

Marquette University: New Marquette Law School poll finds sharp national downturn in overall approval—and greater partisan polarization in approval—of U.S. Supreme Court following leaked draft of opinion that would overturn Roe

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MILWAUKEE – A new Marquette Law School Poll national survey finds approval of the U.S. Supreme Court has taken a sharp turn down, falling to 44%, with 55% disapproving of how the Court is handling its job. In March, 54% approved and 45% disapproved. Approval of the Court stood at 66% in September 2020, when 33% disapproved. As recently as July 2021, the Court had a 60% approval rating. Table 1 shows the trend in approval since September 2020.

Table 1: Court approval trend, Sept. 2020-May 2022

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

The latest Marquette Law School Poll's Supreme Court survey was conducted May 9-19, 2022, a week after a draft opinion that would overturn the *Roe v. Wade* abortion rights precedent was leaked to the *Politico* news organization. The survey interviewed 1,004 adults nationwide and has a margin of error of +/-3.9 percentage points.

Approval dropped sharply in September 2021 after the Court earlier that month rejected a request to block enforcement of a Texas law, known as S.B. 8, which bans most abortions after cardiac activity can be detected, at around six weeks of pregnancy. Since September, approval had recovered about five percentage points, prior to this May decline.

The sharp decline in approval in May reflects a drop of 23 percentage points among Democrats and a 6-point fall among independents, while approval rose by 4 percentage points among Republicans. Compared to the results in March, approval of the Court is more sharply polarized along party lines than it was two months ago. There was a 42-percentage point gap in approval between Republicans and Democrats in May, compared to a gap of 15 points in March. Table 2 shows approval by party identification in the March and May surveys.

Table 2: Court approval by party identification, March and May 2022

(a) March 2022

Party ID	Approve	Disapprove
Republican	64	35
Independent	44	53
Democrat	49	51

(b) May 2022

Party ID	Approve	Disapprove
Republican	68	32
Independent	38	59

Democrat 26 73

Self-described ideology is strongly correlated with approval of the Court, and the correlation increased in polarization from March to May, as shown in Table 3. Approval of the Court's handling of its job increased among those who describe themselves as very conservative or conservative, while it was reduced among those who consider themselves moderate, liberal, or very liberal. The difference in approval rate between the most conservative and most liberal respondents is now 66 percentage points, up from 36 percentage points in March.

Table 3: Court approval, by ideology, March and May 2022

(a) March 2022

Ideology	Approve	Disapprove
Very conservative	65	35
Somewhat conservative	68	31
Moderate	58	40
Somewhat liberal	40	60
Very liberal	29	71

(b) May 2022

Ideology	Approve	Disapprove
Very conservative	75	25
Somewhat conservative	72	27
Moderate	36	63
Somewhat liberal	28	72
Very liberal	9	88

Public opinion on abortion issues

Opinion on overturning *Roe v. Wade* has not changed in the wake of the leaked draft opinion. Among those with an opinion on the issue, 31% favor overturning *Roe*, while 69% oppose striking it down, hardly changed since March when 32% were in favor and 68% were opposed. Table 4 shows the trend on this question since September 2019.

Table 4: Favor or oppose overturning Roe v. Wade, trend among those with an opinion, 2019-2022

Poll dates	Favor overturning	Oppose overturning
9/3-13/19	32	68
9/8-15/20	37	63
9/7-16/21	28	72
11/1-10/21	30	70
1/10-21/22	28	72
3/14-24/22	32	68
5/9-19/22	31	69

Opinion is evenly divided on a ban on most abortions after 15 weeks of pregnancy under a Mississippi law that is before the Court in *Dobbs v. Jackson Women's Health Organization*, with 51% in favor of upholding the law and 49% opposed, among those with an opinion. Since September 2021, views on this limitation on abortion have remained stable, as shown in Table 5, since the question was first asked.

Table 5: Favor or oppose upholding 15-week ban on abortion, trend among those with an opinion, Sept. 2021-May 2022

Poll dates	Favor	Oppose
9/7-16/21	54	46
11/1-10/21	53	47
1/10-21/22	49	51
5/9-19/22	51	49

A large majority, 70%, oppose the Texas S.B. 8 law, which bans abortions after approximately six weeks of pregnancy and allows private citizens to sue those who assist someone seeking an abortion, while 30% favor the law. The Supreme Court has considered requests to block or strike down this law since August 2021 but has returned the case for consideration by lower courts, allowing it to remain in effect. There has been little change since November in views of this law, as shown in Table 6.

Table 6: Favor or oppose Texas S.B. 8 six-week ban on abortion, trend among those with an opinion, Sept. 2021-May 2022

Poll dates Favor Oppose

9/7-16/21	39	61
11/1-10/21	30	70
1/10-21/22	28	72
5/9-19/22	30	70

Substantial partisan divides on each of the three abortion issues have changed little, the results of the new poll show. Table 7 shows views on overturning *Roe*, by party, in March and May 2022. While independents in May are 16 percentage points more opposed to overturning *Roe* than they were in March, the views of Republicans shifted by only 1 percentage point and Democrats did not shift at all.

Table 7: Favor overturning Roe, by party identification, March and May 2022

(a) March 2022

Party ID	Favor Oppose	
Republican	64	36
Independent	35	65
Democrat	6	94

(b) May 2022

Party ID	Favor Oppose	
Republican	65	35
Independent	19	81
Democrat	6	94

Opinions on the Mississippi 15-week ban have changed only slightly among any of the three partisan groups since January, with Republicans becoming 3 percentage points more favorable to the law and Democrats 3 percentage points more opposed. Independents have become 1 percentage point more opposed. Table 8 shows opinion by party for January and May 2022.

Table 8: Favor upholding 15-week ban in Dobbs, by party identification, Jan. and May 2022

(a) January 2022

Party ID	Favor	Oppose
Republican	81	19
Independent	46	54
Democrat	25	75

(b) May 2022

Party ID	Favor	Oppose
Republican	84	16
Independent	45	55
Democrat	22	78

Republican support of Texas S.B. 8 increased five percentage points from January, when the question was previously asked, to May. Meanwhile, opposition among independents increased 6 points and Democrats became 1 point less opposed. Table 9 shows opinion on this law by party identification.

Table 9: Favor 6-week ban in Texas SB-8, by party identification, Jan. and May 2022

(a) January 2022

Party ID	Favor	Oppose
Republican	55	45
Independent	28	72
Democrat	9	91

(b) May 2022

Party ID	Favor	Oppose
Republican	60	40
Independent	22	78
Democrat	10	90

Approval of the Court, by opinion on abortion issues

While, on balance, opinion on abortion laws has not changed substantially, those preferences have increased divisions in approval of the Court. Table 10 shows the relationship between opinion on overturning *Roe v. Wade* and approval of the Court's performance in March and in May. Approval of the Court increased by 19 percentage points among those in favor of overturning *Roe*, while such approval decreased by 20 percentage points among those opposed to overturning *Roe*. Approval also declined by 13 percentage points among those who said they didn't have an opinion about overturning *Roe*.

Table 10: Court performance approval, by view on overturning Roe, March and May 2022

(a) March 2022

	Overturn Roe	Approve	Disapprove
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No opinion		60	
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