ABC NEWS/WASHINGTON POST POLL: ALITO AND ABORTION – 12/18/05
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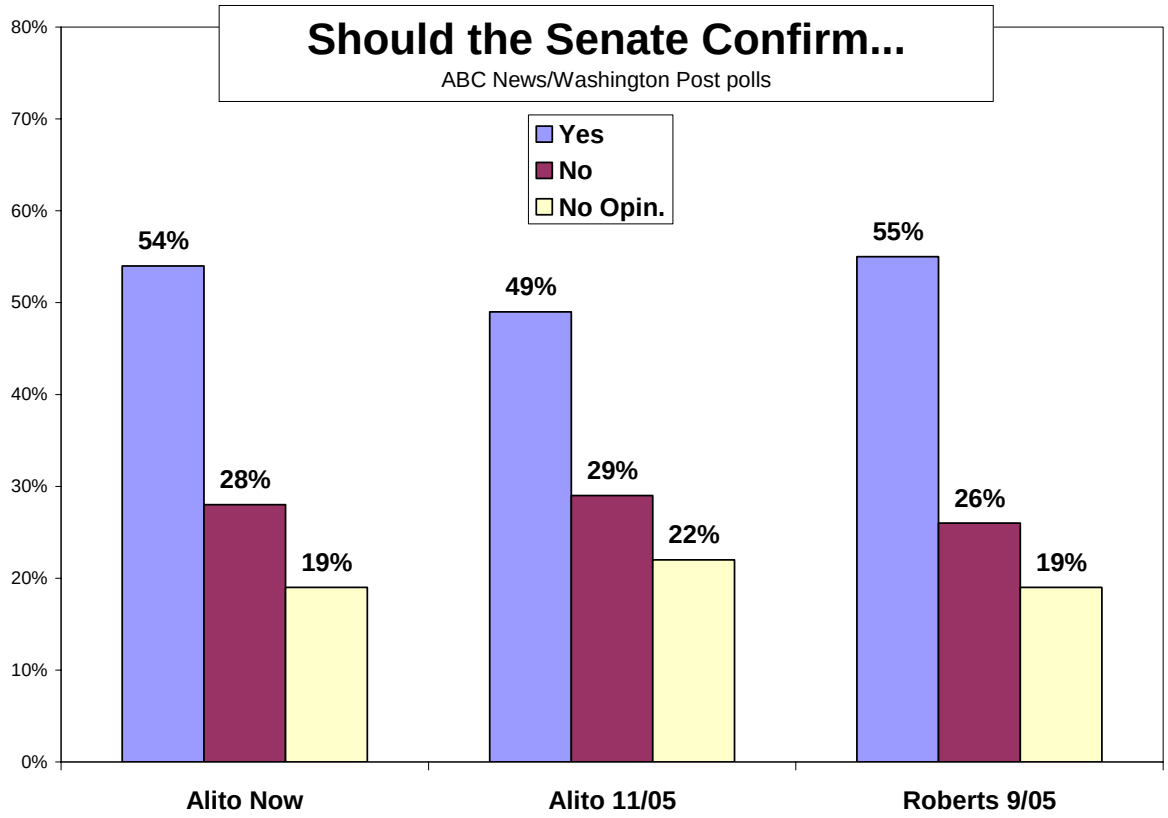
Majority Wants Alito on Court; Most Also Want Roe to Remain

Most Americans support both Samuel A. Alito and Roe v. Wade.

Whether these two are in conflict is not entirely clear. But the disclosure that Alito wrote an anti-Roe memo while a Justice Department lawyer does not look to have hurt his nomination: Fifty-four percent of Americans say the Senate should confirm him, up slightly since early November.

At the same time, this ABC News/Washington Post poll finds that six in 10 would want Alito, if confirmed, to vote to uphold Roe versus Wade, the landmark 1973 abortion rights case.

Support for Alito is about the same as it was for newly installed Chief Justice John Roberts on the eve his confirmation hearings in September. And as with Roberts, support for Alito varies widely: Eight in 10 Republicans back him, compared with 49 percent of independents and about a third of Democrats. Conservatives are most supportive, moderates and liberals much less so.



Abortion may be especially central in Alito's case because he's been nominated to replace retiring Justice Sandra Day O'Connor, often a pivotal vote on the court. Nonetheless, fewer than half of Americans, 43 percent, say it's important to them that Alito agrees with them on the abortion issue. That's down from 54 percent a year ago, when the question was posed in the abstract, not with a specific nominee.

As in the past, the abortion issue is more pressing among its opponents than among its supporters. People who oppose legal abortion are 17 points more likely to say it's important to them that Alito agree with them about it.

ALITO'S VOTE – As in many questions on the abortion issue, interest in having Alito uphold Roe varies sharply across groups. Majorities of men and women alike say they'd want him to uphold it, but the gaps are large among political, ideological and religious groups.

	Would want Alito to:	
	Uphold Roe	Overturn Roe
All	61%	35
Women	64	33
Men	58	37
Democrats	70	27
Independents	69	29
Republicans	47	47
Liberals	73	25
Moderates	72	26
Conservatives	44	50
No religion	86	12
Catholic	59	37
Protestants:		
Evangelical	42	53
Non-evangelical	75	22
Weekly churchgoer	41	54
Monthly churchgoer	61	36
Less often/never	78	19

ROE and RESTRICTIONS – Although 61 percent would want Alito to vote to uphold Roe, opinion on restricting its scope is more fragmented. While 45 percent of Americans want the court to leave access to abortion as is, about as many, 42 percent, want it harder for women to get abortions. Far fewer, 11 percent, want abortions easier to obtain.

Attitudes on restricting access to abortion are essentially identical among women and men, but again vary sharply by political affiliation, ideology and religiosity.

BASIC MEASURE – In the most basic measure of attitudes on abortion, 56 percent say it should be legal all or most of the time, while 41 percent say it should be all or mostly illegal. Those numbers in this survey precisely match the long-term average in 18 polls across the last decade.

Few Americans take either extreme position in the abortion debate – 17 percent say abortion should be legal in all cases, which is five points below the 10-year average, and 13 percent say it should be illegal in all cases, which about matches the average.

That leaves two-thirds in the middle, saying abortion should be legal in some cases. The debate is about what those cases should be – 40 percent say it should be legal in most cases, 27 percent say illegal in most cases.

CATHOLICS – While Alito would be the fifth Catholic justice on the current court, his support among Catholics, at 55 percent, is essentially the same as it is among the general public overall. That's not surprising; many Catholics customarily separate their views on religious vs. social or political issues. Alito's support peaks instead at 69 percent among evangelical white Protestants.

Majorities of men and women support the Alito nomination, with support among women up seven points since November, to 52 percent.

METHODOLOGY – This ABC News/Washington Post poll was conducted by telephone Dec. 15-18, 2005, among a random national sample of 1,003 adults. The results have a three-point error margin. Fieldwork by TNS of Horsham, PA.

Analysis by Jon Cohen.

ABC News polls can be found at ABCNEWS.com at http://abcnews.com/pollvault.html.

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Full results follow (*= less than 0.5 percent).

1-27 Previously released.

28. On another subject, as you may know, Bush has nominated federal judge Samuel A. Alito to serve on the U.S. Supreme Court. Do you think the U.S. Senate should or should not confirm Alito's nomination to the Supreme Court?

	Should	Should not	No opinion
Alito, 12/18/05	54	28	19
Alito, 11/2/05	49	29	22
Roberts, 9/11/05*	55	26	19
Roberts, 8/28/05	57	22	20
Roberts, 7/21/05	59	23	17
Breyer, 5/15/94	52	10	37
Thomas, 10/14/91**	59	28	14
Thomas, 10/13/91	56	29	15
Thomas, 10/12/91	50	29	20
Thomas, 10/9/91	47	23	30
Thomas, 10/8/91	50	25	24
Thomas, 9/15/91	63	24	14

*as chief justice
**No opin. for Thomas includes "wait and see" (vol.)

29. The Supreme Court legalized abortion 32 years ago in the ruling known as Roe versus Wade. If that case came before the court again, would you want Alito to vote to (uphold) Roe versus Wade, or vote to (overturn) it?

	Uphold	Overturn	No opinion
Alito, 12/18/05	61	35	4
Alito, 11/2/05	64	31	5
Roberts, 8/28/05	60	33	7
Roberts, 7/21/05	65	32	4

30. Would you like to see the Supreme Court (make it harder to get an abortion than it is now), (make it easier to get an abortion than it is now), or (leave the ability to get an abortion the same as it is now)?

	Harder	Easier	Same	No opinion
12/18/05	42	11	45	2
8/28/05	42	9	47	2

Compare to: Would you like to see the government and the courts (make it harder to get an abortion than it is now), (make it easier to get an abortion than it is now), or (leave the ability to get an abortion the same as it is now)?

	Harder	Easier	Same	No opinion
1/20/03	42	15	41	2

31. How important is it to you that Alito agrees with your position on abortion - is that extremely important to you, very important, somewhat important, or less important than that?

	----- Important -----			--- Less important ---			No
	NET	Ext.	Very	NET	Smwt.	Less	opin.
12/18/05	43	17	26	55	38	17	1
12/19/04*	54	26	28	45	30	15	1

* ”The next person nominated to join the U.S. Supreme Court”

32-34 Previously released.

35. Do you think abortion should be legal in all cases, legal in most cases, illegal in most cases or illegal in all cases?

	------- Legal -------			------ Illegal ------			
	NET	All cases	Most cases	NET	Most cases	All cases	No opin.
12/18/05	56	17	40	41	27	13	3
4/24/05	56	20	36	42	27	14	3
12/19/04	55	21	34	42	25	17	3
5/23/04	54	23	31	44	23	20	2
1/20/03	57	23	34	42	25	17	2
8/12/01	49	22	27	48	28	20	3
6/24/01	52	22	31	43	23	20	4
1/15/01	59	21	38	39	25	14	1
9/6/00 RV	55	20	35	42	25	16	3
7/23/00	53	20	33	43	26	17	4
9/2/99	56	20	37	42	26	15	2
3/14/99	55	21	34	42	27	15	3
7/12/98	54	19	35	42	29	13	4
8/5/96	56	22	34	41	27	14	3
6/30/96	58	24	34	40	25	14	2
10/1/95	60	26	35	37	25	12	3

9/21/95	60	24	36	36	25	11	4
7/17/95	59	27	32	40	26	14	1