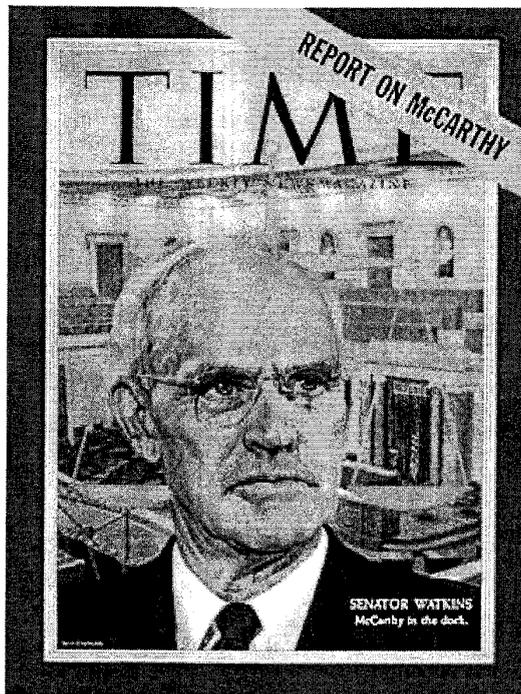


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([http://www.byhigh.org/Alumni\\_U\\_to\\_Z/Watkins/ArthurV.html](http://www.byhigh.org/Alumni_U_to_Z/Watkins/ArthurV.html))

Brigham Young Academy High School  
Brigham Young University High School

# *Arthur V. Watkins & The Law of Unintended Consequences*

*Attorney, Judge, U.S. Senator, Historian*



Sen. Arthur Watkins on Time Magazine, 1954

*Brigham Young High School  
Class of 1906*

The life of Arthur Vivian Watkins, BYH graduate of 1906, is a study of a well intentioned American lawmaker bedeviled by the law of unintended consequences.

Arthur was born in Midway, Utah on December 18, 1886. His parents were Arthur Watkins and Adelia Gerber Watkins. He was the oldest of six children in his family. He attended public schools in Midway and Vernal. He read everything he could find in print, including the old newspapers that papered the walls of the Watkins home. In 1905, Arthur (known to his contemporaries as Vivian) entered Brigham Young High School in Provo. A basketball star in his senior year, he received his High School Diploma in May of 1906.

Watkins then entered Brigham Young University, located on the same Provo campus as BYH. After briefly attending BYU, he dropped out to make some money teaching the fourth and fifth grades in Maeser, Utah, a city with a population of 600. When he was told that his salary would be \$40 a month, Watkins asked how much shepherders were paid. One of the school trustees, a sheep rancher, replied that the herders were paid \$60 a month, because they were responsible for valuable property. Watkins replied, "I won't work for less than the shepherders; children are a lot more valuable than sheep." He received a salary of \$60 a month.

In 1907, Watkins received a call to serve in the LDS Eastern States Mission. He went to New York City as a missionary, distributed pamphlets from door to door, and conducted hundreds of sidewalk meetings on Fifth Avenue. When his mission term was completed, Watkins decided to remain in the east, where he enrolled at New York University's Law School from 1909-1910. He then transferred to Columbia University's Law School, where he graduated in 1912. He returned to Utah and was admitted to the Utah State Bar.

Watkins married Andrea Rich on June 18, 1913 in Salt Lake City. Andrea was born on January 18, 1894 in Rexburg, Idaho. Her parents were Benjamin Erastus Rich and Diana Farr Rich. She was a granddaughter of early Mormon Apostle Charles C. Rich. Andrea and Arthur had two sons and five daughters.

Fresh out of law school, Watkins entered into a brief law partnership in Vernal, but moved to Salt Lake City where he became an assistant County Attorney in 1914. Also in 1914 he established a weekly newspaper in Utah County called the *Voice of Sharon* (which later became the *Orem-Geneva Times*), and he served for some time as its editor. From 1919 to 1925, Watkins managed a 600-acre ranch near Lehi, just south of Salt Lake City.

A Republican, Watkins was elected as a judge in the Fourth District Court, serving from 1928 to 1932. But when he ran for reelection in 1932, he became one of many

Utah Republicans defeated in a Democratic landslide led by Franklin D. Roosevelt.

In 1933, in the depths of the Great Depression, Watkins helped create a program of "planned and organized recreation" for the youth of Orem, Utah. Called the Sharon Community Educational & Recreational Association, it is better known as SCERA. Watkins, then president of the LDS Sharon Stake, organized this community effort that continues today to serve as a model for other communities, and stands as one of his longest lasting legacies.

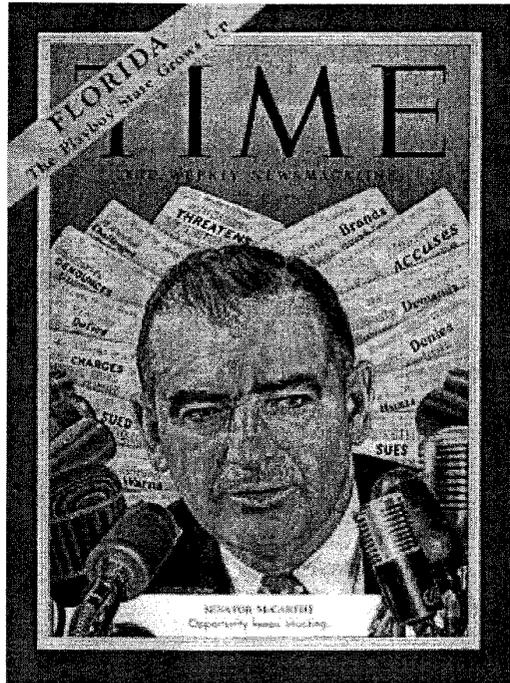
Watkins had long recognized that water was the key to the development of Utah's future economy, and following his political defeat, he used his legal acumen to launch a career in water development. His leadership resulted in the legal organization of a number of water-user associations and metropolitan water districts. He was instrumental in setting up the Provo River Project.

In 1936, he ran as a Republican candidate for the U.S. House of Representatives, but was not elected. For a decade thereafter he worked to build a record of public service achievement and leadership. In 1946 he won his party's nomination, campaigned for a seat in the U.S. Senate, and he was elected, defeating Democrat Abe Murdock. He worked extremely hard in his first term. In 1952 he put his young Senate record on the line, and was reelected over challenger Walter K. Granger.

### **The Censure of McCarthy**

Watkins became one of the most respected U.S. Senators of his generation. As such, in 1954 (Eighty-third Congress), he was appointed chairman of the Senate Select Committee assigned to investigate the questionable behavior of Wisconsin's Senator Joseph McCarthy.

Joseph R. McCarthy had been elected Republican U.S. Senator from Wisconsin, holding office from 1947 and continuing until his death in office in 1957. Beginning about 1950, McCarthy emerged as the most public speaker in a campaign of intense anti-communist suspicion inspired by the tensions of the Cold War.



Sen. Joseph McCarthy on Time in 1954

McCarthy made highly publicized claims that there were large numbers of Communists and Soviet spies and sympathizers within the U.S. government and in other important positions. His accusations and his inability to substantiate them led to him being investigated, discredited and ultimately censured by his fellow senators in the U.S. Senate.

On June 11, 1954, Vermont Republican Senator Ralph E. Flanders introduced a resolution to have McCarthy removed as chair of his committees. Although there were many in the Senate who believed that some sort of disciplinary action against McCarthy was warranted, there was no clear majority supporting this resolution. Flanders next introduced a resolution to censure McCarthy. Ultimately a "bill of particulars" listing 46 charges was added to the censure resolution. A special committee, chaired by Senator Arthur V. Watkins, was appointed to study and evaluate the resolution. This committee opened hearings on August 31, 1954.

As chairman, former judge Watkins barred television cameras from these hearings, in contrast to previous televised hearings of McCarthy's various "investigations" where the senator from Wisconsin had taken full advantage of every opportunity for self-promotion. Watkins refused to allow outbursts from McCarthy. In September 1954, McCarthy appeared before the Watkins committee and started to attack Watkins. Watkins stood firm and ordered McCarthy expelled from the room. Watkins's actions led McCarthy to make his famous "It was the most unheard of thing I've heard of" statement.

After two months of hearings and deliberations, the Watkins Committee recommended that McCarthy be censured. Initially, the committee proposed to censure McCarthy over his attack on an Army General and various Senators, but Watkins insisted that the charge of censure for the attack on General Zwicker dropped. The more precisely stated censure charges related only to McCarthy's attacks on other Senators, and pointedly excluded from criticism McCarthy's attacks on those outside of the Senate, making passage more likely.

On December 2, 1954, the full Senate voted to "condemn" Senator Joseph McCarthy by a vote of 67 to 22. The Democrats present voted unanimously for condemnation, and the Republicans who voted were evenly divided. It was a rare event; the U.S. Senate had invoked censure against one of its members only three times previously in the nation's history.

Based on his historic and admired leadership of this Committee, Watkins entered the history books as a man of high integrity and courage.

But as a result, Watkins also encountered the "law of unintended consequences." McCarthy's anti-communist rhetoric was very popular with Utah's electorate, and Watkins' key role in investigating and condemning it ruined his chances for reelection four years later.

Former Utah Governor J. Bracken Lee seized this opportunity to oppose Watkins for the Republican nomination in the 1958 senatorial election. Watkins managed to win the Republican primary, but when Lee ran as an independent in the general election, he split the Republican vote and allowed Democrat Frank E. Moss to win the seat.

In 1969, while in retirement, Watkins published a book of his investigation of McCarthy titled, ***Enough Rope: The Inside Story of the Censure of Senator Joe McCarthy by his Colleagues: The Controversial Hearings that Signaled the End of a Turbulent Career and a Fearsome Era in American Public Life***, (Englewood Cliffs, New Jersey: Prentice-Hall, 1969).

### **Watkins' Ill-Fated Tribal Termination Policy**

Watkins also served as chairman of the Senate Interior Committee Subcommittee on Indian Affairs and championed a policy called "termination" relating to American Indian tribes. He was the strongest advocate for the elimination of "Indian Tribal Entities" in order to integrate tribal members as regular citizens able to enjoy all of the benefits of American life.

Watkins termed his pet policy "the freeing of the Indian from wardship status" and equated it with Lincoln's Emancipation Proclamation, which freed slaves during the

Civil War. He believed that Indian reservations were historical anachronisms in modern American life.

Beginning in early 1947, a small number of leaders within the federal government had begun to revisit government policies designed to revitalize tribal governments, and began to consider terminating the federal government's trust responsibility, with the stated purpose of "freeing" American Indians from federal control. Termination policies emerged from a conservative, budget-cutting, environment of Cold War America, and they were colored by religious beliefs.

A group of like-minded contemporaries began to draft legislation and guide it through Congress. The true believers in termination were Arthur V. Watkins, E. Y. Berry, Dillon S. Myers, H. Rex Lee and several others. Watkins became known as "the Father of Termination" because of his passion for the idea.

Other main players in this movement included Ernest L. Wilkinson, one of the best Indian claims attorneys in the country, and John S. Boyden, legal counsel for the Northern Utes of the Uintah and Ouray Indian Reservation in Utah, and for the Hopi Indians of Northern Arizona. Wilkinson was a mentor admired by Boyden.

The termination policy had four fundamental goals:

1. To repeal laws that discriminated against Indians and gave them a different status from other Americans;
2. To disband the Bureau of Indian Affairs (BIA) and transfer its duties to other federal and state agencies or to tribes themselves;
3. To end federal supervision of individual Indians; and
4. To end federal supervision and trust responsibilities for Indian tribes.

On the face of it, the movement seemed innocuous and even benevolent. These Indian reformers saw the trust relationship between the federal government and tribes not as something that protected Indians, but rather as an obstacle to personal and economic freedom. The Indian-federal trust relationship had come into being in the early 1800s when the United States government undertook the duty of protecting Indians' rights and tribal property. It had not always done a very good job at this, but by withdrawing its trust responsibility entirely, Indians' rights -- and especially Indians' lands -- became vulnerable. For this reason, Indians and non-Indians concerned about Indian affairs were increasingly apprehensive of the termination policy almost from its inception.

What most of the terminationists had in common was their religious background; they were members of the Church of Jesus Christ of Latter-day Saints, with attitudes

colored by their belief in the Book of Mormon. These Mormon leaders felt that their superior insights into the origins of American Indian groups, whom they considered scattered branches of the house of Israel, were derived from Mormon scripture.



Twelve tribes of Israel were blessed, scattered.

However, the concept of “tribal termination” or “Indian emancipation” as a function of government is nowhere mentioned or championed in Mormon theology.

Here is one of the Book of Mormon scriptures dealing with the fate of the scattered branch of the Book of Mormon peoples:

*And I Nephi, said unto them: Behold they [words in ancient scriptures] were manifest unto the prophet by the voice of the Spirit; for by the Spirit are all things made known unto the prophets, which shall come upon the children of men according to the flesh,*

*Wherefore, the things of which I have read are things pertaining to things both temporal and spiritual; for it appears that the house of Israel, sooner or later, will be scattered upon all the face of the earth, and also among all nations.*

*And behold, there are many who are already lost from the*

*knowledge of those who are at Jerusalem. Yea, the more part of all the tribes have been led away; and they are scattered to and fro upon the isles of the sea; and whither they are none of us knoweth, save that we know that they have been led away.*

*And since they have been led away, these things have been prophesied concerning them, and also concerning all those who shall hereafter be scattered and be confounded, because of the Holy One of Israel; for against him will they harden their hearts; wherefore, they shall be scattered among all nations and shall be hated of all men.*

*Nevertheless, after they shall be nursed by the Gentiles, and the Lord has lifted up his hand upon the Gentiles and set them up for a standard, and their children have been carried in their arms, and their daughters have been carried upon their shoulders, behold these things of which are spoken are temporal; for thus are the covenants of the Lord with our fathers; and it meaneth us in the days to come, and also all our brethren who are of the house of Israel.*

*And it meaneth that the time cometh that after all the house of Israel have been scattered and confounded, that the Lord God will raise up a mighty nation among the Gentiles, yea, even upon the face of this land [American continent]; and by them shall our seed be scattered.*

*And after our seed is scattered the Lord God will proceed to do a marvelous work among the Gentiles, which shall be of great worth unto our seed; wherefore, it is likened unto their being nourished by the Gentiles and being carried in their arms and upon their shoulders. . .*

*. . . Wherefore, he will bring them again out of captivity, and they shall be gathered together to the lands of their inheritance; and they shall be brought out of obscurity and out of darkness; and they shall know that the Lord is their Savior and their Redeemer, the Mighty One of Israel. [Book of Mormon, 1 Nephi 22: 2-8, 12.]*



*After the first voyage of Christopher Columbus in 1492, Europeans began to dream of helping "American Indians" by converting them from their "savage and heathen" ways. In Italy, Catholic missionary Francis Xavier had a recurring dream of carrying an Indian on his back; in his religious fervor he willingly accepted this symbolic burden. Above is a portion of a mural painted by Jakob Potma in 1694, located in a Jesuit church in Mindelheim, Germany.*

Watkins' position as chairman of the Senate Subcommittee on Indian Affairs gave him tremendous leverage in determining the direction of federal Indian policy. He believed that his most important achievement in this area came in 1953 with passage of House Concurrent Resolution No. 108, which stated that "termination" would be the federal government's ongoing policy. The resolution proposed an end to federal services for tribes deemed ready to handle their own affairs. The same year, Public Law 280 transferred jurisdiction over tribal lands to state and local governments in five states.

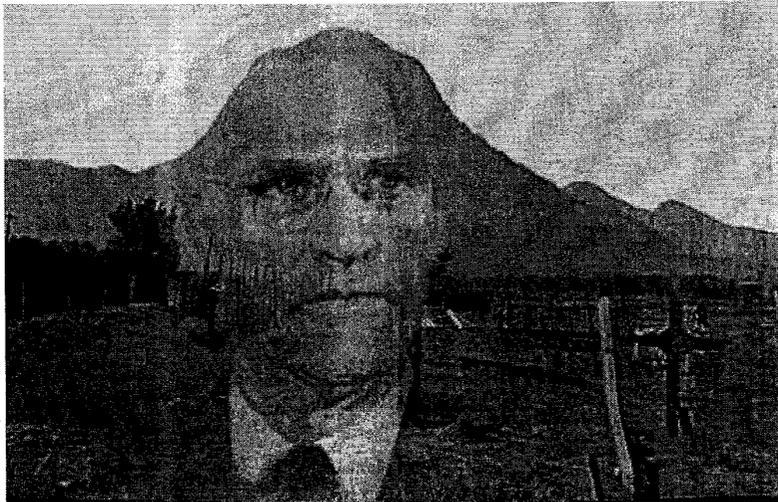
Passage of this resolution did not actually terminate any tribes. That had to be accomplished one tribe at a time by specific legislation. The Bureau of Indian Affairs began to assemble a list of tribes believed to have the economic prosperity needed to sustain themselves after termination, and at the top of the list was the Menominee Tribe of Wisconsin. One reason the BIA chose the Menominee was that the tribe had successful forestry and lumbering operations that the BIA believed could support the tribe economically. Congress passed an act in 1954 that officially called for the termination of the Menominee as a federally-recognized Indian tribe.

Termination for the Menominee did not happen immediately. Instead, the 1954 act

set in motion a process that would eventually lead to termination. The Menominee were not comfortable with the idea, but they had recently won a case against the government for mismanagement of their forestry enterprises, and the \$8.5 million award was tied to their proposed termination. Watkins personally visited the Menominee and said they would be terminated whether they liked it or not, and if they wanted to see their \$8.5 million settlement, they would have to cooperate with the federal government. Under extreme financial pressure, the tribal council reluctantly agreed.

Beginning in 1954 with the passage of the Ute Partition Act (UPA), over a period of nine years Congress terminated federal services to more than sixty tribal groups, despite intense opposition by the Indians themselves.

The effect of the law on those terminated Indians proved to be disastrous. Many members of the dissolved tribes were forced onto public assistance rolls. Cultural ties with indigenous families and former tribal lands were broken. With their tribal identities weakened, individuals and groups drifted precipitously into depression, alcoholism and suicide.



President John F. Kennedy halted further tribal termination in 1961, and Presidents Lyndon B. Johnson and Richard M. Nixon replaced termination with a policy of encouraging Indian self-determination with continued federal government assistance and services. After years of struggle, all but one group of Indians succeeded in having their tribal status restored, beginning in 1973, the year of Watkins' death.

Again, Watkins had triggered the law of unintended consequences. His desire to help Indian people become self-sufficient severely damaged vital cultural ties that these tribes needed to survive and maintain their unique identities in modern

America. The Book of Mormon prophecy may be fulfilled more by the eventual outcome of this struggle, than by the intervention of well-meaning LDS politicians.

### **Other Far-Reaching Activities**

From the first, Senator Arthur V. Watkins was recognized as a water reclamation authority. In 1949, Watkins successfully passed through Congress the \$70 million Weber Basin Project. This project called for the creation of a reservoir north of Ogden, Utah, to store surplus water from the Ogden and Weber rivers that could later be accessed for use on farmland.

The U.S. Bureau of Reclamation designed and constructed a 36-foot-high earth-filled dike to create the 26.4 square mile enclosure. The dike was completed in 1964, and was named the Arthur V. Watkins Dam. The resulting bay off of the Great Salt Lake was named after the nearby town of Willard.

Watkins was also instrumental in establishing the Deer Creek Reservoir Project. He successfully sponsored the \$760 million Colorado River Storage Act. The modern day West would be more barren and undeveloped without these carefully planned water management projects.

### **His Senate Career Ends**

After Watkins left the Senate at the close of 1958, he served briefly in 1959 as a consultant to Interior Secretary Fred Seaton. In 1960 President Eisenhower appointed Watkins to the Indian Claims Commission where he rose to the position of chairman and later its chief commissioner. In 1967 Watkins retired from the Indian Claims Commission to write his memoirs, and two years later his book, *Enough Rope*, was published. He retired to live in Salt Lake City, and his wife, Andrea Rich Watkins died there on January 31, 1971.

On March 1, 1972, Arthur V. Watkins married Dorothy Eva Watkins in Salt Lake City. She was born in Nottingham, England on January 18, 1911. Her parents were James Willie Watkins and Eva Charlotte Dexter Watkins. Converted to the LDS Church in England, she emigrated to Utah in 1970. She was a fine artist. She died on August 17, 1998 in Orem.

In 1973, Watkins and his second wife moved to Orem, where he died on September 1, 1973 at the age of eighty-nine. He and both of his wives are buried at East Lawn Memorial Hills Cemetery, 4800 N. 650 E. in Provo, Utah.

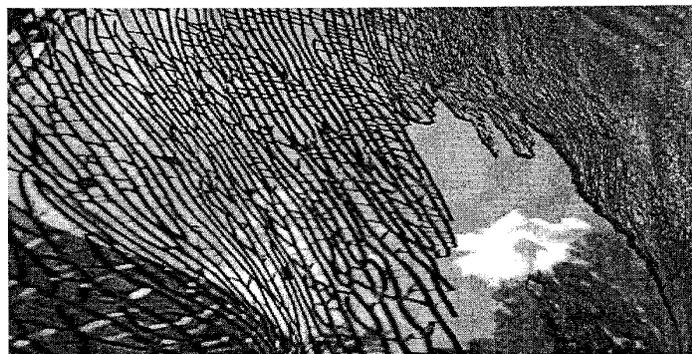
Arthur V. Watkins was survived by his son, Arthur R. Watkins [Watkins speaks five languages, taught German at BYU for more than 25 years, served as president of two LDS missions, one in Austria and one in Italy. He was a division president at the Missionary Training Center. Watkins also taught German at the University of Oslo in

Norway. He later served as the dean of foreign languages at BYU], and by three daughters, Nedra Watkins Reese, Venna Watkins Lange, Jeanene "Nina" Watkins Palmer. He was preceded in death by a daughter, Martha Watkins, who was born and died as an infant on December 10, 1919; and by a son, Don Rich Watkins, who was born on June 25, 1918 and died on July 7, 1945.

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The so-called "Law of Unintended Consequences" mentioned in this brief biographical sketch is not a scientific maxim, but is more in keeping with Murphy's Law. "LUC" is defined as predicting that any deliberate action will also result in some unforeseen consequences. In other words, each cause will produce more than one effect, which will include at least one side effect. The side effect has the potential to be more significant than any of the originally intended effects.

While this phenomenon has been observed many times in human history, sociologist Robert K. Merton popularized the concept in a 1936 paper, in which he attempted to apply a systematic analysis to this concept, which he referred to as "The Unanticipated Consequences of Purposive Social Action" or the "Law of Unforeseen Consequences".



***The law of unintended consequences pushes us ceaselessly through the years, permitting no pause for perspective.***

***~ ~ Richard Schickel***

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