

## **Sam Simon**

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### **EDUCATION**

#### **PRINCETON UNIVERSITY, Ph.D. Candidate, Department of Politics**

- Expected completion January 2026
- Completed comprehensive exams May 2022
- Subfields: Public Law, American Politics, Formal and Quantitative Methods
- Preceptor for Politics 335: The Political Economy of the United States (Spring 2025)
- Preceptor for Politics 329: Policy Making in America (Fall 2024)
- Preceptor for Politics 324: Congressional Politics (Spring 2024)
- Preceptor for Politics 327: Mass Media, Social Media, and Politics (Fall 2022)
- Recipient of Two Center for the Study of Democratic Politics Dissertation Grants

#### **HARVARD LAW SCHOOL, J.D., *cum laude*, May 2012**

- Dean's Scholar Prize in Civil Procedure, Contracts, Corporate and Capital Market Law and Policy, History of Economic Regulation, Law and Social Movements, Torts.
- *Harvard Civil Rights-Civil Liberties Law Review*, Notes Editor
- Harvard Legal Aid Bureau, Student Attorney
- Ames Moot Court Semifinalist, Oralist

#### **HARVARD COLLEGE, B.A., *magna cum laude*, Social Studies, June 2007**

- GPA: 3.8
- *The Harvard Crimson*, Editorial Board Member and Biweekly Columnist on Politics and Public Policy
- Harvard College Democrats Executive Board
- Thesis: *The Truly Disenfranchised: Race, Redevelopment, and Civic Participation in St. Louis*

### **RESEARCH AND TEACHING INTERESTS**

Constitutional Law, Legislation, Administrative Law, Civil Rights (especially Election Law), Law and Social Science

### **OTHER TEACHING INTERESTS**

Computers and the Law, Communications Law, Privacy Law, Intellectual Property

### **PUBLICATIONS AND WORKS IN PROGRESS**

**"The Last People to Help Decide": Incumbent Cartels, Issue Spotting, and Congressional Constitutionalism** (presented at the American Law and Economics Association Annual Conference, May 16, 2025).

We are witnessing a rebirth in scholarly and popular interest in constitutional law as it evolves outside the courts, and particularly in Congress. However, while scholars have long evaluated Congress's performance when its members discuss constitutional questions, we lack an understanding of when and why it asks such questions in the first place. This paper employs for a novel purpose a tool that should be familiar to law professors: the issue spotter test. Relying on a dataset of all laws struck down by the Supreme Court on their face, the paper considers the debates that produced those laws and asks whether Congress "spotted the issue" that would ultimately lead to the laws' invalidation. Then, using statistical and qualitative methods, it explores why Congress spots some issues while completely ignoring others. By revealing the constitutional questions Congress asks—not just the answers it gives—the paper provides a new perspective on congressional competence, constitutional doctrine, and the separation of powers.

**Coalitional Constitutionalism: The Constitution in Congress** (presented at the American Association of Law Schools Annual Conference, January 28, 2025).

As scholars, commentators, and the American public question the Supreme Court's willingness to protect core rights, we are witnessing a renewed interest in "legislative constitutionalism" – the study of how legislatures generally and Congress specifically address constitutional questions. This article argues that the Constitution shapes congressional action, not by binding lawmakers to a set of rules but by giving them a set of tools to

achieve their goals. It first provides a model of congressional action, “coalitional constitutionalism,” that explains how lawmakers’ political incentives lead them to act on principle. It then shows how lawmakers are simultaneously pulled to protect minority rights and pushed to undermine them, creating a tension that rational lawmakers will seek to dissipate. Finally, it shows how the Constitution helps lawmakers reduce this tension by reframing the terms of political debate. Ultimately, the article presents a vision of congressional constitutionalism that, while imperfect, is both meaningfully democratic and meaningfully constitutional.

**Conservative Support for Climate Change in Congress**, with James M. Curry and Robert Oldham (presented at Congress and History conference on May 16, 2024, and American Political Science Association on September 8, 2024).

Considering a novel dataset of climate change-related legislation cosponsored and speeches made by Republican members of Congress, we shed new light on Republicans’ propensity to entertain climate change solutions, on the one hand, and to promote climate change denial, on the other. Our findings indicate that Republicans’ approach to climate policy is more nuanced than it appears in existing accounts. While Republicans have moved away from legislation to address emissions in recent years, moderate and electorally vulnerable Republicans have shown an interest in quietly working to promote alternative energy. And while Republicans have denied climate change in the course of high-profile policy fights, their decisions to promote denialism appear change in response to short-term political considerations. Republicans quickly abandon denialism, particularly in recent years, when it does not advance their partisan interests.

**The Senate Sandbox: Teaching Legislative Politics Through Open-Ended, Multi-Week Simulations**, with Robert Oldham, Frances Lee, Alison Craig, Joshua Meyer-Gutbrod & Ryan Dennehy (authors are responding to revise and resubmit request from PS: Political Science & Politics).

Authors who have taught undergraduates using an open-ended, multi-week Congress simulation discuss the potential this pedagogical strategy has for deepening student learning and interest in the lawmaking process. We argue that such a strategy has important advantages over typical classroom approaches and even shorter simulations. The article provides suggestions on how to approach simulation teaching, a discussion of tradeoffs, and evidence regarding the model’s potential. The work builds on my experience co-teaching such a simulation at Princeton University.

**Our Unelected Supreme Court Has Ruled Courts are the Ultimate Deciders**, THE HILL, August 4, 2024.

I argue that, in *Securities and Exchange Commission v. Jarkesy* and *Loper-Bright Enterprises v. Raimondo*, the Supreme Court arrogated power to itself, and that the traditional justifications for judicial power do not apply.

**In Search of a Legislative Leviathan: Judicial Enforcement of Senate Nominations Rules**, 31 WM. & MARY BILL RTS. J. 941 (2022).

I argue the courts should enforce Senate rules governing nominations, invalidating confirmations that violate such rules and declaring that the Senate must act when its rules require action. The courts have interpreted and applied Senate nominations rules in the past, and judicial action is consistent with the political question doctrine and other doctrines governing judicial involvement in the work of a coequal branch. It is also consistent with a modest, pro-majoritarian role for the courts, in which courts act to facilitate political contestation and democratic decision-making.

**How Statutes Create Rights: The Case of the National Labor Relations Act**, 15 U. PA. J. CONST. L. 1503 (2013). *Winner of top prize in the American Constitution Society’s 2012 Constance Baker Motley National Writing Competition.*

I argue the NLRA should be treated as a “super-statute” – aggressively enforced by the National Labor Relations Board and given respectful treatment by the courts – because it was passed after a particular type of robust public participation.

**Ongoing Projects:** I am currently working with Professor Jon Choi (USC) to use large language models to measure congressional deference to judicial interpretations of the Constitution, with Professors Vic Nourse (Georgetown) and Jesse Cross (South Carolina) on an interview-based study of congressional staff and their legislative drafting practices, and on a solo project advocating that the Senate adopt a rule similar to the House’s suspension calendar in order to promote efficient and bipartisan lawmaking.

## **WORK EXPERIENCE**

### **PLANNED PARENTHOOD/KELLEY DRYE & WARREN LLP**

#### ***Consultant on Digital Privacy Law and Policy***

As subcontractor for Kelley Drye & Warren, consulted with Planned Parenthood staff and affiliates on federal and state legislation related to digital privacy. Provided expertise on legal, policy, and political questions related to abortion, online privacy, consumer protection, and related issues.

**Washington D.C.**

**April 2024—June 2025**

**SENATOR RICHARD BLUMENTHAL/SENATE JUDICIARY COMMITTEE****Washington D.C.****Chief Counsel****December 2012—June 2020**

- Top Democratic staffer for the Subcommittee on Oversight, Agency Action, Federal Rights, and Federal Courts and the Subcommittee on the Constitution
- Chief legal advisor for Senator Blumenthal as he prepared for first Senate impeachment trial of President Trump.
- Coordinated outside counsel and managed lawsuit brought by more than 200 members of Congress against President Trump for violations of the Foreign Emoluments Clause, as well as a separate suit brought by members of the Senate Judiciary Committee to secure Brett Kavanaugh's records from his service in the White House.
- Senator Blumenthal's lead policy advisor for issues within the jurisdiction of the Judiciary Committee, including the nominations of Neil Gorsuch and Brett Kavanaugh to the Supreme Court, the 2013 Senate debate over comprehensive immigration reform, and Congress's response to the shooting at Sandy Hook Elementary School.
- Advised Senator Blumenthal on the Senate Judiciary Committee investigation into Russian interference in the 2016 election, potential Russian collusion with the Trump campaign, and related obstruction of justice.
- Top Secret Security Clearance.

**SENATOR RICHARD BLUMENTHAL****Washington D.C.****Counsel/Legislative Assistant****May-December 2012**

- Provided policy advice, drafted legislation, and wrote memoranda and other materials related to tax, trade, labor/employment, housing, financial services, and budget issues.

**HOUSE FINANCIAL SERVICES COMMITTEE****Washington, D.C.****Minority Clerk****January-April 2012**

- Researched and wrote policy memoranda, drafted legislation, and participated in legislative negotiations as full-time clerk for Ranking Member Barney Frank, while participating in Harvard Law School's Semester in Washington program.

**HARVARD LEGAL AID BUREAU****Cambridge, MA****Student Attorney****August 2010-January 2012**

- Served as lead counsel in housing disputes and wage and hour suits.
- Wrote motions, memoranda, and trial and appellate briefs, including assisting with a Massachusetts Supreme Judicial Court brief.
- Worked with advocacy organizations to develop and advocate for state legislation to address foreclosures and to defend local foreclosure ordinances from constitutional challenge.

**CONSUMER FINANCIAL PROTECTION BUREAU****Washington D.C.****Summer Associate, Enforcement Division****June-August 2011**

- Wrote legal memoranda on constitutional limitations on remedies available in federal courts and administrative tribunals, on potential targets for enforcement actions, and on the scope of the new Bureau's legal authority.
- Drafted cooperation agreement between the Bureau, Justice Department, and Judge Advocate General Corps.

**PROFESSOR LANI GUINIER****Cambridge, MA****Teaching Assistant, Law and Social Movements****February-May 2011**

- Assisted Professor Lani Guinier in developing and implementing her teaching agenda for Harvard Law School class on the interaction between law and mass mobilization.
- Mentored law students on research and writing. Delivered lecture. Led group discussions. Assisted with evaluating student work.

**INTERNATIONAL RIGHTS ADVOCATES****Washington, D.C.****Summer Associate****July 2010-August 2010**

- Researched and wrote arguments for appellate briefs and helped with document review and factual development for organization representing plaintiffs in human rights litigation in U.S. federal courts.

**SENATOR/REPRESENTATIVE TOM UDALL****Washington, D.C.****Speechwriter and Press Secretary****July 2007-August 2009**

- Wrote public remarks, including maiden Senate floor speech on energy policy and speeches for Senate debate on the Sotomayor confirmation and on health care reform.
- Advised on trade and labor-related issues.

**PROJECT VICTORY/MCCASKILL FOR SENATE****Field and Political Director, St. Louis City and County****St. Louis, MO****August-November 2006**

- Trained and managed team of 10-12 organizers responsible for coordinating grassroots organizing and political outreach for a region comprising 1.3 million people, nearly one quarter of the state's population.

**JEFF SMITH FOR MISSOURI STATE SENATE****Campaign Manager****St. Louis, MO****January-August 2006**

- Developed and implemented media and field plan for a successful state Senate campaign.
- Supervised 17 full-time staff.
- Coordinated outside pollsters and consultants to plan and write a 13-piece, \$115,000 direct mail campaign.

**JEFF SMITH FOR CONGRESS****Field Director****St. Louis, MO****June-August 2004**

- Developed unique grassroots organizing program and drafted all training materials.
- Trained and managed 15 organizers.

**AWARDS**

- National Law Journal Top Capitol Hill Staffer. 2014
- Heyman Public Service Fellowship. 2014
- Champion for Children Award for Congressional Staff from the First Focus Campaign for Children. 2013
- American Constitution Society Constance Baker Motley National Writing Competition, First Prize. 2012
- Harvard Law School Pro Bono Award – for more than 2,000 hours of service. 2012
- Weissman International Human Rights Award – paid for summer work in London, UK. 2005
- Detur Book Prize for Top Harvard Freshmen. 2003

**SELECTED SPEAKING/TEACHING ENGAGEMENTS****AMERICAN LAW AND ECONOMICS ASSOCIATION ANNUAL MEETING****New York, NY****Presenter****May 16, 2025**

Selected to present my paper, *Congressional Issue Spotting*, on public law panel.

**AMERICAN ASSOCIATION OF LAW SCHOOL ANNUAL MEETING****San Francisco, CA****Presenter****January 28, 2025**

Selected to present my paper, *Coalitional Constitutionalism: The Constitution in Congress*, on panel devoted to scholarship in the field of legislation.

**PRINCETON SENATE REFORM WORKSHOP****Washington, D.C.****Conference Participant****March 13, 2023**

Joined scholars and practitioners to discuss potential reforms to Senate rules and election law.

**UNIVERSITY OF TEXAS ARCHER CENTER****Washington, D.C.****Guest Lecturer****March 13, 2023**

Co-taught group of 20 students about Senate Judiciary Committee procedure and practices.

**UNIVERSITY OF CONNECTICUT SEMESTER IN WASHINGTON****Washington, D.C.****Guest Lecturer****February 2019 and February 2020**

Taught a group of 15 students about the legislative process.

**STEPTOE AND JOHNSON INAUGURAL REGULATORY SYMPOSIUM****Washington, D.C.****Panelist****May 2, 2019**

Joined panel including commissioners, former commissioners, and top officials from the Federal Energy Regulatory Commission, Federal Communications Commission, Surface Transportation Board, and Environmental Protection Agency to present on administrative law and policy, federalism, the legislative process, and lobbying.

**AMERICAN BAR ASSOCIATION ANTITRUST SECTION****Washington, D.C.****Speaker****November 16, 2017**

Spoke to gathering of several hundred lawyers about congressional oversight of antitrust enforcement with respect to the technology industry.

**MIT-GEORGETOWN LAW TECH POLICY PROPOSAL COMPETITION****Washington, D.C.*****Judge and Presenter*****April 28, 2016**

Invited by then-Professor Alvaro Bedoya to judge six teams made up of MIT and Georgetown Law students who presented public policy proposals. Presented on the legislative process as it relates to technology and privacy.

**FEDERAL INTERNSHIP SEMINAR, GEORGETOWN LAW SCHOOL****Washington, D.C.*****Guest Lecturer*****January 26, 2015**

Taught a class session on immigration policymaking for participants in the internship program.

**CONTINUING LEGAL EDUCATION CLASS ON SURVEILLANCE****Washington, D.C.*****Panelist*****September 26, 2013**

Joined representatives of the ACLU and Federal Communications Commission, as well as a partner from D.C. law firm Hogan Lovells, for panel on surveillance reform, as part of class hosted by the Federal Communications Bar Association.

*From 2013 to 2020, I met several times each year with students from the Harvard, Yale, and University of Connecticut law schools when they visited Congress.*

**BAR ADMISSIONS**

Admitted to practice law in Maryland (currently inactive).

## **REFERENCES**

### **Josh Chafetz**

Professor of Law  
Georgetown University Law Center  
(203) 605-5407  
jac544@georgetown.edu

### **Frances Lee**

Professor of Politics  
Princeton University  
(202) 689-5898  
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### **Keith Whittington**

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Yale Law School  
(609) 865-4209  
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### **Paul Frymer**

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Princeton University  
(415) 205-9994  
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### **Anne Alstott**

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Yale Law School  
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### **Jonathan Gould**

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