

# State of the Nation

Court of public opinion

Is the Constitution a “living document” whose meaning changes with social and political shifts, or are we bound by the original understanding of its provisions? The question divides the Supreme Court and the country. Some 44 percent of Americans think the Supreme Court should interpret the Constitution in light of the understanding at the time of founding. The rest, 56 percent, think the Court should consider changing times and current realities in interpreting the Constitution. These differences over constitutional interpretation line up in striking ways with opinion on hot-button constitutional questions and with general political orientation.

## Abortion

The Supreme Court’s 1973 decision in *Roe v. Wade* established a woman’s constitutional right to an abortion at least until the “point at which the fetus becomes ‘viable.’” Would you like to see the the Court completely overturn its decision?

27.8 Yes  
57.7 No  
14.5 Not Sure

## Habeas corpus

Last year the Court struck down a law that denied detainees in Guantánamo Bay the right to a trial in federal court. The Constitution allows Congress to suspend that right only “in Cases of Rebellion or Invasion.” How would you have voted?

36.8 Strike down the law  
42.3 Uphold the law  
20.9 Not Sure

## Gun control

The court also struck down a Washington D.C. ordinance that banned the sale of handguns in the city, arguing that it violated the Second Amendment right to bear arms. If you were a member of the Court, how would you have voted?

55.7 Strike down the ordinance  
44.3 Uphold the ordinance

Of people who think the court should . . .	Overturn <i>Roe v. Wade</i> ?	Grant habeas to detainees?	Strike down D.C. gun ban?
<b>Follow original meaning</b>	51 (Yes)	22	77
<b>Consider changing times</b>	9	50	39

Those among ideological groups who think the court should attempt to follow original meaning.

Very liberal	Liberal	Moderate	Conservative	Very conservative
20	18	33	73	88

All numbers expressed in percentages. Source: The 2008 Cooperative Congressional Election Study, a sample of 2,000 adults nationwide conducted by MIT. Survey questions developed by Stephen Ansolabehere, Jamal Greene, and Nathaniel Persily.