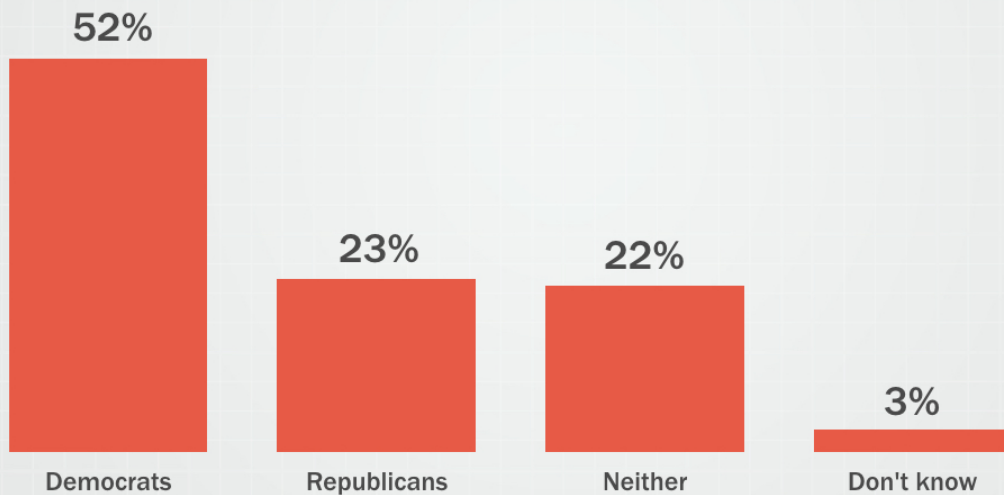


“INSIDE” INTELLIGENCE

*The Texas Weekly/Texas Tribune insider poll
for the week of 19 February 2016*

INSIDE INTELLIGENCE

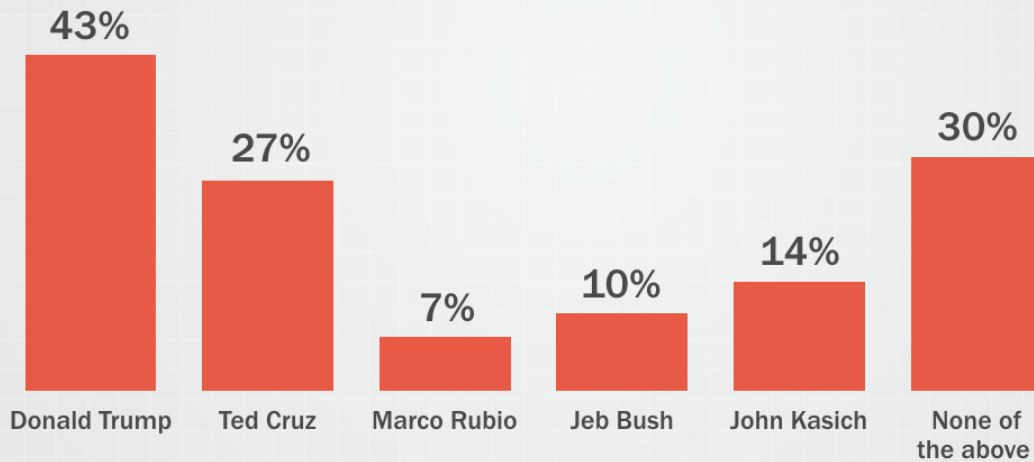
DOES A FIGHT OVER THE NEXT U.S. SUPREME COURT JUSTICE HELP THE DEMOCRATS OR REPUBLICANS?



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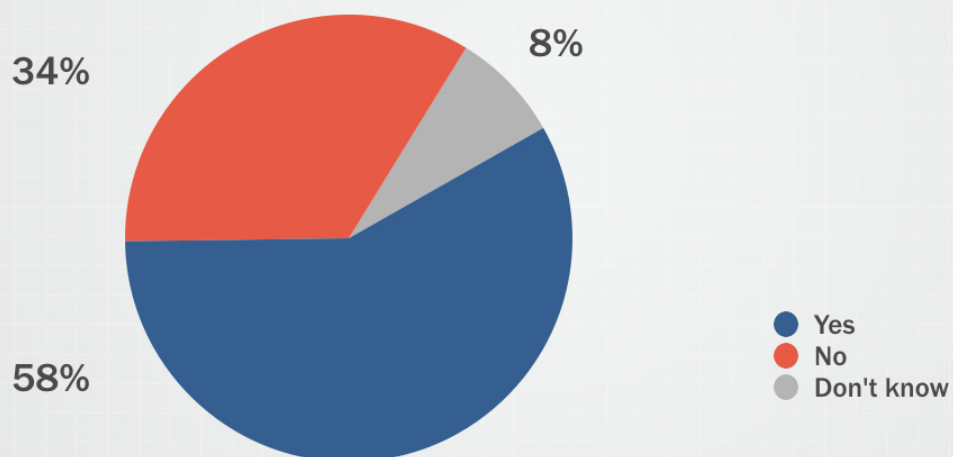
THE NEXT PRESIDENT COULD ALTER THE PARTISAN
BALANCE OF THE U.S. SUPREME COURT.
WHICH CANDIDATE(S) DOES THAT PUT AT RISK?



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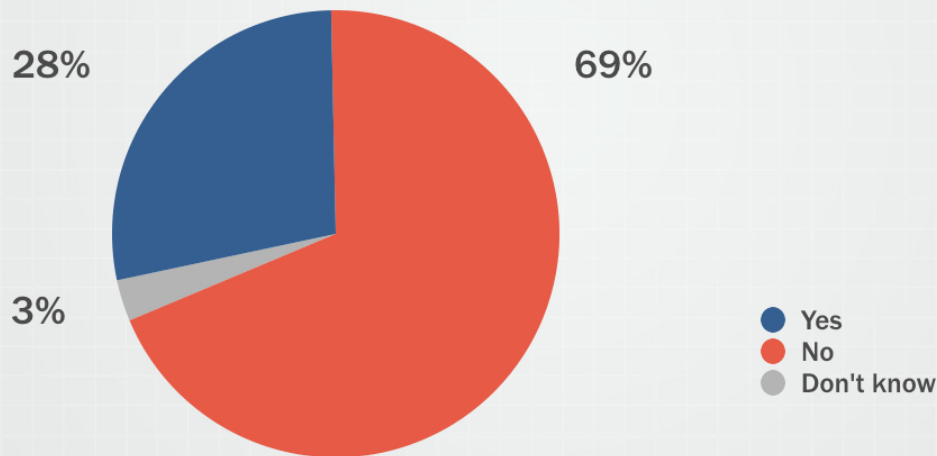
IT'S COMMONLY SAID THAT A HISPANIC SURNAME HURTS A CANDIDATE IN A GOP PRIMARY IN TEXAS. IS THAT TRUE?



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SHOULD TEXAS CONTINUE TO USE PARTISAN ELECTIONS TO SELECT MEMBERS OF THE TEXAS SUPREME COURT AND THE COURT OF CRIMINAL APPEALS?



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Does a fight over the next U.S. Supreme Court justice help the Democrats or Republicans?

- "Either you believe in the Constitution or you do not. Repubs cannot have it both ways."
- "More likely both. Taking sides on this issue will play well to both bases."
- "Elections have consequences and winners get to do things losers can't; like making the next appointment to the SCOTUS."
- "Depends on how it is played. If the President appoints a centrist, then it makes it harder for the R's to object and slow walk the nomination. If the President nominates a left leaning nominee, the R's may have more cover to stall. Either way, the President will have the upper hand in that the country will consider it irresponsible to wait a whole year before a President submits a name."

- "It's ironic that Senate Republicans cry foul when they think Obama violated the 10th Amendment to the Constitution over ACA, but they don't mind if he wouldn't carry out his constitutional duty to appoint a Supreme Court justice in his last year in office."
- "It depends. If Obama selects a minority or a woman, it will put the GOP in a position to lose many votes from that group, especially Hispanic (Cuban) votes. If he selects a white candidate, then the Dems could lose a little support from blacks."
- "But it doesn't have to if the Rs will stop grandstanding and let the process work. Vetting nominees is the process. So what if it takes until after the election to decide you don't like any of the Obama candidates? If you win the election, great. If not, the choice you have to make may not be any worse."
- "My assumption is that the decision by Obama will be made specifically on what he believes causes the most political damage for the Republican presidential candidate. That would suggest Obama will nominate a Hispanic. The Republicans' rejection of any candidate put forward by Obama will be portrayed by Democrats as racism against Hispanics and motivate minority votes for the Democratic nominee."
- "The Rs have already put themselves in a box. Elections have been won in the past running against a 'Do-Nothing Congress.'"
- "It will galvanize the Republican base. They want to keep the court as a check on federal overreach."
- "Don't know. But I do think that McConnell's announcement about waiting until next year to address the vacancy, even before Scalia is laid to rest, is just bad manners and plain rude. He should have called Ed Emmett first and asked for advice about these type of matters."
- "Republicans IF they can find their courage. Otherwise, they're toast."
- "Helps both parties. It will motivate voters on both sides. Democrats will hate the Republicans for blocking the Supreme Court appointments so they will go vote. Republicans will hate Obama for nominating whoever he nominates, so they will go vote."
- "'A fight' doesn't help either party, but delaying the confirmation until Obama is gone has a greater chance of payoff for the Rs than the Ds. The fight itself is likely to be forgotten within a short time by the voters."
- "Especially in swing states."
- "The Republican Senate will once again manage to dodge an excellent opportunity to show statesmanship. Obama, and with him, the Democrat presidential candidates, will win the PR war."
- "Guns guns guns, need I say more? The 2nd Amendment is a powerful motivator and rightfully so as many have seen how this administration is willing to abuse the Constitution and the law. In the end, Scalia's death may

actually be that tipping point that helps Republicans keep the Senate and get the WH back. There are tons of gun owners who are middle of the road Dems."

- "It only angers the base of both parties, and general voters will see it as another dysfunction of DC."
- "Depends upon how 'help' is defined. The Republicans will be seen as obstructionists by most of the electorate."
- "Republican voters have been waiting for seven years to see their party stand up to Obama while he's run through them like stuff through a goose. It's now or never for the establishment."

The next president could alter the partisan balance of the U.S. Supreme Court. Which candidate(s) does that put at risk?

- "It gives them an additional talking point."
- "This would hurt Cruz or Trump in the GENERAL election because they are generally perceived to be ideologically extreme. That same perception probably hurts Bush, Rubio and Kasich in the primary."
- "Crybaby Cruz is already wailing about the next president should be the one to appoint a replacement for Scalia. Somehow he has it in his head a Repub is going to win the White House. LOL."
- "Both don't seem to enjoy the art of compromise and are far right, so even moderates may not appeal with the GOP."
- "The thought of a Democrat appointing a liberal Associate Justice to replace Scalia will reinvigorate the GOP populace, and they will turn out in droves to keep the rights of the unborn alive."
- "If the President's nominee is considered anywhere close to a centrist."
- "By nominating a Latino, the President and related partisans can point to it as a evidence that Republicans are racist."
- "Dysfunctional government doesn't help anyone."
- "They would all pick some variety of Republican. Any of the Establishment Rs would pick a traditional conservative. Cruz would pick a Scalia clone. Trump would pick some CEO."
- "Cruz and company will use this as a reason for voters to pick him over Trump. He has the most to gain by shifting the focus to gun rights, etc., showing Trump is out of touch with the conservative views. None of the others benefit or lose because they're not in the race yet."
- "No one can figure out where he stands."
- "Ted Cruz is the only candidate we can trust to appoint outstanding justices."

- "Who knows who Trump would appoint — and Kasich is the kind of guy who could appoint a squish. Ironically, voters know they can't trust these two very different guys with the Supreme Court appointment. No worries about the other 3."

- "None of the above or below. In the long run, the only thing that matters is keeping an Obama appointee off the court."

- "Because he comes across as shoot from the hip and not deliberative,

people might begin to question his judgment on key decisions such as SCOTUS appointments."

- "Cruz will attempt to advance an idiot."

- "The Court doesn't have a 'partisan balance.' It definitely has an 'ideological balance.' Witness Earl Warren, Sandra Day O'Connor, and Anthony Kennedy."

- "The best Bible thumper gets the worm in this case, the lion's share of the conservative vote."

It's commonly said that a Hispanic surname hurts a candidate in a GOP primary in Texas. Is that true?

- "It's complicated."

- "Depends on whether it's a Hispanic with real Hispanic credentials."

- "Remember Victor Carrillo?"

- "It didn't hurt Cruz, and as long as a Latino is riding along the fringe with the Tea Party then he/she will get elected in Texas, even in a GOP primary."

- "Yes, but it's not just Republicans. That's true of any voting jurisdiction that is less than ~50% Hispanic, red or blue."

- "Don't most people consider Cruz to be a Hispanic surname?"

- "Tony Garza won against an Anglo, Guzman won against an Anglo."

- "Of course it does."

- "Duh."

- "A Hispanic surname only hurts in a Republican primary if voters are not informed. Victor Carrillo ran a bad campaign. Xavier Rodriguez ran a bad campaign. Ted Cruz ran a great campaign. Two losses, one win. And Cruz is the most popular politician with the Texas Republican base."

- "It's commonly said by Democrats and uninformed simple minded reporters that are too lazy to come up with any original ideas. How about as a question like this? Is the media biased and does it show when they ask stupid questions like this?"

- "Until someone doesn't get Carrillo'ed or Medina'ed, that answer is yes."

- "That's nonsense. I'm EXCITED about Weston Martinez for RRC."

- "It depends on what office they are running for — Ted Cruz has obviously proved a Hispanic name doesn't hurt at the top of the ballot — further down the

ballot where voters are less likely to know the candidates, having a Hispanic name might be a disadvantage in some areas — obviously, it is an advantage in other areas."

- "Guzman race will be a good case study."
- "Probably. Since 1994, think Garza, Rodriquez, Carrillo, Medina. Of course, Garza, Gonzales, Carrillo, Guzman and Cruz have also won during that time. It can be done, but it takes an imaginative campaign and an engaged electorate to overcome the built-in bias against the ballot name."
- "Yes, in answer to the question, but mainly for races in which few people really know the candidates. Which is most races. Rubio or Cruz won't be harmed, but Guzman and Martinez will."
- "Wow! Way to be both left leaning and racist. Who commonly says this? Does a reporter having a Hispanic surname on a story hurt the Texas Tribune? Please tell us."
- "Really? Republicans have led on having minority statewide electeds - Hispanic or otherwise. To imply that Republicans are anything other than accepting of all races is flat out wrong."

Should Texas continue to use partisan elections to select members of the Texas Supreme Court and the Court of Criminal Appeals?

- "Appointment by a bipartisan committee and retention elections ONLY"
- "A partisan elected judge is nothing more than an activist judge."
- "Why do you keep repeating the talking points of the left? To that point, Republican Govs. Bush and Perry and then as President Bush appointed more minorities to benches and government positions than the Dems in Texas and at the federal level. White privilege, my butt. Move on."
- "One poor candidate should not be equated to a Hispanic surname hurting in a GOP primary!! See Cruz, Villalba, L. Gonzales, etc., for reference."
- "Manchaca = Manshack Guadalupe = Gwad a loop Need I say more?"
- "Not necessarily if the office being sought is high enough for the mainstream voters to have some knowledge of the candidate."
- "Yes, but principally in those races where voters don't know much of anything about the candidates other than the names before them on the ballot."
- "Xavier Rodriguez and Alberto Gonzales would say yes. Bill Flores and Ted Cruz would say no."
- "I came of age in New Jersey where — following the late 19th century 'reform' and early 20th century 'progressive' models — all state and local judges and all state executive positions aside from the governor are appointed."

Appointment is no less political than election. I hope someone will respond to the question with a better system but I'm not familiar with a process that consistently produces judges who are more qualified and fair than does our lousy system."

- "No matter what could be done, it would eventually devolve to partisanship."
- "Even if they ran independently from the partisan elections, candidates would still run ads as 'Conservative' or 'Progressive.'"
- "Anyone who can take your liberty, money or, ultimately, your life should never be appointed to anything."
- "Then voters would have to look at qualifications. Or familiar names (Jesse James; Warren G Harding). Or Anglo last names. Whatever. But at least not party."
- "Partisan judicial elections are awful."
- "No, and let's include the 14 Appellate courts and state district judges as well."
- "Texas courts are more accountable to the people because they're elected. Appointed — or appointed with retention elections — are NOT as successful for the electorate. Instead, they work for who appoints them,

making their decisions POLITICAL, rather than PRINCIPLED."

- "Partisan judicial elections benefit nobody but political consultants."
- "All candidates should be required to file in both primaries. That will double the parties' filing fees, force candidates to run as judges and not politicians, and permit judges who win both primaries to end their campaigns in the Spring, when they are not susceptible to party 'sweeps.'"
- "We should appoint judges. How can electing them, with or without partisan primaries, do anything but politicize justice?"
- "Nor should any other elected office be chosen on a partisan basis. Political parties continue to demonstrate their utter irrelevance for any purpose except their own survival/aggrandizement."
- "The public should have a clue and have input regarding what they're getting."
- "You will never take partisan politics out of the judicial process."
- "But it really doesn't matter what we think."
- "Only because it helps our state... not the party."

Our thanks to this week's participants: Gene Acuna, Cathie Adams, Brandon Aghamalian, Clyde Alexander, Jay Arnold, Charles Bailey, Walt Baum, Andrew Biar, Allen Blakemore, Tom Blanton, Chris Britton, Raif Calvert, Lydia Camarillo, Kerry Cammack, Marc Campos, Snapper Carr, Elna Christopher, Kevin Cooper, Denise Davis, June Deadrick, Glenn Deshields, Tom Duffy, David Dunn, Richard Dyer, Gay Erwin, Tom Forbes, Dominic Giarratani, Bruce Gibson, Eric Glenn, Jim Grace, Clint Hackney, Wayne Hamilton, Bill Hammond, Steve Holzheuser, Deborah Ingersoll, Richie Jackson, Bill Jones, Mark Jones, Robert Kepple, Richard Khouri, Tom Kleinworth, Sandy Kress, Dale Laine, Pete Laney, Dick Lavine, James LeBas, Luke Legate, Ruben Longoria, Vilma Luna, Matt Mackowiak, Jason McElvaney, Steve Minick, Bee Moorhead, Mike Moses, Nelson Nease, Nef Partida, Gardner Pate, Robert Peeler, Jerry Philips, Tom Phillips, Wayne Pierce, Allen Place, Gary Polland, Jay Pritchard, Jay Propes, Ted Melina Raab, Patrick Reinhart, David Reynolds, Carl Richie, A.J. Rodriguez, Grant Ruckel, Andy Sansom, Barbara Schlieff, Stan Schlueter, Robert Scott, Bruce Scott, Ben Sebree, Nancy Sims, Jason Skaggs, Ed Small, Martha Smiley, Larry Soward, Leonard Spearman, Dennis Speight, Jason Stanford, Colin Strother, Sherry Sylvester, Trey Trainor, Vicki Truitt, David White, Seth Winick, Angelo Zottarelli.