

THE CONSTITUTION, JUDGES, AND THE VOTERS

CAC's "Text, History, And Values" Focus Garner More Voter Support Than Either Conservative Originalist Language Or Progressive "Living Document"-Style Messaging on the Constitution Overall, Women's Rights, Discrimination, and Guns

- National telephone survey (landline and mobile) of 1,000 registered voters
Interviews conducted Sept 19-24, 2017
Margin of error +/- 3.1 percentage points, larger for subgroups
- Focus groups of swing voters and Democrats In Columbus, OH and Richmond, VA
Conducted February 15 & 16, 2017



Everyone Heard This Conservative Position On The Constitution

CONSERVATIVE ARGUMENT: Judges have a responsibility to interpret the Constitution according to its original meaning as it was written, not as they wish it were written. When judges apply their own beliefs in their rulings instead of strictly following the Constitution's words, they go beyond their authority, usurping powers that are granted to Congress and the President by the Constitution.

And Heard One Of These Two Progressive Constitutional Positions

LIVING DOCUMENT ARGUMENT: We have a living Constitution that evolves, changes and adapts to new circumstances. Its exact words are not as important as the general ideas it represents. Judges are entrusted with the ultimate responsibility of interpreting the Constitution for modern times and they have a responsibility to go beyond the Constitution's text when necessary to reflect our current values.

CAC ARGUMENT: Judges have a responsibility to apply the text and history of the whole Constitution to modern challenges. Our Constitution was amended 27 times—outlawing slavery, promising equality for all, and giving African Americans and women the right to vote. Our founders created a constitutional system designed to adapt to changes in society, while also enshrining enduring values.



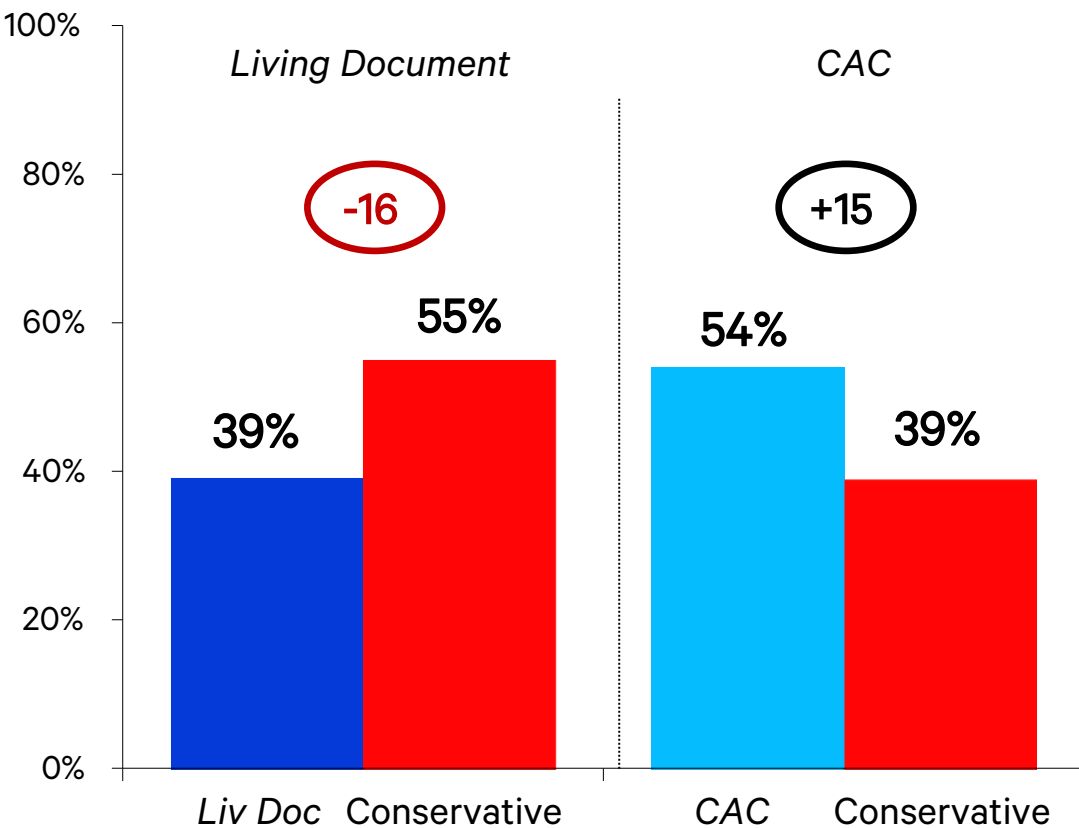
The CAC Approach Is Far More Effective, While The Living Document Statement Is Less Appealing Than Conservative Originalism



CAC Is More Effective Among Liberal Dems, The Middle, And Even Republicans

Which of the following statements comes closer to your point of view?

- Conservative Argument
- Living Document Argument
- CAC Argument



	Net Liv Doc	Net CAC
Liberal Democrat	+41	+60
Mod/Cons Democrat	+9	+14
Independent	-14	+15
Republican	-70	-21
Male	-25	+2
Female	-8	+26
18-39	-4	+34
40-59	-23	+9
60+	-20	+4
HS or less	-25	+6
Some College	-25	+10
Coll Grad +	-5	+23
White Coll	-16	+17
White Non-Coll Men	-55	-24
White Non-Coll Women	-8	+12
Black	+14	+37
Hispanic	-11	+29





Everyone Heard This Argument Against A Judicial Role In Women's Rights

CONSERVATIVE ARGUMENT: Judges have a responsibility to interpret the Constitution according to the original meaning of the text as written. The Constitution doesn't say anything about women's rights to an abortion or getting equal pay, but instead gives Congress and the states the power to write these laws. Judges should not be legislating women's rights from the bench. These issues should be resolved through the political process, not by judges interpreting the Constitution based on what they would like it to say.

And Heard One Of These Two Arguments In Favor Of A Judicial Role In Women's Rights

CAC ARGUMENT: *Judges and legislators have a responsibility to uphold women's rights under the Constitution, which guarantees equal protection of the law for both women and men. When women don't earn equal pay, when women are denied the right to control their own bodies, or when women face discrimination in the workplace, their fundamental rights to liberty and equality are violated. It isn't 1789 anymore. Women are equal and judges must recognize that the Constitution has been amended to ensure women's equal citizenship.*

LIVING DOCUMENT ARGUMENT: *The Constitution is a living document that adapts to our changing world. When judges or lawmakers try to limit what women can do with their bodies or deny them equal pay for equal work, they are denying women their constitutional rights. Judges and legislators should recognize it isn't 1789 anymore. Even if there isn't a specific place in the Constitution that protects women's rights, judges should do what's right and apply the law based on a general belief in women's equality.*





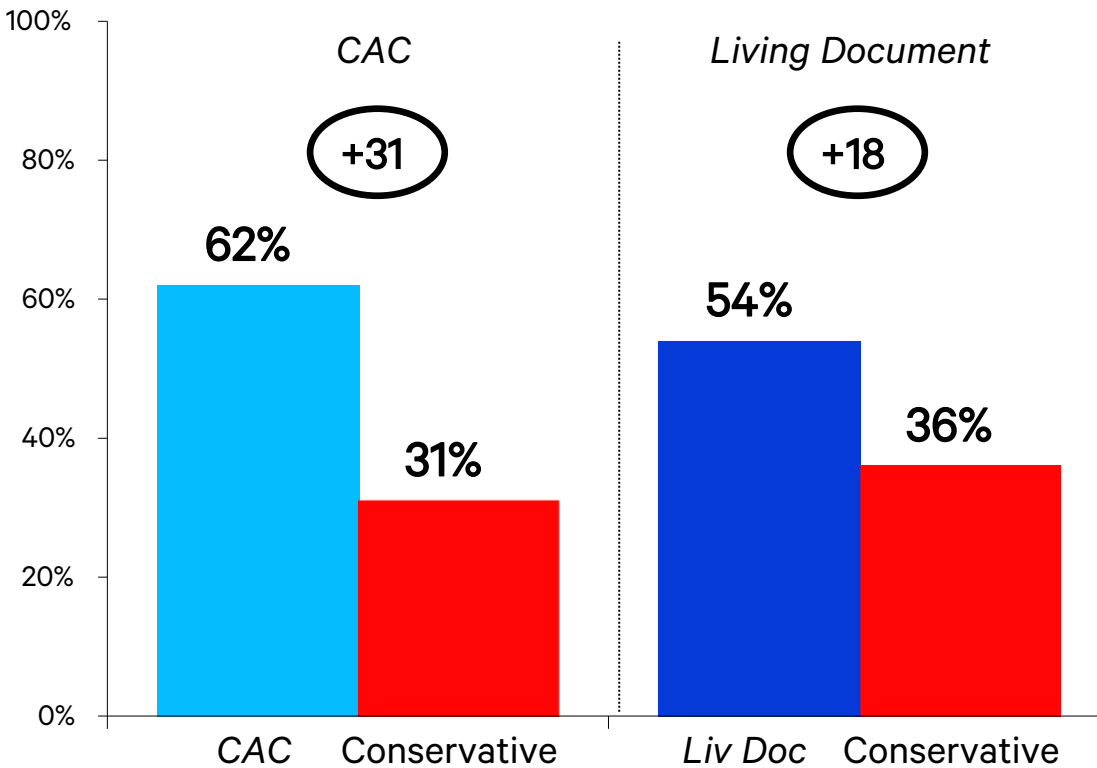
The CAC Argument Elicits Stronger Support Than The Living Document Approach

This Is Particularly True Among Independents, Men, Younger & Less Educated Voters

Which of the following statements comes closer to your point of view?

[JUDICIAL ROLE ON WOMEN'S RIGHTS:]

- Conservative Argument
- CAC Argument
- Living Document Argument



	Net CAC	Net Liv Doc
Liberal Democrat	+62	+72
Mod/Cons Democrat	+47	+34
Independent	+40	+14
Republican	-7	-28
Male	+30	+7
Female	+32	+28
18-39	+44	+21
40-59	+22	+11
60+	+27	+23
HS or less	+36	+14
Some College	+25	+16
Coll Grad +	+32	+21
White Coll	+30	+19
White Non-Coll Men	+8	-6
White Non-Coll Women	+29	+20
Black	+48	+28
Hispanic	+42	+59



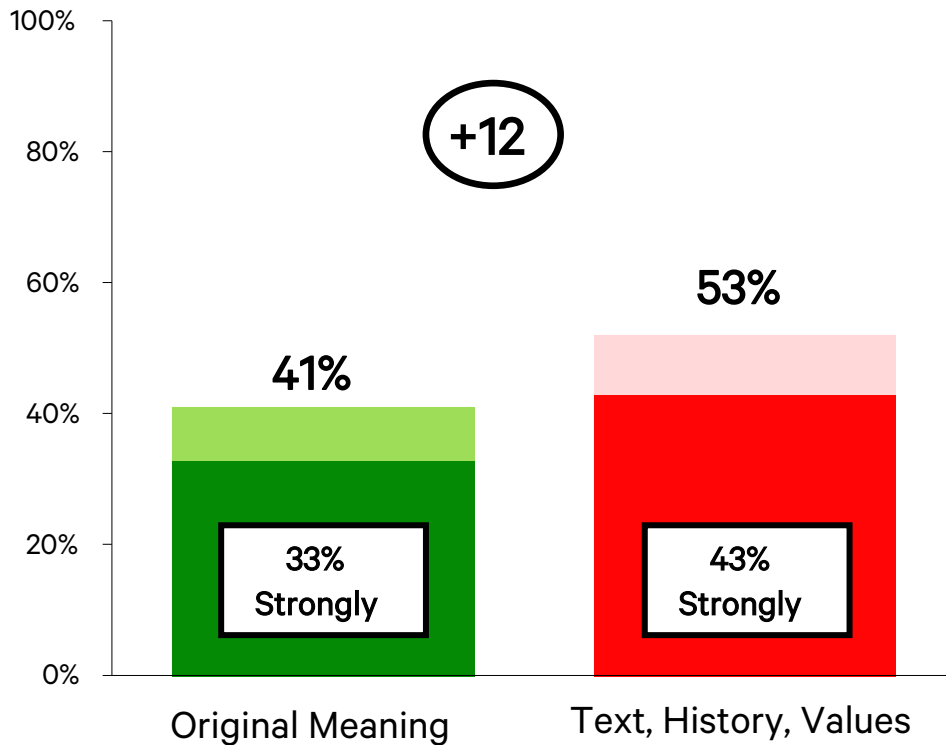


On Balance, Voters Want Judges To Intervene To Correct Discrimination

Republicans & Voters Without College Degrees Oppose Judges Solving Social Problems

Statement A. Judges should not overreach to try to solve social issues from the bench, but rather allow Congress and the President to address them. If judges apply the original meaning of the Constitution as written, instead of inserting their own personal beliefs, everyone’s rights will be protected equally. Our country creates a level playing field for all.

Statement B. Equality is still not a reality in America. Discrimination based on race, religion, gender, and economic circumstances remains widespread in workplaces, schools and courtrooms. If judges apply the text, history, and values of our Constitution – including Amendments that guarantee equality for everyone – then the rights of more Americans will be protected as we strive to build a “more perfect Union.”



	Original	THV
Liberal Democrat	18%	78%
Mod/Cons Democrat	36%	58%
Independent	38%	53%
Republican	63%	30%
Male	45%	49%
Female	37%	55%
18-39	31%	61%
40-59	44%	50%
60+	46%	47%
HS or less	51%	41%
Some College	40%	54%
Coll Grad +	37%	56%
White Coll	42%	54%
White Non-Coll Men	56%	38%
White Non-Coll Women	42%	50%
Black	26%	68%
Hispanic	26%	64%

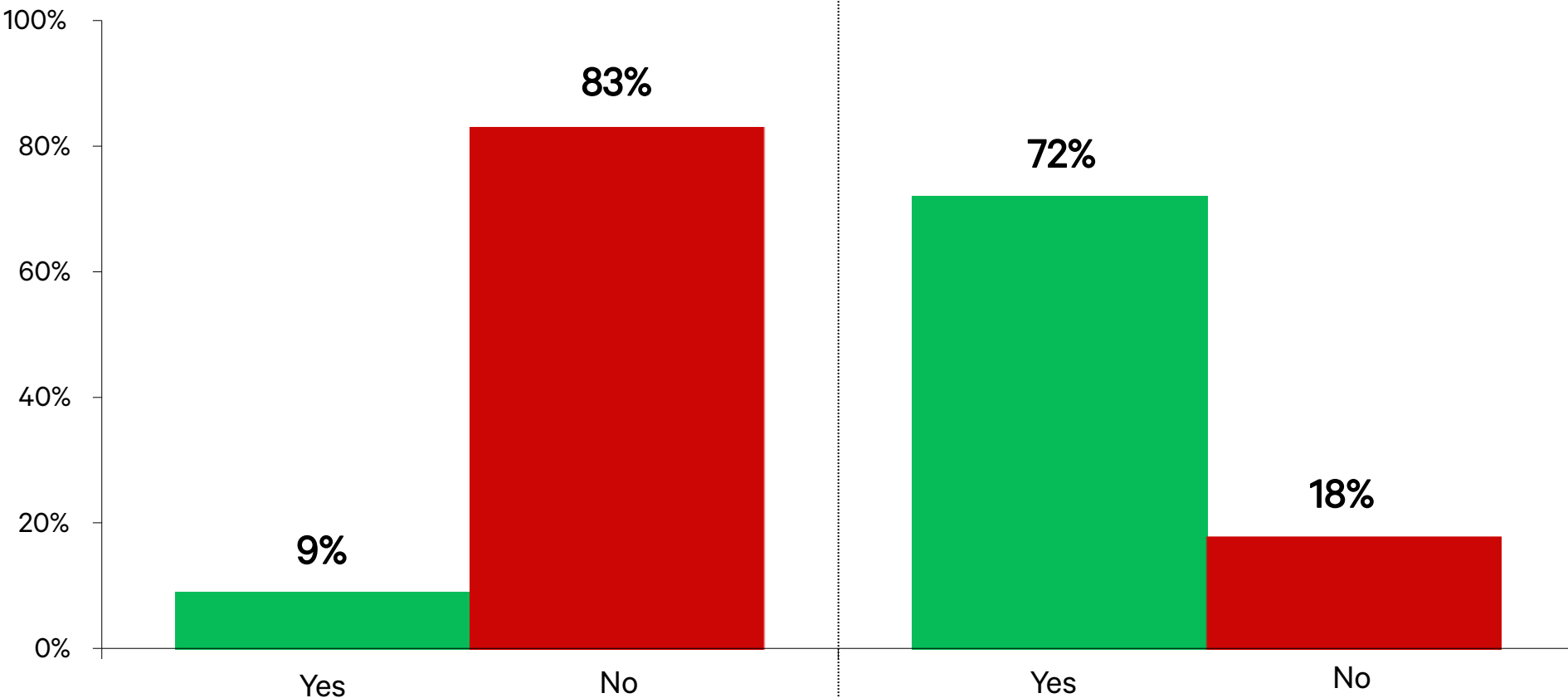




Overwhelmingly And Across Partisanship, Voters Believe The Constitution Allows Gun Safety Laws, But Not A Total Gun Ban

Do you believe the Constitution allows the government to ban the private ownership of all guns in America?

Do you believe the Constitution allows the government to make and apply strict laws that prevent dangerous people from buying or possessing guns in America?





Everyone Heard This Argument Against Gun Safety Laws

CONSERVATIVE ARGUMENT: The Second Amendment says, quote, “the right to bear arms shall not be infringed” unquote. Gun laws are a slippery slope to the government taking our guns away, and only denying that constitutional right to law-abiding American citizens. The only thing that can stop a bad guy with a gun is a good guy with a gun. The Founding Fathers did not want the government telling us what kinds of guns we can have, how many we can buy, or where we can carry them.

And Heard One Of These Two Arguments In Favor Of Gun Safety Laws

CAC ARGUMENT: *The Constitution protects the right to own a gun for self-defense. But the Constitution does not grant every person the right to have any gun they want, any time they want, anywhere they want. The drafters of the 2nd Amendment understood that this right could be regulated. Government must respect our constitutional rights, but it must also pass and enforce sensible regulations that keep guns out of the hands of dangerous people, including felons, domestic abusers, and the dangerously mentally ill.*

OUTDATED AMENDMENT: *The Second Amendment was written when people carried muskets that fired one bullet at a time. It protects a collective right of states to form militias. It does not say an individual has the personal right to carry whichever guns they want. The Founding Fathers never intended for us to be able to have weapons of mass murder. It is 2017, not 1791. Government must be able to pass and enforce laws to protect the public from guns.*



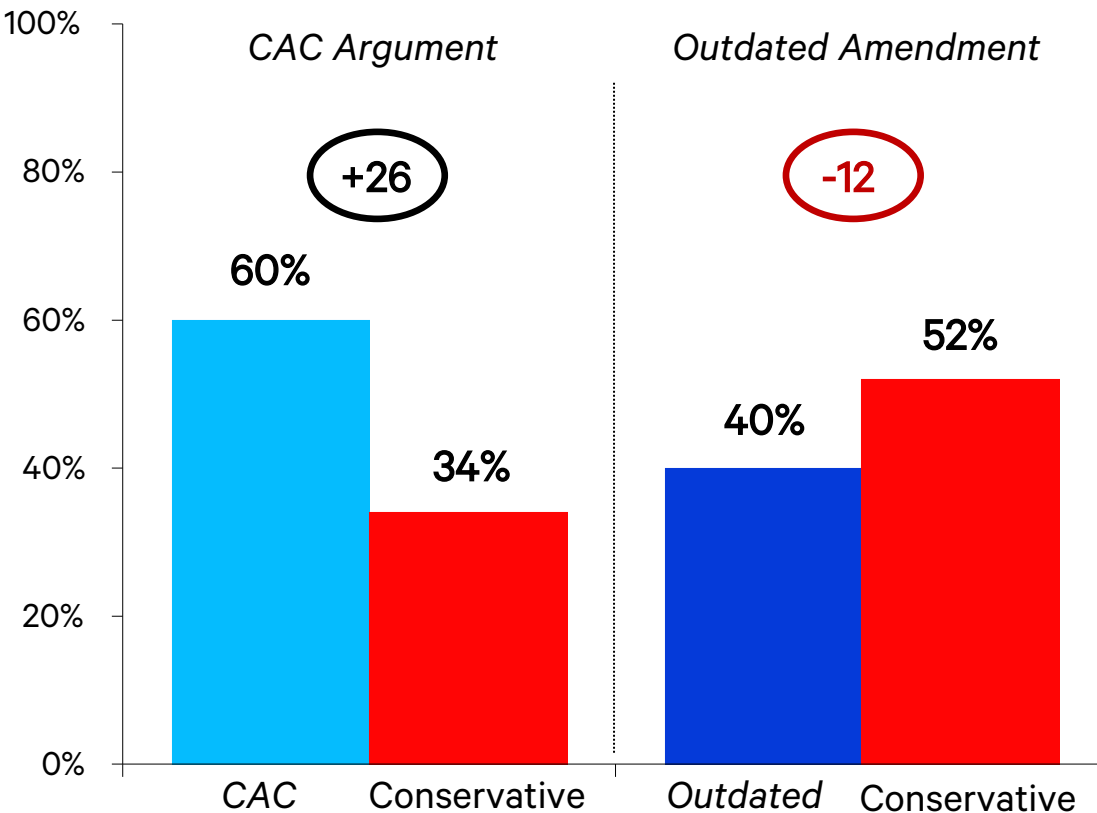


The CAC Approach Wins The Argument On Guns Convincingly, While The Outdated Message Loses

CAC's Message Neutralizes GOP Opposition And Wins Over The Middle

Which of the following statements comes closer to your point of view? [2ND AMENDMENT:]

- Conservative Argument
- CAC Argument
- Outdated Amendment



	Net CAC	Net Outdated
Liberal Democrat	+64	+44
Mod/Cons Democrat	+43	+6
Independent	+13	-7
Republican	-2	-65
Male	+10	-17
Female	+39	-7
18-39	+25	+4
40-59	+30	-19
60+	+21	-18
HS or less	+13	-43
Some College	+29	-11
Coll Grad +	+28	+1
White Coll	+24	-7
White Non-Coll	+16	-35
Black	+52	+21
Hispanic	+42	+24

