**Facts of the Case**

Sally Rhodes is an 18 year-old Caucasian female who was denied admission into McIntire College, a publically funded institution in her state. Sally is suing the college in federal court, claiming their admissions policy is discriminatory on the basis of race and a violation of her right to equal protection of the laws under the Fourteenth Amendment.

Sally is currently enrolled as a full time student at Westside High School. Her grade point average is a 3.5 on a 4.0 scale. She is ranked 83 out 675 students in her graduating class, placing her in the top 12 percent of her class. Sally has taken the Scholastic Aptitude test (SAT) twice. The first time she scored a 540 on the critical reading portion of the exam and a 630 on the math portion of the exam for a total of 1170. The second time she scored a 500 on the critical reading portion of the exam and a 680 on the math portion of the exam for a total of 1180. Taking her two highest scores, Sally’s combined SAT score is a 1220. She was recognized for her academic Achievements by Westside High School, has engaged in a number of extra-curricular activities, and provided community service.

McIntire College’s admissions policy evaluates undergraduate applicants according to their academic performance and their personal achievements. For each applicant McIntire College computed an Academic Index (AI) and a Personal Achievement Index (API). The AI is a figure that reflects the applicant’s high school record, taking into account the applicant’s class rank, the applicant’s completion of McIntire College-required high school curriculum, the extent to which the applicant exceeded the required curriculum, and the applicant’s SAT/ACT score. The API is a figure that takes into account the applicant’s scores on two essays, leadership, extracurricular activities, awards/honors, work experience, and service to the community, and other special circumstances. McIntire College’s other special circumstances are the socioeconomic status of the applicant’s family, whether the applicant lives in a single-parent home, the language spoken at home, the applicant’s family responsibilities, the socioeconomic status of the school attended and the average SAT/ACT of school attended in relation to student’s own SAT/ACT, and race-adjusted criteria. Furthermore, under state statute, public high school students who graduate in the top 10% of their class are guaranteed admission to McIntire College.

Under this policy, McIntire College has admitted students to its undergraduate program consistent with the Top 10 Percent Law and filled the remainder of its incoming freshmen classes in accordance with the Academic and Personal Achievement Indices. Under the Top 10-Race Based Admissions Plan, 27,237 students, including Sally, applied for admission to McIntire College. 1,952 applicants were African-American and 5,335 applicants were Hispanic. Thus, 7.2 percent of McIntire’s applicants were African-American and 19.6 percent Hispanic. McIntire admitted 13,800 students of the 27,237 that applied. Incoming student SAT scores ranged from 1120-1370. 747 of the incoming freshmen class were African-American and 2,632 were Hispanic. Thus, 5.4 percent of McIntire’s admitted class were African-American and 19.1 percent were Hispanic. Of those admitted, 7,485 students enrolled. 431 students were African-American and 1,472 were Hispanic. Thus 5.8 percent of McIntire’s enrolled class were African-American and 19.7 percent were Hispanic. Under the race adjusted AI/PAI, 147 African-American students and 363 Hispanic students were admitted and enrolled at McIntire College.

Sally Rhodes contends institutions cannot use race-conscious admissions policies if they can achieve racial diversity through the use of race-neutral alternatives.

In your legal brief you must include reference to at **least one of the two precedent cases listed below.** A legal brief should be 1-2 page summary of the constitutional/legal argument for the ruling. Your purpose is to convince the Justice you clerk for that your position is the strongest and should be followed in their official opinion writing for the case.

**Equal Protection Precedent Cases:**

Plessy v. Ferguson (1898)

Brown v. Board of Education, I (1954):