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Heartbreak on the 13th Hole


Whisking the Mail Through
Underground Tubes

William Livingston,
Catalyst of the Constitution

Mixed Welcome for
Holocaust Survivors

Meetinghouse Hosts
Caldron of Reform

Pro-Slavery Sentiment
in Central New York

A black and white portrait of William Livingston, a colonial New York politician. He is shown from the chest up, wearing a dark coat over a white cravat. He has long, dark, wavy hair and is looking slightly to the left of the viewer with a neutral expression.

Son of a distinguished colonial New York family, William Livingston was also a passionate early advocate of the fundamental principles that would coalesce into America's brilliant roadmap for government: the Constitution.

BY JUSTIN BURKE

An Accidental Politician

In 1788, the year the Constitution was ratified, none other than Alexander Hamilton hailed William Livingston as one of the five "most distinguished patriots" in the land. That accolade may seem far fetched to many historians today, yet it is worth remembering that Hamilton could see clearly what history has obscured over time: Livingston, a scion of one of colonial New York's most distinguished families, was the earliest American proponent of both our governmental system of checks and balances and the separation of church and state. Hamilton's

opinion acknowledged that Livingston was the Constitution's catalyst, and that, among the framers, there was no intent more original than his.

Born in 1723 in Albany, William was the youngest of six sons of Catherine and Philip Livingston, the second lord of Livingston Manor in the Hudson River Valley. Growing up in the area's comparatively liberal Dutch culture, from an early age he exhibited a fiercely independent spirit and a combative nature. His later education at Yale from 1737–41 was pivotal in shaping his political views. He soaked up Enlightenment

*Portrait of William Livingston by
John Wollaston the Younger.*

ideas, especially those of John Locke, who argued that individual initiative, not God's will, shaped the course of events, and that political stability flowed from the bottom up, not the top down. Livingston was also exposed to two British polemicists, John Trenchard and Thomas Gordon, whose writings in the 1720s provided a tactical guide for the preservation of "liberty, equality and property" in accordance with Locke's strategic vision.

Livingston attended Yale at a particularly turbulent time, when the colonies were enduring the initial phase of the religious revival commonly known as the first "Great Awakening." This era's emotional excesses and doctrinal disputes appalled him, hardening his anti-clerical attitudes and reinforcing in his mind the need for a system that protected minority interests against potential majority domination.

Family Obligations

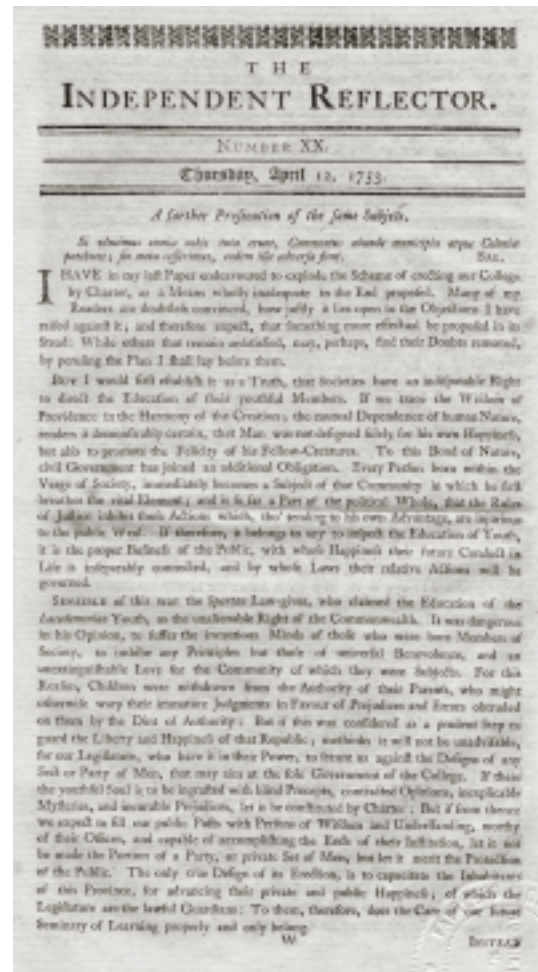
To a certain degree, then, Livingston was an accidental politician, forced into the role by circumstances of birth rather than by avocation. After graduating from Yale, he considered becoming an artist, but when threatened with disinheritance, he bowed to his father's demand that he become a lawyer. Although he quickly became a vaunted member of the New York City bar, he never seemed to derive pleasure from practicing law. His first major published work, written in 1747, was an epic

poem that avoided a legal theme and instead rhapsodized about the pleasures of rural isolation. He drifted into politics in part because it provided an acceptable outlet for his pent-up creative energy.

Throughout the first half of the eighteenth century, New York was beset by political infighting that stemmed from the province's ethnic and ecclesiastical diversity, as well as from the divergent interests of the colony's leading merchants and landowners. During the period when Livingston was establishing his legal practice, New Yorkers were preoccupied with fending off the French threat during King George's War (1744–48). But a chain of events, starting with Philip Livingston's death in 1749, precipitated perhaps the bitterest feud in New York colonial history and thrust William into the role of Constitutional theorist.

Philip's passing deprived the Livingston clan of much of its political clout, thereby endangering the family's vast economic empire. The Livingstons' sensitivities were heightened by the DeLancey family's steady accumulation of influence: the patriarch, James, had served as chief justice of New York since 1733, and had secured appointment in the late 1740s as lieutenant governor. In addition, the DeLanceys and their allies dominated the colonial Assembly.

Given his Lockean outlook, William was naturally wary of the concentration of power in



Livingston used his periodical to argue that King's College (now Columbia University) should not be affiliated with any religious denomination.

DeLancey hands. But he didn't act on his suspicions until 1752, after the DeLancey-controlled legislature ignored a Livingston family plea for assistance in quelling a tenant disturbance on Livingston Manor. Committed to Enlightenment ideals, and obligated to defend family interests, William organized the publication of the *Independent Reflector*, a weekly periodical that had a fifty-two-issue run starting in November 1752.

Radical Journalism

The *Reflector's* chief aim was to thwart the DeLanceys' attempt to monopolize

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New York City, c. 1750.

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authority. To achieve its desired effect, the periodical not only attacked the Livingston clan’s rivals and exposed the existing political system’s flaws, but also promoted a downright revolutionary vision—one in which government served the community’s best interests, not exclusively those of office holders. Prior to the *Reflector’s* appearance, New York politics were generally driven by the whims and preferences of its leading men; Livingston sought to remove, or at least greatly reduce, the “personality factor” in politics and to institute instead a predictable set of guiding principles. “He is a patriot who prefers the happiness of the whole to his own private advantage,” he stated in issue No. 23. While the *Reflector* dealt with New York-related issues, Livingston’s ideas on government often had pan-colonial applicability. The periodical enjoyed fairly wide circulation, influencing members of the elites in neighboring colonies; Benjamin Franklin, for example, was a subscriber.

The *Reflector* is generally remembered by historians for six essays concerning the establishment of King’s College,

now Columbia University. At the time, colleges in the colonies were closely identified with particular religious denominations. But Livingston advanced a radical proposition for the day: the creation of a non-sectarian institution of higher education, a possibility that engendered bitter opposition from Anglican clergymen who wanted to affiliate the school with the Church of England. Read in their entirety, the *Reflector’s* articles can be seen as a broad meditation on liberty, and they are, in fact, the first extended discourse on secular freedom produced in the colonies. Thus Livingston’s periodical marks a major step toward the Constitutional Convention of 1787.

In the premier issue, Livingston stated plainly that he was a “reformer” bent on “vindicating the civil and religious rights of my fellow creatures...and displaying the amiable charms of liberty.” Livingston proceeded from the Lockean assertion that unlimited power led to tyranny. He also assumed, as he wrote in issue No. 39, that most men harbored an “insatiable appetite for unbounded licentiousness.” The main

objective of government, then, must be “to correct the exorbitancies of human nature.”

Principles of Civil Society

Throughout the *Reflector’s* run, Livingston pounded away at the need for a system of checks and balances, as well as for the separation of church and state, arguing that the preservation of civil society depended on the safeguarding of both principles. In issue No. 4, he examined the benefits of having strong restraints on authority, writing that “the subjects of a free state have something open and generous in their carriage.” In sharp contrast, where there existed unrestrained authority, “slavery is stamp’d on the looks of the inhabitants; and penury engraved on their visages.”

Livingston’s bitter anti-clericalism fueled his desire for a barrier between church and state—a novel concept for the era. Consensus held that an established church was necessary for the maintenance of stability in any given country, but Livingston argued that when able to operate without restraints, clergymen, especially Anglicans and Roman

Catholics, tended to be opponents of individual liberty. The clergy “have done more mischief than good,” he wrote in issue No. 34. In No. 36, he added that “[m]atters of religion relate to another world and have nothing to do with the interest of the state. It is the business of civil power to see that the commonwealth suffers no injury, whether it be attempted on a religious, or any other pretence.”

The *Reflector* was also an ardent advocate of toleration, and an activist government was a critical feature of Livingston’s Constitutional vision. Commenting in No. 36 on the need for freedom of conscience, Livingston insisted that a government “hath no jurisdiction over the sentiments or opinions of the subject until such opinions break out into actions prejudicial to the community.” He believed that leaving individuals to self-regulate their financial affairs was a recipe for political disaster: in No. 10, he wrote that “[a] man’s personal advantage gives so strange a bias to his reason that he perceives not his own injustice, where he would condemn the like action in another, with high disdain.” In other issues, the *Reflector* demonstrated how a government’s regulatory authority could be used to promote prosperity and security in such areas as foreign trade, immigration, health care, and public safety.

Livingston’s attempt to dismantle and rebuild New York’s political and ecclesiasti-

Livingston started sketching the chief features of our Constitution at a time when Alexander Hamilton hadn’t yet been born, James Madison was still in diapers, and John Jay was a boy of seven.

cal foundation provoked a furious response from the DeLanceys, as well as from Anglican clergymen. Soon after becoming acting governor in late 1753, James DeLancey exerted pressure on the *Reflector*’s printer, James Parker, who promptly halted publication. But DeLancey could not muzzle Livingston; the feud between the Livingstons and the DeLanceys sparked by the *Reflector*’s appearance didn’t end until 1776. As defenders of colonial rights, the Livingstons found themselves on the right side of history. The DeLanceys’ loyalism, on the other hand, caused their eventual ruin.

“This Glorious Fabrick”

Throughout the 1750s and 60s, William Livingston continued to advocate his Constitutional principles. He was the chief author of numerous polemical works,

including *The Watch-Tower* (1754–55), *The Sentinel* (1765), and *The American Whig* (1768–69), all of which championed the cause of balanced government and a secular state. Almost two decades before the framers convened in Philadelphia, Livingston reached the conclusion that the rules of government needed to be enshrined in a written compact: in *The American Whig* No. 5, he wrote that “[t]he day dawns in which the foundation of this mighty empire is to be laid, by the establishment of a regular American constitution. All that has hitherto been done, seems to be little besides the collection of materials of this glorious fabrick. ‘Tis time to put them together.”

Livingston started sketching the chief features of our Constitution at a time when Alexander Hamilton hadn’t yet been born, James Madison was still in diapers, and John Jay was a boy of seven. The trio would, of course, go on to take Livingston’s rough draft and generate the most comprehensive manifesto yet created on the functioning of a virtuous government—*The Federalist Papers*. Yet if these can be considered a gospel of the American civic religion, then Livingston’s major works must be viewed as books of the civic religion’s Old Testament. An argument can be mounted that Livingston, the accidental politician, also deserves recognition as one of our Constitution’s founding framers. ■



**THE ARCHIVES
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William Livingston was one of the most prolific polemicists of the colonial era, and his works were often serialized in New York’s weekly newspapers. The best place to research these essays is the New-York Historical Society, which has a vast collection of colonial-era newspapers. Many of Livingston’s personal papers were lost during the Revolutionary War, but the largest remaining trove of his letters and records is housed at the Massachusetts Historical Society. An especially rich source of information on the *Independent Reflector* is the William Smith, Jr. papers at the New York Public Library. Smith was Livingston’s main collaborator on the *Reflector*.