THE GRANITE STATE POLL
THE UNIVERSITY OF NEW HAMPSHIRE

NH WANTS NEW JUSTICE TO UPHOLD ROE v.WADE

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UNH Survey Center
www.unh.edu/survey-center

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DURHAM, NH – New Hampshire residents are split over the ideological direction they wish the new Supreme Court to go, but overwhelmingly want the new Justice to be someone who will vote to uphold Roe v. Wade.

These findings are based on the latest **Granite State Poll**,[?] conducted by the University of New Hampshire Survey Center. The Granite State Poll is sponsored by the University of New Hampshire. Five hundred four (504) randomly selected adults were interviewed by telephone between July 7 and July 17, 2005. The margin of sampling error for the survey is +/-4.4 percent.

(For more detailed results, visit the Survey Center web site at www.unh.edu/survey-center/sc072005.pdf)

Direction of Court

Yesterday, President Bush nominated John Roberts, currently a judge on the D.C. District Court of Appeals, to fill the seat on the U.S. Supreme Court recently vacated by retired Justice Sandra Day O'Conner. Judge Roberts will likely face a bruising Senate confirmation where his legal philosophy, and especially his position on abortion, will be finely scrutinized. Justice O'Conner had been a swing vote on the Court and both Republicans and Democrats are concerned about the direction the Court will take with her retirement.

New Hampshire residents are split over the ideological direction they would like to see the Supreme Court take. When asked if they would like to see President Bush nominate a new justice who would make the Court more liberal or more conservative, 29 percent say they would like to see a new Justice who would make the Court more liberal, 25 percent would like to see a new Justice who would make the Court more conservative, 38 percent would like the Court to stay as it is now, and 7 percent are undecided.

"The way people think about the direction of the Supreme Court is driven by partisanship," said Andrew Smith, Director of the University of New Hampshire Survey Center. "Half of New Hampshire Democrats want to see a more liberal Court, half of Granite State Republicans would like to see a more conservative Court, and Independents would like the Court to stay as it is now."

Roe v. Wade

The issue of abortion will be central in the Senate confirmation battle and many Senators will consider the views of their constituents on abortion in deciding to vote for or against Judge Roberts. In New Hampshire, most citizens are at least somewhat pro-choice. In the most recent Granite State Poll, 46 percent of New Hampshire adults said that abortion should be legal in all circumstances, 46 percent said abortion should be legal in limited circumstances, such as in cases of rape, incest, or when the mother's life is in danger, only 5 percent think abortion should not be legal in any circumstances, and 3 percent are unsure.

[?] We ask that this copyrighted information be referred to as *the Granite State Poll*, sponsored by the University of New Hampshire.

When asked if they would like to see the new Justice be someone who would vote to uphold or overturn Roe v. Wade, the Supreme Court decision that legalized abortion in 1972, 75 percent of New Hampshire adults prefer a justice who would uphold Roe, only 16 percent prefer a justice who would overturn Roe, and 9 percent are unsure. Even majorities of Republicans and self-described conservatives prefer a justice who would uphold Roe.

Original Intent or Living Constitution?

Constitutional scholars have long debated whether the Court should interpret the U.S. Constitution strictly on the plain wording of the Constitution and the original intent of the framers or whether the Constitution should be interpreted as a living document that changes based on the political and social realities of the times. New Hampshire residents are split on this issue with a slight majority, 52 percent, wanting the new Justice to interpret the Constitution according to current times, 42 percent wanting the new Justice to interpret the Constitution based on the original intent, and 7 percent who are unsure.

Eminent Domain

Another issue that will likely frame the debate on Judge Roberts will be the Supreme Court's recent decision on the use of eminent domain in Kelo v. New London. This controversial decision allowed local governments to take private homes and businesses for economic development purposes. And while New Hampshire may be divided over many issues concerning the Supreme Court, they are nearly unanimous in their opposition to the effect of the Kelo decision – 93 percent say they oppose the taking of private property for economic development reasons, only 4 percent favor this use of eminent domain, and 3 percent are unsure.

Subgroup Analysis

When asked about the direction of the Supreme Court, Democrats, liberals, people who favor no restrictions on abortion, young adults (under 35), and people who are neither Protestant or Catholic are most likely to want to see a Justice who will make the Court more liberal while Republicans, Conservatives, and people who favor restrictions on abortion are most likely to favor a new Justice who will make the Court more conservative. Majorities of most political and demographic groups favor a new Justice who will uphold Roe v. Wade.

Democrats, liberals, people who want no restrictions on abortion, young adults, upper income residents ($100,000 or higher), those who have never married and those who are neither Catholic or Protestant are most likely to want to see a new Justice who will interpret the Constitution based on current social and political realities. Republicans, conservatives, abortion opponents, and people who are divorced or separated are most likely to favor a new Justice who will interpret the Constitution based strictly on its wording and what it meant to the Framers.

On the issue of abortion, Democrats, liberals, upper income residents, people who are neither Catholic or Protestant, and people who never attend church are most likely to believe that abortion should be legal in all circumstances. Republicans, conservatives, people with lower levels of income and lower levels of education, and regular church goers are most likely to favor some restrictions on abortion.

Granite State Poll Methodology

These findings are based on the most recent Granite State Poll conducted by the University of New Hampshire Survey Center from July 7 to July 17, 2005. A random sample of 504 New Hampshire adults was interviewed by telephone. In 95 of 100 cases, the statewide estimates will be accurate to plus or minus 4.4 percent. Results reported for other subgroups have potential for somewhat larger variation than those for the entire population.

The data have been weighted to adjust for numbers of adults and telephone lines within households, respondent sex, and region of the state. In addition to potential sampling error, all surveys have other potential sources of non-sampling error including question order effects, question wording effects, and non-response.

Should New Justice Make Court More Conservative or More Liberal?

"Let's turn now to the US Supreme Court. As you may know, Supreme Court Justice Sandra Day O'Conner has retired from the US Supreme Court. Would you like to see President Bush nominate a new justice who would make the Supreme Court more liberal than it currently is, more conservative than it currently is or who would keep the Court as it is now?" (ROTATE RESPONSES)

	Percent
More Liberal	29
More Conservative	25
Same as Now	38
Don't Know	7

(N=495)

Uphold or Overturn Roe v. Wade?

"Would you want the new Supreme Court justice to be someone who would vote to overturn Roe v. Wade -- the decision that legalized abortion -- or vote to uphold it?" (ROTATE RESPONSES)

	Percent
Vote to Overturn Roe	16
Vote to Uphold Roe	75
Don't Know	9

(N=481)

Original Intent or Living Constitution?

"Would you want the new Supreme Court justice to be someone who would interpret the Constitution based strictly on its wording and what that meant at the time it was written or would you want someone who interprets the Constitution based on current political and social realities?" (ROTATE RESPONSES)

	Percent
Strict Interpretation	42
Current political and social realities	52
Don't Know	7

(N=485)

Favor or Oppose Eminent Domain for Taking Land for Private Use?

"Recently, the Supreme Court ruled that towns and cities may take private land from people and make it available to businesses to develop under the principle of eminent domain. Some people favor this use of eminent domain because it allows for increased tax revenues from the new businesses and are an important part of economic redevelopment. Other people oppose this use of eminent domain because it reduces the value of private property and makes it easier for big businesses to take land. What about you? Do you think that towns and cities should be allowed to take private land from the owners and make it available to developers to develop or do you oppose this use of eminent domain?"

	Percent
Favor	4
Oppose	93
Don't Know	3
	(N=499)

Position on Abortion

" Which of the following statements BEST represents your position on abortion ... abortions should be legal in ALL circumstances ... abortion should be legal in limited circumstances, such as in cases of rape or incest or when the mother's life is in danger ... or, abortion should not be legal in ANY circumstance?" (ROTATE ANSWER OPTIONS)

	May 2003	July 2005
Legal in ALL circumstances	47%	46%
Legal in limited circumstances	41	46
Not legal in any circumstance	9	5
Don't Know	3	3
	(N=495)	(N=491)

Should New Justice Make Court More Conservative or More Liberal?

	More Liberal	More Conservative	Same As Now	Don't Know	(N=)
STATEWIDE	**29%**	**25%**	**38%**	**7%**	**495**
Democrat	49	8	36	7	212
Independent	24	19	47	10	71
Republican	10	48	37	6	197
Liberal	70	5	20	4	111
Moderate	27	14	52	6	202
Conservative	6	57	32	5	152
Abortion always legal	41	10	43	6	223
Legal in limited circumstances	21	36	36	7	220
Not legal in any circumstance	15	39	36	10	27
5 years or less in NH	34	27	35	4	70
6 to 10 years	35	25	34	6	55
11 to 20 years	34	21	38	8	95
More than 20 years	26	26	40	7	265
18 to 34	47	12	37	5	98
35 to 49	26	28	38	8	165
50 to 64	28	28	38	5	129
65 and over	18	29	45	9	83
Male	22	33	40	4	237
Female	36	17	36	10	258
High school or less	24	31	36	9	118
Some college	34	17	41	8	109
College graduate	28	30	35	7	160
Post-graduate	35	20	42	3	104
Less than $30K	27	29	29	15	49
$30K to $60K	38	27	34	2	95
$60K to $75K	32	15	46	7	54
$75K to $100K	24	35	38	4	57
More than $100K	26	26	44	4	88
Married	26	30	36	8	323
Divorced/separated	28	22	41	8	87
Never married	46	9	41	4	79
Protestant	22	34	37	7	167
Catholic	23	26	45	6	184
Other	50	12	33	6	122
Northern NH	33	25	33	9	42
Central/Lakes	23	32	35	9	86
Conn. Valley	35	18	40	8	70
Mass Border	27	30	36	7	119
Seacoast	35	20	38	7	90
Greater Manchester	27	21	47	5	88
1st Cong. District	29	28	36	7	265
2nd Cong. District	30	21	41	7	230

Want New Justice to Overturn or Uphold Roe v. Wade?

	Vote to Overturn Roe	Vote to Uphold Roe	Don't Know	(N=)
STATEWIDE	**16%**	**75%**	**9%**	**481**
Democrat	10	84	7	209
Independent	11	84	5	68
Republican	24	63	13	190
Liberal	5	89	6	109
Moderate	9	84	6	199
Conservative	34	53	13	143
Abortion always legal	3	94	3	219
Legal in limited circumstances	23	64	12	212
Not legal in any circumstance	75	19	6	27
Union household	17	71	12	65
Non-union	16	76	9	412
5 years or less in NH	21	73	6	67
6 to 10 years	14	72	14	54
11 to 20 years	15	79	5	92
More than 20 years	15	75	10	259
18 to 34	10	83	7	96
35 to 49	11	78	11	159
50 to 64	22	73	5	124
65 and over	20	68	12	82
Male	20	69	11	233
Female	12	81	7	249
High school or less	21	67	12	116
Some college	17	73	10	104
College graduate	16	78	7	156
Post-graduate	10	84	7	100
Less than $30K	33	57	10	47
$30K to $60K	20	76	4	89
$60K to $75K	10	80	10	54
$75K to $100K	13	73	13	57
More than $100K	7	88	5	87
Married	18	74	8	317
Divorced/separated	10	78	11	82
Never married	16	73	11	75
Protestant	20	69	11	160
Catholic	18	71	10	177
Other	7	88	6	123
Northern NH	19	70	10	42
Central/Lakes	22	73	5	86
Conn. Valley	15	71	14	69
Mass Border	14	76	10	114
Seacoast	11	80	9	89
Greater Manchester	17	76	7	82
1st Cong. District	18	75	7	254
2nd Cong. District	13	75	12	227

Original Intent or Living Constitution?

	Strict Interpretation	Current Realities	Don't Know	(N=)
STATEWIDE	**42%**	**52%**	**7%**	**485**
Democrat	30	63	7	208
Independent	38	53	9	70
Republican	56	38	6	193
Liberal	24	70	6	108
Moderate	37	57	6	198
Conservative	62	32	5	149
Abortion always legal	32	64	4	217
Legal in limited circumstances	48	43	8	218
Not legal in any circumstance	57	33	10	27
Union household	41	54	6	70
Non-union	42	51	7	412
5 years or less in NH	42	53	5	68
6 to 10 years	36	54	10	55
11 to 20 years	37	60	3	92
More than 20 years	44	48	8	260
18 to 34	28	66	6	97
35 to 49	41	54	6	161
50 to 64	49	45	6	122
65 and over	49	41	10	84
Male	48	46	6	236
Female	35	57	8	250
High school or less	49	41	10	117
Some college	44	52	5	109
College graduate	40	55	5	157
Post-graduate	34	59	7	97
Less than $30K	46	48	6	48
$30K to $60K	49	45	6	94
$60K to $75K	34	58	9	53
$75K to $100K	53	45	3	55
More than $100K	33	65	2	82
Married	42	51	7	316
Divorced/separated	52	43	5	86
Never married	31	62	6	77
Protestant	49	43	8	162
Catholic	42	51	7	182
Other	29	65	7	120
Northern NH	42	48	9	40
Central/Lakes	44	52	4	84
Conn. Valley	35	51	14	71
Mass Border	46	52	2	113
Seacoast	37	56	8	90
Greater Manchester	43	50	7	87
1st Cong. District	43	50	8	260
2nd Cong. District	40	54	6	225

Favor or Oppose Eminent Domain for Taking Land for Private Use?

	Favor	Oppose	Don't Know	(N=)
STATEWIDE	**4%**	**93%**	**3%**	**499**
Democrat	4	93	3	215
Independent	3	96	1	72
Republican	6	91	3	197
Liberal	6	93	1	113
Moderate	4	93	3	204
Conservative	5	94	1	152
Abortion always legal	6	93	2	224
Legal in limited circumstances	3	93	4	223
Not legal in any circumstance	6	89	4	27
Union household	2	97	1	72
Non-union	5	92	3	423
5 years or less in NH	6	94	0	70
6 to 10 years	8	88	3	55
11 to 20 years	2	96	2	95
More than 20 years	4	92	4	269
18 to 34	8	88	4	100
35 to 49	4	92	4	165
50 to 64	1	98	1	129
65 and over	7	92	1	84
Male	4	93	4	241
Female	5	93	2	259
High school or less	1	94	5	120
Some college	6	92	3	111
College graduate	3	96	1	159
Post-graduate	9	87	4	104
Less than $30K	2	98	0	49
$30K to $60K	4	94	2	95
$60K to $75K	2	96	2	54
$75K to $100K	5	95	0	59
More than $100K	7	89	4	88
Married	4	94	2	327
Divorced/separated	4	93	3	87
Never married	8	88	4	79
Protestant	2	97	1	167
Catholic	6	91	4	184
Other	6	90	4	126
Northern NH	0	97	3	42
Central/Lakes	0	97	3	86
Conn. Valley	5	94	1	71
Mass Border	1	95	3	119
Seacoast	8	90	2	93
Greater Manchester	11	85	4	88
1st Cong. District	6	91	3	268
2nd Cong. District	3	95	3	231

Positin on Abortion

	Legal in All Circumstances	Legal in Limited Circumstances	Not Legal At All	Don't Know	(N=)
STATEWIDE	**46%**	**46%**	**5%**	**3%**	**491**
Democrat	60	32	6	2	214
Independent	44	52	4	0	71
Republican	31	58	6	5	194
Liberal	65	31	3	0	111
Moderate	53	42	3	2	205
Conservative	22	62	10	6	151
Union household	46	38	9	6	70
Non-union	46	47	5	2	419
5 years or less in NH	51	48	1	0	71
6 to 10 years	44	43	3	10	55
11 to 20 years	54	40	4	2	96
More than 20 years	42	48	8	2	266
18 to 34	54	44	2	0	100
35 to 49	49	43	4	4	167
50 to 64	43	44	9	4	126
65 and over	36	54	7	3	84
Male	42	47	7	4	237
Female	50	44	4	2	254
High school or less	32	58	7	4	118
Some college	44	47	5	4	110
College graduate	53	40	6	1	159
Post-graduate	53	39	3	4	101
Less than $30K	23	70	7	1	49
$30K to $60K	46	47	4	3	93
$60K to $75K	54	43	1	2	55
$75K to $100K	48	40	7	5	57
More than $100K	56	40	2	2	88
Married	43	50	5	3	324
Divorced/separated	51	39	6	4	85
Never married	53	37	8	2	78
Protestant	43	51	4	2	168
Catholic	33	53	8	5	181
Other	67	28	4	1	125
Attend church 1 or more/week	24	57	15	5	107
1-2 times a month	39	55	5	2	75
Less often	50	46	3	1	151
Never	62	33	2	3	145
Northern NH	51	47	3	0	41
Central/Lakes	47	43	7	3	86
Conn. Valley	58	35	2	5	70
Mass Border	38	50	6	5	119
Seacoast	48	44	6	1	92
Greater Manchester	40	51	7	2	84
1st Cong. District	43	49	7	1	261
2nd Cong. District	50	42	3	5	230