

# **DEMAND JUSTICE**

## **MEMORANDUM**

**TO:** Interested Parties  
**FROM:** Brian Fallon, Executive Director, Demand Justice  
**DATE:** May 3, 2019  
**RE:** **NEW POLL: As Trump Hits Milestone on Judges, Democratic Voters Want More Aggressive Response from Democratic Senators**

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### **I. Summary**

When Demand Justice launched one year ago this week, our goal was to shake progressives out of their complacency regarding President Trump's court-packing. A year later, Senate Republicans are still confirming Trump's judges at a breakneck pace, with Trump's 100th judge winning approval this week. But progressives are now beginning to see the Court as partisan and illegitimate and are ready to fight back.

**A poll conducted in April by YouGov Blue for Demand Justice demonstrates that Trump's judicial takeover is provoking a state of alarm among progressives and a strong desire for a more aggressive response from Democratic senators.**

**The poll shows that just 23% of these voters approve of the job the Court is doing, and 73% say that Brett Kavanaugh's confirmation proves it just another partisan body. Most importantly, these voters want a bolder response from elected Democrats: more than 70% say Democratic senators should vote against all Trump judges and a plurality support the idea of reforming the Supreme Court by adding seats to it.**

### **II. Democratic Voters Disapprove of the Supreme Court and See it as a Partisan Body**

Progressives' deep respect for the institution of the Supreme Court has caused them to cling to mostly favorable views of the Court in recent years, even as its conservative majority has produced decision after decision in favor of corporations and the Republican Party. [Gallup measured](#) Democrats' approval of the Supreme Court at 76% in 2015 and 67% in 2016.

But in July 2018, as the confirmation fight around Trump Supreme Court pick Brett Kavanaugh got into full swing, Gallup found Democrats' approval of the Court had dipped to 38%. And now, our YouGov Blue survey suggests this trend may be shifting even further downward. **Our poll found only 23% percent of likely Democratic primary voters approve of the job the Supreme Court is doing right now.**

**There is strong evidence that the Kavanaugh confirmation has done damage to the Court's reputation among progressives. 73% of likely Democratic primary voters say the confirmation of Kavanaugh shows that the Supreme Court is just another partisan political body.** Kavanaugh has a -59% net approval rating among these voters and Trump's other Supreme Court pick, Neil Gorsuch, has a -32% net approval.

### **III. Democratic Voters Want a Bolder Response from Democratic Senators to Trump's Court-Packing**

Our poll shows that Democratic voters understand the long-term threat that Trump's court takeover poses to progressive priorities. **62% of Democratic primary voters think it is likely the Supreme Court would overturn progressive policies like Medicare for All, the Green New Deal or a minimum wage increase, and 79% of Democratic primary voters are concerned about this possibility.**

Accordingly, Democrats expressed a deep desire in our survey for Democratic senators to step up their response to Trump's judicial nominees. Our survey asked these voters about the approach taken by Sen. Mazie Hirono, who announced last year that she would begin opposing all of Trump's judicial nominees to protest how Republicans have abused the confirmation process. **72% of likely Democratic primary voters said they thought all Democratic senators should follow Hirono's approach and oppose ALL of Trump's judicial nominees.**

### **IV. Democratic Voters are Very Open to Dramatic Reforms to The Courts in Order to Restore Balance**

In recent weeks, a number of high-profile Democrats have joined Demand Justice's call for reforming the Supreme Court by expanding the number of seats on the Court. Figures such as former Attorney General Eric Holder and presidential candidates like South Bend Mayor Pete Buttigieg and Beto O'Rourke have all floated this idea, while senators like Elizabeth Warren, Kamala Harris and Kirsten Gillibrand have all said they are open to it.

**Our poll shows that already, a plurality (36%) of Democratic primary voters currently support this idea of adding seats to the Supreme Court.** And, roughly a third of voters (34%) have no position yet or are unsure, showing there is room to build support for this idea as it is discussed further on the campaign trail.

Two-thirds or more of Democratic primary voters say one of the following arguments is a very strong reason to reform the Supreme Court:

- "Republicans refused to hold hearings or a vote on Merrick Garland, Barack Obama's nominee to fill the seat held by Antonin Scalia, effectively stealing a Supreme Court seat." (73%)

- “By changing Senate rules in order to confirm openly extremist judges, Trump and the Republicans have tilted the courts too far out of balance.” (68%)
- “Two sitting justices – Brett Kavanaugh and Clarence Thomas - have been credibly accused of sexual harassment or sexual assault but have remained on the bench.” (67%)
- By voting to allow unlimited corporate spending on elections and rolling back voting rights protections, the Court has consistently shown a partisan lean in favor of Republican political interests (67%)

These findings track with recent polling conducted by Global Strategy Group and GBAO. These firms’ [April survey](#) of registered voters showed that **Supreme Court expansion earns support from clear majorities of Democrats (82%) and independents (54%) after voters receive messaging for and against the proposal.**

## V. About This Survey

YouGov Blue partnered with Demand Justice in April 2019 to field a nationwide, online survey of 1,075 likely Democratic voters.