Marquette University: New Marquette Law School Poll national survey finds continued general trend of lower public approval of work of U.S. Supreme Court

Posted on Wednesday, Mar 29, 2023

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MILWAUKEE – A new Marquette Law School Poll national survey finds that 44% of adults approve of the job the U.S. Supreme Court is doing, while 56% disapprove. This is a slight decline from January, when 47% approved and 53% disapproved. Approval of the Court's work hit a low of 38% in July 2022 and had risen gradually in every-other-month polling until this new poll. In all of these surveys since the middle of last year, approval has remained well below the 60% rate from July 2021.

The trend in approval since 2020 is 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 (right): 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

Date	Approve	Disapprove
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

The latest Marquette Law School Poll's national Supreme Court survey was conducted March 13-22, 2023. The survey interviewed 1,004 adults nationwide and has a margin of error of +/-3.8 percentage points.

Partisan differences in approval of the Court are quite pronounced in the current poll, in contrast to minimal such differences as recently as July 2021. Table 2 shows approval by partisanship then and now.

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

(a) March 2023

Party ID	Approve	Disapprove
Republican	66	34
Independent	39	61
Democrat	28	72

(b) July 2021

Party ID	Approve	Disapprove
Republican	57	42
Independent	61	37
Democrat	59	40

In March, approval among Democrats was 7 percentage points lower than in January, and it was also 3 points lower among independents in January. Approval among Republicans was 1 point lower than in that early 2023 poll.

Shifts in approval have been substantial since 2020. Table 3 shows approval by party in each of the Marquette polls since September 2020. A sharp increase in party polarization began in September 2021 before decreasing somewhat through March 2022. Polarization then increased in May 2022, following the leak of the draft opinion in *Dobbs v. Jackson Women's Health Organization*, suggesting that the Court would overturn the *Roe v. Wade* decision on abortion rights. Partisan differences further intensified in July 2022, following the Court's ruling in *Dobbs* overturning *Roe*. In the subsequent months, approvals among independents and Democrats had moved upward from their low points, until this latest poll, while Republican approval has fluctuated over the past year between 64% and 71%.

Table 3: Approval of the Court, by party identification, Sept. 2020-Jan. 2023

Poll dates	Republican	Independent	Democrat
9/8-15/20	80	64	57
7/16-26/21	57	61	59
9/7-16/21	61	51	37
11/1-10/21	61	53	49
1/10-21/22	60	52	45
3/14-24/22	64	51	52
5/9-19/22	71	38	28
7/5-12/22	67	39	15
9/7-14/22	65	34	24
11/15-22/22	70	40	28
1/9-20/23	67	42	35
3/13-22/23	66	39	28

Awareness of pending cases

Unlike Congress or the president, the Supreme Court is not constantly in the news. 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 the public may not hear about most cases before they are decided.

In March, 17% said they had heard or read a lot about "a Supreme Court case

concerning the use of race in college admissions," 50% had heard a little, and 32% 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. In the national November 2022 Marquette Law School Poll, conducted shortly after oral arguments, 20% had heard a lot, 45% had heard a little, and 34% had heard nothing about the cases.

The public was more aware of a set of cases concerning student loan forgiveness, argued February 28, 2023, *Biden v. Nebraska* and *Department of Education v. Brown*. Fifty percent said they had heard a lot about this, 41% a little, and 10% had heard nothing at all.

Awareness was lower about a pair of cases concerning social media companies, argued Feb. 21-22, *Gonzalez v. Google LLC* and *Twitter v. Taamneh*. Nine percent said they had heard a lot, 51% a little, and 40% had heard nothing.

Views of the justices

The justices of the U.S. Supreme Court are not generally well known among the public, 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 4.

Table 4: 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	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

While knowledge about the justices is quite limited, partisans hold predictably different views of the justices. Republicans give net favorable ratings to justices appointed by Republican presidents and net unfavorable ratings to those appointed by Democratic presidents. Democrats do the opposite, with the exception of the case of Chief Justice John Roberts, who has a net favorable rating across all partisan groups. Table 5 shows the net approval-minus-disapproval by party identification.

Table 5: Net favorable-minus-unfavorable rating, by party identification

Justice	Republican	Independent	Democrat
Alito	16	-3	-19
Barrett	37	-12	-40
Gorsuch	24	2	-18
Jackson	-16	6	46
Kagan	-6	4	25
Kavanaugh	46	-16	-55
Roberts	19	6	6
Sotomayor	-9	15	52
Thomas	46	-4	-53

Pending cases

The public is skeptical of the permissibility of the use of race in admission to college programs, with 33% in favor of a decision that would ban the use of race and 17% opposed. The case is not yet on the top of the mind of most respondents, however, with 50% 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 6 (a) shows views including those who have not heard enough about the issue, and Table 6 (b) shows the percentages for only those with an opinion.

Table 6: 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 such a ruling	Oppose
9/7-16/21	33	53	13
3/14-24/22	33	49	17
9/7-14/22	50	37	13