February 11th, 2023

Name of Journal

Dear Article Editors,

I am pleased to submit the attached Article, *Students for Fair Admissions V. Harvard (2023) and the Memory Wars,* for publication in your journal. It is \_\_\_\_ words, including footnotes.

This Article joins the recent wave of scholarship responding to the Supreme Court’s ruling in *Students for Fair Admissions v Harvard* (*SFFA*) that severely limited, if not effectively ended, race-conscious affirmative action in college admissions. In contrast to this scholarship is dedicated primarily to exploring strategies for universities and other institutions to maintain racial diversity post-*SFFA,* this Article has a different purpose. It demonstrates how the *SFFA*’s majority opinion is part of a collaborative assault on the nation’s collective memory of race and racism and thereby jeopardizes the long-term struggle for racial justice.

The article offers three key contributions: Firstly, it provides a comprehensive analysis of the *SFFA* majority opinion, revealing how it distorts the collective memory of racism and undermines the legitimacy of racial remedies. Secondly, it examines the amicus curiae briefs in *SFFA* to demonstrate how affirmative action proponents participated in shaping the ahistorical narrative adopted by the *SFFA* majority. Thirdly, the article proposes strategies for reshaping collective memories at the grassroots level in a way that more accurately reflects past and present racial experiences in the United States.

This Article has major implications for constitutional law scholarship as well as for universities and other advocates of affirmative action in higher education and beyond. In rethinking affirmative action post-*SFFA*, proponents must not only address how affirmative action should be designed but also remind Americans why the practice continues to matter. Counterintuitively, I suggest that the *SFFA* decision, together with the current composition of the Court, provides an auspicious opportunity to reconstruct constitutional memory through recharging diversity with democratic commitments to equal citizenship.

My scholarship on affirmative action has appeared in numerous publications, including the prestigious *Law and History Review*, and the University of Pennsylvania’s *Journal of Constitutional Law*. My articles have been widely cited in literature, as well as in an amicus curiae brief submitted to the Court in the recent *SFFA* case. The Article benefited from comments made by Reva Siegel, Karen Tani, Julie Suk, Katie Eyer, Lynda Dodd, and Sophia Lee, as well as conversations with Robert Post, Samual Moyn, and Andrea Katz. I am a graduate of Yale Law School (J.S.D.; LL.M) and an assistant professor of law at Tel Aviv University’s Faculty of Law. I teach and write on legal history of constitutional law and administrative law, with a special focus on questions of inequality.

I thank you for your consideration and look forward to hearing from you.

Sincerely,

Ofra Bloch