



"Portrait of a Black Sailor", Artist Unknown. Creative Commons.

Black Citizenship on the Whale Ships of Antebellum America

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In 1842, Amory Edwards, the United States consular agent at the port of Buenos Aires wrote to the United States Secretary of State that "one Charles Peterson," an "American," was "forcibly taken by a vessel's captain."¹ Decades earlier, in the years before the War of 1812, the British navy began compelling American seamen into its ranks, precipitating public outcry. Long after American independence was solidified, the impressment of seamen continued to dishonor the young nation. The protection of American mariners remained vital to the country's reputation and necessitated the intervention of the American government, even when imperiled sailors, like Charles Peterson, were denied rights at home as black men.

James Jacobs, a white "citizen of America for many

years," sought to aid the captured Peterson. Jacobs was on business as a clerk, when he "saw in the office of the Captain of the Port then a negro, whose name he understood to be Charles Peterson."² Jacobs talked with Peterson, who "told him that he had been pressed, and asked to take the Bounty and enter the service, and that he Peterson had told them he would not."³ Peterson told Jacobs that "he had sent his protection to the consul of the United States," and he asked Jacobs "to call and see the consul, and request him to get him Peterson set at liberty."⁴ Jacobs felt obligated through the common bonds of citizenship to help a fellow American, and went to the U.S.

² "Deposition of James Jacobs," 20 January 1841, Despatches from US Consuls in Buenos Aires, reel 7, NARA.

¹ Letter to the 20 January 1841, Despatches from US Consuls in Buenos Aires, reel 7, NARA.

³ Ibid

⁴ Ibid

consular agent in Buenos Aires to lobby on behalf of his black countryman. Armed with Jacobs' testimony, Amory Edwards urged his superiors in Washington DC to act quickly on behalf of Peterson, "a citizen of the United States."⁵

Despite Edwards' assertion of Peterson's citizenship, there was no concrete definition of national citizenship in the antebellum U.S. No explicit definition existed until the ratification of the Fourteenth amendment to the U.S. constitution in 1868. However, what did exist as the benchmark of national citizenship emerged thousands of miles outside the United States in places like Buenos Aires. The impressment crisis of the 1790s and 1800s pressured the American government to send consular agents to foreign ports to protect American mariners. These consular officials were empowered to extend government welfare to individuals that they perceived to be "citizens."⁶ "Citizenship" connected Americans to their nation at a time when popular nationalism and pride in country were still being inculcated. As importantly, however, citizenship claims were also racial and gender claims, assertions of a civic identity that made white manhood and American citizenship mutually reinforcing.⁸ It was in this context that black mariners like Charles

Peterson, a proportionally significant population in the whaling industry, struggled to secure protection at sea. As they traversed the globe on whaling voyages, black mariners laid claim to the name "American," placing particular emphasis on shared roles as laborers and men. Long before the proclamation by the Supreme Court of African Americans' exclusion from community and citizenship, black whalers made a place for black citizenship within the nation, in ports far outside its borders. They pressured Washington D.C. to recognize their citizenship in the name of national honor.

I Black Whale and Consular Officials

In the nineteenth century, maritime jobs became one of the most common black male occupations.⁹ For a black man living in a slaveholding nation where racism limited employment options in even the "free" states, ships provided wages, opportunities for advancement, and a workplace where "his color might be less of a determinant of his daily life and duties than elsewhere."¹⁰ The whale ship was a "total institution," one that contained a group of men in a laboring environment under close and arbitrary rule, fostering community and a specific culture that countenanced negotiation as well as authoritarian discipline.¹¹ Whaling men were often unskilled, and were paid very little as compared to other maritime workers, in fact they might walk away from a voyage with nothing at all if the journey had been unsuccessful.¹² As Jeffrey Bolster and Briton Cooper Busch have pointed out, blacks occupied a central role on whale ships. One estimate suggests there were more than 3,000 black men working on New Bedford vessels from 1803 to 1860.¹³ While the mixed-race nature of whale ships could breed animosity and divisions, it could also allow for cross-racial cooperation, in the form of mutinies, aid in foreign ports,

5 Letter to the U.S. Secretary of State, 20 January 1841, Despatches from US Consuls in Buenos Aires, reel 7, NARA.

6 Matthew Taylor Raffety, *The Republic Afloat: Law, Honor, and Citizenship in Maritime America* (Chicago: The University of Chicago Press, 2013): 174-211.

7 William J. Novak, "The Legal Transformation of Citizenship in Nineteenth-Century America," in *The Democratic Experiment: New Directions in American Political History*, ed. Meg Jacobs, William J. Novak, and Julian E. Zelizer (Princeton, N.J.: Princeton University Press, 2003); Thomas A. Foster, *New Men: Manliness in Early America* (New York: New York University Press, 2011); see also Rogers M. Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven: Yale University Press, 1997); Paul A. Gilje, *Liberty On the Waterfront: American Maritime Culture in the Age of Revolution* (Philadelphia: University of Pennsylvania Press, 2004); Leon Fink, *Sweatshops at Sea: Merchant Seamen in the World's First Globalized Industry, from 1812 to the Present* (Chapel Hill: University of North Carolina, 2011)

8 Citizenship has long been connected with manhood, for more on the connection between manliness and citizenship see: Amy S. Greenberg, *Manifest Manhood and the Antebellum American Empire* (Cambridge, UK ; New York, NY, USA: Cambridge University Press, 2005); Dana D. Nelson, *National Manhood: Capitalist Citizenship and the Imagined Fraternity of White Men* (Durham, NC: Duke University Press, 1998); Gail Bederman, *Manliness & Civilization: A Cultural History of Gender and Race in the United States, 1880-1917* (Chicago: University of Chicago Press, 1995); Nancy Isenberg, *Sex and Citizenship in Antebellum America* (Chapel Hill, NC: University of North Carolina Press, 1998)

9 James M. Lindgren, "Let Us Idealize Old Types of Manhood: The New Bedford Whaling Museum, 1903-1941" *The New England Quarterly*, Vol. 72. No. 2 (June, 1999): 189; for other estimates of numbers of African American men on whaling ships see: Kathryn Grover, *The Fugitive's Gibraltar: Escaping Slaves and Abolitionism in New Bedford, Massachusetts* (Amherst: University of Massachusetts Press, 2001); Briton Cooper Busch, *Whaling Will Never Do for Me: The American Whaleman in the Nineteenth Century* (Lexington, Ky.: University Press of Kentucky, 1994); for more on opportunities for black men in the whaling industry see: Jeffrey W. Bolster, *Black Jacks: African American Seamen in the Age of Sail* (Cambridge, Mass.: Harvard University Press, 1997).

10 Jeffrey W. Bolster, *Black Jacks: African American Seamen in the Age of Sail* (Cambridge, Mass.: Harvard University Press, 1997) 4, 75.

11 Busch, *Whaling Will Never Do for Me*, 2.

12 Busch, *Whaling Will Never Do for Me*, 8-9.

13 Busch, *Whaling Will Never Do for Me*, 33

and everyday foredeck camaraderie.¹⁴ These multiracial American whale ships engaged on long voyages, often equipped with provisions to sustain them for four years.¹⁵ Over the course of long voyages, whale ships made stops at foreign ports to pick up provisions and sort out difficulties that arose on board, applying to the only American legal representative in these ports: American consuls. Legislation in the 1790s established consular offices abroad, and an act of 1803 required masters to acquire the express consent of American consuls before discharging seamen abroad, and obliging them to give three months' extra pay to discharged American citizen-seamen.¹⁶ Consular agents were "often political appointees, journeying out to some remote post with little to sustain them aside from their ignorance of local conditions and their hope of enrichment from fat fees."¹⁷ Some were well-entrenched in a local area, although most were not. Consuls faced the challenges of low fees, local turmoil, and difficult jobs that involved judging cases of mutinies, aiding and controlling abandoned mariners, dealing with local political officials, and securing pay from resistant captains. Moreover, the regulations for extra wages and consular protections technically applied only to American citizens, requiring consuls to evaluate claims to American citizenship.¹⁸ American consuls were often the only legal recourse to whalers abroad, and many embraced the role of national protector in sometimes hostile foreign territory.¹⁹ In protecting mariners from aggressive foreign powers, the American government through consular officials forged close relationships with mariners, including black mariners, exerting a strong presence in their lives on ship and in port. Consuls may also have felt pressured to extend significant support to these mariners because of the political rhetoric that identified the American seaman as both a national symbol and a rights-deserving citizen. In antebellum America, the image of the brave seaman was a powerful and pervasive national trope. As illustrated by the poems, songs, and broadsides of the antebellum U.S., the body of the American seaman was a socially constructed idea that came to symbolize the nation.²⁰ Thus, violence to the body of the

seaman, especially by foreigners, was construed as a challenge to its honor.²¹ The positive and patriotic image of the proud and manly American mariner could extend to black men, as it did for Paul Cuffe who earned respect and fame, and Frederick Douglass who, dressed as a mariner, experienced favorable treatment at the hands of a train conductor because of his "soft spot" for seamen. Impressment of these manly sailors was humiliating and dishonorable for the nation.²² The Federalist Congress passed a law in 1796 to protect sailors from impressment by issuing Seamen's Protection Certificates.²³ The idea of the brave American seaman impressed into the British Navy was a central rhetorical justification for the War of 1812. The conflicts with the Barbary nations, the Quasi-War with France, and the War of 1812 all intensified as American mariners were molested by foreign entities. When President James Madison delivered his war message to Congress on June 1, 1812, he listed Britain's impressment of American sailors as the first cause of war.²⁴ Towards the beginning of the war, the proud American Captain Porter attacked a British war ship and championed the phrase "Free Trade and Sailors Rights," which he emblazoned on his ship. The phrase embodied the democratic rights of the common man, embodied in the sailor, and was an expression of American pride and nationalism that became imbedded in American rhetoric and imagination.²⁵ While seamen may have been mere pawns in political battles over territory and national security, the potency and popularity of the slogan illustrate the extent that the manly seaman was endowed with the rights and privileges of citizenship in the national imagination.²⁶

This remained the case thirty years later, when Charles Peterson was impressed in the South Atlantic. While American consuls made efforts to identify and protect American citizens, the laws did little to prevent British press gangs from abducting Americans well into the nineteenth century.²⁷ Sailors like Peterson were forcibly impressed, with the option of accepting a monetary bounty for serving the Crown. Peterson, facing imprisonment, made an attempt to send his documentation of citizenship to the consul, claiming his rights under the U.S. government. Influenced by the impressment crisis, many Americans shaped their notions of the privileges of being an American citizen and articulated the centrality of autonomy and consent in American citizenship. While British subjects

14 Busch, *Whaling Will Never Do for Me*, 50; also see Bolster, *Black Jacks*

15 Busch, *Whaling Will Never Do for Me*, 4-7.

16 Busch, *Whaling Will Never Do for Me*, 63. also see Raffety, *The Republic Afloat*

17 Busch, *Whaling Will Never Do for Me*, 64.

18 Busch, *Whaling Will Never Do for Me*, 72.

19 For more on consular agents see: Charles Stuart Kennedy, *The American Consul: A History of the United States Consular Service, 1776-1914* (Westport, CT: Greenwood Press, 1990); Raffety, *Republic Afloat*, 151-174; Busch, *Whaling Will Never Do for Me*, 62-86.

20 Paul Gilje, "Free Trade and Sailors' Rights': The Rhetoric of the War of 1812," *Journal of the Early Republic* 30, no. 1 (Spring, 2010): 1-23; Raffety, *Republic Afloat*, 151-174.

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22 For more on the impressment crisis see: Paul Gilje, "Free Trade and Sailors' Rights': The Rhetoric of the War of 1812," *Journal of the Early Republic* 30, no. 1 (Spring, 2010): 1-23; Raffety, *Republic Afloat*, 151-174.

23 Gilje, "Free Trade and Sailors' Rights," 1-23.

24 Raffety, *Republic Afloat*, 200-201.

25 Gilje, "Free Trade Sailors Rights," 1-23.

26 Raffety, *Republic Afloat*, 198-210

27 Gilje, "Free Trade and Sailors Rights," 1-23

owed their allegiance to the crown, and could thus be forced to serve it, American citizens shared a relationship with the government based on consent, freely given. The American seaman, this rhetoric suggested, chose to be part of the country, and chose to fight for it, while the British subject was compelled to. Political propaganda around the impressment crisis helped to solidify in the national consciousness the notion of citizenship as consensual on the part of autonomous independent men.²⁸ The celebrated fiction of citizenship by choice was, of course, ironic for many Americans, notably enslaved African Americans, Indians, and women. Yet, as François Furstenberg adeptly argues, the concept of consent was used to justify slavery and other unequal relationships. If American citizenship was based on morally autonomous, educated men, willing to fight for their freedom, all those who did not fight or resist were tacitly consenting to their subjugation.²⁹ This reasoning was bolstered by the rhetoric of impressment, which stressed that being an American citizen meant “choice” rather than “obligation,” illustrated vividly by the American seamen captured and forced into British naval service.³⁰ The fact that these impressed mariners were not actually able to fight their way out of imprisonment, compelled the government to intervene for the freedom of its independent male citizens. In 1828 the U.S. consul at Rio de Janeiro, Mr. Wright, wrote to the Brazilian authorities on behalf of Joseph Anderson Lyons, an impressed mariner. Wright wrote passionately, “I claim not his service for my country; he has asked my protection as an oppressed American and I claim for him his liberty.”³¹ In response, the Minister of the Marines for Brazil promised to release Lyons.

Consuls did not mince words in declaring their commitment to defending the honor of the nation through defense of its seamen. Mr. Wright bemoaned the “many acts of injustice towards our Country,” referring to transgressions against American mariners in the port.³² He assured officials in Washington DC that, “inspired by a proper sense of the dignity of our government and seamen,” he never allowed “our country’s rights to pass without complaint.”³³ Responding to possible complaints that he acted too strongly he passionately wrote,

28 Denver Brunson, “Subjects vs. Citizens: Impressment and Identity in the Anglo-American Atlantic.” *Journal of the Early Republic* Vol. 30 No. 4 (Winter 2010): 557-586.

29 François Furstenberg, *In the Name of the Father: Washington’s Legacy, Slavery, and the Making of a Nation* (New York: Penguin Press, 2006)

30 Denver Brunson, “Subjects vs. Citizens,” 557-586; See also Gilje, “Free Trade and Sailors Rights,” 1-23.

31 Letter to the U.S. Secretary of State, February 1828, Despatches from US Consuls in Rio de Janeiro, reel 4, NARA.

32 Letter to the U.S. Secretary of State, February 1831, Despatches from US Consuls in Rio de Janeiro, reel 5, NARA.

33 Ibid

“If governmental agents cannot protect against insults and injuries offered to their country, I see no object in placing them at Foreign Coasts.”³⁴ Mr. Wright asserted his commitment to defending the honor of the nation by protecting its seamen. The consul expressed concern for “my character” as well as the “character” of the country, promising to defend American seamen. Similarly, the consul at Tahiti, J.R. Blackler declared that the forced expulsion of distressed seamen is “barbarous,” claiming that “no nation respecting its own honor and the protection of its citizens could possibly submit to” it.³⁵ Blackler faced some difficulties with the Tahitian government after opposing Tahitian laws that were unfavorable to American citizens. According to his letter, when the Tahitian officials asked him whether or not it was his duty to question their laws, he replied “I came to watch over the interests of my countrymen.”³⁶ He explained “that my duty was 1st To my God, 2^d to my country and 3^d to myself. That these three made it my positive duty to protect my countrymen from oppression.”³⁷ When an official questioned his exact duties he charged the man “with a breach of honorable trust.”³⁸ Many consular agents embraced an imperative to protect the nation’s honor in the context of foreign empires vying for national supremacy, reflecting gendered understandings of nation and citizen, and requiring rigorous protection of its mariner representatives, white and black.

II American Nationalism for African Americans and the Quarantine Acts

American national identity was not a self-evident choice for those of African ancestry living in a slaveholding republic. As historian James Sidbury argues, enslaved people of African origin began to overlook their geographic differences in the mid-eighteenth century and instead proclaimed their common identity as “Africans.” This diasporic identity was reflected in the writings of prominent Africans in Britain and North America as early as the 1760s.³⁹ However, by the 1820s, black political commentators were instead focusing on an American identity that spoke less to an African nation in exile and more about a cohort of American citizens denied their rights. By the 1830s, the abolition movement began vociferously to argue for an end to slavery, focusing on black national belonging as a

34 Ibid

35 Letter to the U.S. Secretary of State, March 1839, Despatches from US Consuls in Tahiti, reel 1, NARA.

36 Letter to the U.S. Secretary of State, April 1841, Despatches from US Consuls in Tahiti, reel 1, NARA.

37 Ibid

38 Ibid

39 James Sidbury, *Becoming African in America: Race and Nation in the Early Black Atlantic* (New York, Oxford: Oxford University Press, 2009); for more on tensions between an “American” and “African” identity see: Leslie M. Alexander, *African or American?: Black Identity and Political Activism in New York City, 1784-1861* (Urbana: University of Illinois Press, 2008).

central justification for the illegality of their enslavement. As African Americans recognized the connection between demanding rights and identifying as Americans, pride in Africa was replaced with American nationalism, at least rhetorically. This was also a response to the rise of the African Colonization Society, which many blacks perceived as a way to deport the free black population in order to strengthen the institution of slavery within the nation.⁴⁴⁰ Indeed free black communities condemned the Colonization society in strongly nationalist terms, stressing their identities as Americans. At the Annual Convention of the People of Colour in Philadelphia in 1831, the society decried African Colonization in its opening address, declaring “if we must be sacrificed for their philanthropy, we would rather die at home.”⁴¹ They protested the deportment of black Americans from “our own native land,” and urged the convention to turn “its attention more to the elevation of our people in this, our native home.”⁴² The conventioners proclaimed their commitment to the uplift of the black community within the U.S., as “citizens and men.”⁴³ The free blacks of the conference spoke out against colonization focusing on their shared commitment to the United States. While the free African Americans of the Convention looked within the nation in their quest to gain rights, black mariners traveling across the globe were also demanding American citizenship. Precisely because of their far-flung travels, black sailors were best able to reconcile desires for American citizenship rights with an ongoing diasporic identity. There is no better example than David Walker, the Boston author of *An Appeal to the Coloured Citizens of the World*. Walker’s inflammatory 1829 pamphlet accused the American government of hypocrisy and revealed the injustices of slavery using religious language and making calls on humanity and on American republican traditions of liberty and equality. David Walker made his case against the institution of slavery in highly nationalistic terms, yet, as suggested in his title, also expressed the connections among Africans across the globe via maritime work.⁴⁴

In foreign ports, black mariners demanded protections for themselves and were recognized as American citizens, yet within the borders of the U.S. black Americans faced racism, exclusion, and highly disparate treatment. Perhaps the most striking example of the confusing nature of black American citizenship for mariners is reflected in the Southern Quarantine

Laws for African American Seamen which temporarily imprisoned all free black men, including visiting mariners. The “Quarantine” laws were passed in many Southern states (including North Carolina, Georgia, Florida, Alabama, Mississippi, and Texas) beginning in the 1820s. The first Quarantine Law was implemented in South Carolina in 1822.⁴⁵ It was created in the aftermath of the famous Denmark Vesey slave uprising, reflecting the fearsome image of the powerful black man in the minds of many white Americans.⁴⁶ When the supposed Vesey insurrection was discovered, swift punishment was meted out to the black population. Denmark Vesey, the supposed lead conspirator, was a sailor who had resided in St. Domingue before the Haitian Revolution. The seaman Vesey was imagined by the white population as the seed of insurrection among normally-peaceful slaves.⁴⁷ Vesey’s free mobility and his autonomy represented a real threat to the Southern slaveholding states.

Black mariners were a threat in their very bodies as symbols of free, independent, mobile black manhood, a stark challenge to the regime of slavery which commodified, emasculated, and contained black slaves. The Quarantine Laws were an expression of anxiety by Southern officials who recognized the claims that free black mariners could, and indeed were, making for their manhood and citizenship. Government officials of these southern states were wary of dangerous Atlantic peoples and ideologies, vocalizing a fear of the “moral contagion” that they might introduce to society, in specifically biological terms.⁴⁸ Black mariners were a danger in their mobility and their global connections. Linebaugh and Rediker suggest the potency of on-ship cross-racial communities to transcend racial and national boundaries in their demands for basic rights. Maritime work did offer unprecedented mobility and cross-cultural interaction. Olaudah Equiano, for example, forged connections with London abolitionists, radical Irish thinkers, Scottish intellectuals, the London Corresponding Society, the Jacobin Society of Norwich, and the American Quak-

40 Sidbury, *Becoming African in America*, 181-183.

41 Howard Holman Bell, *Minutes of the Proceedings of the National Negro Conventions, 1830-1864* (New York: Arno Press, 1969): 14-15.

42 Bell, *National Negro Conventions*, 14-17

43 Ibid, 4-15.

44 David Walker and Peter P Hinks, *David Walker’s Appeal to the Coloured Citizens of the World* (University Park, Pa.: Pennsylvania State University Press, 2000)

45 For more on the Quarantine Laws see: Michael Schoeppner, “Peculiar Quarantines: The Seamen Acts and Regulatory Authority in the Antebellum South,” *Law and History Review* 31, no. 3 (2013): 559-586.; Philip Hamer, “Great Britain, the United States, and the Negro Seamen Acts, 1822-1848,” *The Journal of Southern History* 1, no. 1 (1935): 3-28.

46 Schoeppner, “Peculiar Quarantines,” 559-586

47 Ibid

48 Ibid

ers in Philadelphia⁴⁹. Putting black mariners in jail was a way to constrain the mobility and manly independence that posed such a threat to southern social order.⁵⁰ Black mariners forcefully claimed their rights in the face of these laws.

In 1844, the black mariner William Martin brought a suit against William M'Clune, master of the ship *Cynosure* on which Martin had been hired. Martin testified to the District Court of Massachusetts "that the Libellant was taken to New Orleans in said vessel without any agreement on his part to go." This action was especially dangerous in that "he was also liable to be there sold into perpetual slavery." Shortly after, Martin was returned to the *Cynosure*, and brought to Boston. Martin concludes his testimony, "that in consequence of the previous he suffered a damage of fifty dollars and is entitled to a reasonable compensation for all the time he has served on board said vessel." William Martin, black "cook and steward" on board the ship, was so outraged by his treatment at being imprisoned, that he demanded the captain pay him extra wages for this unjust and harmful treatment. Identifying his own dutiful service on board, he claimed that it was unjust for him to be imprisoned. Thomas Anderson, a black seaman, also brought his case of imprisonment to the court of Boston. Anderson complained that "it was well known" to his captain that "the port of New Orleans is not a port of discharge in the United States....to persons of his color," and declared angrily that he "would never have consented to ship on board the said ship Junius had he suspected" that the said ship would go to such a port.⁵¹ Strongly-worded publications from the North reprimanded the South for these laws, specifically on the grounds of civil liberties. Protestors also took advantage of the romanticization of the American mariner in anti-impressionment rhetoric, calling attention to black mariners' ties to citizenship abroad. An 1842 article that detailed the imprisonment of Rufus Kinsman, a black seaman from Connecticut, declared that this "outrage" was committed "among a people clamorous for free trade and sailor's rights!"⁵² Thus, the article satirically

confronted the southern states with the contradiction of pride in American mariners in the context of foreign conflicts, with the laws' exclusion and imprisonment of a substantial portion of that population, black men, within the nation. Writing for the *Emancipator*, William Powell wrote an imagined discussion among sailors, in which a seaman declared that in the great struggle with Britain, black mariners nobly fought for the country, yet when these same men sailed to southern ports they were imprisoned. One seaman declared "Shame!-Shame!! Shipmates I blush for my country, and am forced to exclaim, Oh Columbia! Columbia!! the pride of the world, the nation's glory. Does not thou assume pre-eminence with all other nations for magnanimity and honor?... crime whatever?"⁵³

Imprisoned black mariners protested their treatment, importantly, as American citizens, an identity they had been able to claim in the trans-Atlantic maritime ports of the globe and asserted was equally applicable at home. Amos Daley, a black mariner from Rhode Island who was imprisoned in South Carolina, claimed his rights based on his identity as a citizen of Rhode Island. He declared that he carried his Seamen's papers, and his captain and first mate swore that he was a citizen. So long as citizenship was determined in the nexus of local relationships, in the eyes of himself and his crew-mates, Daley was, indeed, an American "citizen." In 1842, a group of African Americans in Boston petitioned Congress to challenge the Seamen Acts, declaring their faith that Congress would "grant them relief, and render effectual in their behalf the privileges of citizenship secured by the

Constitution."⁵⁴ The use of "citizenship" reflected the understanding among free blacks that just as they represented the U.S. government abroad, it must represent them in turn. Anderson detailed his cruel imprisonment, and complained that he was paid a mere twenty-three dollars upon his release, demanding that "the sum of one hundred and twenty dollars was due" him for the pain and inconvenience he suffered.⁵⁵ In 1844 the Special Court of Massachusetts decided that William McClune had to "pay the sum of two hundred dollars unto the said William Martin."⁵⁶ Black men's successful claiming of national citizenship abroad must have made their denial of rights

49 Olaudah Equiano, Karlee Anne Sapoznik and Paul E Lovejoy, *The Letters and Other Writings of Gustavus Vassa (Olaudah Equiano, the African) Documenting Abolition of the Slave Trade* (Princeton, NJ: Markus Wiener Publishers, 2013): xxv; see also Peter Linebaugh and Marcus Buford Rediker, *The Many-headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston: Beacon Press, 2000): 243-247.

50 For more on the threat of African American mobility see, for example: Linebaugh and Rediker, *The Many-headed Hydra*; David S. Cecelski, *The Waterman's Song: Slavery and Freedom in Maritime North Carolina* (Chapel Hill: University of North Carolina Press, 2001).

51 "Thomas Anderson v. S. Page et al," Special Court 1858, National Archives, RG 21, Box 260

52 Gilje, "Free Trade and Sailors Rights," 1-23.

53 Ibid; see also Philip Hamer, "Great Britain, the United States, and the Negro Seamen Acts, 1822-1848," *The Journal of Southern History* 1, no. 1 (1935): 3-28.

54 Schoeppner, "Peculiar Quarantines," 559-586.

55 "Thomas Anderson v. S. Page et al," Special Court 1858, National Archives, RG 21, Box 260.

56 "William Martin v. Ship Cynosure," Special Court 1844, National Archives, RG 21, Box 149.

at home stark indeed.⁵⁷

III American Citizenship Abroad Consuls took an active role in the lives of mariners, reflecting the powerful reach of the American government in the maritime industry. Much modern historiography has argued that the early American state was potent and pervasive. In his article “The Myth of the ‘Weak’ American State,” William Novak illuminates the different forms of early American governmental power, pointing to the work of historians in uncovering the role of the government in, for example, communications, infrastructure, and legal developments.⁵⁸ American mariners in Antebellum America would agree with Novak’s contention of the power of the early American government. Indeed the government was active in their lives, more so than for other antebellum laborers.⁵⁹ The government inserted itself into the maritime world through the ships’ articles that formed the contract between captain and crew, the laws against overly harsh abuse that were upheld in federal courts, and the highly personal interaction of federal consular officials with individual seamen. Indeed, while black mariners on ships may have been forging trans-ethnic and trans-national relationships through their travels across the globe, they experienced a powerful American governmental presence. Letters from consular agents are filled with accounts of money spent and effort expended to aid American mariners, revealing the deep and concrete benefits that these men experienced founded on their assertions of the identity “American” in ports and on ships far from home.

Consuls regularly aided American mariners. They routinely sent letters to the Secretary of State listing their expenses, mostly demarcated as going to the “relief to be afforded to des-

57 After the Quarantine laws went into effect, they were found to be deeply harmful to southern commerce, and over fears that they would decimate the vital maritime trade that was so crucial to local economies, and to southern state’s mercantile elites, voices within southern states began to push for the abolishment of the laws. The pursuit of capitalism, and of “free trade” could work in favor of black sailors, making room for their negotiation and protest. A combination of commercial interests and protest from the outside the states led to the abolition of these laws in most of the Southern states that had enacted them; see Hamer, “Great Britain, the United States, and the Negro Seamen Acts”: 3-28; Schoeppner, “Peculiar Quarantines,” 559-586.

58 William Novak, “The Myth of the ‘Weak’ American State,” *The American Historical Review* 113, no. 3 (2008): 752-772

59 The active role of the government and American law in maritime work is the central contention of Raffety’s work, Raffety, *Republic Afloat*; see Daniel Vickers and Vince Walsh, *Young Men and the Sea: Yankee Seafarers in the Age of Sail* (New Haven: Yale University Press, 2005); for health care for mariners see Gautham Rao, “Administering Entitlement: Governance, Public Health Care, and the Early American State,” *Law & Social Inquiry* 37, no. 3 (2012): 627-656.

titute seamen.”⁶⁰ The consul at Tahiti detailed numerous cases of his support of destitute seamen, among them Manuel Sueze, abandoned by his captain. The consul “gave him the necessary documents to enable him to lay claim to his share of 1200 bills of oil.”⁶¹ In 1836, the U.S. consul at Buenos Aires briefly described the various cases of seamen he had aided. He paid for the medical care of John Willis who was “sick and quite destitute” and helped him find employment. William Porter, who “produced evidence of citizenship,” had “recently become blind,” and the consul forced a captain to take the man on board.⁶² Consuls forced captains to pay seamen sufficient wages or provide passage home to stranded mariners. The consul of Buenos Aires expressed that he had the duty to care for American seamen, writing, “I have not scrupled to require vessels sailing for the United States to receive” American mariners.⁶³ Consuls also protected the property of American citizens abroad.⁶⁴ In their letters home to their superiors in Washington DC, consuls felt pressured to explain their sometimes high expenses. The consul at Rio de Janeiro, Mr. Wright, asserted that he had “stoically complied,” with the effort to be economical, yet “agreeably to my interpretation” of the strictures of consulship and his sense of duty, “I have paid and continue to pay for the passages home, and for the maintenance of all destitute American seamen, found within the Coastline district.”⁶⁵

The consul at Buenos Aires in 1854, writing at a time of civil unrest in the country, meditated on the extent and privileges of American citizenship. In a letter to the Secretary of State describing his efforts to keep U.S. citizens from being subsumed into the ranks of the foreign army, he described how the Buenos Aires government had sought to conscript all native-born inhabitants, even those parented by American citizens. As the consul explained, there was “no express law on the subject and thus for a certificate from a consul of being the child of a citizen of his country has been sufficient protection. I inclose herewith the form of certificate I have been in the habit of giving to citizens, and when it was for their children I have entered “as hijo de” (is son of) as in the blank.”⁶⁶ Assum-

60 Letter to the U.S. Secretary of State, January 1835, Despatches from US Consuls in Buenos Aires, reel 5, NARA.

61 Letter to the U.S. Secretary of State, May 1857, Despatches from US Consuls in Tahiti, reel 1, NARA

62 Letter to the U.S. Secretary of State, 21 March 1836, Despatches from US Consuls in Buenos Aires, reel 6, NARA.

63 Letter to the U.S. Secretary of State, 27 April 1835, Despatches from the US Consuls in Buenos Aires, reel 5, NARA

64 For example, the consul at Buenos Aires declared U.S. vessels of war had been dispatched to “protect all property of Citizens of the US,” Letter to the U.S. Secretary of State, January 1841, Despatches from US Consuls in Buenos Aires, reel 7, NARA.

65 Letter to the U.S. Secretary of State, April 1832, Despatches from US Consuls in Rio de Janeiro, reel 5, NARA.

66 Letter to the U.S. Secretary of State, March 1854, Despatches from US Consuls in Buenos Aires, reel 9, NARA.

ing the prerogatives of a judge, the consul extended citizenship to those he deemed citizens, and to their children in foreign ports. He extended citizenship protection to *male* Americans, and to their *male* children. He argued, “our law provides ‘that the children of those who now are, or have been citizens of the U.S. shall though born out of the limits and jurisdiction of the United States be considered as Citizens of the U.S. provided that the right of Citizenship shall not descend to persons whose fathers have never resided within the United States.’”⁶⁷ Thus, citizenship as articulated by this consul was paternal and could extend to children outside the borders of the U.S. He goes on, “the privilege of being considered” an American citizen, “is one of the greatest that can be enjoyed.”⁶⁸ Significantly, these benefits, as articulated by the consul and attested by the many cases of aid on the part of consuls, extended to black American mariners. As the consul at Buenos Aires boasted, “I have even succeeded in having released from Military service, the sons of black men from the United States, who were married with natives of this country and this not only before but twice the present Govt. came in to power this has been granted reluctantly but I urged that it was granted to Citizens of other nations and that we expected to be on the same footing with the most favored.”⁶⁹ Although the difficulty of this accomplishment attested to greater vulnerability of non-white Americans, that the consul extended the protections of the United States government to black American men testifies that they, like their fellow white mariners, were citizens, as were their sons. Indeed, it was on the basis of the honorable reputation of the United States that these black men and their children had to be brought into the folds of citizenship.

The shared bonds of American citizen, man, and laborer could work across racial lines, as it did for the impressed black mariner Charles Peterson. In Buenos Aires in 1841, James Jacobs, a white American, sought out a consular agent on behalf of a fellow black American whom he saw imprisoned. Jacobs was not the only man to act on behalf of Peterson. Randal Raslet, an American mariner testified to the consul that while at Boca he saw, “a man who he had before known, named Charles Peterson, that he had worked on board a whale boat with the said Charles Peterson and knew him to be a citizen of the United States of America.” Raslet had forged a relationship with Peterson, one fostered in the manly camaraderie of the whale ship. Not only was Peterson a citizen in the eyes of the government official, but he was a fellow citizen in the eyes of this American seaman, an identity that required Raslet to extend his aid. Raslet continued that, upon seeing Peterson, he “went in to talk with him” that “he was sitting on the floor, and had a pair of irons on his feet.” Raslet concludes, “the next day he understood the said Charles Peterson had been removed to the Brig *Elouisa* and that the deponent went along side and

spoke to him, and told him that he had given his protection to the consul. That the said C Peterson was in Irons on board the Brig but the next day he understood his Irons had been removed and he set to work.”⁷⁰ The bonds of camaraderie that had been forged on ship combined with the abstract yet meaningful ties of citizenship compelled two American mariners to seek out aid on behalf of the enchained Peterson.

While African American identity in the mid-nineteenth century was fluid, and black writers asserted simultaneous national and diasporic identities, black mariners in ports far from the U.S. found the label “American” highly advantageous. In Buenos Aires in February of 1841, the consul received a letter from the brig *Elouisa*, which was “written for Charles Peterson by a sailor on-board the Brig of War *Eloisa*.” Here was Peterson’s own testimony, an assertion of his ability to speak on his own behalf to a representative of the U.S. government and a reflection of his expectation of recognition as an imperiled citizen:

“Sir, On the day I was taken I was ashore on business for my employer and I got a little the worse for Drink but nothing out of the way. I then along with my companion went aboard of the schooner and went to sleep I had not lain long there before I was awoke by the press-gang and ordered to go onboard of the *Eloisa*. I told them I would not and showed my protection, they said that would not do, they then took me by force aboard and put me in irons. I was in irons 2 nights and days, they always came to see if I would take the Bounty and I told them I would not and they then said I would be in irons until they sailed....This is the truth and nothing but the truth as I shall answer to my God at the great day of Judgement.”⁷¹

Peterson felt that he deserved the protection of the U.S. consul as a citizen of the country. He embraced a religious identity that would appeal to reform-minded men of his day, and he also declared his belonging to the United States using rights-based language. By showing his Protection, Peterson adopted the language of rights for autonomous men to protect his own body. Following the main part of the letter, Peterson goes on:

“P.S. I gave my protection to a countryman of mine to bring and let you see it but I rather think that he has not come to you as he has never come to me with an answer. I hope to god sir you will protect me and get me ashore... I can say no more only I rely on your goodness and the justice of my Country to be taken out of this Slavery as I am a free Born American and have a right to be protected.”⁷²

67 Ibid
68 Ibid
69 Ibid

70 Letter to the U.S. Secretary of State, 5 April 1841, Despatches from US Consuls in Buenos Aires, reel 7, NARA.

71 Ibid
72 Ibid

Peterson, a black man, expressed a faith and loyalty in the “goodness and justice of my Country,” and specifically in the fairness of judicial process. This sentiment was shared by other black sailors at moments of crisis, as when Isaac Bounds warned the threatening Captain Davis, “cut away you will be in America by and by and then you will get justice done to you.”⁷³ In another instance, in 1842 on board the ship *Courier*, a black sailor named Gilbert responded to a racial taunt by promising Addison Grindell, a mate, “Mr. Grindell, you have taken the law into your hands, and if there is any law in New York when I get there I will have satisfaction.” Grindell then beat Gilbert, and Gilbert saved his bloody shirt, and upon reaching the U.S. took him to court for this breach of his bodily autonomy.⁷⁴ These men argued that their status as citizens of the U.S. earned them and their bodies protection by the American government.

Black mariners could not help but feel the positive presence of the federal government in their lives, even as that government would soon enforce a national fugitive slave law that threatened the liberty of black men in ports like Boston, New Bedford, and Providence. Along with his expression of his reliance on the “goodness and justice” of the U.S., Peterson declared that he must, if his country was just, “be taken out of this Slavery” referencing not an abstract idea but a real condition, one that was anathema to “independent citizenship” and which he declared was wrongfully inflicted on his body. He did not deserve to be enslaved because, as he declared, “I am a free Born American and have a right to be protected.” While the term “freeman” may have coded “white” in the minds of many Americans, the term was not off-limits to the rhetoric of free black men like Peterson.⁷⁵ Peterson was not, in his own mind, a second-class, disadvantaged, and excluded individual born in America, but was, in fact, a “free born American” man, an American mariner, with all the rights and privileges that that identity promised.

Peterson was not the only black mariner to declare his American citizenship in ports far from the nation’s borders. David Smith was the son of a slave who earned his freedom and moved to New Bedford where he was hired as a mariner on the brig *Soley*. In 1810, Smith wrote to John Howlker, a consular agent, that he had been captured by a pressgang in Liverpool, and declared, “Sir as I am a Scitisen of the united State I Beg your honer would do all you can to free me.”⁷⁶ The black

sailor John Elliott, after being impressed and finding himself without sufficient proof of citizenship, wrote to the consul requesting “further documents to prove my Citizenship.”⁷⁷ The black mariner Jacob Israel Potter described how he “wrote a great Many letters to my Consol and he sent me my discharge on board in the year 1806.” When his protection arrived the Captain asked Potter why he didn’t enter, and Potter replied, “because I was an American and likewise I was a Citizen & besides I had a wife and family.” Potter declared the ties he felt, both as an “American” and, crucially, a “Citizen,” reflecting his assertion of his rights as a member of the polity, while also revealing his interpersonal familial ties rooting him to the nation. He requested to the consul, “I hope you will make an Enquiry about my citizenship and bring me forward before your face and I will bring you forth and satisfy you.”⁷⁸ The black Silas Cuffy, writing to his parents, similarly expressed his ties to the nation, declaring, “I hope if you receive this letter you will do your endeavor for me in order that I may once more see my native Country again if possible once more, and if possible write a letter to Plymouth and direct it to the American Consul & then I shall get it.”⁷⁹ For black mariners, the mobility offered on maritime ships allowed them to forge connections across the world, and simultaneously to make demands on an American government extending its commercial reach across the globe.

Conclusion

The involvement of the U.S. government in the maritime industries grew over the course of the antebellum era, and seamen themselves helped to draw the government to the maritime world.⁸⁰ Black men were an active part of this process, demanding rescue when captured by foreign governments, taking officers to court when their bodily autonomy was abrogated, and demanding money, health care, transport, and aid from consular officials. Black men utilized an active government and consular agents’ commitments to gendered visions of nation and citizen to claim entrance into the citizen body.

The fact that black men made claims on border-traversing ships is significant. Rediker and Linebaugh argue for the potency of mobility and cross-cultural interaction to allow for rebellions against subjugation to be made. African American mariners traveling across the globe made important transnational connections, as did their white, Native American, and immigrant crew mates. It was on these highly mobile, fluid, trans-national, multi-racial, and multi-ethnic ships that black men claimed rights for their persons. As much as the ship was a transgressor, the presence of the American government in the form of the ships’ articles, consular agents, and court cases,

73 Testimony David Long,” 16 May 1836, Despatches from US Consuls in Tahiti, reel 1, NARA.

74 Raffety, *Republic Afloat*, 182-4.

75 Roediger, *Wages of Whiteness*.

76 Jeffrey Bolster, “Letters by African American Sailors, 1799-1814,” *The William and Mary Quarterly*, Third Series 64, no. 1 (2007): 167-182.

77 Ibid

78 Ibid

79 Ibid

80 This is a crucial part of Raffety’s argument, see Matthew Taylor Raffety. *The Republic Afloat: Law, Honor, and Citizenship in Maritime America* (Chicago: The University of Chicago Press, 2013)

reflect the extending hand of the American government, and, indeed, the presence of the national on ships. It was this potent interplay of national and ethnic mobility and governmental intervention that allowed black men to claim their citizenship rights and see those rights recognized.⁸¹ By activating the investment of consuls to ensure an honorable reputation for the nation, these black men simultaneously extracted protection for their bodies and rights from the government.

In 1857 Chief Justice Roger Taney opined in the infamous Dred Scott case, speaking for the federal government, “neither the class of persons who had been imported as slaves, nor their descendents, whether they had become free or not,” were, in the young nation, “acknowledged as part of the people.” Taney wrote in his opinion that African Americans had “been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect”, determining that “they were not regarded as a portion of the people or citizens of the Government then formed.”⁸² Yet in the years before Taney’s articulation of the exclusion of the black race, black mariners had already forcefully disproved this claim. The demands of protecting national honor abroad, and the active and powerful role of the American government in the maritime world, had allowed black men to make claims for their citizenship. Consuls and black mariners mutually constructed a place for black citizenship within the nation from ports far outside its boundaries, leaving a mixed legacy for subsequent efforts by African Americans to reconcile diasporic and national identities with a vision of citizenship coded as white and male. The slave ship was not the only maritime symbol in African American history, in fact, black mariners in the years before the Civil War were an active and pervasive presence and used their identities as mariners to fight for their rights in a racist nation.⁸³ Free black American mariners had been loudly expressing their inclusion and citizenship long before Taney’s opinion, and, at least in the foreign ports of the maritime industries, had made demands on a government that had recognized their claim.

81 Rediker and Linebaugh argue for the importance of the trans-national and fluid nature of the ship in mariners’ fight against subjugation in *The Many-headed Hydra*, while Raffety argues that the national government had a powerful presence on ship in *Republic Afloat*, I argue that both are true, and may not necessarily be opposed, at least in terms of the opportunities for African American mariners

82 Paul Finkelman, *Dred Scott v. Sandford: A Brief History with Documents* (Boston: Bedford Books, 1997)

83 For more see Bolster, *Black Jacks*, 1-7.