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This release is also available online.

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

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 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
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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
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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 <i>Roe</i>	Approve	Disapprove
No opinion	60	38
Favor	65	34
Oppose	45	54

(b) May 2022

Overturn <i>Roe</i>	Approve	Disapprove
No opinion	47	51
Favor	84	16
Oppose	25	74

Approval of the Court’s performance also became more sharply divided by opinion on upholding the 15-week ban in *Dobbs*, as shown in [Table 11](#). This question was previously asked in January 2022 but not in March. Approval of the Court declined by 18 percentage points among those who oppose the 15-week ban in *Dobbs* and by 9 percentage points among those without an opinion, but it increased 1 percentage point among those who favor the Mississippi law.

Table 11: Court performance approval, by view on upholding 15-week ban in Dobbs, Jan. and May 2022

(a) January 2022

Uphold <i>Dobbs</i>	Approve	Disapprove
No opinion	55	44
Favor	65	33
Oppose	38	61

(b) May 2022

Uphold <i>Dobbs</i>	Approve	Disapprove
No opinion	46	52
Favor	66	34
Oppose	20	80

Approval of the Court’s performance also rose by 5 percentage points among those who favor the Texas S.B. 8 law and fell by 17 points among those opposed to S.B. 8. Approval also fell by 4 points among those with no opinion on S.B. 8.

Table 12: Court performance approval, by view on 6-week ban in Texas SB-8, Jan. and May 2022

(a) January 2022

View of SB-8	Approve	Disapprove
No opinion	61	38
Favor	63	37
Oppose	46	53

(b) May 2022

View of SB-8	Approve	Disapprove
No opinion	57	41
Favor	68	31
Oppose	29	70

Awareness of leaked decision

Following the publication of the leaked draft opinion in *Dobbs*, 40% said they had read or heard a lot about the draft opinion, 36% said they had read a little, and 24% said they had read nothing at all.

Democrats and Republicans were almost equally likely to say they had read or heard nothing at all about the draft opinion, but Democrats were more likely to say they had read a lot. Independents were twice as likely as partisans to say they have read nothing at all. The amount read or heard about the leaked draft is shown by party in [Table 13](#).

Table 13: How much have you read or heard about the leaked draft opinion, by party identification, May 2022

Party ID	A lot	A little	Nothing at all
Republican	40	39	20
Independent	18	41	40
Democrat	49	32	19

Those who favor overturning *Roe* are slightly more likely to have read or heard about the leaked draft than those who oppose overturning it, while those without an opinion are much less likely to have heard of the draft opinion, as shown in [Table 14](#).

Table 14: How much have you read or heard about the leaked draft opinion, by favor or oppose overturning Roe, May 2022

Favor overturning <i>Roe</i>	Read or heard: A lot	A little	Nothing at all
No opinion	13	43	44
Favor	50	36	14
Oppose	46	34	20

Perceptions of Court ideology

In the wake of the leaked draft opinion, the Court is perceived in ideological terms as a bit more conservative than in previous surveys. [Table 15](#) shows the trend in perceived ideology of the Court since September 2019. Over this time, the percentage saying the Court is “moderate” has fallen from 50% in September 2019 to 34% in May 2022, while the percentage saying the Court is “very conservative” has increased from 5% to 23%, with an 8-percentage point increase from March to May 2022.

Table 15: Perceived ideology of the Supreme Court, Sept. 2019-May 2022

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
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

Opinion of same-sex marriage and LGBTQ non-discrimination decisions

A large majority, 69%, of respondents favor the 2015 Supreme Court decision that ruled the Constitution guarantees a right to same-sex marriage, while 31% oppose that ruling, among those with an opinion.

An even larger majority, 84%, favor the 2020 Supreme Court ruling that a federal civil rights law protects gay and transgender workers from workplace discrimination, while 16% oppose that decision, among those with an opinion. [Table 16](#) shows these opinions by party identification.

Table 16: Favor same-sex marriage or LGBTQ anti-discrimination rulings, by party identification, May 2022

(a) Same-sex marriage decision

Party ID	Favor	Oppose
Republican	49	51
Independent	76	24
Democrat	85	15

(b) LGBTQ anti-discrimination decision

Party ID	Favor	Oppose
Republican	72	28
Independent	83	17
Democrat	94	6

Second Amendment

In another case expected to be decided this term, *New York State Rifle & Pistol Association Inc. v. Bruen*, the Court is considering whether the Second Amendment protects the right to possess a gun outside the home. Among those with an opinion, a substantial majority, 66%, favor such a ruling, while 34% oppose this expansion of gun rights. The trend in opinion of this issue has been quite stable and is shown in [Table 17](#). (On May 14, a shooting at a Buffalo NY supermarket killed 10 people, all of whom were Black. In our survey we found no difference in opinion on this question between those interviewed before or after the shooting.)

Table 17: Favor Second Amendment right to possess a gun outside the home, among those with an opinion, Sept. 2021-May 2022

Poll dates	Favor	Oppose
9/7-16/21	63	37
11/1-10/21	65	35
1/10-21/22	67	33
3/14-24/22	63	37

5/9-19/22	66	34
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Among those with an opinion, substantial majorities of both Republicans and independents favor a right to possess a gun outside the home, while a majority of Democrats oppose such a ruling, as shown in [Table 18](#).

Table 18: Favor Second Amendment right to possess a gun outside the home, by party identification, May 2022

Party ID	Favor	Oppose
Republican	89	11
Independent	75	25
Democrat	37	63

Support for possession of a gun outside the home, according to gun ownership, is shown in [Table 19](#), with a large majority of gun households in favor of expanded Second Amendment rights and a bare majority of those without a gun in the home also in favor.

Table 19: Favor Second Amendment right to possess a gun outside the home, by gun ownership, May 2022

Gun ownership	Favor	Oppose
Gun household	83	17
Not gun household	54	46

Asked about laws that regulate concealed-carry licenses, 62% favor laws that allow someone to carry a concealed weapon if the person has a license to do that, while 38% oppose such laws.

A substantial majority, 81%, are opposed to laws that allow most people to carry concealed handguns without needing to obtain a license, while 19% favor such laws.

Views on these two types of concealed-carry laws are shown by party identification in [Table 20](#).

Table 20: Concealed-carry laws, by party identification, May 2022

(a) Concealed carry with a license

Party ID	Favor	Oppose
Republican	85	15
Independent	61	39
Democrat	42	58

(b) Concealed carry without a license requirement

Party ID	Favor	Oppose
Republican	32	68
Independent	21	79
Democrat	7	93

Judge Ketanji Brown Jackson favorability

Judge Ketanji Brown Jackson has been confirmed to a seat on the Supreme Court, pending the retirement of Justice Stephen Breyer. In May, 39%, said they had a favorable view of Jackson, and 23% had an unfavorable view, with 38% saying they hadn't heard enough about her. In March, prior to the confirmation, 44% had a favorable and 18% an unfavorable view, with 38% lacking an opinion.

Partisan divisions in views of Jackson are shown in [Table 21](#). Judge Jackson is viewed unfavorably by a plurality of Republicans and favorably by a majority of Democrats and by a plurality of independents. Close to half of Republicans and independents say they don't know enough to have an opinion of her. Only about a quarter of Democrats lack an opinion. Following her confirmation process, unfavorable views rose by 7 percentage points among Republicans and by 4 percentage points among independents, while unfavorable opinion rose by 4 percentage points among Democrats. There was little change in familiarity with Jackson across party groups following her confirmation.

Table 21: Favorability to Ketanji Brown Jackson, by party identification, March-May 2022

(a) March 2022

Party ID	Favorable opinion	Unfavorable opinion	Haven't heard enough
Republican	17	35	47
Independent	35	15	50
Democrat	72	3	24

(b) May 2022

Party ID	Favorable opinion	Unfavorable opinion	Haven't heard enough
Republican	13	42	45
Independent	32	19	48
Democrat	65	7	28

About the Marquette Law School Poll

The survey was conducted May 9-19, 2022, interviewing 1,004 adults nationwide, with a margin of error of +/-3.9 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 on the [Marquette Law School Poll website](#). Some items from this survey are held for release one day from now (i.e., on May 25, 2022).

A note concerning wording of questions about possible past and future 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.

Favor or oppose possible decisions:

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

- Overturn Roe versus Wade, thus strike down the 1973 decision that made abortion legal in all 50 states.
- Rule that the 2nd Amendment right to “keep and bear arms” protects the right to carry a gun outside the home.
- Rule to uphold a state law that (except in cases of medical emergencies or fetal abnormalities) bans abortions after the 15th week of pregnancy.

Opinion of Texas S.B. 8 law:

- A new Texas law bans abortions after about six weeks of pregnancy, once cardiac activity can be detected, and it allows any private citizen to sue anyone who performs an abortion or assists someone in obtaining an abortion. Do you favor or oppose this law, or haven't you heard enough about this to have an opinion?

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 LGBTQ 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?

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