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This release is also available online.

New Marquette Law School Poll finds national approval of U.S. Supreme Court’s work continues to be lower than in 2020

Please note: Complete poll results and methodology information can be found online at law.marquette.edu/poll.

MILWAUKEE — A new Marquette Law School Poll national survey finds 40% of adults approve of the job the U.S. Supreme Court is doing, while 60% disapprove. In July, 38% approved and 61% disapproved. Both results show a large decline in approval of the Court from the levels found in 2020 and early 2021.

The Marquette Law School Poll previously found that nationwide approval of the Court dipped in September 2021 and again following the leaked opinion in May 2022 that preceded the decision to overturn *Roe v. Wade* in June, as shown in Table 1. (All results in the tables are stated as percentages; the precise wording of the questions can be found in the online link noted above.)

Table 1: Overall, how much do you approve or disapprove of the way the U.S. Supreme Court is handling its job?

Poll dates	Approve	Disapprove
9/8-15/20	66	33
7/16-26/21	60	39
9/7-16/21	49	50
11/1-10/21	54	46
1/10-21/22	52	46
3/14-24/22	54	45

Poll dates	Approve	Disapprove
5/9-19/22	44	55
7/5-12/22	38	61
9/7-14/22	40	60

Confidence in the Court has also declined since 2019; 37% then had a great deal or quite a lot of confidence, whereas 30% have similar confidence in September 2022. Those with very little or no confidence increased from 20% in Sept. 2019 to 36% in September 2022. The full trend is shown in Table 2.

Table 2: Here is a list of institutions in American society. How much confidence do you have in each one? . . . The U.S. Supreme Court.

Poll dates	A great deal	Quite a lot	Some	Very little	None at all
9/3-13/19	8	29	42	16	4
9/8-15/20	12	28	45	13	3
7/5-12/22	9	19	28	28	16
9/7-14/22	10	20	34	26	10

The latest Marquette Law School Supreme Court survey was conducted Sept. 7-14, 2022. The survey interviewed 1,448 adults nationwide and has a margin of error of +/-3.4 percentage points.

The public continues to oppose the Court’s June decision overturning *Roe v. Wade* by a wide margin. The decision is opposed by 61%, while 30% favor the ruling and 10% say they lack an opinion. This trend is shown in Table 3.

Table 3: Do you favor or oppose the following recent Supreme Court decisions, or haven’t you heard enough about this to have an opinion? . . . Overturned Roe versus Wade, thus striking down the 1973 decision that made abortion legal in all 50 states.

Poll dates	Heard nothing at all	Heard of but not enough for an opinion	Heard of and favor the decision	Heard of and oppose the decision
7/5-12/22	2	10	31	57
9/7-14/22	3	7	30	61

A very large share of the public says they have “heard a lot” about the Court’s abortion decision, as shown in Table 4.

Table 4: Here are some recent topics in the news. How much have you heard or read about each of these? . . . A Supreme Court decision on abortion.

Poll dates	A lot	A little	Nothing at all
7/5-12/22	81	15	3
9/7-14/22	84	13	3

On the Court’s major decision this past June that the Second Amendment protects the right to possess a gun outside the home, a plurality of the public (38%) supports the decision, with 29% opposed and 33% who say they lack an opinion. This trend is shown in Table 5. Awareness of this decision declined slightly since July survey.

Table 5: Do you favor or oppose the following recent Supreme Court decisions, or haven’t you heard enough about this to have an opinion? . . . Ruled that the 2nd Amendment right to “keep and bear arms” protects the right to carry a gun outside the home.

Poll dates	Heard nothing at all	Heard of but not enough for an opinion	Heard of and favor the decision	Heard of and oppose the decision
7/5-12/22	7	21	40	31
9/7-14/22	11	22	38	29

The amount that respondents have heard or read about the Second Amendment ruling has decreased since July, as shown in Table 6.

Table 6: Here are some recent topics in the news. How much have you heard or read about each of these? . . . A Supreme Court decision on the right to possess a gun outside the home.

Poll dates	A lot	A little	Nothing at all
7/5-12/22	47	36	16
9/7-14/22	31	48	21

Members of the public have come to think the Court should pay more attention to public opinion in reaching its decisions than was their view in September 2020, when 44% said the Court should consider public opinion and 55% said it should not. By contrast, in the current survey, two years later, 61% say public opinion should be considered and 39% say it should not be considered. The trend is shown in Table 7.

Table 7: Should justices of the Supreme Court consider public opinion about a case when making decisions or should they ignore public opinion?

Poll dates	Should consider public opinion	Should ignore public opinion
9/8-15/20	44	55
9/7-16/21	41	59
7/5-12/22	54	46
9/7-14/22	61	39

The U.S. Supreme Court is set to begin its October term in less than two weeks from now. In the new term, the Court will hear cases on whether race may be considered in college admissions and whether religious beliefs afford a basis in the law for businesses to deny some services to LGTBQ customers, among others.

The survey finds that the public is skeptical of the use of race in admissions, with 37% in favor of banning the use of race, while 13% are opposed to such a ban. The case is not top of mind for most respondents, however, with 50% saying they haven't heard anything about the case or have not heard enough to have an opinion.

Polling on this topic since September 2021 has seen consistent opposition to the use of race in admissions, as shown in Table 8. Those saying they haven't heard anything or haven't heard enough to have an opinion increased this year, from 33% in March to 50% in September.

Table 8: Do you favor or oppose the following possible future Supreme Court decisions, or haven't you heard enough about this to have an opinion? . . . Rule that colleges cannot use race as one of several factors in deciding which applicants to admit.

Poll dates	Heard nothing at all	Heard of but not enough for an opinion	Favor	Oppose
9/7-16/21	19	14	53	13
3/14-24/22	16	17	49	17
9/7-14/22	28	22	37	13

Another case set for argument before the Court poses the question whether the religious beliefs of business owners can, under the law, justify refusing to provide some services to LGBT customers. A plurality (35%) oppose a decision allowing a business to refuse services, while 21% favor such a ruling. As with college admissions, an increasing number—a substantial 44%—have not heard of this case or have not heard enough to have an opinion. The trend in opinion on this question is shown in Table 9.

Table 9: Do you favor or oppose the following possible future Supreme Court decisions, or haven't you heard enough about this to have an opinion? . . . Decide that a business owner's religious beliefs or free speech rights can justify refusing some services to gay people.

Poll dates	Heard nothing at all	Heard of but not enough for an opinion	Heard of and favor the decision	Heard of and oppose the decision
3/14-24/22	11	17	28	43
9/7-14/22	24	20	21	35

Looking back to earlier decisions, a substantial majority (70%) favor the Court’s 2015 ruling establishing a right to same-sex marriage, while 29% are opposed. Public opinion on this is largely unchanged in this year’s polling, which on this matter goes back to May, before the Court’s decision overturning *Roe v. Wade*. The trend is shown in Table 10.

Table 10: In 2015 the Supreme Court ruled that the Constitution guarantees a right to same-sex marriage. How much do you favor or oppose this decision?

Poll dates	Strongly favor	Somewhat favor	Somewhat oppose	Strongly oppose
5/9-19/22	44	25	15	16
7/5-12/22	43	22	15	19
9/7-14/22	47	23	14	15

The public also strongly favors the Court’s 2020 ruling that a federal statute protects LGBT workers from employment discrimination, with 87% in favor of that decision and 12% opposed. The trend on this question, first asked earlier this year, is shown in Table 11.

Table 11: In 2020 the Supreme Court ruled that a federal civil rights law protects gay and transgender workers from workplace discrimination. How much do you favor or oppose this decision?

Poll dates	Strongly favor	Somewhat favor	Somewhat oppose	Strongly oppose
5/9-19/22	58	25	10	6
7/5-12/22	55	29	10	6
9/7-14/22	58	29	9	3

Perceptions of the trend in Court decisions with respect to protecting the rights of various groups is shown in Table 12, comparing September 2022 with September 2021.

Table 12: Over the past 15 years or so, would you say the Supreme Court has generally expanded or reduced the rights protected for each of these groups or has it not changed much either way?

(a) Sept. 2022

Group	Expanded rights	Reduced rights	Has not changed much either way
Those seeking an abortion	8	79	12
Voting rights of racial or ethnic minorities	28	28	44
Religious people and organizations	39	20	40
Contributors to political campaigns	41	11	47
Gun owners	45	22	33
LGBT people	60	21	19

(b) Sept. 2021

Group	Expanded rights	Reduced rights	Has not changed much either way
Those seeking an abortion	23	45	32
Gun owners	27	27	45
Religious people and organizations	33	21	45
Voting rights of racial or ethnic minorities	38	23	39
Contributors to political campaigns	39	15	46
LGBT people	77	8	15

Perceptions of the ideology of the Court

The perceived ideology of the Court has moved in the conservative direction since 2019, with 64% saying the Court is very conservative or conservative in September 2022, compared to 38% in September 2019. The percentage seeing the Court as moderate has decreased from 50% in 2019 to 27% in September 2022. The full trend is shown in Table 13.

Table 13: In general, would you describe each of the following as very conservative, conservative, moderate, liberal or very liberal? . . . The Supreme Court

Poll dates	Very conservative	Somewhat conservative	Moderate	Somewhat liberal	Very liberal
9/3-13/19	5	33	50	9	3
9/8-15/20	5	30	54	9	2

Poll dates	Very conservative	Somewhat conservative	Moderate	Somewhat liberal	Very liberal
7/16-26/21	13	37	42	6	1
9/7-16/21	16	35	40	7	2
11/1-10/21	15	35	39	8	1
1/10-21/22	17	38	35	8	2
3/14-24/22	15	37	36	10	2
5/9-19/22	23	33	34	8	2
7/5-12/22	34	33	21	7	3
9/7-14/22	29	35	27	5	3

In addition to measuring perceived current ideology of the Court, respondents were also asked how they thought the Court has changed over the past 15 years. The perception of change matches the shift in perceived ideology, with a larger percentage saying the Court has shifted in a conservative direction. These results and trend are shown in Table 14. Since March, the percentage seeing a conservative shift over the past 15 years has increased.

Table 14: Over the past 15 years or so, would you say the Supreme Court has generally become . . . ?

Poll dates	Much more conservative	Somewhat more conservative	Hasn't changed much	Somewhat more liberal	Much more liberal
3/14-24/22	19	31	30	17	3
5/9-19/22	23	29	27	16	4
7/5-12/22	33	32	21	9	4
9/7-14/22	32	31	21	12	4

Views of the justices

The justices are generally not well known among the public, with a majority saying they don't know enough to give a favorable or unfavorable opinion about most justices. The results for each justice are shown in Table 15.

Table 15: Some justices of the Supreme Court are better known than others. For each of these names, have you never heard of them, heard of them but don't know enough to have an opinion of them, have a favorable opinion or have an unfavorable opinion?

Justice	Favorable	Unfavorable	Unable to rate
Samuel Alito	19	19	62
Amy Coney Barrett	21	29	49
Neil Gorsuch	18	17	65
Ketanji Brown Jackson	27	14	59
Elena Kagan	19	10	71
Brett Kavanaugh	24	36	40
John Roberts	27	16	57
Sonia Sotomayor	36	16	48
Clarence Thomas	27	36	37

At the time of her nomination and confirmation in the first half of 2022, Justice Jackson was more visible to the public and was perceived quite favorably, as shown in Table 16. The shift in opinion about her reflects the surge in news coverage for a nominee and the decline of coverage once a justice takes a seat on the Court.

Table 16: Do you have a favorable or an unfavorable opinion of the following people or haven't you heard enough yet to have an opinion? Supreme Court nominee/Justice Ketanji Brown Jackson

Poll dates	Favorable	Unfavorable	Haven't heard enough
3/14-24/22	44	18	38
5/9-19/22	39	23	38
9/7-14/22	27	14	59

About the Marquette Law School Poll

The survey was conducted Sept. 7-14, 2022, interviewing 1,448 adults nationwide, with a margin of error of +/-3.4 percentage points. Interviews were conducted using the SSRS Opinion Panel, a national probability sample with interviews conducted online. The detailed methodology statement, survey instrument, topline results, and crosstabs for this release are available at law.marquette.edu/poll/category/results-and-data/. Some items from this survey (concerning policy preferences and political topics) are held for a separate release tomorrow (Thursday, Sept. 22, 2022).

Wording of questions about recent Supreme Court decisions: These items do not attempt to exactly frame the particular issues in specific cases but rather address the topic in more general terms. (Prior to the decisions, these were asked as possible future decisions, with identical descriptions.)

Do you favor or oppose the following recent Supreme Court decisions, or haven't you heard enough about this to have an opinion?

- Overturned Roe versus Wade, thus striking down the 1973 decision that made abortion legal in all 50 states.
- Ruled that the 2nd Amendment right to “keep and bear arms” protects the right to carry a gun outside the home.

Opinion of same-sex marriage decision:

- In 2015 the Supreme Court ruled that the Constitution guarantees a right to same-sex marriage. How much do you favor or oppose this decision?

Opinion of decision that anti-discrimination laws protect LGBT people:

- In 2020 the Supreme Court ruled that a federal civil rights law protects gay and transgender workers from workplace discrimination. How much do you favor or oppose this decision?

The wording of questions about cases before the Court in the October 2022 Term include:

Do you favor or oppose the following possible future Supreme Court decisions, or haven't you heard enough about this to have an opinion?

- Rule that colleges cannot use race as one of several factors in deciding which applicants to admit.

Decide that a business owner's religious beliefs or free speech rights can justify refusing some services to gay people.

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