



To: Interested Parties
From: Ellie Langford, Opposition Research Director
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Subject: Kavanaugh Lacks Grassroots Support

Kavanaugh's Conservative, Anti-Choice Backers Have Not Been Able To Translate Their Millions Into Grassroots Energy

Brett Kavanaugh is an incredibly unpopular Supreme Court pick whose polling numbers have been consistently underwater and are still falling. Anti-choice and conservative groups are spending over \$30 million to prop up his failing campaign, yet the pro-Kavanaugh campaign has consistently struggled to gain traction at the grassroots level. The few organizations staging pro-Kavanaugh events are anti-choice groups that have committed to ending Roe v. Wade have demonstrated little organic support.

Kavanaugh Is Incredibly Unpopular And Still Sinking In the Polls

Kavanaugh's Polling Is Underwater, Worse Than Past Failed Nominees. In late July, a FiveThirtyEight analysis of Kavanaugh's polling found Kavanaugh's net favorability rating was consistently below that of past failed nominees Robert Bork and Harriet Miers. A Quinnipiac University poll later that week found that Kavanaugh's favorability underwater. According to Quinnipiac, "Voters are divided on President Donald Trump's nomination of Judge Brett Kavanaugh to be a justice of the U.S. Supreme Court as 40 percent say the U.S. Senate should confirm the nomination and 41 percent say the Senate should not confirm the nomination." [Quinnipiac University, [7/25/18](#); FiveThirtyEight, [7/18/18](#)]

New Research In August Found Kavanaugh's Poll Numbers Continue To Sink. According to a report by Navigator Research, Kavanaugh's popular support had fallen further by early August, putting him 8 points underwater: "Brett Kavanaugh, Donald Trump's nominee to replace retiring Supreme Court Justice Anthony Kennedy, has underwater personal ratings, with just 15% favorable, 28% unfavorable, and 57% unable to give an opinion." [Navigator, [8/15/18](#)]

A CNN Poll Found Support For Kavanaugh's Confirmation Was Significantly Lower Than Past Supreme Court Nominees. Only 37% of respondents to a CNN poll believed the Senate should vote to confirm Kavanaugh now, while 40% thought the Senate should not. CNN reported that past Supreme Court nominees had much more support. The percentage of respondents who thought the Senate should vote to confirm past nominees: Roberts, 59%; Kagan, 54%; Alito, 50%; Gorsuch, 49%; and Sotomayor, 47%. From this poll CNN concluded, "Brett Kavanaugh nomination has lowest public support since Robert Bork." [Twitter.com, [8/16/18](#), CNN, [8/16/18](#)]

A Majority Of Women Oppose Kavanaugh's Confirmation, "With Fewer Than Three In 10 Saying Kavanaugh Ought To Be Confirmed." CNN found, "Women, in particular, are notably opposed to Kavanaugh's nomination, and it's not just partisanship driving the difference. Just 28% of women say the Senate should vote in favor of confirming Kavanaugh, compared with 47% of men. Women are also less likely than men to say Kavanaugh's views are mainstream. Just 35% of women consider them to be mainstream vs. 50% of men. Here, there is a meaningful gender gap between Republican women (60% mainstream) and GOP men (77%), as well as between independent women (39% mainstream) and independent men (53%), while the gender gap among Democrats is negligible (23% of Democratic men



and 19% of Democratic women consider his views mainstream). Overall, only 42% of Americans say Kavanaugh's views are in the mainstream and 35% say they are too extreme." [CNN, [8/16/18](#)]

Conservatives Are Trying To Prop Kavanaugh Up With Tens Of Millions In Spending

Anti-Choice And Conservative Groups Are Spending At Least 30 Million Dollars To Prop Up His Nomination. A NARAL Pro-Choice America analysis found that anti-choice and conservative groups have pledged to spend as much as \$36,462,000 to advocate in favor of Kavanaugh's nomination. The Heritage Foundation pledged to spend the "bulk of" its \$11.5 million budget on confirming Kavanaugh, the Judicial Crisis Network committed at least \$10 million, the Trump-aligned Great America PAC and Great America Alliance together committed \$5 million, and the anti-choice advocacy group Susan B. Anthony List committed \$3 million. Other groups, including National Right To Life, the National Rifle Association, Americans for Prosperity, and the Faith and Freedom Coalition pledged \$1 million each, and America First Policies pledged at least \$1.2 million. Many additional groups announced six-figure commitments, including Family Research Council and Concerned Women for America. [Axios, [7/16/18](#); Washington Post, [7/10/18](#); Associated Press, [7/12/18](#); Axios, [8/15/18](#), National Right To Life, [7/10/18](#), Politico, [8/6/18](#), The Wall Street Journal, [7/9/18](#), Pittsburgh Post-Gazette, [7/10/18](#), USA Today, [7/7/18](#)]

Conservatives Are Pouring Approximately 6 Times More Money Into The Kavanaugh Nomination Fight. NARAL Pro-Choice America estimates that groups opposing Kavanaugh have pledged to spend just under \$5.6 million. [*Contact NARAL Pro-Choice America's Research Department for additional information.*]

Pro-Kavanaugh Forces Also Dominate TV Ad Spending. As of August 13, the Brennan Center found that groups supporting Kavanaugh had spent well over 4 times more on TV advertising than the groups opposing his nomination -- \$2,831,670 in pro-Kavanaugh ads compared to \$629,570 in opposition. [Brennan Center for Justice, [8/13/18](#)]

The Tens Of Millions Spent To Bolster Kavanaugh Have Failed To Generate Serious Support

Despite High-levels Of Pro-Kavanaugh Spending, Sen. Nelson Reported That Only 275 Of 2000 Calls To His Office Were Supportive Of Kavanaugh. [Tampa Bay Times, [7/19/18](#)]

Sen. Claire McCaskill Reported That Callers To Her Office Are Evenly Split For And Against Kavanaugh. [Roll Call, [8/8/18](#)]

The Few Pro-Kavanaugh Have Struggled To Gain Grassroots Engagement

Reports Suggest Grassroots Activity Overwhelmingly Opposes Kavanaugh. A qualitative review of reported state-level activity by the NARAL Research Department found that mentions of anti-Kavanaugh grassroots activity overwhelmingly dominated the coverage. [*Contact NARAL Pro-Choice America's Research Department for additional information.*]

The Few Pro-Kavanaugh Events Have Largely Been Staged By Just Three Extreme National Anti-Choice Groups. Extreme anti-choice groups Susan B. Anthony List, Students for Life and Concerned Women



for America are the primary groups that have been working to organize the limited on-the-ground activity in support of Kavanaugh. A NARAL Pro-Choice America review of the conservative groups that are financially invested in supporting Kavanaugh have overwhelmingly focused their efforts on advertising. Some have posted letters or pages encouraging their people to call their senators, but none are directly promoting Kavanaugh-related grassroots events on their websites. [*Contact NARAL Pro-Choice America's Research Department for additional information.*]

Susan B. Anthony List has organized the Pro-Life Court coalition, which pledged to hold 26 press conferences in several “key states” to support Kavanaugh’s nomination. To date, the group has staged a total of 16 state-level press conferences, primarily in states where SBA List has dozens of paid activists on the ground. The group has staged four events in Florida, where SBA List has a large team that includes 137 paid canvassers; four events in Missouri, where SBA List has 98 canvassers; and five events in Indiana, where SBA List has 84 canvassers. Other events took place in North Dakota and West Virginia, both states where SBA List has canvassers as well. [Pro-Life Court Coalition, accessed [8/15/18](#); Susan B. Anthony List, accessed [8/15/18](#); Susan B. Anthony List, accessed [8/15/18](#); Susan B. Anthony List, accessed [8/15/18](#), Susan B. Anthony List, [8/3/18](#)]

Students for Life has organized the Justice4Life van tour. Though it had originally marketed a bus tour, the Justice4Life website says its van tour included 22 stops in a variety of states, using five vans to cover different parts of the country. Students for Life recruited people from out-of-state to attend protests in states with Senate targets. Students for Life volunteered to pick up people from Virginia and Washington, D.C. to attend West Virginia events; from Minnesota to attend North Dakota events and from Ohio to attend Indiana events. On the registration form for the tour, Students for Life told prospective demonstrators: “If you want to join us in one of these states, simply sign up below and put down a \$20 deposit, which you will receive back at the end of the weeklong trip, to reserve your spot. Students for Life will cover lodging, travel costs, and most of your food costs.” [Justice4Life.org, accessed [8/16/18](#), Justice4Life Van Tour Registration Form, accessed [8/16/18](#)]

Concerned Women for America has organized a “Women for Kavanaugh” bus tour. So far, the group has advertised 14 stops, primarily at parking lots retail chains with a conservative following, including Bass Pro, Hobby Lobby and Chick-Fil-A. The group has also stopped by a few state fairs. [Concerned Women for America, accessed [8/15/18](#)]

The Three Main Organizations Behind The Few Pro-Kavanaugh Events Have Explicitly Said They Aim To End *Roe v. Wade*

Students For Life’s Justice4Life Website Describes Plans For A “Post-Roe” World. The site’s landing page says: “At Students for Life, we consider ourselves as a post-Roe organization...meaning we believe *Roe v. Wade* and *Doe v. Bolton* will be overturned in our lifetime and our job is to prepare for that day so we can work to make abortion illegal and unthinkable throughout our nation.” [Justice4Life, accessed [8/15/18](#)]

Students for Life When The Supreme Court Vacancy Was Announced: “BREAKING: Supreme Court Justice Anthony Kennedy to retire. **Now is our time to overturn *Roe v. Wade*. We can overturn *Roe!*” [Twitter.com, [6/27/18](#)]**

Susan B. Anthony List: “It’s time for the Supreme Court to resoundingly reverse the tragic *Roe v. Wade* decision. Because the Constitution exists to protect all Americans, born and unborn. #ProLife” [Twitter.com, [6/27/18](#)]



SBA List President Marjorie Dannenfelser: "We know what we've got ahead of us. It's the fight of our lives, literally... **If this is the Roe vote, then it is the most consequential battle since 1973.**" [The Atlantic, [6/28/18](#)]

Concerned Women for America called for the Supreme Court to overturn Roe and Casey: "By No Means Was Roe Decided Correctly." Concerned Women for America published a piece on its website called "Time to Put an End to the Abortion Era." The piece read, "While overturning Roe is foundational in the fight to end abortion, it does not stop there. If we are going to win this war, it is going to take us knowing every aspect of the battlefield, as our opponents so effectively do....Stare decisis only applies when the previous case was decided correctly. By no means was Roe decided correctly... It is time for the Court to come out from behind their Roe 'smoke and mirrors' and end the Court-imposed abortion era. They must overturn both Roe and Casey." [Concerned Women for America, [6/14/13](#)]

Concerned Women for America President Penny Nance Suggested That Kavanaugh's Nomination Is "The Moment" CWA Has Been Waiting For To Overturn "Activist" Decisions. She said: "This is the moment conservative women have been waiting for — the chance to return justice and constitutional limits to the nation's highest court. This is the reason why they voted overwhelmingly for Donald J. Trump over Hillary Clinton...We want a Supreme Court that rejects the subjective 'living, breathing' constitutional philosophy which judicial activist have used to force liberal political policies on the country under the guise of law. It is time for a Supreme Court that returns power to 'We the People.'" [Life Site News, [6/27/18](#)]