

FOX NEWS POLL

OPINION DYNAMICS

21 May 2010

Polling was conducted by telephone May 18-19, 2010, in the evenings. The total sample is 900 registered voters nationwide with a margin of sampling error of ± 3 percentage points.

Results are of registered voters, unless otherwise noted.

Democrats n=348, ± 5 ; Republicans n=319, ± 5.5 ; Independents n=178, ± 7

Questions 1-39 released separately

40. President Obama has nominated Elena Kagan to serve on the U.S. Supreme Court. If you were voting on Kagan's nomination, would you vote to confirm her or not?

	Yes, to confirm	No not confirm	(Don't know)
18-19 May 10	39%	29	33
Democrats	57%	11	32
Republicans	21%	51	28
Independents	36%	25	39
Past Trend			
21-22 Jul 09 (Sotomayor)	53%	29	19
9-10 Jun 09 (Sotomayor)	46%	32	22
24-25 Jan 06 (Alito)	47%	32	21
10-11 Jan 06 (Alito)	45%	30	25
13-14 Dec 05 (Alito)	35%	27	38
8-9 Nov 05 (Alito)	46%	29	25
25-26 Oct 05 (Miers)	35%	38	27
11-12 Oct 05 (Miers)	37%	32	31
30-31 Aug 05 (Roberts)	50%	26	24
26-27 Jul 05 (Roberts)	51%	19	30

41. From what you know about Elena Kagan, would you say she is more of (a liberal), or (a conservative)? (ROTATE CHOICES)

	Liberal	Conservative	(Moderate)	(Don't know)
18-19 May 10	46%	10	7	37
Democrats	35%	16	10	39
Republicans	61%	5	4	30
Independents	44%	7	7	41
Past Trend				
13-14 Dec 05 (Alito)	7%	46	8	39
11-12 Oct 05 (Miers)	6%	47	8	39
26-27 Jul 05 (Roberts)	8%	56	8	28

42. Overall, do you think Elena Kagan is qualified to serve as a justice on the Supreme Court or not?

	Qualified	Not qualified	(Don't know)
18-19 May 10	45%	26	29
Democrats	61%	12	27
Republicans	27%	46	28
Independents	47%	20	33
Past Trend			
8-9 Nov 05 (Alito)	62%	12	26
11-12 Oct 05 (Miers)	37%	28	35
13-14 Sep 05 (Roberts)	62%	14	24
26-27 Jul 05 (Roberts)	65%	10	25

43. Do you think the Senate will confirm Elena Kagan or not?

	Yes	No	(Don't know)
18-19 May 10	70%	8	22
Democrats	67%	9	24
Republicans	75%	7	17
Independents	68%	9	23
Past Trend			
8-9 Nov 05 (Alito)	61%	10	29
11-12 Oct 05 (Miers)	48%	19	33
13-14 Sep 05 (Roberts)	75%	6	19
26-27 Jul 05 (Roberts)	70%	7	23

44. Do you think Supreme Court nominee Elena Kagan has been treated fairly or unfairly by the press?

	Fairly	Unfairly	(Don't know)
18-19 May 10	50%	23	27
Democrats	46%	28	26
Republicans	57%	20	22
Independents	48%	15	37
Past Trend			
25-26 Oct 05 (Miers)	34%	40	26

45. Do you think the public has the right to know about the private life of anyone nominated to the Supreme Court?

	Yes	No	(Don't know)
18-19 May 10	61%	34	4
Democrats	54%	41	4
Republicans	71%	25	3
Independents	59%	35	6

46. Do you think all Supreme Court justices should have prior experience as a judge or is it a good idea if some Supreme Court justices don't have prior experience as a judge?

SCALE: 1. All Supreme Court justices should have prior judicial experience
 2. Good idea if some justices do not have judicial experience
 3. (Doesn't matter) 4. (Don't know)

	All should have experience	Good if some do not have experience	(Doesn't matter)	(Don't know)
18-19 May 10	62%	28	7	3
Democrats	49%	39	9	4
Republicans	77%	19	2	2
Independents	58%	28	11	3
11-12 Oct 05*	55%	35	na	10

*Wording: Some people think all Supreme Court justices should have prior experience as a judge, while others think it is a good idea if some Supreme Court justices do not have prior experience as a judge. Which of these comes closer to your view?

47. How do you think the U.S. Supreme Court should interpret the Constitution?
 (READ RESPONSES 1 AND 2 ONLY)

1. No matter what the outcome, the court should follow what the Framers meant when they wrote the Constitution 2. If necessary, the court should ignore what the Framers meant to reach the outcome it feels is appropriate for today
 3. (In between/Combination) 4. (Don't know)

	Follow what Framers meant	Reach outcome appropriate for today	(In between/Combination)	(DK)
18-19 May 10	60%	29	7	5
Democrats	44%	44	7	5
Republicans	78%	16	3	3
Independents	60%	23	11	6
12-13 May 09	60%	26	8	6

For reference: Which of the following comes closest to your view of how the Constitution should be interpreted by the U.S. Supreme Court? (ROTATE CHOICES)

SCALE: 1. Judges should base their rulings on what they believe the Constitution's framers meant when it was originally written
 2. Judges should base their rulings on what they believe the Constitution means in today's world 3. (In between/Combination) 4. (Don't know)

	Framers meant	Means today	(In between/Combination)	(DK)
30-31 Aug 05	47%	36	10	8

POLITICAL IDENTIFICATION: When you think about politics, do you think of yourself as a Democrat or a Republican?

	Democrat	Republican (Independent)	(Other)	(Refused/Don't know)
18-19 May 10	39%	35	20	3
4-5 May 10	41%	37	18	2
20-21 Apr 10	41%	36	18	2
6-7 Apr 10	40%	36	18	4
16-17 Mar 10	40%	37	18	4
23-24 Feb 10	38%	37	17	5
2-3 Feb 10	36%	36	22	3
12-13 Jan 10	39%	34	20	3
8-9 Dec 09	38%	38	18	3
17-18 Nov 09	38%	36	20	3
27-28 Oct 09	40%	37	17	4
13-14 Oct 09	41%	37	16	4
29-30 Sep 09	41%	37	17	3
15-16 Sep 09	42%	31	21	4