



October 11, 2020

The Hon. Lindsey Graham, Chairman  
United States Senate, Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

**Re: Majority of Americans oppose questioning Judge Barrett's Faith,  
Court Packing**

Chairman Graham:

As the nation's largest legal organization dedicated exclusively to defending and restoring religious liberty for all Americans, First Liberty Institute seeks to provide information helpful to your Constitutional responsibility of providing advice and consent concerning President Trump's nomination of Judge Amy Coney Barrett.

Questions directed at the religious beliefs of past nominees—including Judge Barrett—have been concerning to many Americans, including us. In nearly every other employment context, asking questions concerning an applicant's religious beliefs would be an employment law violation. We believe such questions not only go beyond the nation's rich tradition of religious tolerance, they violate the "no religious test for office" provision of Article VI of the U.S. Constitution.

Attached hereto are the results to a nationwide survey First Liberty Institute Commissioned from Mason Dixon Polling & Strategy to engage a nationwide survey. When asked, "*Do you think judicial nominees should or should not be questioned about their religious beliefs as part of the confirmation process?*" two-thirds (2/3's) of respondents answered, "should not."

Moreover, there have been suggestions of "court-packing" should the Senate confirm Judge Barrett as the next Associate Justice of the U.S. Supreme Court. According to our survey, a substantial majority of Americans oppose ending the 156-year tradition of having nine (9) Justices of the Supreme Court of the United States.

We hope this information is helpful to you and your committee as they deliberate over the confirmation of Judge Amy Coney Barrett.

Sincerely,

A handwritten signature in black ink that reads "Kelly Shackelford".

Kelly Shackelford  
President, CEO, &  
Chief Counsel



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### HOW THE POLL WAS CONDUCTED

**This poll was conducted by Mason-Dixon Polling & Strategy, Inc. of Jacksonville, Florida from October 5 through October 7, 2020. A total of 1,000 registered voters were interviewed nationwide by telephone. All indicated they were “likely to vote” in the November general election.**

**Those interviewed were randomly selected from a nationwide voter registration list that included both land-lines and mobile phones. Quotas were assigned in order to reflect voter turnout by state.**

**The margin for error, according to standards customarily used by statisticians, is no more than  $\pm 3.2$  percentage points. This means that there is a 95 percent probability that the "true" figure would fall within that range if all voters were surveyed. The margin for error is higher for any subgroup, such as a gender or age grouping.**

**QUESTION: Do you think judicial nominees should or should not be questioned about their religious beliefs as part of the confirmation process?**

	<u>SHOULD</u>	<u>SHOULD NOT</u>	<u>NOT SURE</u>
<b>NATIONWIDE</b>	<b>30%</b>	<b>62%</b>	<b>8%</b>

<u>REGION</u>	<u>SHOULD</u>	<u>SHOULD NOT</u>	<u>NOT SURE</u>
Northeast	39%	51%	10%
Midwest	24%	65%	11%
South	22%	71%	7%
West	28%	65%	7%
Pacific Coast	43%	52%	5%

<u>GENDER ID</u>	<u>SHOULD</u>	<u>SHOULD NOT</u>	<u>NOT SURE</u>
Men	27%	67%	6%
Women	33%	58%	9%

<u>AGE</u>	<u>SHOULD</u>	<u>SHOULD NOT</u>	<u>NOT SURE</u>
18-34	43%	53%	4%
35-49	30%	63%	7%
50-64	24%	66%	10%
65+	26%	64%	10%

<u>RACE/ETHNICITY</u>	<u>SHOULD</u>	<u>SHOULD NOT</u>	<u>NOT SURE</u>
White	28%	64%	8%
Black	39%	56%	5%
Hispanic	29%	61%	10%

<u>PARTY</u>	<u>SHOULD</u>	<u>SHOULD NOT</u>	<u>NOT SURE</u>
Democrats	44%	45%	11%
Republicans	9%	85%	6%
Independents	37%	56%	7%

**QUESTION: Do you support or oppose expanding the U.S. Supreme Court from its current nine justices to eleven justices or more?**

	<u>SUPPORT</u>	<u>OPPOSE</u>	<u>UNDECIDED</u>
<b>NATIONWIDE</b>	<b>35%</b>	<b>54%</b>	<b>11%</b>

<u>REGION</u>	<u>SUPPORT</u>	<u>OPPOSE</u>	<u>UNDECIDED</u>
<b>Northeast</b>	<b>37%</b>	<b>51%</b>	<b>12%</b>
<b>Midwest</b>	<b>33%</b>	<b>53%</b>	<b>14%</b>
<b>South</b>	<b>31%</b>	<b>60%</b>	<b>9%</b>
<b>West</b>	<b>33%</b>	<b>58%</b>	<b>9%</b>
<b>Pacific Coast</b>	<b>43%</b>	<b>46%</b>	<b>11%</b>

<u>GENDER ID</u>	<u>SUPPORT</u>	<u>OPPOSE</u>	<u>UNDECIDED</u>
<b>Men</b>	<b>32%</b>	<b>62%</b>	<b>6%</b>
<b>Women</b>	<b>37%</b>	<b>48%</b>	<b>15%</b>

<u>AGE</u>	<u>SUPPORT</u>	<u>OPPOSE</u>	<u>UNDECIDED</u>
<b>18-34</b>	<b>53%</b>	<b>30%</b>	<b>17%</b>
<b>35-49</b>	<b>30%</b>	<b>59%</b>	<b>11%</b>
<b>50-64</b>	<b>29%</b>	<b>63%</b>	<b>8%</b>
<b>65+</b>	<b>32%</b>	<b>59%</b>	<b>9%</b>

<u>RACE/ETHNICITY</u>	<u>SUPPORT</u>	<u>OPPOSE</u>	<u>UNDECIDED</u>
<b>White</b>	<b>32%</b>	<b>57%</b>	<b>11%</b>
<b>Black</b>	<b>45%</b>	<b>44%</b>	<b>11%</b>
<b>Hispanic</b>	<b>40%</b>	<b>51%</b>	<b>9%</b>

<u>PARTY</u>	<u>SUPPORT</u>	<u>OPPOSE</u>	<u>UNDECIDED</u>
<b>Democrats</b>	<b>59%</b>	<b>26%</b>	<b>15%</b>
<b>Republicans</b>	<b>6%</b>	<b>85%</b>	<b>9%</b>
<b>Independents</b>	<b>37%</b>	<b>54%</b>	<b>9%</b>

## DEMOGRAPHICS

<b>AGE:</b>	<b>18-34</b>	<b>205 (21%)</b>
	<b>35-49</b>	<b>259 (26%)</b>
	<b>50-64</b>	<b>290 (29%)</b>
	<b>65+</b>	<b>232 (23%)</b>
	<b>Refused</b>	<b>14 (1%)</b>

### **RACE/ETHNICITY:**

<b>White/Caucasian</b>	<b>686 (69%)</b>
<b>Black/African American</b>	<b>118 (12%)</b>
<b>Hispanic/Latino</b>	<b>124 (12%)</b>
<b>Other/Refused</b>	<b>72 (7%)</b>

<b>GENDER ID:</b>	<b>Male</b>	<b>465 (47%)</b>
	<b>Female</b>	<b>531 (53%)</b>
	<b>Other</b>	<b>4</b>

<b>REGION:</b>	<b>Northeast</b>	<b>200 (20%)</b>
	<b>Midwest</b>	<b>190 (19%)</b>
	<b>South</b>	<b>320 (32%)</b>
	<b>West</b>	<b>120 (12%)</b>
	<b>Pacific Coast</b>	<b>170 (17%)</b>

<b>PARTY:</b>	<b>Democrats</b>	<b>383 (38%)</b>
	<b>Republicans</b>	<b>352 (35%)</b>
	<b>Independents</b>	<b>265 (27%)</b>