults More Accepting

Overall, 61% of Americans say they oppose allowing gays and lesbians to marry legally.

Q. Do you strongly favor, favor, oppose, or strongly oppose allowing gays and lesbians to marry legally?

|                           |           |
|---------------------------|-----------|
| Strongly favor .....      | 14        |
| Favor .....               | 21        |
| Oppose.....               | 25        |
| Strongly oppose .....     | 36        |
| Not sure.....             | 4         |
| <hr/>                     |           |
| <b>Total Favor .....</b>  | <b>35</b> |
| <b>Total Oppose .....</b> | <b>61</b> |

Attitudes toward gay marriage appear to be evolving. Among under-30s, as many support (48%) as oppose (48%) granting this right, and people in their thirties are nearly as supportive. Opposition is strongest among those aged 65 and over.

|              | Age   |       |       |       |     |
|--------------|-------|-------|-------|-------|-----|
|              | 18-29 | 30-39 | 40-49 | 50-64 | 65+ |
| Total Favor  | 48%   | 45%   | 33%   | 33%   | 13% |
| Total Oppose | 48%   | 53%   | 63%   | 62%   | 83% |

Support for gay marriage is also more common among college graduates (45%) – and especially female (50%) over male (41%) grads, residents of cities (48%), people on the West Coast (52%), and Democrats (55%). Proportionately more Catholics (38%) than Protestants (23%) accept the idea of gay marriage.

Opposition to allowing gays and lesbians to marry is highest among the less educated (74%), Southerners (74%), rural residents (72%) and Republicans (85%). In addition, most (86%) of those who prefer overturning Roe v. Wade also oppose legal marriage for gays and lesbians.

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