

**AP[®] UNITED STATES GOVERNMENT AND POLITICS
2013 SCORING GUIDELINES**

Question 3

5 points

Part (a): 1 point

One point is earned for a correct description of a similarity between President Barack Obama's judicial appointments and those made by President George W. Bush. Possible responses include:

- In both cases more than half the appointees were white. President Obama's appointees were 59 percent white, while President Bush's appointees were 82 percent white.
- In both cases the number of Hispanic nominees is roughly similar, within two percentage points.
- In both cases Asian Americans were the lowest demographic nominated, both under 10 percent.

Part (b): 2 points

One point is earned for each of two correct descriptions of a difference between President Barack Obama's judicial appointments and those made by President George W. Bush. Possible responses include:

- Obama appointed a significantly greater percentage of women than did Bush. President Obama's appointees were 46 percent women, while President Bush's appointees were 22 percent women.
- Obama was more likely to appoint racial minority candidates than was Bush; for example, 22 percent of President Obama's appointees were African American, as opposed to 7 percent of President Bush's appointees.
- Obama appointed more than Bush in any single minority category, appointing a higher percentage of African Americans, Hispanics, and Asian Americans.

Part (c): 1 point

One point is earned for a correct explanation of why a president's party affiliation accounts for differences in presidential appointments to the judiciary. Possible responses include:

- President chooses nominees with similar views who will rule in a manner consistent with the President's policy preferences — party ID is a rough indicator.
- President chooses nominees that cater to his party's electoral coalition, which will help his party win future elections.

Part (d): 1 point

One point is earned for a correct description of a way that a president can increase the chances of having judicial nominations confirmed. Possible responses include:

- Consulting with the Senate/using senatorial courtesy
- Choosing a moderate
- Properly vetting candidates/selecting qualified candidates

A score of zero (0) is assigned to an answer that is completely off task or is on task but earns no points.

A score of dash (—) is assigned to an answer that is blank.

PRESIDENTIAL APPOINTMENTS TO THE FEDERAL JUDICIARY BY SELECTED DEMOGRAPHIC CHARACTERISTICS, 2000–2011 (in percent)						
President	African American	Hispanic	Asian American	White	Women	Men
Barack Obama	22%	11%	8%	59%	46%	54%
George W. Bush	7%	9%	1%	82%	22%	78%

Source: Alliance for Justice, August 2011
Percentages do not add up to 100.

3. Presidents consider many factors when nominating candidates to the federal courts, and getting their nominees confirmed is often difficult.
- Using the chart above, describe ONE similarity between President Barack Obama's judicial appointments and those made by President George W. Bush. - ↓ Asian
 - Using the chart above, describe TWO differences between President Barack Obama's judicial appointments and those made by President George W. Bush. - O more Women - B more W
 - Explain why a president's party affiliation accounts for differences in presidential appointments to the judiciary. - ~~legacy appeal~~
 - Describe one way a president can increase the chances of having judicial nominations to federal courts confirmed. - qualified

a) One similarity in the chart above is that both Obama and Bush nominated the lowest ~~percent~~ percentages of Asian Americans. This is shown by Obama only ~~elect~~ appointing 8% Asian Americans and Bush only appointing 1%.

b) • One difference between Bush and Obama in judicial appointments is that Obama nominated a much higher percent of Women. This is shown by Obama appointing 46% women whereas Bush appointed ~~the~~ less than half of that with 22%.

• Another difference is that Bush appointed a higher percent of whites than Obama did. Bush appointed 82% white with bw minority

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percentages. On the other hand Obama only appointed 59% white with larger percentages of minorities adding up to 41%.

c) Party affiliation does account for differences in appointments. Presidents main goal is to appeal to their voters. Democrats Through Judicial appointments they are given opportunities to reach out to different groups of voters.

Democratic presidents want to appoint more minorities because a large amount of Democratic voters are minorities such as African and Asian Americans, Hispanics, and Jews. Republicans on the other hand are attempting to appeal to their voters who are mostly white, anglo-saxon, protestant, and male.

d) One way a president can increase the chances of having his nominations confirmed is through the process of senatorial courtesy. Senatorial courtesy is asking state legislators (Senators) who you should appoint. This will increase the amount of people who approve of the nominee because it will show that this person is a qualified well thought out candidate. Although it is sometimes difficult for a president to get nominations confirmed this process makes the ~~nominees~~ nominee easier to accept and more

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3. Presidents consider many factors when nominating candidates to the federal courts, and getting their nominees confirmed is often difficult.
- (a) Using the chart above, describe ONE similarity between President Barack Obama’s judicial appointments and those made by President George W. Bush.
 - (b) Using the chart above, describe TWO differences between President Barack Obama’s judicial appointments and those made by President George W. Bush.
 - (c) Explain why a president’s party affiliation accounts for differences in presidential appointments to the judiciary.
 - (d) Describe one way a president can increase the chances of having judicial nominations to federal courts confirmed.

likely to be confirmed.

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Source: Alliance for Justice, August 2011
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3. Presidents consider many factors when nominating candidates to the federal courts, and getting their nominees confirmed is often difficult.
- Using the chart above, describe ONE similarity between President Barack Obama's judicial appointments and those made by President George W. Bush. *Both nominated similar percentages of Hispanics.*
 - Using the chart above, describe TWO differences between President Barack Obama's judicial appointments and those made by President George W. Bush.
 - Explain why a president's party affiliation accounts for differences in presidential appointments to the judiciary.
 - Describe one way a president can increase the chances of having judicial nominations to federal courts confirmed.

3a.) ~~Both~~ Both President Barack Obama and President George W. Bush nominated ~~very similar~~ a very similar amount of hispanic judicial ~~appointments~~ nominees.

b.) President George W. Bush nominated more men to the federal judiciary than President Barack Obama did because Bush nominated 78% and Obama only nominated 54%. President Obama also nominated more African Americans than President Bush because President Obama nominated 22% and President Bush only nominated 7%.

c.) A president's party affiliation accounts for differences in presidential appointments because if a president is a democrat, like President Obama, he is more likely to nominate more women and nominees from minority groups because those demographics tend to support the democratic

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party. If a president is a ~~republican~~ republican, like President Bush, they are more likely to nominate white, ~~males~~ males because that is the group that supports the Republican party the most.

d.) A president can increase the chances of having his judicial appointments confirmed by nominating people that are not extremely ideological. ~~the president is more~~ ~~likely to~~ If there is a divided government the Senate may not approve of the president's appointments because the majority of the Senators do not agree with that nominee's stance on issues and may not approve them because of that. If the president chooses someone who is more moderate ~~than~~ the majority of the Senators will not be as opposed to them.

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3. Presidents consider many factors when nominating candidates to the federal courts, and getting their nominees confirmed is often difficult.
- Using the chart above, describe ONE similarity between President Barack Obama's judicial appointments and those made by President George W. Bush.
 - Using the chart above, describe TWO differences between President Barack Obama's judicial appointments and those made by President George W. Bush.
 - Explain why a president's party affiliation accounts for differences in presidential appointments to the judiciary.
 - Describe one way a president can increase the chances of having judicial nominations to federal courts confirmed.

a) One similarity would be that both President Barack Obama and George W. Bush ~~also~~ appointed Asian Americans to the ~~juste~~ federal judiciary, the least out of all the other mentioned demographics (8% and 1% are less than all the other percents).

b) One difference between President Barack Obama's judicial appointments & ~~the~~ President George W. Bush's was that President Obama appointed more African Americans than President Bush did to the judiciary. Another difference would be that President Bush appointed more men to the judiciary than did President ~~the~~ Obama.

c) A President's party affiliation accounts for differences in the appointments he makes to the judiciary because he will appoint those who his party feels acceptable. This means

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that a president picks an appointment because they will benefit his or her party's platform, or the party in general. A Democratic president is more likely to pick African ~~American~~ Americans, ~~to~~ Hispanics, and women ~~to~~ for appointments because they most often support the democratic party. A republican president will, likewise, pick those who identify with his party more consistently for appointments to the judiciary, such as whites, and men.

d) A president ~~to~~ can increase the chances of having his or her judicial nominations to federal courts confirmed by picking a nominee that is acceptable to the Senate's majority party. Because the Senate ~~cannot~~ confirm Presidential appointments to the judiciary they can reject a nomination if they do not approve of it. The Senate would be more likely to ~~nominate~~ accept a nomination by the president to the judiciary if he or she picks a nomination that is a member of the majority party of the Senate or holds the values of the majority party.

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2013 SCORING COMMENTARY

Question 3

Overview

This question asked students to discuss and explain several components of the judicial nomination and appointment process. Part (a) asked students to use data from a chart outlining demographic characteristics of presidential appointments to the federal judiciary from 2000–2011 to describe a similarity between the appointments made by President George W. Bush and President Barack Obama. In part (b), students were asked to use the same chart to describe two differences between the appointments made by President George W. Bush and President Barack Obama. Part (c) asked students to explain why Democratic presidents and Republican presidents appoint different kinds of judges. Finally, in part (d), students were asked to describe a way presidents can increase the chances of having their judicial nominations confirmed by the Senate.

Sample: 3A

Score: 5

In part (a) the response earned 1 point for stating that “both Obama and Bush nominated the lowest percentages of Asian Americans ... Obama only appointing 8% Asian Americans and Bush only appointing 1%.”

In part (b), the response earned 1 point for describing a difference between President Obama’s judicial appointments and those made by President Bush: “Obama nominated a much higher percent of women ... 46% ... whereas Bush appointed less than half of that with 22%.” The response earned a second (b) point for the description “Bush appointed a higher percent of whites than Obama did. Bush appointed 82% ... Obama only appointed 59% white”.

In part (c), the response earned 1 point for explaining that “through judicial appointments they are given opportunities to reach out to different groups of voters. Democratic presidents want to appoint more minorities because a large amount of Democratic voters are minorities”.

In part (d), the response earned 1 point for describing a way that presidents can increase the chances of having their nominee confirmed “through the process of senatorial courtesy. Senatorial courtesy is asking state legislators (Senators) who you should appoint.”

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Question 3 (continued)

Sample: 3B

Score: 3

The response did not receive a point in part (a), since the fact that President Obama and President Bush nominated “a very similar amount of hispanic Judicial nominees” does not provide adequate information from the chart to have received a point.

In part (b), the response earned 1 point for describing a difference between the two presidents’ nominees: “George W. Bush nominated more men to the federal judiciary than President Barack Obama did because Bush nominated 78% and Obama only nominated 54%.” In part (b), the response earned a second point by describing another difference between both presidents’ judicial appointments: “President Obama also nominated more African Americans than President Bush because President Obama nominated 22% and President Bush only nominated 7%.”

In part (c) the response earned no point because the explanation that President Obama “is more likely to nominate more women and nominees from minority groups because those demographics tend to support the democratic party” does not link judicial nominations to presidential preferences for judicial rulings in court cases, or to the president’s electoral goals (“support” is not necessarily tied to judicial decision making or electoral success), and thus it does not explain why party affiliation accounts for differences in judicial appointments.

In part (d), the response earned 1 point for the description “nominating people that are not extremely ideological ... if the president chooses someone who is more moderate the majority of the Senators will not be opposed to them.”

Sample: 3C

Score: 1

In part (a), the response earned 1 point for describing a similarity between the presidents’ judicial appointment: “One similarity would be that both President Barack Obama and George W. Bush appointed Asian Americans to the federal judiciary the least out of all the other mentioned demographics (8% and 1% are less than all the other percents).”

The response did not receive either of the two points in (b) because neither “President Obama appointed more African Americans than President Bush did to the judiciary” nor “President Bush appointed more men to the judiciary than did President Obama” provide adequate information from the chart to have received points.

The response did not receive a (c) point because “he will appoint those who his party feels acceptable” does not connect judicial nominations to presidential preferences for judicial rulings in court cases, or to the president’s electoral goals. Similarly, picking “those who identify with his party more consistently” does not explain why party affiliation accounts for differences in judicial appointments.

The response did not receive a (d) point because “picking a nominee that is acceptable to the Senate’s majority party” is not a description of how a president can improve the chances of his preferred nominees receiving Senate confirmation, but rather it describes how a president is better off nominating the Senate’s preferred candidates.