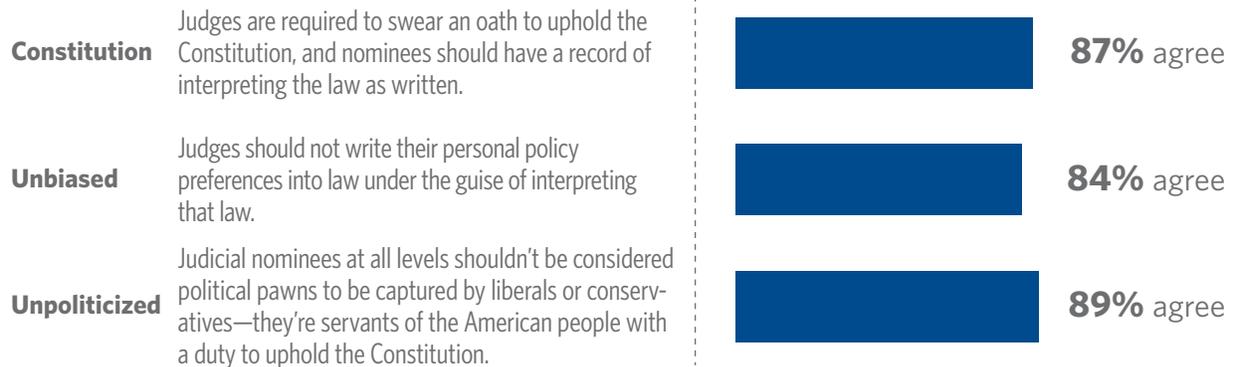


# Constitutional Justices: How to Talk about Supreme Court Nominations

## Messaging Priorities

- **The Will of the People** - Frame nominations in terms of the democratic process. Republicans waited on Garland so the people could speak through the election. Now they have spoken through the election of President Trump, based partly on the list of nominees he released. President Trump and the Senate have a responsibility to see that the people's will is accurately reflected in the selection and approval of this justice.
- **Constitutionalist** - Americans believe that Scotus nominees should follow the Constitution. The best way to talk about a justice who follows the letter of the law is as a "Constitutionalist".
- **Unbiased, Unpoliticized** - Americans believe judges should be unbiased, and should not be treated as political pawns to be captured by one party or another.

## Judicial Nominees: Constitutional, Unbiased, and Unpoliticized



### Strongly Positive Language:

- Uphold the Constitution
- Protect the Constitution
- Fair
- Apply the law equally to all citizens
- True to the Constitution
- Constitutionalist

### Strongly Negative Language:

- Rewriting the Constitution
- Twisting the text of the Constitution
- Biased

**Source:** Recommendations based off an online survey using a national representative sample of 1,031 U.S. voters conducted January 6-17, 2017 with a margin of error of ±3.1%.

American Perceptions Initiative is a project of The Heritage Foundation's Center for Public Opinion.

# Overcoming the Filibuster:

## Public Perceptions of the Nuclear Option and Two Speech Rule

### Majority Support Two Speech Rule and Oppose Nuclear Option

**63%** - The **two speech rule** just makes common sense. It's less drastic than the nuclear option because it does not violate the Senate rules and it keeps discussion productive and focused on the merits of a nominee or proposed legislation.

#### Two Speech Rule



**37%** - The **two speech rule** has the potential to suppress minority viewpoints and **should not be adopted** to help ensure that minority opinions are heard and understood before the Senate votes on an issue.

■ Support  
■ Oppose

**45%** - I **fully support** breaking the Senate rules by **extending the "nuclear option"** to confirm Supreme Court nominees if Senate Democrats attempt to filibuster or prevent President Trump's nominee to the Supreme Court.

#### Nuclear Option



**55%** - I **do not support** breaking the Senate rules by **extending the "nuclear option"** to confirm Supreme Court nominees because it's an unprecedented and drastic violation of senate rules.

**Source:** Recommendations based off an online survey using a national representative sample of 1,031 U.S. voters conducted January 6-17, 2017 with a margin of error of  $\pm 3.1\%$ .

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