

## John J. Callahan Papers (Crampton vs. Ohio) Biographical Notes

John Joseph Callahan, born in Toledo on February 5, 1922, died June 8, 2008 at the age of 86. He was still practicing law after fifty-six years. His intended career was journalism; after majoring in English at John Carroll University, he graduated from the University of Michigan Law School in 1952. By graduation, his career plans had changed and he joined the law office of William T. Burgess. He started out handling cases concerning workmen's compensation but began handling more criminal trial work as Lucas County judges began appointing him to defend indigents.

Callahan opposed the death penalty and his most famous case was the *Crampton vs. Ohio* case. He defended James Crampton, who was found guilty of murdering his wife while out of the state hospital on a trial leave. The jury who found him guilty also sentenced him to death. Callahan appealed the case to the Ohio Supreme Court and then the United States Supreme Court. Callahan argued that the finding of guilt and the sentencing should have been handled as two phases and not one. By handling both at the same time, Crampton was unable to testify to mitigating circumstances for the penalty without incriminating himself in the trial on murder charges.

The U.S. Supreme Court considered the arguments for *Crampton vs. Ohio* and *McGautha vs. California* together at the October 1970 term. While Crampton argued that the penalty phase should have been separated from the trial, McGautha argued that it was unconstitutional for the jury to decide between life and death in capital cases. The Court ruled against both McGautha and Crampton on procedural grounds under the 14<sup>th</sup> Amendment without addressing the larger challenge that capital punishment is "cruel and unusual punishment" and thus unconstitutional under the 8<sup>th</sup> Amendment.

The following term, the Supreme Court considered three additional challenges to the death penalty in a combined hearing under *Furman vs. Georgia*. This case argued that the death penalty was unconstitutional under the 8<sup>th</sup> Amendment. The decision by the Court that Georgia's statute was unconstitutional invalidated all state statutes providing for capital punishment. Justice William O. Douglas' written decision referred back to *Crampton vs. Ohio*.

Other major cases in Lucas County that Callahan defended were the Billy Rogers' case, in which Rogers was convicted of murdering Lisa Bates, age 7 and Gerald Robinson's trial for murdering Sister Margaret Ann Pahl. Callahan appealed Rogers' case to the United States Supreme Court; their decision resulted eventually in a new trial in 1989 in which Rogers was again convicted but sentenced to life in prison. He would not be eligible for parole for at least thirty years.

Jack Callahan donated his file of *Crampton vs. Ohio* to the Local History Department in January 2008. The file includes papers about the case from Lucas County Court of Common Pleas through the U.S. Supreme Court, personal correspondence about the case and articles from numerous newspapers and magazines. There are also two reel-to-reel tapes which have been duplicated onto CD-ROM. These tapes are recordings of the oral arguments presented before the U. S. Supreme Court. The recording for *McGautha vs. California* is ninety minutes and *Crampton vs. Ohio* is seventy-nine minutes. The recordings are housed with other recordings in the department.

## John J. Callahan Papers (Crampton vs. Ohio) Inventory

### Box 1

- Folder 1 Pleadings and Miscellaneous Papers from [Lucas County] Common Pleas Court through U. S. Supreme Court
- Folder 2 State of Ohio vs. Crampton (Court of Appeals Lucas County, Sixth Appellate District)
- Folder 3 Petition for Writ of Certiorari and Brief in Opposition (Supreme Court of the United States, Petition ... to Supreme Court of Ohio)
- Folder 4 Post-conviction Proceedings (State) Supreme Court of Ohio
- Folder 5 Habeas Corpus (In the U. S. Court of Appeals for the Sixth Circuit; On Appeal From the U. S. District Court for the Northern District of Ohio, Western Division)
- Folder 6 Habeas Corpus Appeal to Supreme Court of the United States
- Folder 7 Supreme Court of the United States, October Term 1970, No. 204, Brief for the Petitioner
- Folder 8 Supreme Court of the United States, October Term 1970, No. 204, Respondent's Brief
- Folder 9 Supreme Court of the United States, October Term 1970, No. 204, Motion ... Brief of Amici Curiae, American Friends Service Committee et al
- Folder 10 Supreme Court of the United States, October Term 1970, No. 204, Motion ... Brief of Amici Curiae, NAACP ... et al
- Folder 11 Supreme Court of the United States, October Term 1970, No. 204, Appendix
- Folder 12 Slip Opinion in Crampton
- Folder 13 Opinions of the Supreme Court of the United States in McGautha vs. California and Crampton vs. Ohio
- Folder 14 Correspondence, Vol. 1, January 27, 1967 to May 6, 1971
- Folder 15 Correspondence, Vol. 2, May 7, 1971 to April 3, 1987

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Inventory

- Folder 16 Binder, Newspaper and Magazine Clippings, Part 1
- Folder 17 Binder, Newspaper and Magazine Clippings, Part 2
- Folder 18 Photographs