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Letters to the Editor

The dangers of push polls

When Mark Twain quipped that there are "lies, damned lies and statistics," he must have been making a prophetic reference to the poll that was offered by Gary J. Andres and Michael McKenna in Monday's Op-Ed column "Judging the Bench" as evidence for their hypothesis that voters are upset about Democrats' obstruction of President Bush's judicial nominees. The American Survey — conducted by the right-leaning Andres-McKenna Research organization, which was co-founded by the column's authors — should more appropriately be dubbed "Honesty is the best disguise."

Reference to the principal question posed by Andres-McKenna to the survey's participants reveals that it is a prime example of a "push poll" question that is designed to suggest to the participant the answer sought by the pollster. The survey asked participants, "If you learned that the Democrats were using the Senate rules to prevent straightforward votes on the president's judicial nominees, which of the following would be closest to your thoughts?" The survey reports that 38 percent and 48 percent, respectively, of respondents surveyed in April and November 2003 would label such tactics as "obstructionism."

In the first instance, the premise that Democrats are preventing "straightforward" votes not only suggests at the outset that Democrats are doing something unreasonable, but also begs the question of what constitutes a "straightforward" vote. Is a cloture vote — a vote to end debate on a nomination — not a "straightforward" vote? If not, and if demanding such a vote constitutes prima facie evidence of obstruction, then it must have been so when Republicans employed the same tactic — albeit unsuccessfully — in an attempt to defeat several of President Clinton's judicial nominees. Even less "straightforward" were the numerous secret holds that were used to prevent a large number of Mr. Clinton's 63 blocked nominees from ever receiving hearings in the Judiciary Committee, much less votes in that committee, or on the Senate floor.

Responses to poll questions are inextricably a function of the context given to the respondent, especially with an issue such as judicial nominations, which is studied in detail by just a small percentage of the electorate. Can anyone doubt that the responses would have been different if Mr. Andres and Mr. McKenna had asked the question, "Given that Republicans in the Senate used secret holds and similar tactics to block 63 of Mr. Clinton's judicial nominees, and that the vacancy rate on the federal bench is now at its lowest level in 13 years, do you think it is unreasonable that Democrats, and independent Sen. Jim Jeffords, recently used long-standing Senate rules to block six of President Bush's most extreme nominees?"

The conclusion of Mr. Andres and Mr. McKenna also ignores other results of their own poll. Specifically, in response to the question, "Thinking about next year, what issues would you like to see Congress focus on?" only 1 percent of the survey's participants cited judicial nominations. Thus, regardless of whether Americans see the issue of Democrats and Mr. Jeffords blocking six

nominees as "obstruction" or an exercise of their "right under the rules," they overwhelmingly do not see it as a process that is broken, or one that requires more consideration than issues such as health care, energy and the environment.

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