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STEVE SHIFFRIN: MASTER DEBATER

*Gerald Uelmen**

*Let us honour if we can
The vertical man
Though we value none
But the horizontal one.¹*

In 1960, the world of intercollegiate debate was a very structured, highly competitive setting. There were three essential ingredients to succeed in this environment: a good coach, lots of preparation, and an excellent partner. And for one brief, shining moment, all of these elements came together when Steve and I were undergraduate students at Loyola University in Los Angeles.²

We had a coach who loved to win, Michael Schon. He taught us a kill-chant to recite on our way to debate tournaments: “Kill! Kill!” His apartment became our hangout during college. Preparation meant missing lots of classes, but our GPAs seemed less important than our debate record. We marched into debate tournaments loaded with thousands of quotations typed on recipe cards.

Finding the perfect partner involved lots of chemistry. You had to carefully balance all of the elements of obsessive-compulsive personality disorder with the elements of narcissistic personality disorder. Actually, I found that excellent preparation to be a law school dean. The perfect partner I found was Steve Shiffirin, and Steve was an awesome debater and a great friend. We even became fraternity brothers.

I will never forget the trips we took together. One time, we drove straight through to Lawrence, Kansas, in my VW bug, debated

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1. W.H. AUDEN, POEMS 5 (Random House 1935) (1930) (quoting the book’s dedication to Christopher Isherwood).

2. Loyola University and Marymount College merged in 1973 to form the present Loyola Marymount University. See About LMU: A Brief History, <http://www.lmu.edu/Page18873.aspx> (last visited Oct. 7, 2007).

for three days, and then got back in the car and drove straight back to L.A. What was most memorable about that trip was that Steve never changed his shirt the entire time.

I did have two minor problems with Steve though. First, he was a fanatical bridge player, and it took lots of manipulation to pry him loose from the bridge tournaments to do more library research. And second, Steve's research capacities were seriously limited when he lost his library privileges because he kept losing books that he checked out and never returned. This led to my first experience in drafting a contract. I drafted an agreement that gave me the right to extract a pound of Steve's flesh if he failed to return a library book that was checked out in my name. It was even witnessed by our debate coach.

The pinnacle of intercollegiate debate competition at that time was the annual national championship held each April at West Point, New York.³ You could actually get tapes of the final debates, which kind of set the gold standard for what to shoot for. I remember how excited Steve was when he heard the tape of the 1961 Championship debate. The winner that year? Laurence Tribe and Gene Clements of Harvard.⁴ I think Steve almost memorized that debate.

Our turn came in 1962. The topic we were debating was whether labor organizations should be under the jurisdiction of anti-trust legislation. The trip was my first to New York, and I think it was Steve's first as well. I do not remember much about any of the debates we lost, but I am sure Steve can give you a blow-by-blow account of every debate that we won. I do remember seeing my first Broadway show on that trip, *My Fair Lady*.⁵ We even debated with our coach, Schon, over whether we should see *My Fair Lady* or *Camelot*.⁶

After we graduated, I went off to law school at Georgetown, while Steve pursued a Masters of Arts in communication and

3. See Sites, Hosts and Directors of Past NDTs, <http://groups.wfu.edu/NDT/HistoricalLists/Sites1.htm> (last visited Oct. 7, 2007).

4. See National Debate Tournament Previous Winners: Champions, Runners-Up, and Semi-Finalists 1947–2005, <http://groups.wfu.edu/NDT/HistoricalLists/winners.html> (last visited Oct. 7, 2007).

5. Broadway Musical Home, *My Fair Lady*, <http://www.broadwaymusicalhome.com/shows/myfairlady.htm> (last visited Oct. 7, 2007).

6. Broadway Musical Home, *Camelot*, <http://www.broadwaymusicalhome.com/shows/camelot.htm> (last visited Oct. 7, 2007).

embarked upon a career as a debate coach. But the story doesn't end there; ten years later, I was teaching at Loyola Law School when Steve came to his senses and realized that his true calling was to be a law professor. I remember having to persuade our law school admissions department that Steve's debate record was a better indicator of his potential than his undergraduate GPA. In any event, as you've already heard, Steve went through Loyola Law School in a blaze of glory and landed a tenure-track teaching position at UCLA.

In 1986, when California was in the midst of a retention election in which three justices of the California Supreme Court were under attack,⁷ the stellar debate team of Uelmen and Shiffrin reunited to take on professors Phil Johnson and Steve Barnett of Boalt Hall in what was called the "Biltmore Debate." We soundly trounced them, and you all know what a profound effect that had on the election.

The following year, I went off to Santa Clara, Steve went off to Cornell, and I must say how pleased I was to get all those nice cards and letters from Steve staying in touch over the years—not. When it comes to staying in touch with his friends, Steve Shiffrin is an ox. We took him off our Christmas card list ten years ago.

One final note to illustrate how we keep following each other around in this business. I've always been amazed at how many fellow law professors, and really outstanding lawyers that I meet, are fellow veterans of the intercollegiate debate circuit. It shouldn't surprise me, since arguing both sides in competitive debate is great training in the skills that make great advocates and great law professors. Anyway, when I finally made it to the West Point of appellate advocacy and got to argue my first case in the United States Supreme Court five years ago, the case before mine was argued by Laurence Tribe of Harvard. Larry was arguing his sixtieth case in the U.S. Supreme Court, and just as in 1961, he was setting a gold standard of what to shoot for. And for twenty-five years now, Steve Shiffrin has been setting a gold standard for scholarship in constitutional law. And I'm delighted at this opportunity for one last ride on Steve Shiffrin's coat tails.

7. See Robert Lindsey, *The Political Campaign: In California, Fierce Challenge to Judges*, N.Y. TIMES, Oct. 20, 1986, at B8.

