



CBS NEWS/NEW YORK TIMES POLL
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SUPREME COURT NOMINEE SONIA SOTOMAYOR

June 12-16, 2009

President Barack Obama's first nominee to the U.S. Supreme Court, Sonia Sotomayor, receives a net positive rating from the American public but, like many past nominees at this point in time, she remains largely unknown to most. Half cannot say whether or not the Senate should confirm Judge Sotomayor, though nearly four times as many favor her confirmation than oppose it.

Confirmation hearings for Judge Sotomayor are expected to begin next month. At this point, 34% say the Senate should vote to confirm Sonia Sotomayor rather than vote against her (9%). But more than half (53%) can't say one way or the other.

SHOULD SENATE VOTE TO CONFIRM SOTOMAYOR?

| | All | Rep | Dem | Ind |
|-----------|-----|-----|-----|-----|
| Yes | 34% | 17% | 56% | 23% |
| No | 9 | 22 | 2 | 8 |
| Can't say | 53 | 56 | 39 | 66 |

58% of Americans are either undecided about their opinion or haven't heard enough about Judge Sotomayor. Those who do have an opinion hold a favorable view: 33% view her favorably; just 9% have an unfavorable view.

Opinions of Sonia Sotomayor are more positive than some recent Supreme Court nominees shortly after their nominations, and she is also better known. The public is more familiar with Sotomayor and holds more favorable views of her compared with Justice David Souter, the justice who Sotomayor will replace on the Supreme Court if she is confirmed. Souter was nominated in 1990.

SONIA SOTOMAYOR VS. PAST NOMINEES

| | Now | 11/2005 | 8/2005 | 9/1991 | 8/1990 | 7/1987 |
|----------------------|-----------|---------|---------|--------|--------|--------|
| | Sotomayor | Alito | Roberts | Thomas | Souter | Bork |
| Favorable | 33% | 11% | 25% | 26% | 13% | 11% |
| Unfavorable | 9 | 7 | 7 | 10 | 5 | 12 |
| Undecided | 22 | 16 | 17 | 22 | 13 | 13 |
| Haven't heard enough | 36 | 65 | 51 | 42 | 68 | 63 |

As has been the case with many past nominees, views of Sotomayor are highly partisan. 56% of Democrats have a favorable opinion of her, while more Republicans view Judge Sotomayor unfavorably (24%) than favorably (13%).

If confirmed, Judge Sotomayor would be the third woman (and the first Hispanic) to sit on the Supreme Court; and while American women view her

more favorably than not, 61% are unable to offer an opinion of her -- higher than the percentage of men (55%) who do not hold an opinion.

OPINION OF SOTOMAYOR

| | All | Rep | Dem | Ind | Men | Women |
|--------------------------------|-----|-----|-----|-----|-----|-------|
| Favorable | 33% | 13% | 56% | 22% | 36% | 30% |
| Unfavorable | 9 | 24 | 1 | 7 | 9 | 9 |
| Undecided/haven't heard enough | 58 | 62 | 43 | 70 | 55 | 61 |

Six in 10 Americans say they are closely following the news of Judge Sotomayor's appointment to the Supreme Court, but only one in five are following it very closely. Democrats are a bit more likely than Republicans to be following this news very closely.

ISSUES, OPINIONS AND THE COURT

Sonia Sotomayor has been criticized by some who think she may allow her experiences as a Hispanic woman to unfairly influence her judicial decisions. Critics point to her 2001 statement that she hoped a "wise Latina woman with the richness of her experiences would more often than not reach a better conclusion than a white male who hasn't lived that life."

Most Americans don't see her as unfairly favoring any group. Just 18% think Judge Sotomayor will favor certain groups over others when making judicial decisions. More than half think she will treat all groups the same if she is confirmed.

Three in four Democrats think Sonia Sotomayor will treat all groups equally, while Republicans are divided in their opinions.

WILL SOTOMAYOR FAVOR CERTAIN GROUPS OVER OTHERS WHEN MAKING DECISIONS?

| | All | Rep | Dem | Ind |
|-------------------------------|-----|-----|-----|-----|
| Yes, favor certain groups | 18% | 35% | 6% | 21% |
| No, treat all groups the same | 55 | 32 | 76 | 50 |
| Don't know | 25 | 28 | 16 | 27 |

When it comes to critical issues, however, most say it is important for the Senate to know Judge Sotomayor's positions on issues such as abortion and affirmative action before confirming her. Both Democrats and Republicans say the Senate should know where Sonia Sotomayor stands on these issues, but more Republicans think it is very important.

IMPORTANT FOR SENATE TO KNOW SOTOMAYOR'S POSITION ON ISSUES LIKE ABORTION AND AFFIRMATIVE ACTION?

| | All | Rep | Dem | Ind |
|---------------------|-----|-----|-----|-----|
| Very | 48% | 60% | 47% | 43% |
| Somewhat | 28 | 25 | 28 | 29 |
| Not very/not at all | 22 | 13 | 23 | 24 |

This view is not new. When both Samuel Alito and John Roberts were nominated to the court, similar majorities said it was important for the Senate to know their positions on these issues.

More generally, 62% of Americans think the Senate should consider any Supreme Court nominee's positions on issues (not specifically Sotomayor's) in addition to his or her legal background.

WHEN EVALUATING NOMINEE, SENATE SHOULD CONSIDER:

| | |
|---------------------------|-----|
| Legal qualifications only | 30% |
| Positions on issues also | 62 |

Most Americans want diversity on the high court. Three in four say it is at least somewhat important that members of the Supreme Court reflect the diverse gender, ethnic and racial make-up of the country as a whole. However, 58% of Democrats say this is very important, compared to just 26% of Republicans. Women and men are equally as likely to say diversity is important.

HOW IMPORTANT IS IT FOR THE SUPREME COURT TO REFLECT THE DIVERSITY OF THE COUNTRY?

| | All | Rep | Dem | Ind | Men | Women |
|----------|-----|-----|-----|-----|-----|-------|
| Very | 43% | 26% | 58% | 39% | 41% | 46% |
| Somewhat | 31 | 41 | 26 | 30 | 31 | 31 |
| Not | 23 | 31 | 13 | 27 | 27 | 19 |

VIEWS ON SOCIAL ISSUES

This CBS News/New York Times Poll explored Americans' views on some issues that have come before the Supreme Court and which the Court may have to rule on again. Opinions on affirmative action and abortion have been relatively stable for many years, but support for same-sex marriage is down some from two months ago.

Affirmative Action

50% favor affirmative action programs - those which make special efforts to help minorities get ahead. Four in 10 are opposed to such programs. These views are similar to what they have been for more than a decade.

PROGRAMS WHICH HELP MINORITIES GET AHEAD

| | Now | 7/2008 | 2/2000 | 12/1997 |
|--------|-----|--------|--------|---------|
| Favor | 50% | 51% | 59% | 55% |
| Oppose | 41 | 42 | 32 | 39 |

There is even broader support for programs that make special efforts to help people get ahead who come from low-income backgrounds, regardless of gender or ethnicity.

PROGRAMS WHICH HELP PEOPLE FROM LOW-INCOME BACKGROUNDS GET AHEAD

| | Now | 7/2008 |
|--------|-----|--------|
| Favor | 80% | 83% |
| Oppose | 15 | 13 |

Same-sex marriage

Most Americans support some legal recognition of a same-sex couple's relationship. 33% favor marriage for same-sex couples, down somewhat from a high of 42% in April, and another 30% support civil unions. A third of Americans think there should be no legal recognition of a same-sex couple's relationship. Views in this poll are similar to those found back in March of this year.

SAME SEX MARRIAGE: SAME SEX COUPLES SHOULD BE ALLOWED...

| | Now | 4/2009 | 3/2009 | 8/2008 | 5/2007 | 3/2004 |
|----------------------|-----|--------|--------|--------|--------|--------|
| To legally marry | 33% | 42% | 33% | 34% | 30% | 22% |
| Civil unions | 30 | 25 | 27 | 22 | 28 | 33 |
| No legal recognition | 32 | 28 | 35 | 39 | 26 | 40 |

Abortion

Views on abortion continue to hold steady. 36% of Americans think abortion should be generally available, while slightly more - 41% - say it should be available but under stricter limits. One in five thinks it should not be permitted.

VIEWS ON ABORTION

| | Now | 9/2008 | 5/2007 |
|------------------------|-----|--------|--------|
| Generally available | 36% | 37% | 39% |
| Available, but limited | 41 | 42 | 37 |
| Not permitted | 21 | 19 | 21 |

When Americans are asked specifically about the 1973 Supreme Court decision *Roe v. Wade*, which established a Constitutional right for a woman to obtain a legal abortion, 62% say that decision was a good thing, while 32% say it was a bad thing. Opinions on this have been consistent over the years.

ROE V. WADE DECISION

| | Now | 7/2005 | 1/1998 |
|------------|-----|--------|--------|
| Good thing | 62% | 59% | 60% |
| Bad thing | 32 | 32 | 33 |

In addition, most Americans (64%) do not think *Roe v. Wade* should be overturned.

As expected, views on *Roe v. Wade* are strongly tied to political party, ideology, and religion. Democrats (74%), liberals (85%) and moderates (68%) think the *Roe v. Wade* decision was a good thing. Republicans (51%), conservatives (53%), and white evangelicals (66%) say it was a bad thing. Majorities of both men (65%) and women (59%) think the *Roe v. Wade* decision was a good thing.

This poll was conducted among a random sample of 895 adults nationwide, interviewed by telephone June 12-16, 2009. Phone numbers were dialed from RDD samples of both standard land-lines and cell phones. The error due to sampling for results based on the entire sample could be plus or minus three percentage points. The error for subgroups is higher.

This poll release conforms to the Standards of Disclosure of the National Council on Public Poll.

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Supreme Court Nominee Sonia Sotomayor
June 12-16, 2009

q23 Which comes closest to your view? Gay couples should be allowed to legally marry, OR gay couples should be allowed to form civil unions but not legally marry, OR there should be no legal recognition of a gay couple's relationship?

| | ** TOTAL RESPONDENTS ** | | | | Apr09b |
|--------------------------|-------------------------|-----|-----|-----|--------|
| | Total | Rep | Dem | Ind | |
| | % | % | % | % | % |
| Allowed to legally marry | 33 | 13 | 45 | 35 | 42 |
| Civil unions | 30 | 35 | 27 | 30 | 25 |
| No legal recognition | 32 | 48 | 23 | 32 | 28 |
| DK/NA | 5 | 4 | 5 | 3 | 5 |

q24 blank

q25 Which of these comes closest to your view? Abortion should be generally available to those who want it, abortion should be available but under stricter limits than it is now, abortion should not be permitted?

| | Total | Rep | Dem | Ind | Sep08b |
|-------------------------|-------|-----|-----|-----|--------|
| Generally available | 36 | 18 | 47 | 35 | 37 |
| Available but limits | 41 | 43 | 39 | 42 | 42 |
| Should not be permitted | 21 | 36 | 13 | 19 | 19 |
| Don't know/No answer | 2 | 3 | 1 | 4 | 2 |

q26 More than 35 years ago, the Supreme Court's decision in Roe versus Wade established a Constitutional right for women to obtain legal abortions in this country. In general, do you think the Court's decision was a good thing or a bad thing?

| | Total | Rep | Dem | Ind | Jul05b* |
|----------------------|-------|-----|-----|-----|---------|
| Good thing | 62 | 40 | 74 | 63 | 59 |
| Bad thing | 32 | 51 | 21 | 30 | 32 |
| Both good/bad (Vol.) | 3 | 7 | 1 | 2 | 4 |
| Don't know/No answer | 3 | 2 | 4 | 5 | 5 |

*Varied: More than thirty years ago...

q27 Would you like to see the Supreme Court overturn its 1973 Roe versus Wade decision concerning abortion, or not?

| | Total | Rep | Dem | Ind | Gallup Poll May2007 |
|------------------|-------|-----|-----|-----|------------------------|
| Yes, overturn | 29 | 45 | 23 | 25 | 35 |
| No, not overturn | 64 | 47 | 71 | 68 | 53 |
| DK/NA | 7 | 5 | 6 | 7 | 12 |

q28 In general, who do you think has a better chance of getting ahead in today's society -- white people, black people, or do white people and black people have about an equal chance of getting ahead?

| | Total | Rep | Dem | Ind | Apr09b |
|--------------|-------|-----|-----|-----|--------|
| White people | 30 | 14 | 38 | 31 | 29 |
| Black people | 6 | 6 | 4 | 7 | 6 |
| Equal | 60 | 75 | 55 | 56 | 60 |
| DK/NA | 4 | 5 | 3 | 6 | 5 |

q29 In order to make up for past discrimination, do you favor or oppose programs which make special efforts to help minorities get ahead?

** TOTAL RESPONDENTS **

*** Party ID ***

| | Total | Rep | Dem | Ind | Jul08a |
|--------|-------|-----|-----|-----|--------|
| | % | % | % | % | % |
| Favor | 50 | 33 | 67 | 44 | 51 |
| Oppose | 41 | 60 | 24 | 46 | 42 |
| DK/NA | 9 | 7 | 9 | 10 | 7 |

q30 Do you favor or oppose programs that make special efforts to help people get ahead who come from low-income backgrounds, regardless of their gender or ethnicity?

| | | | | | |
|--------|----|----|----|----|----|
| Favor | 80 | 71 | 81 | 83 | 83 |
| Oppose | 15 | 23 | 14 | 10 | 13 |
| DK/NA | 5 | 6 | 5 | 7 | 4 |

q31 When the Senate votes on a Supreme Court nominee, should it consider only that person's legal qualifications and background, or along with legal background, should the Senate also consider that nominee's personal views on major issues the Supreme Court decides?

| | | | | | Jan06a |
|----------------------|----|----|----|----|--------|
| Legal | 30 | 27 | 34 | 29 | 32 |
| Issues too | 62 | 69 | 57 | 63 | 61 |
| Don't know/No answer | 8 | 4 | 9 | 8 | 7 |

q32 How important is it for the members of the Supreme Court to reflect the diverse gender, ethnic and racial make-up of the country as a whole? Is it very important, somewhat important, not too important, or not important at all?

| | | | | |
|----------------------|----|----|----|----|
| Very important | 43 | 26 | 58 | 39 |
| Somewhat important | 31 | 41 | 26 | 30 |
| Not too important | 12 | 13 | 10 | 12 |
| Not important at all | 11 | 18 | 3 | 15 |
| DK/NA | 3 | 2 | 3 | 4 |

q33 blank

q34 How closely would you say you have been following news about the new tobacco legislation passed by Congress that would give government more power to regulate cigarettes and other tobacco products - very closely, somewhat closely, not too closely or not at all?

| | | | | |
|----------------------|----|----|----|----|
| Very closely | 18 | 21 | 23 | 12 |
| Somewhat closely | 30 | 28 | 29 | 32 |
| Not very closely | 30 | 29 | 30 | 31 |
| Not at all | 20 | 21 | 17 | 23 |
| Don't know/No answer | 2 | 1 | 1 | 2 |

q35 How closely would you say you have been following news about the appointment of federal appeals court judge Sonia Sotomayor to the U.S. Supreme Court--very closely, somewhat closely, not very closely, or not at all closely?

| | | | | |
|----------------------|----|----|----|----|
| Very closely | 22 | 22 | 30 | 14 |
| Somewhat closely | 39 | 47 | 40 | 33 |
| Not very closely | 19 | 18 | 11 | 27 |
| Not at all | 18 | 12 | 15 | 24 |
| Don't know/No answer | 2 | 1 | 4 | 2 |

q36 Is your opinion of Supreme Court nominee Sonia Sotomayor favorable, not favorable, undecided, or haven't heard enough about Sonia Sotomayor yet to have an opinion?

**** TOTAL RESPONDENTS ****

***** Party ID *****

| | Total | Rep | Dem | Ind |
|----------------------|-------|-----|-----|-----|
| | % | % | % | % |
| Favorable | 33 | 13 | 56 | 22 |
| Not favorable | 9 | 24 | 1 | 7 |
| Undecided | 22 | 27 | 14 | 26 |
| Haven't heard enough | 36 | 35 | 29 | 44 |
| Refused | 0 | 1 | 0 | 1 |

q37 What do you think right now? Should the Senate vote to confirm Sonia Sotomayor as a Justice of the U.S. Supreme Court, or vote against Sotomayor, or can't you say?

| | | | | |
|----------------------|----|----|----|----|
| Vote to confirm | 34 | 17 | 56 | 23 |
| Vote against | 9 | 22 | 2 | 8 |
| Can't say | 53 | 56 | 39 | 66 |
| Don't know/No answer | 4 | 5 | 3 | 3 |

q38 Before Senators vote on whether Sonia Sotomayor should be confirmed as a Justice of the Supreme Court, how important do you think it is for the Senate to know her positions on issues such as abortion and affirmative action -- is that very important, somewhat important, not very important, or not at all important?

| | | | | |
|----------------------|----|----|----|----|
| Very important | 48 | 60 | 47 | 43 |
| Somewhat important | 28 | 25 | 28 | 29 |
| Not very important | 11 | 7 | 13 | 10 |
| Not at all important | 11 | 6 | 10 | 14 |
| Don't know/No answer | 2 | 2 | 2 | 4 |

q39 If Sonia Sotomayor is confirmed to sit on the Supreme Court, do you think she will favor certain groups over others when making her judicial decisions, or do you think she will treat all groups the same under the law?

| | | | | |
|---------------------------|----|----|----|----|
| Will favor certain groups | 18 | 35 | 6 | 21 |
| Will treat all groups the | 55 | 32 | 76 | 50 |
| Depends (vol.) | 2 | 5 | 2 | 2 |
| DK/NA | 25 | 28 | 16 | 27 |

| | <u>UNWEIGHTED</u> | <u>WEIGHTED</u> | |
|--------------------|-------------------|-----------------|-------|
| Total Respondents | 895 | | |
| Total Republicans | 284 | 211 | (24%) |
| Total Democrats | 301 | 339 | (38%) |
| Total Independents | 310 | 345 | (38%) |