

# IN HIS OWN WORDS: JOHN JAY ON SLAVERY

## John Jay's letter to Elias Boudinot (1819)

17 Nov. 1819

I have received the copy of a circular letter which, as chairman of the committee appointed by the late public meeting at Trenton respecting slavery, you were pleased to direct to me on the 5th instant. Little can be added to what has been said and written on the subject of slavery. I concur in the opinion that it ought not to be introduced nor permitted in any of the new States; and that it ought to be gradually diminished and finally abolished in all of them.

To me the constitutional authority of the Congress to prohibit the migration and importation of slaves into any of the States, does not appear questionable. The first article of the Constitution specifies the legislative powers committed to the Congress. The ninth section of that article has these words:

“The migration or importation of such persons as any of the now existing States shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808. But a tax or duty may be imposed on such importations, not exceeding ten dollars for each person.”

I understand the sense and meaning of this clause to be, that the power of the Congress, although competent to prohibit such migration and importation, was not to be exercised with respect to the then existing States (and them only) until the year 1808; but that the Congress were at liberty to make such prohibition as to any new State, which might, in the mean time, be established, and further, that from and after that period, they were authorized to make such prohibition, as to all the States, whether new or old.

It will, I presume, be admitted, that slaves were the persons intended. The word slaves was avoided, probably on account of the existing toleration of slavery, and of its discordancy with the principles of the Revolution; and from a consciousness of its being repugnant to the following positions in the Declaration of Independence, viz.:

“We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among them are life, liberty, and the pursuit of happiness.”

**Source:** “John Jay to Elias Boudinot.” The Founders’ Constitution.  
<[http://press-pubs.uchicago.edu/founders/documents/a1\\_9\\_1s19.html](http://press-pubs.uchicago.edu/founders/documents/a1_9_1s19.html)>.