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This release is also available online.

New Marquette Law School Poll national survey finds continuing decline in approval of the way the U.S. Supreme Court is doing its job, with amount varying according to respondents’ partisanship

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 that 41% of adults approve of the way the U.S. Supreme Court is doing its job, while 59% disapprove. This is a 6-percentage-point decline from January when 47% approved and 53% disapproved.

The trend in approval since 2020 is shown in Table 1. Approval has oscillated since 2020 but, in each cycle, has reached a lower peak than the previous cycle, before again turning down. The peak in September 2020 was 66%, followed by peaks of 54% in November 2021 and March 2022, with the most recent peak of 47% in January 2023. (All results in the tables are stated as percentages; the precise wording of the questions can be found in the online link noted above.)

The latest Marquette Law School Poll’s national Supreme Court survey was conducted May 8-18, 2023. The survey interviewed 1,010 adults nationwide and has a margin of error of +/-3.7 percentage points.

Table 2 shows approval by partisanship in each Marquette poll taken in 2023. There are sharp partisan divides, but approval has declined among both Republicans and Democrats. Approval is little changed among independents. (Unless otherwise stated, independents who say they are closer to one party are included with partisans of that party.)

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
5/9-19/22	44	55
7/5-12/22	38	61
9/7-14/22	40	60
11/15-22/22	44	56
1/9-20/23	47	53
3/13-22/23	44	56
5/8-18/23	41	59

Table 2: Overall, how much do you approve or disapprove of the way the U.S. Supreme Court is handling its job?, by party identification

Party ID	Poll dates	Approve	Disapprove
Republican	1/9-20/23	69	31
Republican	3/13-22/23	66	34
Republican	5/8-18/23	60	40
Independent	1/9-20/23	35	63
Independent	3/13-22/23	32	67
Independent	5/8-18/23	34	65
Democrat	1/9-20/23	31	69
Democrat	3/13-22/23	26	74
Democrat	5/8-18/23	24	76

Justice Thomas financial disclosure reports

The May survey was conducted after a series of news stories concerning Justice Clarence Thomas' financial disclosure statements, which did not report a real estate sale or certain travel expenses paid by others. Thirty-three percent said they had heard a lot about this, while 32% had heard a little and 35% had heard nothing at all.

Those who follow politics most of the time were more likely to have heard of the financial disclosure reports than those who pay less attention to politics generally, as shown in Table 3.

Table 3: News stories about Supreme Court Justice Clarence Thomas' financial disclosure reports. (Here are some recent topics in the news. How much have you heard or read about each of these?) By attention to politics.

Attention to politics	Heard a lot	A little	Nothing at all
Most of the time	60	28	12
Less often	18	34	48

Similarly, those with more information about the U.S. Supreme Court, measured by knowledge of which party's presidents have nominated a majority of justices on the Court, are more likely to have heard a lot about the disclosure reports, shown in Table 4.

Table 4: News stories about Supreme Court Justice Clarence Thomas' financial disclosure reports. (Here are some recent topics in the news. How much have you heard or read about each of these?) By knowledge of majority of Court appointments.

Court majority	Heard a lot	A little	Nothing at all
Definitely/Probably majority appointed by Dems	13	35	52
Probably majority appointed by Reps	27	34	39
Definitely majority appointed by Reps	62	25	12

Democrats are more likely to say they have heard a lot about the disclosure reports than are Republicans or independents, as shown in Table 5. Independents are especially more likely to say they have heard nothing at all about this.

Table 5: News stories about Supreme Court Justice Clarence Thomas' financial disclosure reports. (Here are some recent topics in the news. How much have you heard or read about each of these?) By party identification.

Party identification	Heard a lot	A little	Nothing at all
Republican	26	42	31
Independent	14	26	60
Democrat	49	24	27

The partisan differences persist within levels of general attention to politics and specific knowledge about the Court, as shown in Table 6 (a) and Table 6 (b).

Table 6: News stories about Supreme Court Justice Clarence Thomas' financial disclosure reports. (Here are some recent topics in the news. How much have you heard or read about each of these?) By party identification.

(a) By attention and party identification

Party identification	Attention to politics	Heard a lot	A little	Nothing at all
Republican	Most of the time	43	46	11
Republican	Less often	15	40	45
Independent	Most of the time	46	26	28
Independent	Less often	8	26	66
Democrat	Most of the time	77	13	10
Democrat	Less often	29	33	39

(b) By knowledge of majority of Court appointments

Party identification	Court majority	Heard a lot	A little	Nothing at all
Republican	Definitely/Probably Dem majority	16	42	43
Republican	Probably Rep majority	25	43	32
Republican	Definitely Rep majority	44	43	13
Independent	Definitely/Probably Dem majority	7	21	72
Independent	Probably Rep majority	11	32	57
Independent	Definitely Rep majority	40	21	39
Democrat	Definitely/Probably Dem majority	14	35	50
Democrat	Probably Rep majority	36	28	36
Democrat	Definitely Rep majority	76	16	8

Perception of ethical standards of legal and media actors

Respondents rated the “honesty and ethical standards” of U.S. Supreme Court justices, state judges, lawyers, journalists, and cable TV news, as shown in Table 7. In all five groups, more respondents rate honesty and ethical standards as low or very low than rate them as high or very high. The extent of negativity varies considerably, with ratings of state judges and Supreme Court justices slightly negative, journalists and lawyers substantially negative, and cable TV news extremely negative.

Table 7: Please tell me how you would rate the honesty and ethical standards of people in these different fields.

Group	Net	Very high/high	Average	Low/Very low
Judges in your state	-1	24	51	25
Supreme Court justices	-9	26	39	35
Journalists	-26	19	35	45
Lawyers	-29	14	43	43
Cable TV news	-49	8	35	57

Those who have heard a lot about Justice Thomas’ financial disclosure reports are especially likely to rate the ethical standards of the Supreme Court justices as low or very low, as shown in Table 8 (a). However, partisanship affects these ratings as well, as shown in Table 8 (b). Republicans who have heard a lot about the disclosure reports rate the ethical standards of justices as high or very high, while Democrats who have heard a lot are more likely to rate the ethical standards as low or very low. Independents who have heard a lot are more likely to rate the ethical standards as low or very low.

Table 8: U.S. Supreme Court Justices. (Please tell me how you would rate the honesty and ethical standards of people in these different fields.) By heard about financial disclosure reports

(a) By heard about financial disclosure reports

Heard of disclosure reports	Rate standards as very high/high	Average	Low/very low
A lot	28	25	46
A little	28	45	26
Nothing at all	20	48	32

(b) By heard about financial disclosure reports and party identification

Party ID	Heard of disclosure reports	Very high/high	Average	Low/very low
Republican	A lot	56	32	11
Republican	A little	34	51	15
Republican	Nothing at all	28	49	23
Independent	A lot	21	25	53
Independent	A little	11	43	46
Independent	Nothing at all	13	49	37
Democrat	A lot	15	21	64
Democrat	A little	28	37	35
Democrat	Nothing at all	19	43	38

Views of the justices

The justices are generally not well known, with a majority of the public saying they don't know enough to give a favorable or unfavorable opinion about most justices. Justice Clarence Thomas is the most widely known and Justice Elena Kagan the least well known, as shown in Table 9.

Table 9: 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?

(a) May 2023

Justice	Favorable	Unfavorable	Unable to rate
Samuel Alito	16	18	66
Amy Coney Barrett	19	27	55
Neil Gorsuch	19	16	65
Ketanji Brown Jackson	22	14	64
Elena Kagan	18	11	72
Brett Kavanaugh	22	32	46
John Roberts	22	18	60
Sonia Sotomayor	29	15	56
Clarence Thomas	25	36	40

(b) March 2023

Justice	Favorable	Unfavorable	Unable to rate
Samuel Alito	15	16	69
Amy Coney Barrett	22	27	51
Neil Gorsuch	18	15	67
Ketanji Brown Jackson	26	15	59
Elena Kagan	17	10	73
Brett Kavanaugh	25	34	41
John Roberts	25	15	60
Sonia Sotomayor	34	15	52
Clarence Thomas	29	32	38

Favorable ratings of most of the justices declined slightly from March to May, with similarly small increases in unfavorable ratings. The changes in ratings do not appear to be related to the justice's judicial philosophy or party of the appointing president. Changes in ratings are shown in Table 10. Justice Thomas' ratings became more negative, though the change is not substantially different from the changes of other justices.

Table 10: Changes in favorable and unfavorable ratings of justices from March to May, 2023

Justice	Favorable change	Unfavorable change
Samuel Alito	1	2
Amy Coney Barrett	-3	0
Neil Gorsuch	1	1
Ketanji Brown Jackson	-4	-1
Elena Kagan	1	1
Brett Kavanaugh	-3	-2
John Roberts	-3	3
Sonia Sotomayor	-5	0
Clarence Thomas	-4	4

Confidence in the Court and other institutions

Confidence in the Court has declined since 2019, when 37% had a great deal or quite a lot of confidence. In May 2023, similar confidence was expressed by 25%. Those with very little or no confidence increased from 20% in Sept. 2019 to 39% in May 2023. The full trend is shown in Table 11. As with approval of the Court, confidence has declined recently from January to May 2023.

Table 11: 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	Great deal/a lot	Some	Little/None
9/3-13/19	37	42	20
9/8-15/20	39	45	16
7/5-12/22	28	28	44
9/7-14/22	30	34	36
11/15-22/22	30	36	34
1/9-20/23	31	38	31
3/13-22/23	28	40	32
5/8-18/23	25	36	39

There generally is low confidence in American institutions, at least as with respect to the five institutions about which the survey inquired. Confidence in these government and media institutions is shown in Table 12. The Supreme Court has the least negative net confidence, followed by the presidency and local news media, with Congress and national news media being the most negatively viewed.

Table 12: Here is a list of institutions in American society. How much confidence do you have in each one?

Institution	Net	Great deal/a lot	Some	Little/None
The U.S. Supreme Court	-14	25	36	39
The Presidency	-20	25	30	45
Your local news media	-20	20	40	40
Congress	-38	11	41	49
The national news media	-41	16	27	57

Awareness of cases

The Supreme Court is not constantly in the news, unlike Congress or the president. Rather, coverage is concentrated around the announcement of decisions and, to some extent, the argument of cases or the appointment of justices. This fluctuating pattern of news means that much of the public may not hear about cases before they are ultimately decided and that there may be fluctuating awareness even of cases that are relatively high-profile (for example, a decreasing awareness from when a case is argued until it is decided, months later).

A majority of the public said they were aware the Court’s consideration of a Texas court ruling concerning a drug used in medication-induced abortions, mifepristone. Thirty-six percent said they had heard a lot about this, 36% heard a little, and 29% had heard nothing at all.

A smaller percentage, 16%, said they had heard or read a lot about “a Supreme Court case concerning the use of race in college admissions,” 44% had heard a little, and 40% had heard nothing at all. The cases, *Students for Fair Admissions Inc. v. President and Fellows of Harvard College* and *Students for Fair Admissions v. University of North Carolina*, were argued Oct. 31, 2022. In the November Marquette poll, conducted shortly after oral argument in the case, 20% had heard a lot, 45% had heard a little, and 34% had heard nothing about this case.

Pending cases

The survey finds that the public is skeptical of the use of race in admissions, with 34% in favor of a decision that would ban the use of race and 12% opposed. The case is not yet on the top of the mind of most respondents, however, with 55% saying they haven’t heard anything about such a case or haven’t heard enough to have an opinion.

Polling on this topic since September 2021 has seen consistent opposition to the use of race in admissions. Table 13 (a) shows views including among those who have not heard enough about the issue, and Table 13 (b) shows the percentages for only those with an opinion.

Table 13: 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.

(a) Among all respondents

Poll dates	Heard nothing/not enough	Favor	Oppose
9/7-16/21	33	53	13
3/14-24/22	33	49	17
9/7-14/22	50	37	13
11/15-22/22	42	41	16
1/9-20/23	49	35	16
3/13-22/23	50	33	17
5/8-18/23	55	34	12

(b) Among those with an opinion

Poll dates	Favor	Oppose
9/7-16/21	81	19
3/14-24/22	75	25
9/7-14/22	74	26
11/15-22/22	72	28
1/9-20/23	68	32
3/13-22/23	66	34
5/8-18/23	74	26

There are substantial partisan differences on this issue, as shown in Table 14. Among those with an opinion about the case, substantial majorities of Republicans and independents favor banning the use of race while Democrats are more evenly divided. Half or more of each partisan group have not heard enough about this case to have an opinion.

Table 14: 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. By party identification.

(a) Among all respondents

Party ID	Heard nothing/not enough	Favor	Oppose
Republican	50	46	5
Independent	64	28	7
Democrat	55	25	21

(b) Among those with an opinion

Party ID	Favor	Oppose
Republican	91	9
Independent	80	20
Democrat	54	46

Another case, *303 Creative LLC v. Elenis*, argued Dec. 5, poses the question whether the religious beliefs or free speech rights of business owners can justify refusing to provide some services to LGBTQ customers. A plurality, 31%, oppose a decision allowing such a business to refuse services, while 23% favor such a ruling. As with college admissions, a substantial 46% 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 15.

Table 15: 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.

(a) Among all respondents

Poll dates	Heard nothing/not enough	Favor	Oppose
3/14-24/22	29	28	43
9/7-14/22	44	21	35
11/15-22/22	35	25	40
1/9-20/23	43	24	33
3/13-22/23	42	25	33
5/8-18/23	46	23	31

(b) Among those with an opinion

Poll dates	Heard of and favor such a ruling	Heard of and oppose such a ruling
3/14-24/22	39	61
9/7-14/22	37	63
11/15-22/22	39	61
1/9-20/23	43	57
3/13-22/23	43	57
5/8-18/23	43	57

Partisans differ on this case as well, with large and opposite majorities among Republicans and Democrats, while independents are closely divided, as shown in Table 16. Awareness of this case is slightly higher than for the use of race in college admissions, but more than 40% of each partisan group regard themselves as lacking enough information to have an opinion.

Table 16: 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. By party identification.

(a) Among all respondents

Party ID	Heard nothing/not enough	Favor	Oppose
Republican	43	43	14
Independent	63	17	19
Democrat	41	6	53

(b) Among those with an opinion

Party ID	Heard of and favor such a ruling	Heard of and oppose such a ruling
Republican	76	24
Independent	48	52
Democrat	11	89

Prior decisions

In the current survey, 35% favor the June 2022 decision in *Dobbs v. Jackson Women's Health Organization*, overturning the 1973 *Roe v. Wade* abortion rights decision, while 65% oppose the ruling in *Dobbs*. The trend in responses since November 2022 is shown in Table 17. Opinion has remained stable over this period.

Table 17: In 2022, the Supreme Court overturned *Roe versus Wade*, thus striking down the 1973 decision that made abortion legal in all 50 states. (How much do you favor or oppose this decision?)

Poll dates	Favor	Oppose
11/15-22/22	33	66
1/9-20/23	35	64
3/13-22/23	33	67
5/8-18/23	35	65

Partisan differences are very large concerning the *Dobbs* decision, as shown in Table 18 for the May survey, with a majority of Republicans favoring the *Dobbs* decision and majorities of independents and Democrats opposed.

Table 18: In 2022, the Supreme Court overturned Roe versus Wade, thus striking down the 1973 decision that made abortion legal in all 50 states. (How much do you favor or oppose this decision?) By party identification, May 2023

Party ID	Favor	Oppose
Republican	58	42
Independent	37	63
Democrat	11	89

Looking back to earlier decisions, a substantial majority favor the Court’s 2015 ruling establishing a right to same-sex marriage, 67%, while 33% are opposed. The trend is shown in Table 19. Opinion on this has remained stable.

Table 19: 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	Favor	Oppose
5/9-19/22	69	31
7/5-12/22	66	34
9/7-14/22	71	29
11/15-22/22	72	28
1/9-20/23	67	33
3/13-22/23	65	35
5/8-18/23	67	33

Partisan differences on the same-sex marriage decision are shown in Table 20. Republicans are evenly divided, while independents and Democrats substantially favor the same-sex marriage decision.

Table 20: 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? By party identification, May 2023

Party ID	Favor	Oppose
Republican	52	48
Independent	65	35
Democrat	82	18

About the Marquette Law School Poll

The survey was conducted May 8-18, 2023, interviewing 1,010 adults nationwide, with a margin of error of +/-3.7 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 online](#). Some items from this survey are held for later release.

Wording of questions about future and past 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.

Here is the basic wording of the questions about cases before the Court in the October 2022 Term.:

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

These are the wording of the questions about decisions of the Court prior to the current October 2022 Term.

Opinion of *Dobbs* decisions, striking down *Roe v. Wade*

- In 2022, the Supreme Court overturned *Roe versus Wade*, thus striking down the 1973 decision that made abortion legal in all 50 states. How much do you favor or oppose this decision?

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?

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