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**BYLINE:** Katie Mulvaney, Journal Staff Writer

**HIGHLIGHT:**

Testimony on effort to pardon Irish-Catholic immigrant who was last person executed in R.I.

**BODY:**

PROVIDENCE Michael DiLauro has defended rapists, murderers and robbers throughout his career as an assistant public defender.

And, on Wednesday, he put his legal acumen to work for yet another accused killer this time 166 years after the man was put to death for his alleged crimes.

DiLauro was one of 11 people to testify at a House Judiciary Committee hearing Wednesday on legislation calling on Governor Chafee to pardon John Gordon, an Irish-Catholic immigrant whose hanging on Valentine's Day in 1845 spurred the state to do away with the death penalty. Each speaker cast the measure sponsored by Rep. Peter F. Martin, D-Newport, as an opportunity to right a grave injustice. Under the state Constitution, the governor can grant a pardon with the advice and consent of the Senate.

Gordon's trial in 1844 came at a time of anti-immigrant hysteria against Irish Roman Catholics, the first group to immigrate in large numbers and threaten the hold of Yankee Protestants. Mill owner Amasa Sprague was beaten and shot to death on the banks of the Pocasset River on New Year's Eve 1843. Suspicion soon fixed on the Gordon family, Roman Catholic immigrants from Ireland. Sprague had had several clashes with John's brother about Sprague's workers coming to the mill drunk after buying liquor at the brother's store. Sprague, the brother of U.S. Sen. William Sprague, persuaded city officials to suspend Gordon's liquor license.

As widely told, Gordon was convicted of murdering Sprague after a trial rife with prejudice against Irish Catholics. The evidence was circumstantial and the judge so biased he instructed jurors to give greater weight to Yankee witnesses. John Gordon was hanged after his appeal failed before the same judges who heard his trial. His brother William was acquitted at the same trial.

DiLauro drew parallels between Gordon's trial and current efforts in Rhode Island and nationwide to improve the justice system. John Gordon's fate was not decided by a jury of his peers, DiLauro said. Only landowners could serve on juries at the time, so not a single Irishman considered the case, he said.

In addition, Gordon was misidentified by a key witness, he said. He noted recent work by a task force of criminal defense lawyers and top law-enforcement officials to improve eyewitness identification practices in Rhode Island.

John Gordon didn't get a fair shake. There's no question about it, DiLauro said. He acknowledged, however, that it would be impossible to prove beyond a shadow of a doubt that Gordon was innocent because of the passage of time.

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Gordon, too, found support in the Friendly Sons of St. Patrick. Shaun O'Brien, a member of the group, described the bill as a chance to right a wrong committed against someone who couldn't defend himself. We need to look out for the John Gordons of Rhode Island.

Hillary Davis, of the Rhode Island Affiliate of the American Civil Liberties Union, commented that many of the social factors that led to Gordon's execution exist today. Anti-immigrant sentiment is still a problem.

The Roman Catholic Diocese of Providence weighed in through its lobbyist, the Rev. Bernard A. Healy. John Gordon was put to death because he was a Catholic, Healy said.

Historian Patrick T. Conley noted that the murder, trial and hanging occurred not long after the Dorr Rebellion of 1842. He referred to a recent Providence Journal editorial supporting the pardon that described the paper's opposition to the Dorrites, who favored voting rights for immigrants, and its biased coverage of the Gordon trial as not one of the paper's finest moments.

Justice had its Valentine's Day Massacre when John Gordon was executed, Conley said.

The committee held Martin's bill, which came at the request of Ken Dooley, the author of a play detailing Gordon's trial, for further study.

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