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To: Interested Parties

RE: Pennsylvania Voters Strongly Back President's Position in Nomination Fight over Judge Merrick Garland

The Center for American Progress and GBA Strategies recently completed one of the most comprehensive examinations to date of public attitudes about President Obama's nomination of Judge Merrick Garland to fill the vacancy to the United States Supreme Court following the death of former Justice Antonin Scalia.

As part of the study, we conducted 600 interviews with registered voters in Pennsylvania from April 19-21, 2016. The surveys were conducted using both landlines and cell phones. The margin of error for the survey is +/- 4.0 percent at the 95 percent confidence interval.

The results across multiple measures are clear. Pennsylvania voters want the United States Senate to uphold its constitutional duty to offer its advice and consent on the President's nomination and move forward with confirmation hearings and an up-or-down vote for Judge Garland. Pennsylvania voters reject the Senate leadership's position on the nomination, and elected officials such as U.S. Senator Pat Toomey who may refuse to grant Judge Garland confirmation hearings and a vote risk losing favor with voters back home.

The most important findings from the Pennsylvania study include:

Two-thirds of Pennsylvania voters want the U.S. Senate to hold hearings and an up-or-down confirmation vote for Judge Merrick Garland, President Obama's nominee to the Supreme Court. By a 66 percent to 28 percent margin, Pennsylvania voters overwhelmingly think the U.S. Senate should move forward with hearings and an up-or-down vote for Judge Garland. This includes 82 percent of self-identified Democrats in the state; 60 percent of Independents; and half of all Republicans.

"As you may have heard, President Obama nominated Judge Merrick Garland to fill the vacant seat on the Supreme Court. Do you think the U.S. Senate should hold hearings and then have an up-or-down confirmation vote on Judge Garland's nomination?"
(Initial test)

Pennsylvania **66** percent (yes); 28 percent (no)

A plurality of voters in Pennsylvania believes Judge Merrick Garland should be

confirmed to the United States Supreme Court. Beyond the minimal level of consideration for his nomination, voters in Pennsylvania by a 42 percent to 35 percent margin think that Judge Garland should be confirmed to the U.S. Supreme Court. Partisan differences in the state are more pronounced on this measure with 67 percent of Democrats supporting his confirmation compared to 34 percent of Independents and 16 percent of Republicans.

“Based on what you know, do you think Judge Merrick Garland should be confirmed by the U.S. Senate and seated as the next Justice of the U.S. Supreme Court?”

Pennsylvania **42** percent (yes); 35 percent (no)

Pennsylvania voters reject the decision of Republican leaders in the United States Senate to not hold confirmation hearings and an up-or-down vote for Judge Garland. Fifty-five percent of voters in Pennsylvania say they oppose the decision of Senate Republican leaders to not hold confirmation hearings and an up-or-down vote for the President’s nominee to the Supreme Court. This includes 79 percent of Pennsylvania Democrats and 53 percent of Independents. Only 37 percent of voters in the state support this decision, including 64 percent of Republicans.

“The Republican leadership in the U.S. Senate has said that it will not hold confirmation hearings or an up-or-down vote for President Obama’s Supreme Court nominee, Judge Merrick Garland. Do you support or oppose this decision by the Republican leadership in Congress?”

Pennsylvania 37 percent (support); **55** percent (oppose)

By an 18-point margin, voters in Pennsylvania say they will look less favorably upon U.S. Senator Pat Toomey if he refuses to support confirmation hearings and an up-or-down vote for Judge Garland. By a 38 percent to 20 percent margin, voters in Pennsylvania say they would view U.S. Senator Pat Toomey less favorably if he refuses to support hearings and a vote for Judge Garland. Thirty-nine percent of voters in the state say it would make no difference in their opinions. Fifty-one percent of state Democrats and 41 percent of Independents say they would view Senator Toomey less favorably if he refuses to hold hearings and a confirmation vote. In contrast, by a 30 percent to 22 percent margin, state Republican voters would view Senator Toomey more favorably rather than less.

“If Pennsylvania Senator Pat Toomey refuses to support holding hearings and a confirmation vote for Judge Merrick Garland for the U.S. Supreme Court, would you view him more favorably or less favorably, or would it make no difference?”

Pennsylvania Senator Pat Toomey 20 percent more/**38** percent less

Nearly two-thirds of Pennsylvania voters believe Republican leaders are refusing to hold hearings and a confirmation vote for Judge Garland mostly for political purposes. In terms of what is motivating Senate leaders to make these decisions, a full 64 percent of voters in Pennsylvania believe Republican leaders are doing this for political reasons rather than doing this mostly based on what they think is best for the country. Eighty-two percent of Democrats and 62 percent of Independents see political reasons behind the decision not to hold hearings and a vote, as do 45 percent of Pennsylvania Republicans.

“Do you think Senate Republican leaders are refusing to hold hearings or a confirmation vote mostly for political reasons or mostly because they think it is the best thing for the country?”

Pennsylvania **64** percent political reasons/30 percent best thing for country

Arguments in favor of moving forward with Judge Garland’s nomination are more convincing to Pennsylvania voters than arguments in favor of not moving forward with his nomination process. Our study tested an equal number of arguments for and against confirmation hearings and an up-or-down vote for Judge Garland. Majorities of Pennsylvania voters find 6 of 8 arguments in favor of moving forward with the nomination convincing compared to only 1 of 8 different arguments against it.

The most convincing argument in favor of moving forward with the nomination process focuses on the constitutional duties of the both the President and the Senate. By a 69 percent to 29 percent margin, voters in Pennsylvania find the following argument convincing as a reason to support granting Judge Garland hearings and a vote:

The President has a constitutional duty to nominate a qualified nominee to fill any vacant seat on the Supreme Court, and the U.S. Senate has a constitutional duty to offer its advice and consent. The President has done his job, now the Senate should do theirs.

Other arguments focused on Judge Garland’s record and qualifications, his ideological disposition and bipartisan support, and overall judicial experience also emerge as convincing to more than 6 in 10 Pennsylvania voters.

Only one argument for opposing any hearings or vote for Judge Garland is convincing to a majority of state voters. Fifty-eight percent of voters in Pennsylvania find the following line of reasoning from opponents convincing:

Since the Supreme Court is now split evenly between four liberal and four conservative justices, it is important to let voters make the final decision in the upcoming election about the ideological direction of the Court.

All of the other arguments for opposing hearings and a vote for Garland fail to convince a majority of voters in the state, including an argument that the Senate should delay the process until later in the year after the elections.

After hearings arguments from both sides, more than 6 in 10 Pennsylvania voters continue to believe Judge Garland should be granted confirmation hearings and an up-or-down vote. By a 64 percent to 33 percent margin, Pennsylvania voters say Garland should get hearings and a vote after hearing balanced information from both sides of this debate. Support increases slightly among Democrats (85 percent, yes) and holds among Independents (60 percent, yes) while Republicans move into majority opposition as the debate takes on a more partisan frame (56 percent, no).

Overall, this survey provides clear evidence that Pennsylvania voters are more in line with President Obama's position on the nomination of Judge Garland than they are with the stance of Republican leaders in the Senate. Although state voters are somewhat open to the Republican rationale about waiting for the fall elections, these arguments ultimately fail to overcome the overwhelming public sentiment in support of moving forward and granting Judge Garland confirmation hearings and a vote.