“Fugitive Slave / Fugitive Sailor”: Sailors’ Wardship and the Rhetoric of Emancipation in United States Maritime Reform, 1895-1898

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In 1897, the United States Supreme Court ruled against four white merchant seamen protesting their arrest for desertion from the barque Arago *in Astoria, Oregon, providing belated definition to the Thirteenth Amendment’s clause abolishing involuntary servitude. The Supreme Court’s ruling against the* Arago *sailors represented a nadir in the devolution of Reconstruction-era conceptions of free labor into an increasingly draconian system that insisted on absolute freedom of contract up to the point of self-enslavement. Competing conceptions of paternalism and sailors’ wardship motivated the cooptation of the rhetoric of emancipation by maritime reformers with the aim of affirming sailors’ rights to the full protections of the Thirteenth Amendment, and by extension United States citizenship.*

En 1897, la Cour suprême des États-Unis a statué contre quatre marins marchands qui protestaient contre leur arrestation pour désertion de la barque Arago *à Astoria, en Oregon, définissant ainsi de façon tardive la clause du treizième amendement qui abolissait l’asservissement involontaire. Cette décision de la Cour suprême contre les marins de l’*Arago *a été le point culminant de la transformation des conceptions du travail libre de l’époque de la reconstruction en un système de plus en plus draconien qui insistait sur la liberté contractuelle absolue jusqu’à l’auto-asservissement. Les diverses conceptions du paternalisme et de la tutelle des*

***The Northern Mariner / Le marin du nord* 34, no. 2 (Summer 2024), 211-234**

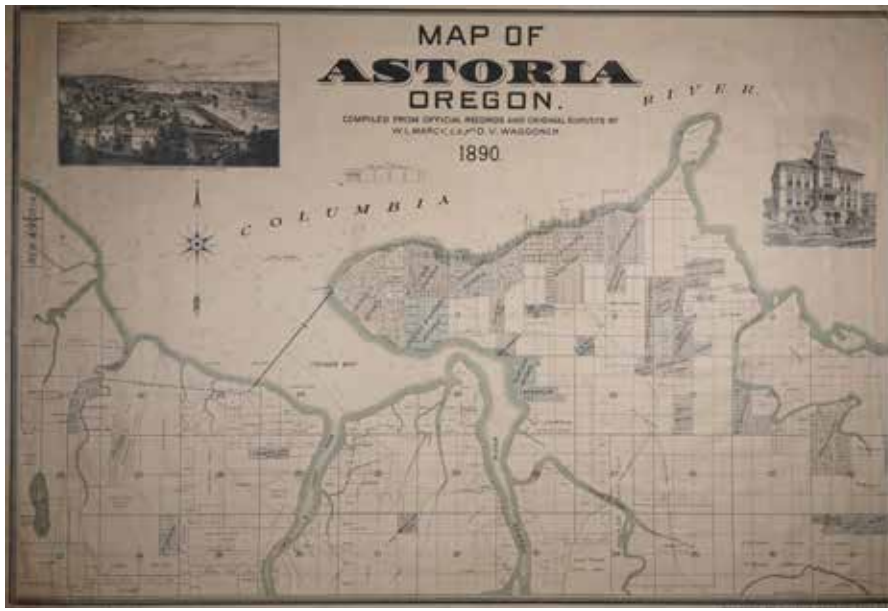
marins ont motivé la cooptation du discours d'émancipation par les réformateurs maritimes visant à affirmer les droits des marins à la pleine protection du treizième amendement et, par conséquent, à la citoyenneté américaine.

On 7 July 1895, the merchant barque *Arago* arrived in port at San Francisco with four of its crewmembers in irons. Having been sighted by the afternoon crowds gathered along the shore, the vessel's erratic path into harbor attracted unusual attention. Gazing out on the channel, onlookers observed with increasing concern as the *Arago* abruptly lowered her sails and veered dangerously along the rocks. A tug was quickly dispatched and the ship brought safely to shore, having narrowly avoided running aground. At shortly after five o'clock a police flag was raised in the *Arago*'s rigging, the harbor police descended upon the wharf, and the four crewmembers, now prisoners, were extracted from the ship.[1]

The case of the *Arago* would prove to be a landmark in the legal history of contract labor in the United States. The arrested seamen, John Bradley, Philip Helzen, Morris Hansen, and Robert Robertson, all white US citizens who were members of the Coast Seamen's Union, had signed shipping articles with the *Arago* for a voyage scheduled to take them along the Pacific Coast of the US

Barque *Arago* (Clatsop County Historical Society, Astoria, Oregon)

1 "Into Port in Irons," *San Francisco Call*, 8 July 1895.



Map Of Astoria, Oregon; Compiled From Official Records And Original Surveys (Internet Archive)

to Valparaiso, Chile, and back. However, once they reached port in Astoria, Oregon, the seamen jumped ship and deserted.

When the *Arago* seamen opted to desert in Astoria, they were first and foremost electing to end their contractual relationship with the ship, and by extension its captain, whom the sailors claimed had been abusive toward the crew. Astoria's sailortown, despite its notorious reputation as a den of vice and danger, also represented a safe haven for the *Arago* deserters. Had Captain Perry not reacted with such vigor to the seamen's actions, the *Arago* deserters would have been free to navigate the intricacies of Astoria's maritime labor market from within a network of recruitment centered in sailors' boardinghouses and negotiated through word-of-mouth and other informal channels of information exchange. If the *Arago* deserters had followed a typical pattern, they would have most likely spent some time and money ashore, and after several days or even weeks, decided to sign on with one of many ships waiting in the busy port city eager to hire seamen, preferably under conditions more favorable than their last ship.

It was this contrast between a sailortown's reputation for bad behavior and corruption on the one hand, and its inherent usefulness for merchant seamen attempting to maintain control over the terms of their own labor on the other, that reformers, politicians, and the courts found so baffling. Astoria, indeed, was a town with no shortage of nefarious characters and tales of criminality.

Described by one memoirist as "the pirate city by the sea,"[2] Astoria had gained worldwide attention by the 1890s for its elaborate systems of shanghaiing. Reformers and politicians seized upon spectacular accounts and characters engaged in the crimping economy to advance an agenda intended to "clean up" sailortowns and thereby stabilize the labor pool for maritime commerce. These reformers claimed to be helping seamen help themselves while ashore, but by targeting economies of sailortown they were also cutting off networks that frequently provided accommodations for merchant seamen on the move,

Astoria Sailortown (Wikimedia Commons)

constricting their ability to end bad contracts and negotiate new ones, and restricting their individual liberties as wage laborers in a maritime economy that was becoming increasingly exploitative of its labor pool. Desertion was an essential component in this system, and it is no coincidence that it was at the heart of the case of the *Arago*.

In most instances involving desertion, ship captains would have shown little hesitation in replacing wayward crewmembers with idle seamen "on the beach," transiently inhabiting the world's sailortowns. In jumping ship, seamen forfeited any wages due to them, which benefited captains and ship owners and made replacing deserters with new crewmembers far more economical

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2 *The Oregonian* (Portland, OR), March 13, 1979, as cited in Denise Alborn, "Shanghai Days in Astoria," *Cumtux* (Clatsop County. Historical Society) 9, no. 1: 9-15.

than pursuing legal recourse. What made the *Arago* case exceptional was the persistence with which Captain Perry pursued the four seamen who deserted his ship; not only originally in Astoria, but subsequently en route to San Francisco, and again upon reaching port there, Captain Perry had his men incarcerated and chose to pursue legal action to the fullest extent of the law.

Holding the men in violation of their shipping articles, the *Arago*'s captain hastily issued warrants and saw that the men were arrested and held in a local jail for sixteen days before being forcibly returned to the ship and ordered back to work. Once at sea with a crew of mostly non-union men, the four union men refused and were placed back in shackles so as to not to agitate further acts of mutiny among the crew until the ship reached San Francisco.[3] In San Francisco, the Sailors' Union of the Pacific (SUP) put their considerable influence and energies into helping the *Arago* seamen make their case out of writ of habeas corpus before the District Court of Northern California.

The support of the SUP was essential to the seamen's case, led by then-Secretary Andrew Furuseth. In a letter written to Furuseth from jail, Robert Robertson, speaking on behalf of his fellow *Arago* seamen, complained that the ship's crew had been subjected to poor conditions while at sea, and that their right to jump ship in search of alternatives had been violated by Captain Perry and the local officials in Astoria:

> The captain felt sure that he had us… and on the trip he fed us on salt horse and bulldozed us. We went to him and told him that since we did not suit him, he had better pay us what was coming to us. This he refused to do, so we left him and our money at the first opportunity, and we are in prison as a result. What are we going to do about it?[4]

Merchant seamen consistently used desertion as a tactic to negotiate the power structures that existed between themselves and those who set the terms of their employment. Mobility was an essential tool that seamen employed to counter poor conditions and treatment such as the "salt horse" diet and "bulldozing" physical abuse that Robertson accused Captain Perry of imposing on his crew. While an effective defensive tactic for seamen, desertion was also illegal, and deserters had long been subject to arrest if they were caught and prosecuted, a fact dating back to the passage of the 1790 US Merchant Marine Act.

Despite the SUP's assistance, the District Court unceremoniously rejected

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3 "Mutiny at Sea," *The Herald* (Los Angeles), 8 July 1895, 2.

4 "In an Astoria Prison: Deserters From the *Arago* Who Will Have to Finish Their Trip," *The San Francisco Call*, 22 June 1895, 9.

the *Arago* seamen's suit. The case was then carried on to the heights of the United States Supreme Court, where it was argued as *Robertson v. Baldwin*. Ultimately, the majority opinion of the Supreme Court also ruled against the *Arago* seamen. Specifically, the court rejected the claim that the seamen's arrest constituted a violation of the clause of the Thirteenth Amendment abolishing involuntary servitude, arguing instead that merchant seamen were a type of worker that had "from time immemorial been treated as exceptional," and that therefore "shall not be regarded as within [the Thirteenth Amendment's] purview."[5] Where did this exceptional status originate? Why were merchant seamen considered to be outside the purview of the protections of the Thirteenth Amendment thirty-two years after its passage? What did the *Arago* decision mean for larger claims of merchant seamen to the rights and privileges of US citizenship, and by extension, the claims of other workers who labored on the margins of American society in 1897?

Robertson v. Baldwin

The *Arago* seamen and their legal counsel waited the better part of 1896 until they were granted an opportunity to argue their case before the highest court in the nation. During that time, the seamen's case had been expanded beyond the local particularities of the 1895 Maguire Act, which protected a seaman's right to desert a vessel only on coastwise journeys (the *Arago* was headed for at least one South American port), to focus exclusively on the claim that their imprisonment for breach of contract constituted a violation of the Thirteenth Amendment's abolition of involuntary servitude. On 25 January 1897, the court delivered its opinion, ruling against the seamen and upholding the decision of the District Court of Northern California. Justice Brown wrote the majority opinion, taking the issue at hand as an opportunity to express the majority's interpretation of the Thirteenth Amendment, which he argued "depends upon the construction to be given to the term 'involuntary servitude.' Does the epithet 'involuntary' attach to the word 'servitude' continuously, and make illegal any service which becomes involuntary at any time during its existence; or does it attach only at the inception of the servitude, and characterize it as unlawful because unlawfully entered into?"[6]

Brown ultimately sided with the latter interpretation, arguing that a contract lawfully entered into can never be considered unlawful, and insisting that such an interpretation ensured the viability of forms of essential servitude that would otherwise be undermined by an unrestricted right to abandon contractual

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5 *Robertson v. Baldwin*, 165 U.S. 275 (25 January 1897).

6 Ibid.

obligations. Brown identified such essential labor as that of a soldier at war or a merchant seaman aboard a vessel, who Brown worried might be inclined to "abandon his ship at any intermediate port or landing, or even in a storm at sea…." Putting aside how useful an option voluntarily abandoning ship during a storm at sea would be, Brown made clear that he and the majority sided with freedom of contract over freedom of person, but seemingly only as applied to some classes of laborers. But while freedom of contract served to override the seamen's claim to have been subjected to involuntary servitude, the use of penal sanctions to enforce their contracts was another matter:

> The breach of a contract for a personal service has not, however, been recognized in this country as involving a liability to criminal punishment, except in the cases of soldiers, sailors, and possibly some others, nor would public opinion tolerate a statute to that effect.[7]

Brown's statement suggests that while "public opinion" would not tolerate the use of penal sanctions in enforcing the contracts of ordinary workers, their use in holding soldiers, sailors, "and possibly some others" to the terms of their labor agreements would indeed be appropriate. In approving the use of penal sanctions to enforce contracts on certain classes of laborers, Brown and the court majority were in step with the devolution of nineteenth-century free labor ideology, the strength of which had propelled the nation into the Civil War, through the pangs of Reconstruction, and into the Gilded Age of capitalism in which the *Arago* decision was delivered. The dramatic devolution of Reconstruction was indicative of a more widespread constriction of free labor ideology that retreated into a narrowly conceived adherence to freedom of property on which the legitimacy of labor systems would be evaluated through the first decades of the twentieth century. Within this system, an individual's labor was considered to be his own property, and said individual had the exclusive right to contract out that property under his own terms, free from external interventions.[8] With this trajectory in mind, *Robertson v. Baldwin* was a harbinger of the so-called Lochner Era of the Court. Given this timeline, the *Arago* case proved to be a testing ground for the court to outline principles regarding freedom of contract that would guide their decisions well into at least the 1930s.

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7 *Robertson v. Baldwin*, 165 U.S. 275 (25 January 1897).

8 See: Leon Fink, "From Autonomy to Abundance: Changing Beliefs about the Free Labor System in Nineteenth- Century America," in Stanley L. Engerman, ed., *Terms of Labor: Slavery, Serfdom, and Free Labor* (Palo Alto, CA: Stanford University Press, 1999) and Robert J. Steinfeld, *Coercion, Contract, and Free Labor in the Nineteenth Century* (New York: Cambridge University Press, 2001).

Brown and the court majority's next task was to justify the classification of merchant seamen as an exceptional class of laborers to which penal sanctions could be appropriately applied. Whereas the majority claimed that "public opinion would not tolerate" similar methods of contract enforcement as applied to other laborers, seamen were exempt from such considerations. To support his claim, Brown offered the following:

> From the earliest historical period the contract of the sailor has been treated as an exceptional one, and involving, to a certain extent, the surrender of his personal liberty during the life of the contract. Indeed, the business of navigation could scarcely be carried on without some [guarantee], beyond the ordinary civil remedies upon contract, that the sailor will not desert the ship at a critical moment, or leave her at some place where seamen are impossible to be obtained—as Molloy forcibly expresses it, 'to rot in her neglected brine.' Such desertion might involve a long delay of the vessel while the master is seeking another crew, an abandonment of the voyage, and, in some cases, the safety of the ship itself. Hence, the laws of nearly all maritime nations have made provision for securing the personal attendance of the crew on board, and for their criminal punishment for desertion, or absence without leave during the life of the shipping articles.[9]

As precedent, Brown reached far back in time, offering the Ancient Rhodians, the fifteenth-century Catalonian Consulate of the Sea, the twelfth-century Rules of Oléron, the Hanseatic League of 1597, and the Maritime Ordinance of Louis XIV as examples of laws put in place to keep seamen from deserting their vessels. But was maintaining the safety of vessels at sea always the simple motivating factor behind this lineage of coercive laws? Brown's concluding paragraph suggests otherwise:

> Indeed, seamen are treated by Congress, as well as by the Parliament of Great Britain, as deficient in that full and intelligent responsibility for their acts which is accredited to ordinary adults, and as needing the protection of their parents and guardians…. The ancient characterization of seamen as "wards of admiralty" is even more accurate now than it was formerly.[10]

In addition to his inventory of ancient precedents, Brown could have

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9 *Robertson v. Baldwin*, 165 U.S. 275 (25 January 1897).
10 *Robertson v. Baldwin*, 165 U.S. 275 (25 January 1897).

produced an equally impressive list in which the consensus opinion among men of both the state and the public reflected a shared perception that seamen were indeed deficient in character, and therefore entitled to unique status as wards under US law.[11] Merchant seamen were commonly considered unique citizens under the law of various countries, the United States being no exception. Amplifying this perception, merchant seamen had grown increasingly foreign over the course of the nineteenth century, both in a national and a cultural sense, as the industrialization of the American maritime shipping industry changed the nature and character of its labor systems. The unique labor status and increasingly foreign composition and culture of merchant seamen seemingly called for a special set of laws, exemptions, and legal clarifications.

"Fugitive Slave / Fugitive Sailor"

In delivering their decision against the merchant seamen, the court had plenty of precedent to draw on, alternating between reaching back into ancient maritime statutes and referring to fundamental laws of the US government. The 1790 US Merchant Marine Act was one of the first pieces of legislation passed by the first Congress of the United States. Among other things, the 1790 Act granted power to the masters of ships to issue a warrant for the apprehension of a deserting seaman and to bring him before a local justice, who would then commit the seaman to jail.

That the Merchant Marine Act was one of the first pieces of legislation passed by the First Congress of the United States was also a testament to the priority Early Republican leaders placed on establishing a stable and secure merchant fleet. With the young nation desperate to assert themselves within Atlantic trade markets and eager to assume a place on the global geopolitical stage, a robust and regulated merchant marine was essential in the immediate aftermath of the Constitution's ratification.

The details of the Merchant Marine Act included a combination of clauses that alternately functioned to protect and coerce the labor of merchant mariners. This approach to regulating the merchant marine followed almost exactly the British model, who regarded their mariners as "wards of the admiralty," entitled to certain protections from the government while simultaneously being subjected to extraordinary regulatory measures based on a perception of their deficient character and the extraordinary conditions under which they worked.[12] Following this approach, the 1790 American legislation included protective stipulations that guaranteed a mate's right to request inspections

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[11] See: Martin J. Norris, "The Seaman as Ward of the Admiralty," *Michigan Law Review* 52(4) (February 1954), 479-504.

[12] Norris, "The Seaman as Ward of the Admiralty."

of vessels, placed limits on the amount of debt that could be collected from a seaman on a given voyage, and established requirements for medical supplies to be carried on board, as well as setting a minimum number of seamen per a ship's given tonnage. Simultaneously, the Act established an equally formidable list of coercive measures, including mandated penalties for seamen who failed to report to a ship at an appointed hour, penalties for harboring "fugitive seamen," and a 300 percent wage penalty per each day that a contracted seaman went missing from his ship. If a seaman was absent from his vessel for more than forty-eight hours, he forfeited his wages and any possessions that remained on board, in addition to being charged a fee meant to compensate the master of the ship for the expense of finding a replacement. Finally, seamen could be arrested for refusing to sail on a ship deemed seaworthy after inspection, or if he deserted his vessel entirely. The master of a vessel had simply to demonstrate that a seaman had signed a contract in order to legally have him detained, at which point he would be held in prison until his vessel was ready to leave port, when he would be forcibly escorted to the vessel and commanded to resume labor under threat of re-imprisonment.[13]

The 1790 Merchant Marine Act preceded the 1793 Fugitive Slave Act, which granted similar powers to slaveowners, a similarity that many seamen's rights advocates took up in the wake of the *Robertson v. Baldwin* decision. Both in concept and in language, the coercive clauses of the 1790 Merchant Marine Act that established penalties for desertion served as a direct model for the phrasing of the 1793 Fugitive Slave Act. The text from the 1790 act that addresses desertion is worth quoting here in its entirety:

> If any seaman who shall have signed a contract to perform a voyage shall, at any port or place, desert, or shall absent himself from such vessel, without leave of the master, or officer commanding in the absence of the master, it shall be lawful for any Justice of the Peace within the United States, upon the complaint of the master, to issue his warrant to apprehend such deserter, and bring him before such Justice; and if it then appears that he has signed a contract within the intent and meaning of this title, and that the voyage agreed for is not finished, or altered, or the contract otherwise dissolved, and that such seaman has deserted the vessel, or absented himself without leave, the Justice shall commit him to the House of Correction or common jail of the city, town or place, to remain there until the vessel shall be ready to proceed on her voyage, or till the master shall require his discharge, and then to be delivered to the master, he paying all the costs of such commitment, and deducting the same out of the wages due to such seaman.[14]

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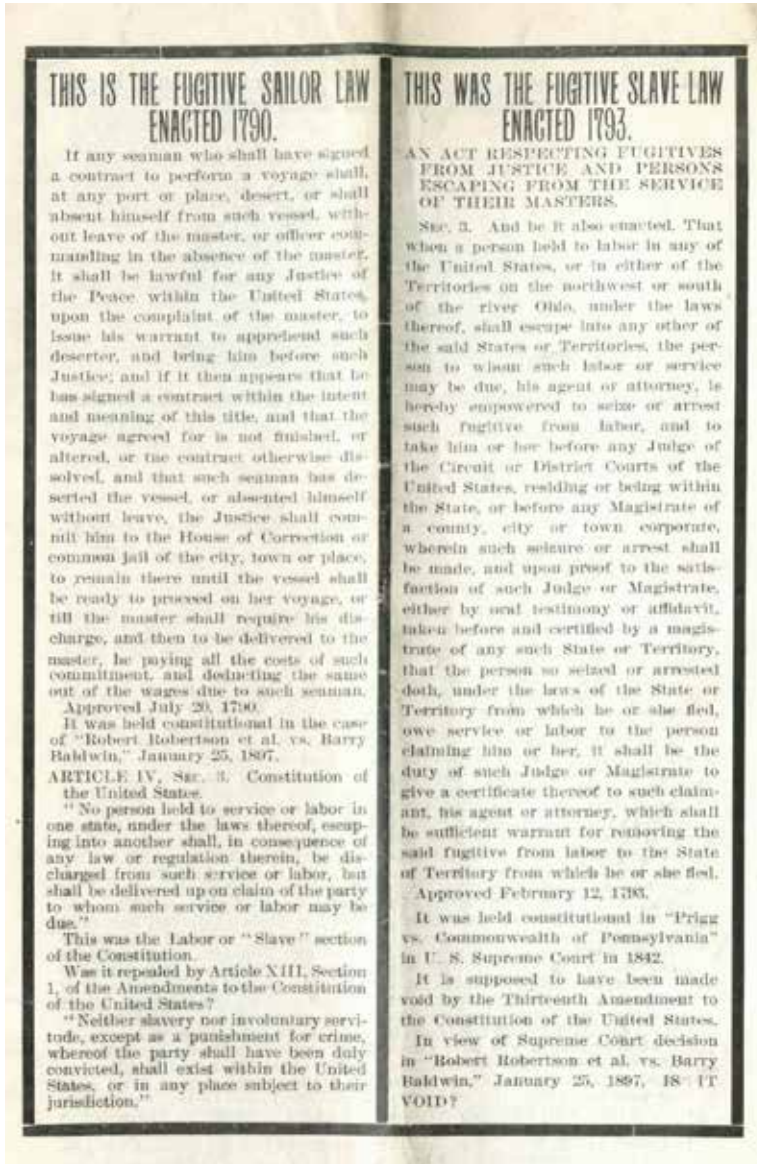
13 Act of July 20, 1790, ch. 29, 1 Stat. 131.

14 "An Act for the Government and Regulation of Seamen in the Merchants Service," Sess. II, Ch. 9, (1790), https://www.govinfo.gov/content/pkg/STATUTE-1/pdf/STATUTE-1-Pg131.pdf#page=1



THIS IS THE FUGITIVE SAILOR LAW ENACTED 1790.

If any seaman who shall have signed a contract to perform a voyage shall, at any port or place, desert, or shall absent himself from such vessel, without leave of the master, or officer commanding in the absence of the master, it shall be lawful for any Justice of the Peace within the United States, upon the complaint of the master, to issue his warrant to apprehend such deserter, and bring him before such Justice; and if it then appears that he has signed a contract within the intent and meaning of this title, and that the voyage agreed for is not finished, or altered, or the contract otherwise dissolved, and that such seaman has deserted the vessel, or absented himself without leave, the Justice shall commit him to the House of Correction or common jail of the city, town or place, to remain there until the vessel shall be ready to proceed on her voyage, or till the master shall require his discharge, and then to be delivered to the master, he paying all the costs of such commitment, and deducting the same out of the wages due to such seaman.

Approved July 20, 1790.

It was held constitutional in the case of "Robert Robertson et al. vs. Barry Baldwin," January 25, 1897.

ARTICLE IV, SEC. 3. Constitution of the United States.

"No person held to service or labor in one state, under the laws thereof, escaping into another shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

This was the Labor or "Slave" section of the Constitution.

Was it repealed by Article XIII, Section 1, of the Amendments to the Constitution of the United States?

"Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or in any place subject to their jurisdiction."

THIS WAS THE FUGITIVE SLAVE LAW ENACTED 1793.

AN ACT RESPECTING FUGITIVES FROM JUSTICE AND PERSONS ESCAPING FROM THE SERVICE OF THEIR MASTERS.

SEC. 3. And be it also enacted, That when a person held to labor in any of the United States, or in either of the Territories on the northwest or south of the river Ohio, under the laws thereof, shall escape into any other of the said States or Territories, the person to whom such labor or service may be due, his agent or attorney, is hereby empowered to seize or arrest such fugitive from labor, and to take him or her before any Judge of the Circuit or District Courts of the United States, residing or being within the State, or before any Magistrate of a county, city or town corporate, wherein such seizure or arrest shall be made, and upon proof to the satisfaction of such Judge or Magistrate, either by oral testimony or affidavit, taken before and certified by a magistrate of any such State or Territory, that the person so seized or arrested doth, under the laws of the State or Territory from which he or she fled, owe service or labor to the person claiming him or her, it shall be the duty of such Judge or Magistrate to give a certificate thereof to such claimant, his agent or attorney, which shall be sufficient warrant for removing the said fugitive from labor to the State or Territory from which he or she fled.

Approved February 12, 1793.

It was held constitutional in "Prigg vs. Commonwealth of Pennsylvania" in U. S. Supreme Court in 1842.

It is supposed to have been made void by the Thirteenth Amendment to the Constitution of the United States.

In view of Supreme Court decision in "Robert Robertson et al. vs. Barry Baldwin," January 25, 1897, IS IT VOID?

This is a pamphlet authored by maritime labor leader Andrew Furuseth of the Sailors Union of the Pacific, most likely published in 1897.[15] The pamphlet compares a clause of the 1790 US Merchant Marine Act that made desertion punishable with arrest to the Fugitive Slave Law of 1793. Furuseth and the SUP published and disseminated this pamphlet in response to the US Supreme

15 Andrew Furuseth, "Fugitive Sailor Law / Fugitive Slave Law" (pamphlet). Records of the Seamen's Church Institute of New York and New Jersey.

Court decision in *Robertson v. Baldwin*.

The SUP's pamphlet is the product of profound macro-historical forces that came to define the latter half of the nineteenth century and early-twentieth century. Furuseth's cooptation of the discourse of United States slavery is a product of the devolution of Reconstruction, in which the ideals of freedom and emancipation wrapped within the anti-slavery movement were overwhelmed by a distorted vision of free labor ideology that insisted on an absolute freedom of contract that trumped freedom of person. The only reason that this pamphlet had potency in 1897 is that the goal of emancipation as understood within a liberal democratic anti-slavery ideology was not accomplished by the Union winning the Civil War. The failure of Reconstruction left the idea of free labor unresolved. In the wake of this national failure, and lacking clear guidance from the nation's courts, small-scale confrontations and contestations over the nature of the law played out in the nation's industrial towns and port cities.

Rhetoric of Emancipation

Merchant seamen were a logical sector of the nineteenth-century labor force through which to bring these issues to high profile attention and debate. Considered wards, whether of the British admiralty courts or the United States federal government, merchant seamen were consistently subjected to extraordinary forms of restriction and control under US law, ostensibly with the justification that seamen represented morally underdeveloped, irresponsible citizens who required the guardianship of the government.[16] In addition to affording seamen special protections under US law, this justification also provided a convenient means of protection for the commercial interests of shipowners and the growing network of investors, businessmen, and consumers who depended on a reliably consistent merchant shipping industry in order to keep the emerging national system of capital flowing.[17]

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[16] See: Norris, "The Seaman as Ward of the Admiralty." The legal precedent most frequently cited for this classification of seamen is the Supreme Court case *Harden v. Gordon* (1823), in which Justice Story declared: "Seamen are by the peculiarity of their lives liable to sudden sickness from change of climate, exposure to perils, and exhausting labour. They are generally poor and friendless and acquire habits of gross indulgence, carelessness and improvidence…. Every court should watch with jealousy an encroachment upon the rights of seamen, because they are unprotected and need counsel; because they are thoughtless and require indulgence; because they are credulous and complying; and are easily overreached."

[17] See: Judith Fingard, *Jack In Port*: *Sailortowns of Eastern Canada* (Toronto: University of Toronto Press, 1982). Fingard argues that the combined efforts of the state, maritime business, and maritime reformers in Canadian sailortowns served primarily to regulate merchant seamen's mobility within waterfront labor markets, guided primarily by impulses to keep seamen disciplined in order to "serve the needs of capital" (30).

The merchant marine held a central importance in relation to the health of American capital, and by extension, the United States' position on the global political stage. As a result of its essentiality, the merchant marine represented an early testing ground for the young federal judiciary to determine the boundaries and definition of labor rights and citizenship in the Early Republic. As Matthew Rafferty argues, merchant seamen during the Early Republic were a particularly litigious group of laborers, frequently bringing grievances against their employers to local courts in port towns.[18] Additionally, Marcus Rediker has documented the extra-legal tactics such as work stoppages, slow-downs, desertion, mutiny, and piracy that seamen used to reassert control over their labor.[19] While seamen were at the vanguard of the negotiation of the power dynamics of an emerging modern wage labor system, they also put pressure on the nation's inchoate conceptions of citizenship, forcing the federal judiciary to take a definitive stance in response to British impressment of American merchant seamen into the British Navy during the years leading up to the War of 1812.[20]

Merchant seamen's vanguard position in relation to US law extended throughout the nineteenth century. Despite the passage of the Thirteenth Amendment in 1865, it would not be until the 1897 *Arago* case that the US Supreme Court faced the task of defining exactly what constituted involuntary servitude, and just as important, what did not. The stakes surrounding the *Arago* decision were especially high considering the drastic turn in American economic ideology towards an increasingly exploitative system based on near-absolute freedom of contract. In many ways, the *Arago* case represented the culmination of a transition from Reconstruction-era conceptions of free labor that accounted for instances of appropriate government intervention in labor negotiations, to an increasingly draconian system that insisted on absolute freedom of contract up to the point of self-enslavement. At the end of the nineteenth century, this transition produced a dominant economic ideology that had become adamantly anti-paternalistic, viewing "wards" with increasingly hostile suspicion, whether they be freedmen, Native Americans, or merchant seamen, as "unnatural" hindrances to the "natural" machinations

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18 Matthew Taylor Rafferty, *The Republic Afloat: Law, Honor, and Citizenship in Maritime America* (University of Chicago Press, 2013).

19 Marcus Rediker, *Between the Devil and the Deep Blue Sea: Merchant Seamen, Pirates and the Anglo-American Maritime World, 1700-1750* (New York: Cambridge University Press, 1987), and with Peter Linebaugh, *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston: Beacon Press, 2000).

20 Paul Gilje, *Free Trade and Sailors' Rights in the War of 1812* (New York: Cambridge University Press, 2013).

of free trade.[21] Given this trajectory, the *Arago* decision would have direct impact on the nature of contract labor in the rural South, industrial North, and as far away as Hawaii, where debates over annexation hinged on the central question of whether the *Arago* decision made legal Hawaii's existing system of indentured labor.[22]

Eric Foner has demonstrated that this contract-based manifestation of free labor ideology has its roots in the devolution of Reconstruction. With the South defeated, Northern Republicans perceived in the emancipated South an opportunity to spread free labor ideology based on the Northern industrial wage system into newly conquered Southern territory that had been held back by the slavery system. Out of the transition from slavery to free labor, Southern planters who had formerly depended on slave labor faced the problem of how to entice labor out of an emancipated workforce. In order to regain control over freedmen's labor, planters countered newly acquired Black mobility with restrictive laws and contracts. As Foner describes this transition, the former master-slave relationship was replaced with contractual agreements, the freedom of which was compromised by various coercive tactics, including denied access to land ownership, the use of fines or imprisonment to punish non-compliance, and the threat of violent enforcement from local white supremacist organizations such as the Klu Klux Klan. With the passage of the Fourteenth Amendment ostensibly ensuring Black civil rights, Northern Republicans increasingly insisted that formerly enslaved individuals were unequivocally equal citizens under US law, and any special ties to the protections of the federal government should therefore be severed so that Blacks could compete fairly in the free market.[23] As Heather Cox Richardson argues, Northern Republicans increasingly came to perceive Blacks' inability to successfully integrate into an abstracted, so-called free labor market following emancipation as evidence of their intentional rejection of free labor ideals, a transgression for which Blacks were "willingly read… out of American society" by their former Northern Republican allies. Thus, the Supreme Court declared the Civil Rights Acts unconstitutional in 1875 and federal troops withdrew from the South in 1877, leaving Southern state governments to revoke Black suffrage and perpetuate a system of labor based on coercive contracts and privileged access to resources and representation.[24]

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[21] Aviam Soifer, "The Paradox of Paternalism and Laissez-Faire Constitutionalism: United States Supreme Court, 1888-1921," *Law and History Review* 5(1) (Spring 1987): 249-279.

[22] "Sanctions Contract Slavery. With Annexation Would Come This Serfdom of White Laborers," *San Francisco Call*, 15 December 1897.

[23] Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper Perennial Classics, 1988).

[24] Heather Cox Richardson, *The Death of Reconstruction: Race, Labor, and Politics in the*

W. Caleb McDaniel has recently pointed to an "era of anti-slavery pluralism" that existed in Britain, as well as the United States well beyond their respective points of emancipation, impacting public opinion and policymaking regarding issues such as marriage, vagrancy, colonialism, and immigrant labor that extended into the early twentieth century.[25] Prior to McDaniel, the legal historian Robert J. Steinfeld complicated the usefulness of emancipation in demarcating the timeline of free labor in the US. Despite a general erosion of penal sanctions for American workers by the 1830s that Steinfeld attributes in part to a growing identification of indentured servitude with chattel slavery, people at the margins of American society, such as Filipino and native laborers in Hawaii, Blacks in the Southern US, and merchant seamen, would not be protected from penal sanctions until the first decade of the twentieth century. Thus, Steinfeld argues that modern free labor was not a product of the emergent free market, rather it was the result of "a difficult political and moral resolution of fundamental conflicts within liberalism," specifically a prevalent dual-allegiance to freedom of person *and* freedom of contract. Rather than contribute modern free labor to the triumph of Northern free market industrialism, Steinfeld concludes that "only political events and changing moral standards led to the line being drawn as it was in American constitutional law during the early years of the twentieth century."[26] Accepting Steinfeld's theory regarding the origins of free labor, public responses to the *Arago* decision document the "political events and changing moral standards" that eventually led to a Congressional abolishment of the use of penal sanctions to enforce merchant seamen's contracts; first, partially in 1898 with the White Act, and finally in 1915 with the landmark LaFollete Seamen's Act.

Sailors' Wardship

Justice Henry Billings Brown, author of the majority opinion of the Court in *Robertson v. Baldwin*, repeatedly emphasized the court's interpretation of seamen's exceptional position among other contract laborers, and the long tradition of seamen's status as "wards of the admiralty" under special protection of parents, guardians, the government, and, in this case, of employers

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Post-Civil War North, 1865-1901 (Cambridge: Harvard University Press, 2001).

[25] W. Caleb McDaniel, "The Bonds and Boundaries of Abolitionism," *Journal of the Civil War Era* 4, (1) (March 2014), 84-105. McDaniel cites Amy Dru Stanley, *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation* (New York: Cambridge University Press, 2006); Moon-Ho Jung, *Coolies and Cane: Race, Labor, and Sugar in the Age of Emancipation* (Baltimore: Johns Hopkins University Press, 2006); and Michael Salman, *The Embarrassment of Slavery: Controversies over Bondage and Nationalism in the American Colonial Philippines* (Berkeley: University of California Press, 2001).

[26] Steinfeld, Coercion, *Contract, and Free Labor in the Nineteenth Century*, 284-285.

and the legal system. Within the decision of the federal judiciary, as well as the reactions of the reformers, labor activists, and newspaper reporters who reacted to the *Arago* decision, there existed a shared central irony that hinged on the merchant seaman's longstanding classification as a "ward" of both benevolent society and the federal government: within the rhetoric of reform, activists seeking to repeal the *Arago* decision perpetuated this ward status as they simultaneously attempted to change the legal system that that same status had created. Similarly, the federal judiciary attempted to justify extraordinary restriction and control of merchant seamen as a form of freedom of contract, while simultaneously arguing that seamen were naturally inferior citizens, and therefore required the government's wardship.

Merchant seamen's status as wards was challenged, used, and co-opted by a variety of actors representing the judiciary, government, civil society, and even merchant seamen themselves. Beginning in the 1830s, an onslaught of philanthropic initiatives began providing services for merchant seamen in the Port of New York. The American Seamen's Friend Society (ASFS), founded in New York between 1826 and 1828, would by the late-nineteenth century establish a network of sailors' homes and seamen's missions in most of the major port towns and cities in North America, as well as certain ports in Europe, Asia, and Africa. In addition to operating a 300-bed Sailor's Home at 190 Cherry Street along the East River from 1842 to 1903, ASFS also established the Marine Temperance Society of the Port of New York in 1833, as part of a larger endeavor to establish marine temperance societies in every port city.[27] The cultural construction of merchant seamen as unique, exceptional workers that ASFS projected to this national audience served a specific function for nineteenth-century maritime missionaries: because a merchant seaman's perceived natural moral deficiency and lack of a sense of responsibility made him especially liable to cruel treatment both at sea and ashore, he was in need of special protection from those members of a benevolent society who involved themselves in Christian philanthropic work. This understanding of merchant seamen's character justified the mission and fundraising of maritime ministry organizations and gave reformers specific targets toward which to direct their philanthropic energies.

Despite having origins in New York, ASFS had significant national reach and impact. By the late-nineteenth century, ASFS had succeeded in consolidating many of the nation's sailors' homes and seamen's missions. Auxiliary missions from around the country submitted monthly reports to ASFS administrators, which were published in the Society's monthly

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[27] Roald Kverndal's *Seamen's Missions: Their Origins and Early Growth* (Pasadena, CA: William Carey Library, 1986), 514.

newsletter, the *Sailor's Magazine*, boasting a total distribution of 55,000 copies.[28] The copious literature produced by ASFS, most of which was distributed to Society supporters and potential donors, persistently depicted seamen as culturally and morally exceptional and in desperate need of special protection, setting precedent for similar language and attitude of the Supreme Court in *Robertson v. Baldwin*. In an 1883 speech titled "Christ's Dominion on the Sea," Rev. A. J. F. Behrends describes the "modern sailor" as "a very different man" who leads "a life peculiarly his own, moulded by the sea."[29] For Behrends, the uniqueness of the seaman's life seeps into the physicality of his being: "He wears a dress that marks him, he speaks the dialect of the ocean, his thoughts are shaped by his peculiar life, and his very features bear the stamp of his occupation."[30] Physically marked by his labor, the seaman is presented as a highly identifiable member of marginalized society, his appearance and odd manners erecting cultural barriers "between him and his brothers in the land."[31] Elsewhere, in other ASFS Annual Reports, the seaman is described as possessing "coarse manners" and "rude intelligence," while he is simultaneously exalted for his "courage and generosity," the product of a shared "simplicity" that is "characteristic of the sailor."[32] The seaman is "trained to obedience," frequently carrying orders out "to a fault," making him an easy target for those who would take advantage of him.[33]

Within the logic of maritime reformers, the seaman's particular character led to his exploitation, which made him an ideal target for ministry. As the authors of ASFS's Annual Report from 1897 ask, "unguarded and alone, or surrounded by evil companionships; mother and wife and children, if he has any, and the blessed restraints of a decent social life far, far away; has the sailor less need than others of the curb of a holy religion?"[34] Rev. Behrends, in describing the aspects of the seaman's physical and moral composition that marginalized him from respectable society, drew a direct line between the social marginalization of merchant seamen and the possibility for new ministries: "modern commerce has created a new social class, and opened a new field for Christian philanthropy…. We must have new agencies and

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28 *Sailor's Magazine*, June 1898, Records of the American Seamen's Friend Society, G.W. Blunt White Library, Mystic Seaport, Mystic, CT.

29 Rev. A. J. F. Behrends, "Christ's Dominion on the Sea," 1883 Annual Report, Records of the American Seamen's Friend Society.

30 "Christ's Dominion on the Sea."

31 "Christ's Dominion on the Sea."

32 Rev. Edward R. Coe, "The Gospel and the Sailor," 1882 Annual Report, Records of the American Seamen's Friend Society.

33 *Sailor's Magazine*, July 1898, Records of the American Seamen's Friend Society.

34 1897 Annual Report, Records of the American Seamen's Friend Society.

ministries for the citizens of the sea, because the greatly altered conditions and immensely enlarged scope of modern commerce have created a class unknown in the days of Paul."[35] Behrends identifies the seaman's social marginalization as a product of the forces of industrialization, creating "a new social class" of laborers in need of spiritual guardianship.

One article from 1895 titled "Our Debt to the Sailor" appeals to its readers' middle-class tastes and consumer habits in identifying the seaman as a "public benefactor":

> If you will think for a minute upon your table daily you will find something there for which you are indebted to the mariner. A part of our food, and clothing also, comes to us from over the sea. In bringing these things to us so cheaply, so speedily, and so abundantly, the sailor… is a public servant, and as such he deserves far more than the slight recompense which is grudgingly offered him.[36]

The sense of individualized debt to merchant seamen that ASFS attempted to impose upon its readers also served as further justification for the seaman's status as a ward, not just of the Admiralty courts or of the US federal government, but as a "ward of the church," and ultimately a ward of the individual readers themselves, whose middle-class consumer lifestyles the labor of merchant seamen made possible. The ASFS President's report as published in the Annual Report from 1880 elaborates:

> Now, if the sailor be a ward, it pre-supposes a guardian. Who then are the sailor's guardians? It will not do for us to cast the matter off, and say that the nation is the guardian of the sailor, or that the law-makers are the guardians of the sailor, or that the church as a body is the guardian of the sailor. In this matter, individual responsibility comes down to you, and to me, and to every one of us, as members of the church of Christ, to feel that we should have his interest at heart; –the interests of the sailor, who does so much for us; without whom we should be debarred many of the luxuries we enjoy, without whom our commerce could not be carried on across the seas.[37]

Appealing to the shared identity of its audience as consumers, ASFS constructed a powerful argument for public support of its operations that

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35 Behrends, "Christ's Dominion on the Sea."

36 *Sailors' Magazine*, September 1895, Records of the American Seamen's Friend Society.

37 1880 Annual Report, Records of the American Seamen's Friend Society.

simultaneously supported the Society financially while providing resources for services for seamen. From the perspective of the federal judiciary, as well as the reformers, labor activists, and newspaper reporters who reacted to the *Arago* decision, there existed a shared central irony that hinged on the merchant seaman's longstanding classification as a "ward" of both benevolent society and the federal government, while simultaneously placing the merchant seaman within a larger devolved version of free labor ideology based on absolute freedom of contract. This "paradox of paternalism"[38] did not exist solely at the state or federal level but included actors from all sectors of society. Only through resolution of said paradox in the public arena would the status of merchant seamen under U.S. law come to be reformed at the federal level.

Public Opinion

Looking back on the *Arago* decision in his memoirs, Rev. Archibald R. Mansfield, first Superintendent of the Protestant Episcopal Church Missionary Society for Seamen (PECMS, later the Seamen's Church Institute of New York), recalled his bafflement upon hearing the decision of the Supreme Court: "[the] judicial logic made it clear to the public that there existed a class of men who had to work no matter how they were treated, that their contract carried no implication of decent treatment, but that arbitrary bad treatment was merely a sort of occupational risk which their contract obliged them to assume."[39] Mansfield's reaction to the decision was not in isolation. Newspapers from every corner of the nation ran articles detailing the case, many with strong editorial commentary condemning the Court's decision and speculating as to its potential implications. As Mansfield writes, the *Arago* decision "focused public attention on the matter at issue and precipitated all the humanitarian sentiment in the country on behalf of fair dealing with the sailor."[40]

Surveying the nation's newspapers in the aftermath of *Robertson v. Baldwin* confirms that the interest and energies of the press had indeed been aroused. An article titled "An Important Decision" from the *Cook County Herald* from the Lake Superior port town Grand Marais, Minnesota provides a typical example. Beginning with a detailed description of Justice Brown's majority opinion, the article then compares the case to the Dred Scott decision and *Prigg v. the Commonwealth of Pennsylvania* (1842), claiming that the latter

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38 See: Soifer, "The Paradox of Paternalism and Laissez-Faire Constitutionalism."

39 Rev. Archibald R. Mansfield, *Autobiography*, (no date), Records of the Seamen's Church Institute of New York and New Jersey.

40 Mansfield, *Autobiography*.

represented such a close model for *Robertson v. Baldwin* that if "the words 'fugitive sailor' be substituted for 'fugitive slave'... it would exactly cover the present case." Evaluating the potential impact of the *Arago* decision, the article claims that the Court's ruling could mean "that the [T]hirteenth [A]mendment of the constitution is wiped out completely."[41] An almost identical article ran in *The Broad Ax* of Salt Lake City, Utah, echoing comparisons to Dred Scott and *Prigg*, and lamenting the Court's apparent disregard for the Thirteenth Amendment, "savior and champion of personal rights and personal liberty, [which] declared to every citizen of the United States, I will make you free indeed. Surely the liberty of a citizen is more precious and sacred in the eyes of the law, than a private contract."[42] Similar articles summarizing the case ran in newspapers from Wichita, Kansas[43] and Omaha, Nebraska[44], as well as Washington, DC, San Francisco, Astoria, Oregon, Seattle, and New York City.

Many reporters, as well as reformers and labor leaders, employed a version of anti-slavery rhetoric that focused on the opposition between freedom of contract and freedom of person central to the question posed in the Salt Lake City *Broad Ax* article. An article in the *San Francisco Call* from May 1897 articulates this context in relation to the *Arago* decision, declaring that:

> [I]t is alarming to contemplate the extent to which contract slavery may be forced upon the landless laborers of the country, white as well as black… prompted by the plainest inducements of self-interest on the part of employers, to exclude such landless and therefore helpless and dependent laborers from employment until they shall be compelled by their privations to sign such contracts for personal servitude as will bind them for life or for long terms to the contract and dominion of individual masters.[45]

The persistence of such a racially defined framework of contract labor, informed directly by the nation's traumatic timeline of chattel slave labor and emancipation, is indicative of the challenges that the *Arago* case posed to the viability of postbellum conceptualizations of freedom following the Thirteenth Amendment. The rhetoric of anti-slavery, a long and well-established tradition

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41 "An Important Decision," *Cook County Herald* (Grand Marais, MN), 20 February 1897.

42 "An Important Decision," *Broad Ax* (Salt Lake City, UT), 20 February 1897.

43 "Rigor Not Relaxed. Important Case Involving Seamen's Rights Decided," *Wichita Daily Eagle* (Wichita, KS), 26 January 1897.

44 "Goes Against The Seamen. United States Supreme Court Hands Down Important Decision," *Omaha Daily Bee* (Omaha, NE), 26 January 1897.

45 "Famous *Arago* Case on Appeal," *San Francisco Call*, 2 May 1897.

of dissent within nineteenth-century America, provided a framework within which opponents to the Supreme Court's decision could frame their criticism, revealing a consensus of expectations and an arsenal of rhetorical pressures that those critics forced on the state regarding the regulation of contract labor.

Adding their voices to editorializing news reporters, labor unions contributed to the swelling opposition that spoke out against the *Robertson v. Baldwin* decision. Through pamphlets, letters, and convention speeches, labor leaders adopted an anti-slavery rhetoric similar to the press in articulating the uniquely oppressed status of merchant mariners under US law. Marchers at a parade in San Francisco to celebrate the twelfth anniversary of the SUP in December 1897 carried signs that made clear how seamen themselves interpreted the *Arago* decision. A sign displayed prominently at the front of the march plainly declared that "The people are with us," and was followed by dozens more, including: "The United States Supreme Court construes the laws; the people make them. We carry our case up"; "In 1862 Lincoln proclaimed all persons free. In 1897 the United States Supreme Court declared the seaman a serf"; "In 1856 Dred Scott decision; reversed by the people 1861-1865. In 1897 *Arago* decision; will be reversed by the people"; and "In 1790 fugitive sailor law passed. In 1793 fugitive slave law passed." The reportage on these signs represents a rare archival glimpse into how *Robertson v. Baldwin* was processed by merchant seamen with boots on the ground in the early years of their labor organization. The similarities between the rhetoric employed in the parade and the editorial musings of the nation's press suggest a pervasiveness of opposition that transcended class or social identity.

Building on opposition among the rank and file, the administrative bodies of the San Francisco Labor Council and the Central Labor Unions of New York, Brooklyn, and Washington, DC all held meetings in the months following the *Arago* that were covered by the local press. Samuel Gompers himself attended meetings of American Federation of Labor in Nashville and Kansas City where the *Arago* decision was denounced, as did Eugene Debs at the Labor Leaders' Convention in St. Louis. Transcripts of speeches reprinted in newspapers capture the heightened rhetoric used to rally solidarity among those in attendance and recall fiery condemnations of slavery that were common in the antebellum North. H. E. Highton addressed a raucous mass-meeting at the Metropolitan Temple in San Francisco on 2 February 1897 amidst a band playing "inspiring airs" between speeches and a packed crowd that included Mayor Phelan. "The thought that an American sailor," Highton began. "should ever be called upon to carry in his mind

the thought that at some time or some place his back was laid open by the lash of some petty tyrant rouses my blood almost to the point of revolution."[46] Highton was followed by several speakers who repeatedly impressed upon the crowd the need to "abolish [the] slavery of American sailors," with one speaker reflecting that "this country had fought out the question of slavery of the black man and had set him free. That white men should be held in bondage in this same fair land [is] a circumstance not to be longer tolerated." James H. Barry concluded the meeting by lamenting the persistence of "chattel slavery" in the United States, insisting that "[slavery] does exist, but, by the great Jehovah, it shall be abolished," before launching into an extended critique of the Supreme Court.[47]

Andrew Furuseth made a trip to Washington, DC in January 1898 to lobby before Congress on behalf of the *Arago* seamen. In an article in the *San Francisco Call* documenting the trip, Furuseth is quoted as saying that "the imprisonment of a sailor for violation of a civil contract is a species of slave labor and is a relic of barbarism," a sentiment that was echoed in the pamphlet produced by Furuseth and the SUP featured at the beginning of this paper. The cover of the pamphlet is divided into two halves, its left side titled "THIS IS THE FUGITIVE SAILOR LAW ENACTED 1790," with an excerpt from the 1790 US Merchant Marine Act pertaining to the use of imprisonment to enforce desertion printed below. The right side is titled "THIS WAS THE FUGITIVE SLAVE LAW ENACTED 1793," followed by an excerpt from that law pertaining to the return of fugitive slaves. Below the excerpt, Furuseth interjects: "[the Fugitive Slave Law] is supposed to have been made void by the Thirteenth Amendment to the Constitution of the United States. In view of the Supreme Court decision in 'Robert Robertson et al. vs. Barry Baldwin,' January 25, 1897, IS IT VOID?"[48]

Furuseth's provocative question gets to the essence of what motivated the overwhelming outrage and apprehensiveness with which *Robertson v. Baldwin* was met among news reporters and union leaders. In excluding certain citizens from the protections of the Thirteenth Amendment, the Supreme Court opened old wounds left by moral debates over slavery leading up the Civil War. That catastrophic war had seemingly resolved the issue once and for all. But in the wake of *Robertson v. Baldwin*, those with particular interest in the case, as well as the public at large, were left

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46 "Senator Frye Gets a Roast: A Mass-Meeting that Spoke Out Loud for 'Poor Jack'," *San Francisco Call*, 3 February 1897.

47 "Senator Frye Gets a Roast."

48 Andrew Furuseth, "Fugitive Sailor Law / Fugitive Slave Law" (pamphlet).

to question how much had in fact been left open to interpretation.

Conclusion

The Supreme Court's decision in *Robertson v. Baldwin* placed an emphatic restriction on the mobility and individual liberty of merchant seamen engaged in the waged labor of an industrializing economy of maritime commerce. The outcome of the case ultimately proved that the mechanism of desertion, which merchant seamen had harnessed for centuries as a tactic to maintain control over their own labor, was an essential threat both ideologically to a US political economy that increasingly privileged freedom of contract over freedom of person, and practically to the agents of maritime commerce and its financiers. So great was the threat of desertion that the Supreme Court was willing to put forward a distorted interpretation of the Thirteenth Amendment in order to put a stop to it. By the end of 1897, the *Arago* deserters and all merchant seamen found themselves excluded from the protections of the US Constitution and, by extension, the full rights and protections entitled by citizenship.

Merchant seamen, who were protected from imprisonment if they deserted within a US port by the White Act of 1898, were still subject to such punishment in foreign ports until the Seamen's Act of 1915, which brought seamen into a system of labor that was gradually modernizing as it emerged out of the spirit of reform that defined the Progressive Era. The Seamen's Act of 1915 marked the legislative realization of a turn in public opinion against the exceptionally exclusionary status of merchant seamen under U.S. law that accelerated with the *Arago* seamen and their encounter with the Supreme Court. This exceptional status, one that had been imposed upon seamen since the earliest years of the Republic, pushed the *Arago* deserters to the margins of the US Constitution and citizenship. The resolution of their case, and the awakening of sentiment that it induced within the sphere of public opinion, gave belated shape to the parameters of contract labor in the wake of the Thirteenth Amendment and set fundamental precedent as the nation entered the twentieth century.

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