

TO: Interested Parties
FROM: Alliance for Justice Action Campaign and Leadership Conference on Civil Rights
RE: Judges, Supreme Court and Effective Messaging
DATE: August 21, 2008

From August 7 to 11, 2008, Hart Research Associates conducted a national survey among 1,000 likely voters on the issue of judges and Supreme Court nominations. This memo reviews the survey's key message findings.

What Voters Want In Judges and Justices

- 1. Makes decisions based on the law and the Constitution, not a political agenda.**
- 2. Keeps faith with our constitutional values of personal freedom and equal justice for all.**
- 3. Approaches every case with an open mind and commitment to fairness.**

The quality that Americans most want to see in future judges and justices is a commitment to making decisions based on the law, *not a political agenda*. The mission during the next administration is to end the politicization of our courts.

Framing the choice of nominees in terms of a distinction between legal principles and politics helps shift the debate away from the familiar left/right and liberal/conservative terrain. The quality in a prospective nominee rated the most important is “**makes decisions based on legal principles, not a political agenda**” (70% of voters rank this as their highest priority). Concerns about a politicized court clearly emerge when voters are asked to identify the qualities they did NOT want to see in nominees. Their single greatest concern is a nominee who “**puts politics ahead of legal principles.**”

Voters want judges and justices who will *keep faith with core constitutional values*.

Americans believe that it is much more important to select justice who will “**keep faith with our constitutional values of liberty, equality and justice for all,**” with 63% of voters ranking this quality as extremely important, including 64% of liberals, 65% of moderates and 61% of conservatives. *It is the Constitution's core values, not its literal words, that matter most to Americans.* A commitment to core constitutional values provides a clear and appealing anchor for judicial interpretation.

Voters care about protecting their “personal freedoms” and access to justice is a core legal principle.

One of the assurances voters most want is that a nominee will “**protect our personal freedoms.**” This ranks higher than “protecting the rights we have today” in all categories. Many voters say they want nominees who “**will ensure that every American has equal access to justice.**” This ranks as a higher priority than “equal rights to all Americans,” “protecting the powerless” and “a government of checks and balances.”

Americans want judges who will approach each case with an open mind and make fair decisions.

Open-minded and fair are, for voters, the counterpoint to judges who follow a political agenda. When voters pick the three most important qualities for a judge, these two emerge as key priorities for moderates and liberals. Democrats and independents both consider an open mind to be an essential trait, while Republicans consider it much less important.