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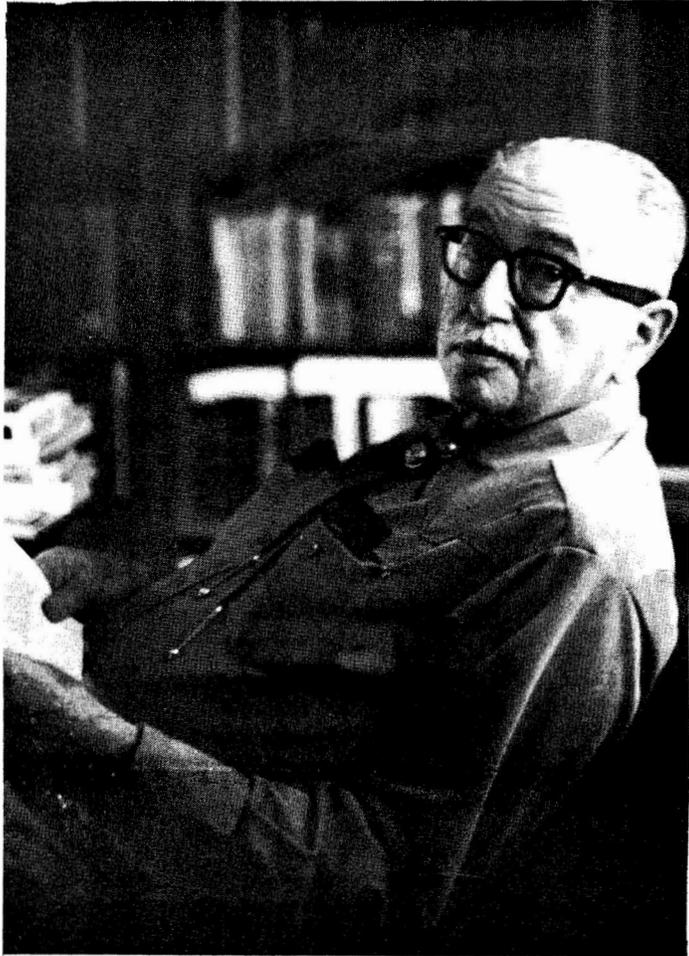
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Monday October 15, 1979



F. B. W. in Phoenix, Ariz., Dec. 1978, by P. R. B.

Lawyer's Reason and the Soldier's Faith: Colonel Frederick Bernays Wiener

by Paul R. Baier

The Lawyer's Reason and the Soldier's Faith

Several years back Mr. Justice Frankfurter inscribed a photograph for one of his former Harvard Law School students who had gone on to become an extraordinary advocate at the bar of the Supreme Court. Justice Frankfurter's inscription, dated September 1941, reads: "To Major Frederick B. Wiener, who represents the lawyer's reason and the soldier's faith." Felix Frankfurter and Frederick Wiener were personal friends for over thirty-five years and on one occasion, in a letter to his "Dear Brethren," Justice Frankfurter described the Colonel as a lawyer "whose arguments are much esteemed by every member of this Court."

Schedule of Lectures

Colonel Wiener, who was recently elected Vice-President (Overseas) of the Selden Society, will visit the LSU Law Center during the week of October 15th, 1979. He will deliver lectures on appellate advocacy on Monday and Wednesday evenings, October 15th and 17th, in the law school auditorium beginning at 7:00 p.m. The Colonel, author of *Briefing and Arguing Federal Appeals* (BNA, 1967), first published as *Effective Appellate Advocacy*, a book that was so popular it was literally stolen off library shelves, argued a grand total of 38 cases during his career at the bar of the Supreme Court of the United States, and his briefs fill over 100 bound volumes.

Colonel Wiener will also deliver lectures on the *Delaware Reapportionment* case, *Roman v. Sincock*, 377

U.S. 695 (1964), which he argued against then Solicitor General Archibald Cox, and on *Reid v. Covert*, 354 U.S. 1 (1957), which he won on rehearing in the Supreme Court of the United States, the only instance on record of the Supreme Court, without a controlling change of membership, reversing itself in the same case following a published opinion. These latter lectures, open to all interested students and faculty, will be presented in the law school's Courtroom on Tuesday and Thursday, October 16th and 17th, at 12:40 p.m.

Welcoming Convocation

A convocation sponsored by the Student Bar Association welcoming the Colonel and Doris Merchant Wiener, his wife, to the Law Center will be held at 3:00 p.m. on Monday afternoon, October 15th, in the Courtroom, with

Student Bar to Ask for Approval

"We've done it twice already, but with change in administration we'll have to do it once more," says SBA President Paul Marx. The task is to submit to the students a proposed assessment of SBA dues to be included with other fees paid during registration. "Most of the undergraduate colleges run their campus governing organizations like that, because you get accountability for funds and enforceable budget procedures," he says.

The proposed assessment has been in the works for two years, but has run into multiple hurdles, the most recent being the Law Center administration's reluctance to support it. This hesitancy has been due mostly to concern over whether the student body at the Law Center supports the proposal. Although voting has taken place before, the new administration has taken the position that the proposal should have strong student support in the form of a referendum before the proposal goes to the Board of Supervisors.

The referendum will probably offer alternative arrangements for financing Student Bar activities. It will probably take place in late October. The officers of the SBA believe that the assessment is the key to developing a program of activities at the Law Center which achieves the dual aims of providing recreational and professional enrichment for the student. It would allow the SBA Board to develop binding budgeting procedures that would have to be followed for nearly all spending

by the SBA.

"We want to retain our role as social organizer, but we want to add to it some services which will help law students in their professional career," says Andy Buisson. Buisson is the Vice President of the SBA, and serves as Social Chairman in that position.

a reception immediately thereafter in the Daggett Courtyard.

Retrospective Exhibit

During October, to commemorate Colonel Wiener's visit to the Law Center, a retrospective exhibit depicting Frederick Wiener's work as appellate advocate and legal scholar will be on display in the foyer of the Law Library. Items featured in the exhibit include photographs of Justice Frankfurter, one personally inscribed to F.B.W. and another inscribed "For Doris Wiener, who proves--and I avouch Fritz as witness--that one need not be a lawyer to be a Portia"; letters to the Colonel from Louis Brandeis, Learned Hand, Roscoe Pound, and William Rehnquist; a photograph of F.B.W. in formal court attire, taken in April, 1952, following the winning argument in *Greenburg v. United States*; bound records and briefs in *Covert-Smith I (Defeat)* and *Covert-Smith II (Victory)*; the Petition for Rehearing in *Reid v. Covert*, Colonel Wiener's outstanding professional accomplishment; separate briefs in *Roman v. Sincock*, inscribed "For Doris Merchant Wiener, part of the original cast"; F.B.W.'s *Notes on the Law of the Constitution*, faithfully transcribed at the Harvard Law School 1929-39; Colonel Wiener's Selden Society Lecture, "Uses and Abuses of Legal History: A Practitioner's View"; (1962) and his masterpiece *Civilians Under Military Justice* (Univ. of Chicago Press, 1967); reprints F.B.W.'s *Harvard Law Review* articles, including, "The Supreme Court's New Rules" (1954) [F.B.W. was Reporter to the Committee on Rules Revision] and "Courts-Martial and the Bill of Rights: The Original Practice" (1958); and Frederick Wiener's biographical memoir of his teacher and friend Felix Frankfurter, published in the *Yearbook of the American Philosophical Society* (1965).

Special audio equipment will allow the viewer to hear excerpts of the actual oral arguments in *Reid v. Covert*, including Colonel Wiener's arresting peroration in *Covert II*.