

# Michigan Law Review

---

Volume 66 | Issue 3

---

1968

## John Barker Waite

Michigan Law Review

Follow this and additional works at: <https://repository.law.umich.edu/mlr>



Part of the [Legal Biography Commons](#)

---

### Recommended Citation

Michigan Law Review, *John Barker Waite*, 66 MICH. L. REV. 429 (1968).

Available at: <https://repository.law.umich.edu/mlr/vol66/iss3/2>

This Tribute is brought to you for free and open access by the Michigan Law Review at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Michigan Law Review by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact [mlaw.repository@umich.edu](mailto:mlaw.repository@umich.edu).

## **JOHN BARKER WAITE**

### *Memorial Resolution by Law School Faculty Concerning John Barker Waite*

John Barker Waite, Professor Emeritus of the Law School, died at La Jolla, California, on October 14, 1967. His passing at the age of 85 ended a career closely identified with the University of Michigan Law School. A member of the law faculty for forty years, his distinguished achievements as teacher and scholar gained him an honored place in the history of the Law School.

Born in Toledo, Ohio, John Waite received his bachelor's degree with honors at Yale University in 1905 and his law degree at the University of Michigan in 1907. After practicing law in Toledo from 1907 to 1912, he accepted the invitation extended to him to join the faculty of the University of Michigan Law School where he served until his retirement in 1952. Subsequently he taught several years at the Hastings College of Law, University of California, in San Francisco.

His teaching and research interests extended to several fields. For many years he taught the courses in Sales and in Patent Law, and his books *The Law of Sales* and *Patent Law* reflect his interests in these areas. His primary interest, however, lay in the field of criminal law, procedure and enforcement, wherein he made his greatest contribution as teacher and scholar. His scholarly publications in this area included the several editions of his casebook on criminal law and procedure, the books *Criminal Law in Action* and *The Prevention of Repeated Crime*, and numerous articles in legal periodicals. From 1920 to 1931 he was the Editor of the *Michigan Law Review*. Gifted with a facility for clear and lively writing, he often discussed the problems of crime and law enforcement in articles directed to the general reader in such popular periodicals as the *Atlantic Monthly*, *Harper's* and the *Reader's Digest*.

To better his acquaintance with police practices and the problem of law enforcement, John Waite made a first-hand study of police methods and often accompanied the police on their missions. A concern for improvement of the criminal law and its administration was a strong motivating force in his teaching and writing. His service in important roles furnished a vehicle for constructive contributions to law reform. Besides serving as a member from 1941 to 1945 of the United States Supreme Court's Advisory Committee on Rules of Procedure in Criminal Cases, he served variously as adviser or reporter on projects of the American Law Institute in its restatement

of criminal procedure and the administration of criminal law, and was an active member of committees of the American Bar Association and of the Michigan State Bar. In 1941 he drafted the Youth Correction Authority Act. His many and worthwhile contributions established him as a leading figure in the field of criminal law.

In addition to his professional achievements and contributions, John Waite was the good and responsible citizen who took an active interest in public affairs at all levels of government, an interest manifested by his own distinctive services. He represented his ward in the Ann Arbor City Council from 1939 to 1945, was federal compliance commissioner for the War Production Board from 1943 to 1945, and hearing commissioner for the National Production Authority in 1952-1953.

Many generations of law students will recall "J. B." Waite, popularly known as "Jabby," as a stimulating and demanding teacher. Although deeply concerned with empirical research and the basic policy factors in criminal law enforcement, John Waite used the classroom primarily as a vehicle for developing analytical precision and sharpness. But the syllogistic method which he employed with such skill was directed also to the end of demonstrating that underlying the formal logic and propositional law of judicial opinion are the policy conceptions and value choices which are determinative.

Those of us who were privileged to know John Waite, whether as faculty colleagues, neighbors or friends, recall with pleasure and gratitude the warm, gracious and kindly qualities which distinguished him as a man. For the junior members of the faculty and their families he had words of helpfulness and encouragement. A bright wit enlivened his conversation. In his presence one sensed an optimistic view of life and a zest for living. Generously endowed with talents of mind and hand, he found particular satisfaction and pleasure in their creative use, whether as writer or as carpenter, woodworker and builder. Readers of the *Michigan Quarterly Review* will remember the delightful stories written with a light touch and demonstrating imagination and humor.

In his service as teacher, in his attainments as scholar, in the achievements of his professional and public life, in the impact of his personal relations, John Waite made contributions which enriched the Law School, the law, his community and the lives he touched. We, the Faculty of the University of Michigan Law School adopt this resolution to express our admiration, respect and affection for him, our sympathy for his family, and our own sense of personal loss.

November 17, 1967