

Copyright 2011 Providence Publications, LLC  
All Rights Reserved  
Providence Journal

January 31, 2011 Monday

**SECTION:** NEWS; Local; Pg. 1

**LENGTH:** 1242 words

**HEADLINE:** Was John Gordon innocent?

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

**HIGHLIGHT:**

Governor Chafee is asked to grant a pardon to a man hanged for 1843 murder of mill owner

**BODY:**

**PROVIDENCE** It's a story passed down through generations in Rhode Island, the tale of John Gordon, an Irish immigrant whose execution by hanging spurred the state to do away with the death penalty.

As the tale is widely told, Gordon was wrongfully convicted of murdering a wealthy Yankee mill owner after a trial that was rife with prejudice against Irish Catholics and pitted the upper class against the immigrant class. The evidence was circumstantial, as told, and the judge biased. Gordon was hanged on Valentine's Day in 1845 after his appeal failed before the same judges who heard his trial. Discontent about his death would lead Rhode Island to become one of the first states in the nation to abolish the death penalty seven years later.

And now, a state lawmaker has submitted legislation some view as an opportunity to right a wrong. Rep. Peter F. Martin, D-Newport, has sponsored a measure calling for Governor Chafee to posthumously pardon Gordon for the murder of Cranston industrialist Amasa Sprague.

I expect him to love to do this pardon, Martin said, noting Chafee's Yankee roots. We want a statement that says the evidence was such that we think he was never guilty.

Martin was asked to submit the bill by Ken Dooley, the author of a play now showing in Cranston that details Gordon's trial, he said. After learning more about the case than his father had told him as a child growing up in Newport's Fifth Ward, Martin said he became convinced a pardon was the only way to fix a grave injustice.

The State of Rhode Island created this problem, he said. The State of Rhode Island has the responsibility to remedy it.

The measure has the backing of the Roman Catholic Diocese of Providence, long a foe of capital punishment, and Office of the Public Defender.

I think it rights a wrong, said the Rev. Bernard A. Healy, the diocese governmental liaison who plans to lobby on behalf of the pardon. The diocese, he says, views it as a teachable moment about innocent people getting killed by the death penalty and attitudes toward immigrants. The Irish, at the time, were economic refugees seeking a better life in the United States after being hit by the potato famine, not unlike immigrants of today, he said. The same thing could happen today.

The public defender's office, too, plans to add its voice to the cause. The entire process was very problematic, said Michael DiLauro, assistant public defender.

DiLauro, who's long held a fascination with Gordon's case, acknowledges he might not be able to prove that Gordon didn't kill Sprague near his Cranston mansion.

Given the age of the case and the nature of the evidence, the kind of certainty that you would get today in a post-conviction DNA-exoneration case is not possible, DiLauro said. But if you look at the record in the case, the proof that found this guy guilty was not only minimal, but was, at best, circumstantial and, at worst, unreliable.

That perplexes some historians. The Rhode Island Historical Society doesn't have a position on the pardon request, but welcomes an examination of the crime and an exploration of the issues it raises about the state and its values, said Morgan Grefe, the director of education and public program at the Historical Society.

The question is, as a historian, is there enough evidence to prove innocence, or just that there wasn't a fair trial? Grefe said.

We certainly always support looking into the past and bringing to light as best they can what happened in 1845, she said. Sometimes that's easier said than done.

In Cranston, historians are more convinced. [Gordon] had nothing to do with it, said Lydia Rapoza, president of the Cranston Historical Society. He was drunk somewhere.

The state's chief law-enforcement officer, whose office is responsible for prosecuting most crimes in the state, refrained from taking a stance.

The attorney general believes the decision should be based on law and the facts, not emotion and historical accounts which over decades can change and shift, said Amy Kempe, spokeswoman for Attorney General Peter F. Kilmartin.

Mill owner Amasa Sprague was shot and beaten 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, Nicholas, about his workers coming to the mill drunk after buying liquor at Nicholas' store. Sprague, the brother of U.S. Sen. William Sprague, convinced city officials to suspend Gordon's liquor license.

Soon after Sprague's murder, authorities arrested John, his two brothers, mother and even Nicholas's dog because tracks indicated a dog had accompanied the suspect. The Providence Journal, criticized for its biased accounts, reported the evidence against the Gordons was so strong it is now settled opinion that they are the guilty parties.

The Gordons' trial in 1844 came at a time of anti-immigrant hysteria against Irish Roman Catholics, the first group to immigrate in large numbers threatening the hold of Yankee Protestants. A total of 102 witnesses testified over nine days, giving at times confusing and contradictory testimony. A judge was said to have instructed the jurors to give greater weight to Yankee witnesses than Irish witnesses.

The jury returned shortly, acquitting William and finding John guilty of murder. Another jury came back hung at Nicholas' trial. John's appeal was rejected by the same judges that oversaw his trial.

John Gordon was hanged before 60 prominent Rhode Islanders at a prison yard that is now home to the Providence Place mall. His body was buried in a pauper's grave in the North Burial Ground after a funeral procession that drew thousands. His body was then secretly moved to an unmarked grave at a consecrated cemetery at St. Mary's Church in Pawtucket. Once a year, the Irish Society holds a ceremony there, said Father William J. Ledoux, church pastor.

Under the state Constitution, the governor can grant a pardon with the advice and consent of the Senate. Governors receive 10 to 15 requests for pardons each year, some written on slips of paper, according to Claire Richards, Governor Chafee's chief legal officer. The governor's staff asks the person seeking the pardon to provide detailed information about his or her criminal record, sentence and conduct while serving time. Only one or two people fulfill that request, and the governor's legal counsel then makes a judgment call based on the information they provided, Richards said.

Richards was not aware that a pardon had ever been granted in Rhode Island. She declined to give specifics about people who requested pardons during her tenures with Governors Lincoln Almond and Donald Carcieri.

If the House of Representatives backs the legislation, lawmakers would be expected to provide the governor with detailed evidence supporting the pardon request, said Michael Trainor, Chafee's spokesman.

The governor understands the spirit with which this resolution is being offered. He's sympathetic to that, Trainor said. He still has to follow the rules. He'll look at the evidence and he'll have to make a determination.

Sprague descendants are reluctant to weigh in.

Was John Gordon innocent? Providence Journal January 31, 2011 Monday

I defer to the historians, said Robert Cocroft, a copy editor at The Providence Journal who descends from William Sprague, Amasa's brother, a former U.S. senator and Rhode Island governor. I don't know what happened. I wasn't there.

**NOTES:** kmulvane@projo.com / 277-7417

**GRAPHIC:** Rep. Peter Martin, near John Gordon's unmarked grave, says of Governor Chafee, I expect him to love to do this pardon.

**LOAD-DATE:** January 31, 2011