

More Say Politics, Not the Law Drives Supreme Court Decisions

Ten months after the U.S. Supreme Court overturned the constitutional right to an abortion, two-thirds of Americans continue to oppose its decision – and 51 percent now think its justices base their rulings mainly on their personal political opinions, not on the law.

Early in 2022, before the abortion ruling, the public divided evenly, 46-45 percent, on whether the justices’ rulings were based mainly on the law or on their own political preferences. Today well fewer than half, 39 percent, think Supreme Court rulings are based mainly on the law, a 7-point drop in this fundamental measure of confidence in the court.

While these views have grown more partisan, even among Republicans and conservatives, just half think the justices rule mainly on the basis of the law. And today just 35 to 37 percent of Democrats, independents and moderates alike, and 27 percent of liberals, think so. Faith in the court to follow the law has dropped by double digits in three of those groups.

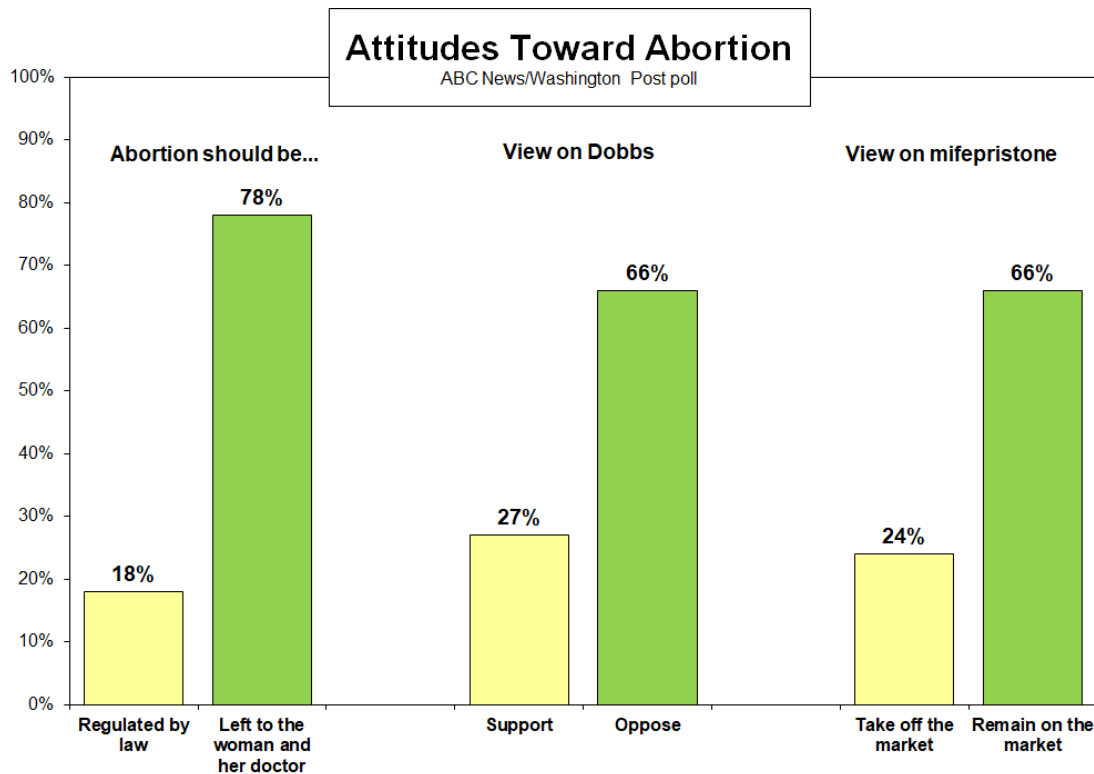
Think Supreme Court justices base decisions mainly on the law <i>ABC News/Washington Post poll</i>			
	Now	Feb. 2022	Change
All	39%	46%	-7 pts.
Democrats	36	44	-8
Republicans	50	47	+3
Independents	35	47	-12
Liberals	27	38	-11
Moderates	37	50	-13
Conservatives	51	49	+2

Women are especially likely to oppose the ruling in *Dobbs vs. Jackson Women’s Health Organization*. But majorities of women and men alike oppose it, and confidence in the court to rule mainly on the basis of the law is down among women (-7 points) and men (-6 points) alike. (The declines are slight given sample sizes.)

ABORTION – Results of this poll, produced for ABC by [Langer Research Associates](#), underscore broad and continued majority support for abortion rights in the United States, a contrast to the state-by-state upheaval prompted by the high court’s ruling last summer.

Among those results, 78 percent of Americans say the decision whether to have an abortion should be left a woman and her doctor, rather than regulated by law. (It was 70 and 75 percent in two previous ABC/Post polls since 2021.) Even majorities of Republicans (58 percent) and conservatives (60 percent) hold this view, as do anywhere from 82 to 96 percent of those with other partisan and ideological preferences.

Notably, even among evangelical white Protestants, typically the leading anti-abortion group, 56 percent say the decision to have an abortion should be left to a woman and her doctor. That rises to 75 percent of Catholics, 83 percent of non-evangelical white Protestants and 92 percent of people with no religious affiliation.



As noted, 66 percent overall oppose the court’s Dobbs ruling, including 54 percent who strongly oppose it – far above strong support, 22 percent. Overall opposition encompasses 71 percent of women, compared with 61 percent of men. It’s also higher among Black (81 percent) and Hispanic (74 percent) adults than among white people, 62 percent.

Most evangelical white Protestants, conservatives and Republicans support the ruling, but not overwhelmingly so – 58 percent among evangelicals, 55 percent among conservatives and 54 percent among Republicans. Those compare with much higher levels of opposition in other political and ideological groups – 71 percent among independents, 79 percent among moderates, 88 percent among Democrats and 92 percent among liberals.

The result among independents, in particular, marks potential political risk to anti-abortion candidates. Seventy-seven percent of independent women oppose Dobbs, as do 65 percent of

independent men. Seventy percent of suburban women oppose it, as do 63 percent of suburban men. And 60 percent in the states won by Donald Trump in 2020 oppose Dobbs, rising to 70 percent in the states won by Joe Biden.

Similar to attitudes on Dobbs, 66 percent overall say the abortion drug mifepristone should remain on the market. Half of evangelical white Protestants say so, as do 46 percent of conservatives and 45 percent of Republicans – with support rising much higher in other groups. Among its supporters, 72 percent say the drug should remain as available as it is now.

While mifepristone is now unavailable in 14 states, 60 percent of residents of those states say the drug should be available, vs. 27 percent who say it should be off the market. In other states, 68 percent say mifepristone should remain available.

The Supreme Court last month blocked, for the time being, two lower court rulings against mifepristone – one overturning the Food and Drug Administration’s approval of the drug, the other blocking its distribution by mail. That case continues in the lower court.

METHODOLOGY – This ABC News/Washington Post poll was conducted by landline and cellular telephone April 28-May 3, 2023, in English and Spanish, among a random national sample of 1,006 adults. Partisan divisions are 26-25-41 percent, Democrats-Republicans-independents. Results have a margin of [sampling error](#) of 3.5 percentage points, including the design effect. Sampling error is not the only source of differences in polls.

The survey was produced for ABC News by [Langer Research Associates](#), with sampling and data collection by Abt Associates of Rockville, Md. See details on the survey’s methodology [here](#).

Analysis by Gary Langer.

ABC News polls can be found at ABCNEWS.com. Join our [mailing list](#) to get updates on all new poll releases.

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Full results follow.

Q1-6, 12-20 previously released.

7. Do you think justices on the U.S. Supreme Court mainly decide cases (based on the law) or (based on their personal political views)?

	The law	Personal political views	No opinion
5/3/23	39	51	10
2/24/22	46	45	9

8. Do you support or oppose the decision by the U.S. Supreme Court eliminating the constitutional right to have an abortion? Do you feel that way strongly or somewhat?

----- Support ----- ----- Oppose ----- No

	NET	Strongly	Somewhat	NET	Somewhat	Strongly	opinion
5/3/23	27	22	6	66	12	54	7
11/2/22	30	22	8	63	7	56	7
9/21/22	29	21	9	64	11	53	7

9. Overall, do you think the decision whether or not a woman can have an abortion should be (regulated by law) or should be (left to the woman and her doctor)?

	Regulated by law	Left to the woman and her doctor	No opinion
5/3/23	18	78	4
4/28/22	24	70	6
11/10/21	20	75	5

10. About half of abortions in this country are induced by taking a prescription drug pill called mifepristone. Do you think mifepristone should (remain on) the market in the United States or should (be taken off) the market?

	Remain on	Taken off	No opinion
5/3/23	66	24	11

11. (ASK IF MIFEPRISTONE SHOULD REMAIN ON THE MARKET) Should access to mifepristone (remain the same as it is now) or (be more restricted than it is now)?

	Remain the same	Be more restricted	No opinion
5/3/23	72	18	10

END