

THE SCOPES TRIAL

THE DAYTON TENNESSEE EVOLUTION TRIAL

“Come to Dayton and see the circus!” called the boys. And they were right. The Great American Monkey Trial was soon to begin. Laughter in the courtroom, ribaldry in the public press, comic antics on the streets. And all about a barrel of monkey ancestors.

But, underneath it all, a carefully contrived plan was being worked out. This is the story of the Scopes Trial—the event that changed the direction of the creation-evolution controversy in America.

THE EUROPEAN BATTLE—*Charles Darwin (1809-1882) did not have the temperament for public controversy, but he found an able champion in a man who was a mediocre biologist, although an able controversialist: *Thomas Henry Huxley (1825-1895).

Darwin called Huxley his “bulldog,” and Huxley did his job well. Truth does not need a bulldog; error always does. **Evolution can only win ground by placing atheists in key positions in university, museum, and government departments, and then imposing teacher and employment coercion. It seeks to obtain its objectives by deceptive theories that have the semblance of truth, open ridicule of enemies, the use of political pressure, and threats.**

*Huxley fought the battle tirelessly in the lecture halls of England, while *Ernst Haeckel (1839-1919) worked feverishly in Germany, preparing fraudulent exhibits about embryos and ape skeletons, to help prove the unprovable in the lecture halls of Germany.

In one lecture debate with an Anglican bishop, Samuel Wilberforce, Huxley concluded by declaring he would rather have an ape for his grandparent than a person

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like Wilberforce. That one brought down the house and Huxley was the popular winner of the debate.

Another champion of the apes was *Herbert Spencer (1820-1903), who applied evolution to human society. He and *Friedrich Nietzsche (1844-1900) helped lay the groundwork for Nazism in the 20th century.

THE AMERICAN BATTLE—But it was in the United States, that the most dramatic confrontation of all occurred in 1925, in a little town that no one had ever heard of before. That battle was the watershed of evolution in America. In Dayton, it was discovered that ridicule was more valuable than truth, and laughter better than science. From that day to this, school districts, universities, politicians, and governments have all feared to openly oppose evolutionary theory.

This is the story of the Tennessee Monkey Trial.

1 - MONDAY, MAY 4, 1925

HOW IT BEGAN—George W. Rappleyea was a short thin young metallurgical engineer, from New York, employed by the Cumberland Coal and Iron Company, in Dayton, Tennessee, a sleepy little town 35 miles north of Chattanooga. Money was scarce, and the local economy needed a boost. On Monday, May 4, 1925, he picked up a copy of the *Chattanooga Times* and noticed a paid ad by the *American Civil Liberties Union (ACLU). They offered to pay the expenses of a teacher willing to make a test case of the recently passed Tennessee anti-evolution law. Rappleyea saw in this an opportunity to bring some money—perhaps even new industry—into town.

The ACLU was but one arm of a great movement to atheize America. They had been looking for men that would help them bring evolution into the courts. The

peaceful citizens, of Dayton, Tennessee, were soon to learn that their community was the one selected for this purpose.

Walking through the town of Dayton that quiet spring morning, Rappleyea went into F.E. Robinson's drugstore on the main street of town, and began discussing the situation with him. Shortly afterward John Thomas Scopes, 24 (1901-1970), a young high-school athletic coach, and Walter White, superintendent of schools, were called in and the conversation became still more earnest.

The old-fashioned table where they sat that day is still there in the drugstore. It now bears a plaque commemorating the occasion. But as they talked, young Scopes was reluctant to go through with what was suggested, for a surprising reason we will learn about later.

Scopes finally agreed that morning in the drugstore to be arrested, stand trial, and testify that he had taught evolution in Dayton's Central High School after the date that the state anti-evolution bill became law. This law forbade teaching, in tax-supported schools, that human beings had evolved from lower forms of life. Scopes later remarked about the origins of the trial: "It was just a drugstore conversation that got past control" (Ray Ginger, *Six Days or Forever* [1958], p. 20).

"The plan was hatched May 5, 1925. The chairman of the Rhea County School Board, Fred E. Robinson, was the owner of Robinson's Drug Store, the social center for Dayton. Present at the meeting that day were Robinson; Brady, who ran the town's other drugstore; Sue Hicks, the town's leading lawyer, who supported the Butler law; another attorney; a store clerk; and George Rappleyea, a vigorous opponent of the Butler law. John Scopes was invited to join the group, and was asked whether it was indeed true that he was teaching evolution. He had filled in

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for the high-school principal during the latter's illness. The high-school principal was the regular biology teacher."—*John W. Klotz, "Science and Religion," Studies in Creation (1985), pp. 47-48.*

Summer and the tourist season was close at hand, so the men realized they would have to work fast. **Through frequent telephone contacts with the ACLU office, they were instructed at each step what to do next.** The alleged reason why the ACLU was anxious to bring this case into court was "because civil liberties were threatened." **Forthcoming events clearly revealed a more sinister objective: to use courtroom ridicule and worldwide press jeering to destroy confidence in the Bible and serve notice of warning on others who might henceforth oppose evolution—that their reputation would likewise be devastated.**

On Tuesday, the 5th, young Scopes *just happened* to saunter into Robinson's Drug Store,—just before lawyers and town officials decided to drop in also—and serve Scopes with a warrant. Immediately Robinson telephoned the *Chattanooga News* saying, "This is F.E. Robinson in Dayton. I am chairman of the school board here. *We've just arrested a man for teaching evolution!*" Shortly afterward, Rappleyea wired the American Civil Liberties Union, and they promised to assist in the defense of Scopes.

MAKING CONTACTS—Immediately, the ACLU sent out invitations to leading figures in the nation to come help defend their side. At the same time, the folk down in Dayton decided to contact another, even more famous, American: William Jennings Bryan (1860-1925), former U.S. senator, three-times presidential candidate (1896, 1900, and 1908), and Secretary of State under President Woodrow Wilson. Bryan said he would help defend the State law and head up the prosecution. Bryan had been

a capable statesman. While serving as Secretary of State under Woodrow Wilson, Bryan had negotiated 30 treaties with foreign nations, all of which, except two, had been ratified by the U.S. Senate.

The Tennessee State Attorney General, A.T. Steward, agreed to help him. Bryan was glad to be of service, for it was a cause he was deeply interested in. Yet at the same time he was somewhat reluctant to serve as chief prosecutor, since he was older now and had not tried any cases in 25 years.

On the other side, the well-known criminal lawyer, *Clarence Darrow (1857-1938), gladly accepted the opportunity to defend evolution. He had been the attorney in several highly publicized trials, and had recently concluded the notorious 1924 Leopold and Loeb trial in Chicago, in which he defended two young University of Chicago students who had been involved in a peculiar “thrill” murder of a young student, Bobby Franks.

In addition, other influential men stepped forward to aid the defense. According to some reports, all offered their services free, but according to others, the ACLU paid the expenses of Darrow, the other defense attorneys, and their counselors. These included *Dudley Field Malone, *Arthur Garfield Hays, and *Dr. John R. Neal.

“As Scopes said later, ‘The American Civil Liberties Union held the purse strings’ and therefore controlled policy. He said the ACLU paid his bill of \$327.77; but, according to a news item in *Science*, ‘the \$10,000 needed to finance the defense was raised chiefly through an appeal to members of the American Association for the Advancement of Science’ [*Science*, July 1, 1955, p. 23]. Thus, although the affair came into being because the ACLU promised financial support and, on this basis, determined policy, it did not pay the bill, even though the lawyers offered

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their services gratis.”—*Donald W. Patten, “The Scopes Trial,” in Symposium on Creation III (1971), p. 106.*

In a later letter, Malone, a New York attorney, wrote to Scopes:

“Mr. Darrow was in New York conferring with me on a law case when we read of Mr. Bryan’s offer to help the prosecution in your case. We felt that . . . the issues involved are beyond the boundaries of Tennessee and we thought that assistance from men such as ourselves would be helpful in emphasizing the national interests which are involved.”—**Dudley Field Malone, letter to John T. Scopes.*

PLANS AND ACTIVITIES—*H.L. Menken, a well-known atheistic journalist, later remarked that he told Darrow to get down there, and he advised him: “Make a fool out of Bryan.”

Not science, not education would be the issue—but to make a fool of Bryan, Tennessee State, the Bible, and Christians in general.

From this point onward, the ACLU worked closely to ensure success in every way. They were determined to orchestrate this into the biggest summer show in the nation, well-knowing it would bring reverberations in favor of evolutionists for decades to come.

Bryan had earlier given his support to the Tennessee law that was now being challenged. According to the wording given to the Tennessee Anti-Evolution Law by Representative J.W. Butler, it was

“. . . unlawful for any teacher in any of the Universities, Normals, and all other public schools of the State which are supported in whole or in part by the public school funds of the State, to teach any theory that denies the story of the Divine Creation of man as

taught in the Bible, and to teach instead that man has descended from a lower order of animals.”

There is a story behind that law. John W. Butler, one of the Tennessee State legislators, was deeply concerned when his daughters, on their return from study at a university, were found to be irreligious. They had enrolled as earnest Christians, and returned as little better than atheists. Butler was shocked. Conversations with them revealed they had been deeply influenced by evolutionary teachings at the university.

Butler then suggested that the State legislature forbade the teaching of evolution in Tennessee State schools. He and other legislators conferred with Bryan, a Presbyterian, who fully agreed with their concerns, but cautioned them not to include a penalty in the proposed law. But when the law was drawn up, it included a penalty for infringement, although not one that was clearly stated.

Hearing of the forthcoming trial, the local newspapers in and near Dayton gladly got involved, and did everything they could to proclaim the news far and wide. Actually, **it was the public press of America, naively or otherwise cooperating with the objectives of the New York lawyers and the ACLU, that swelled the Scopes Trial to national and international prominence. Men would dream up schemes, work angles, and suggest plots, and the reporters would report them, whether or not they were true or actually happened!**

DEEPENING THE INTEREST—Learning about the growing excitement up in Rhea County, the city of Chattanooga, 40 miles south of Dayton, attempted to get the trial transferred to their Memorial Auditorium; and, when that plan failed, they tried to set up an alternate test case with a Chattanooga teacher.

Up in Dayton, it was clear they would have to work fast, so they called Scopes home from vacation in Ken-

tucky, and, instead of waiting till August, convened a hurried special meeting of the grand jury. **The ACLU could see that Dayton would ultimately be the trial location; and, to build the excitement to a fever pitch, an extra promotional help was suggested. Accordingly, the local trial promoters, in Dayton, called for a protest meeting, to heighten public interest.**

At that protest meeting, the short little Rappleyea stood up in defense of evolution (who later said he had always been a creationist); and, by prearrangement, large Thurlow Reed, whose shop was across the street from Robinson's Drug Store, was to start a fight when Rappleyea said these words: "*There are more monkeys here in Dayton than there are in the Chattanooga zoo!*" At those words, Reed rose to his feet and strode toward him, shouting as he went, "You can't call my ancestors monkeys!" and began a tussle with Rappleyea, that fooled everyone in the audience and caused a sensation in the public press.

2 - TUESDAY, JULY 7, 1925

GETTING THE TOWN READY—July was hot that year in Dayton, Tennessee. Sheltered by a mountain range from the westerly winds, the little town felt stifling on Tuesday, July 7, 1925, as shopkeepers put up signs, vendors set up booths, and townspeople tried to adjust to the growing excitement and figure out how they should relate to it.

The old Rhea County Courthouse, sitting sedately in the middle of the town square, was swept and cleaned thoroughly, while construction work proceeded on grandstands outside.

But things were also livening up elsewhere in town. An evangelist, T.T. Martin, walked around lecturing on

street corners and selling copies of his books, *Hell in the High Schools* and *God—or Gorilla*. On a nearby corner, a man with Bible verses attached to his body shouted to passersby. The one hotel in town was quickly sold out, and local folk put up room-for-rent signs on their houses.

That Tuesday afternoon the town emptied out, and everyone flocked to the railroad station as the train carrying William Jennings Bryan arrived in town. Stepping off the train, he shook the hand of young Scopes. At a banquet that evening in his honor, amid cheers Bryan said, “If evolution wins, Christianity loses.”

SAMPLING THE MAIL—The post office had to put on extra help to handle the thousands of pieces of mail pouring in, addressed to Scopes, Bryan, and Darrow. As you might expect, Scopes got the most.

One person wired: “Have found the missing link. Please wire instructions immediately.” Several women wrote Scopes and proposed marriage, and a worker at a Mississippi insane asylum asked him for advice:

“I think a dozen monkeys would be splendid entertainment for the inmates here. Which monkeys are the best, and where can I get them?”

FINE-TUNING THE STRATEGY—Smithsonian Institution offered advice; and, in the process, it revealed its objectives. They told Scopes and his attorneys to avoid the word, “*theory*,” but to call evolution a “*fact*” or a “*law*.”

“ . . . [make sure that] the word, ‘theory,’ [be] avoided completely and that it be challenged systematically when used by the prosecution. Its continued use by scientific men implies a doubt on their part and is a chief refuge of fundamentalism.”—**Jack Scopes, “The Man Who Put the Monkey on Dayton’s Back,”*

in *Chattanooga Life and Leisure*, July 1989, p. 15.
[Article by John Scopes' grandson.]

The *ACLU Executive Planning Committee had done its work well. Its members, in 1925, included future Supreme Court Justice, *Felix Frankfurter; socialist, *Norman Thomas; Communist Party member, *Mrs. Elizabeth Gurley Flynn; *Roger Nash Baldwin; and *Arthur Garfield Hays.

The ACLU had a field day with the press. They sent their agents here and there, urging media representatives from all over the nation to be present at the trial. It was considered imperative that this event be given the widest publicity. Radio technicians, from the *Chicago Tribune*, arrived in town and began setting up equipment in the old courthouse—in order to broadcast the trial proceedings. This was the first American court trial ever to be aired by radio. It was broadcast nationally, and helped focus worldwide attention on the proceedings that took place in this quiet Tennessee town. No publicity stone was left unturned by the ACLU. At about the same time, sixty-five (65!) telegraph operators, not known by anyone in this little town, arrived—and began cabling more words, before and during this trial, to Europe and Australia than those continents had ever received about any other event in American history!

THE NEWS MEDIA ARRIVE—On July 8, famed trial lawyer, *Clarence Darrow arrived, followed by *H.L. Mencken, the well-known journalist for the *Baltimore Sun*, who quickly established a reputation as the most caustic anti-creation, anti-religion writer at the trial. *Westbrook Pegler and *Joseph Wood Krutch, two other famous news correspondents, also arrived. Along with them came over 200 other newspaper men, some of them “unofficially acting in behalf of the defense.” During the

trial, they sent off over 2 million words, much of it highly biased.

Chicago radio station, WGN, brought down equipment to Dayton and produced the first national broadcast of a trial in U.S. history. No stone was left unturned to make this a mammoth news-media blitz, in favor of evolutionary beliefs.

Many reporters brought with them office directives, instructing them in advance how to play up the proceedings of the trial. One reporter, when asked why he never bothered to go to the courthouse, replied, "Oh, I don't have to know what's going on; I know what my paper wants me to write." Most of the stories sent out were anti-creationist in sentiment, and some were scathing attacks on Bryan, Christianity, and Biblical beliefs.

*H.L. Menken, in his articles, called Bryan "the old buzzard," "a tinpot pope in the coca-cola belt," and "the old mountebank [one who is deceitful or unscrupulous]." Menken spent part of his time touring around town, noting the strange characters brought in for the sidewalk extravaganzas of apes and shouters, and writing sarcastic comments about the residents ("hillbillies," "Babbitts," "yokels," and "morons and peasants.")

There were those who believed that the ACLU sent down the odd characters who walked about the streets of Dayton, babbling in the guise of religious fanatics. No one recognized or knew where most of them came from; and, after the trial, they quickly disappeared. What private citizen would think of hauling in an expensive chimpanzee and walking it about the streets of Dayton.

One weekly magazine, the pro-socialist *New Republic*, reported:

"As we go to press, he [Bryan] is still engaged in battling earnestly for organized ignorance, superstition,

and tyranny . . . He has illuminated vividly, for the rest of us, the essentially bigoted position of himself and his followers, and the degree of religious intolerance which they will undoubtedly enforce upon the country if they ever get the chance.”—*New Republic*, July 22, 1925, p. 219.

The ridicule of Darrow against the Bible, Christians, and their beliefs was faithfully reported in the press and sent around the world. The confusing definitions and atheistic sentiments were broadcast everywhere. The liberal ministers that wrote and came to town in defense of evolution—had their words placed in print for all to read. The carefully contrived circus antics that were shipped, into Dayton, to play on the streets were declared to be none other than the inevitable result of Christianity carried to its conclusion.

The laws of the land prohibited slaying the Christians on the streets, but it did not prohibit destroying them in the public press.

Bryan had already been instrumental in getting Congress to enact legislation on prohibition and woman suffrage, and there were those who feared he might try to use Dayton as a springboard to the presidency. **It was known that, across the nation, there was a groundswell of interest in national legislation forbidding evolutionary teaching in the schools.** In the early 1920s, 20 state legislatures were introducing 36 measures restricting evolutionary teaching in the schools. Obviously, Dayton was recognized as crucial.

THE GREAT AMERICAN SHOW—On Friday, July 10, 1925, the Scopes Trial was slated to begin. As the press and spectators thronged the courthouse, they encountered Joe Mendi, the trained chimpanzee; Deck

Carter, “Bible Champion of the World”; and Lewis Levi Johnson Marshall, “Absolute Ruler of the Entire World, Without Military, Naval, or Other Physical Force.”

All part of the Dayton sideshow; sidewalk characters were thought to have been brought into town as part of the large-scale misrepresentation of creationism. The evolutionists had no scientific evidence to support their theory, but they had other methods which they considered more effective in winning their battles.

Do not consider the sidewalk circus to be a little matter. All that occurred in the courtroom or on the streets of Dayton, during the two weeks the reporters were in town, was reported in minute detail in a thousand newspapers across the continent and beyond the oceans.

“Thousands of cartoons were printed, imported, and sold locally and in nearby towns depicting Bryan as a monkey, with the caption, ‘He denies his lineage.’” —“*The Scopes Trial*,” in *Symposium on Creation III* (1971), p. 112; also see *The Nation*, July 8, 1925, p. 61.

“EXPERT WITNESSES”—Scientific experts were brought hundreds of miles to testify, but their statements were not accepted as evidence for the jury’s hearing. The cavilers, the curious, and men of learning throughout the world followed the proceedings with intense interest. Critical responses came by mail from a wide range of people, including *George Bernard Shaw, *Edgar Lee Masters, and *Albert Einstein.

Several evolutionist ministers wrote or came to town and offered their services as expert testimony that evolution should be accepted by Christianity.

After the trial started, *Dr. Charles F. Potter, the lib-

eral evolutionist pastor of the West Side Unitarian Church, in New York City, came to Dayton and presented a petition, with a collection of names on it, to the court. The petition requested that, since the judge refused to discontinue the prayer customary at the opening of court, liberal and nonchristian churches should offer them. The judge accepted this; and, throughout the trial, it was done. That Potter gave the first prayer was a subject of laughter back in New York, since he was the one who earlier had erected a sensational statue in his church. Entitled *The Chrysalis*, it portrayed an adult human being emerging from the skin of an ape.

“Two years before his final, and fatal, trip to his beloved East African wilderness, Carl Akeley (1864-1926) created an evolutionary sculpture for a church that caused a public sensation. The bronze depicted a handsome ‘modern’ man emerging from a cracked-open gorilla skin; he titled it *The Chrysalis* . .

“The piece was commissioned for New York’s West Side Unitarian Church, where it was on display for many years (the church no longer exists). Creationists were outraged and publicly criticized the Unitarians for placing it in their house of worship. The *Chrysalis* became the focus of a spirited public controversy . .

“The Unitarian pastor, Charles Francis Potter, was unperturbed by the fundamentalist tempest . . [and said] ‘I know of no concrete symbol which so well expresses the religious message which I am trying to preach every Sunday.’ ”—*R. Milner, *Encyclopedia of Evolution* (1990), p. 82.

Certain items of “scientific evidence of evolution” were mentioned at the trial, whether or not formally presented. This included Piltdown Man (announced to the world, in December 1912, and repudiated in the 1950s when the British Museum’s Kenneth Oakley devised a new method

for determining whether ancient bones were of the same age), but especially Nebraska Man was proclaimed. The great Nebraska Man, discovered only three years before in Bryan's home state, was exalted at the trial as the outstanding evidence that man had evolved from an apelike creature.

“One of the most singular and embarrassing incidents in the history of evolutionary science began in 1922, when a solitary molar tooth was found in Nebraska. First-rank paleontologists, anthropologists, and anatomists examined the cusp pattern, and all agreed, with its discoverer, that the tooth belonged to an ancient ape-man: a ‘missing link’ of tremendous importance, to which they gave the name, *Hesperopithecus* or ‘Western ape.’

“The tooth was certainly ancient; it was embedded in million-year-old Pliocene deposits. But what else could be said about it? For starters, English anatomist Sir Grafton Elliot Smith and a museum artist collaborated to produce a painting of both male and female *Hesperopithecus* for the *Illustrated London News*. Their ‘reconstruction’ featured full figures of a well-muscled, slope-browed pair in a prehistoric landscape, complete with early horses and camels.

Professor H.F. Osborn, head of the American Museum of Natural History, welcomed the news. Anti-evolutionist politician William Jennings Bryan was a Nebraskan, and Osborn rubbed it in: ‘The Earth spoke to Bryan from his own State,’ he crowed. ‘This little tooth speaks volumes . . . evidence of man’s descent from the ape.’

“In 1925, when John Scopes was tried for breaking Tennessee’s state law against teaching Charles Darwin’s theory of evolution in the public schools, the *Hesperopithecus* tooth was introduced as evolu-

tionary evidence, along with other fossils, of early man [as] then accepted by science (including Pilt-down, which was later revealed as a fossil forgery).

“Two years after the ‘Monkey Trial,’ a team of paleontologists returned to the Nebraska site where *Hesperopithecus* had been discovered five years earlier, determined to find more of this mysterious creature. To their joy, weathering had exposed parts of a jaw and skeleton on the precise spot. Eagerly, they brushed away dust and sand until the ancient fossil emerged to tell its truth—the infamous molar had once belonged to an extinct pig!”—**R. Milner, Encyclopedia of Evolution (1990), p. 322.*

Several individuals offered to help Bryan at the trial. One of these was the leading anti-evolution writer of the 1920s and 1930s: George McCready Price. He contacted Bryan and offered to come immediately to his aid. However, circumstances prevented him from arriving in time.

JOHN SCOPES—The trial was about a science teacher at the local high school, but Scopes was not a science teacher.

John Thomas Scopes was only 24 years old at the time of the trial. He was the football coach over at Dayton Central High. He also taught a math class or two, and on one occasion, in the spring of 1925, had substituted for two weeks while the regular science teacher was sick. **During the time that Scopes was in charge of the science class, the evolution lesson was supposed to have been covered. But young Scopes never had taught that lesson! He obviously told this fact to Darrow, for Darrow made sure that Scopes never took the witness stand—yet the entire world-publicized trial hung on the allegation that he had taught that lesson!** No statement was ever made by him, in the court trial, as to whether or not he had committed the violation. His ar-

rest was clearly based on a trumped-up charge. **The basis of the trial was as false as the evolutionary theories being defended.**

Following the drugstore conversation, Scopes did not go back to the high school and teach an evolution class, as is nearly always stated when the trial story is told. (He was served the warrant on May 5; and, in the courtroom, it was declared, by his attorney, that he taught evolution to the biology class on April 24.) He merely agreed to admit, in court, that he had taught evolution at the school earlier in the year, but after the date when the Butler bill was passed and became law. There are records of five separate occasions in which Scopes later stated that he never had taught evolution at the high school.

After the verdict had been handed down, Scopes confessed the arrangement to William K. Hutchinson, of International News Service, who promised to keep quiet. Years later, L. Sprague de Camp wrote it up in a book:

“[Scopes to Hutchinson:] ‘There is something I must tell you. It’s worried me. I didn’t violate the law.’

“ ‘A jury has said you had,’ replied Hutchinson.

“ ‘Yes, but I never taught that evolution lesson. I skipped it. I was doing something else the day I should have taught it, and I missed the whole lesson about Darwin and never did teach it. Those kids they put on the stand couldn’t remember what I taught them three months ago. They were coached by the lawyers. And that April twenty-fourth date was just a guess.

“ ‘Honest, I’ve been scared, all through the trial, that the kids might remember I missed the lesson. I was afraid they’d get on the stand and say I hadn’t taught it, and then the whole trial would go blooey. If that happened they would run me out of town on a rail.’

“ ‘Well you are safe now,’ said Hutchinson.

“ ‘Yes, I’m convicted of a crime I never committed,’ said Scopes.”—*L. Sprague de Camp, The Great Monkey Trial (1968), p. 432.*

In his book, de Camp says **it was Clarence Darrow who did the coaching and encouraged young Scopes to commit perjury** if he should be called to the witness stand (which did not happen). That incident was also related in the *New York Times Magazine*, for July 4, 1965. In the book, *Preacher and I*, Charles Potter mentioned an incident after the trial, when Scopes told him and his wife that his work at the high school was mainly that of athletic coach. And then Scopes explained that the biology class substitutions he did were mainly used as an opportunity to discuss football plays. Quoting Scopes:

“I was pretty busy. Sometimes we had to use the biology period for planning our plays, and I reckon likely we never did get around to that old evolution lesson. But the kids were good sports and wouldn’t squeal on me in court.”

Later, in his memoirs, Scopes again disclaimed having taught evolution.

“To tell the truth, I wasn’t sure I had taught evolution. Robinson [the drugstore owner] and the others apparently weren’t concerned about this technicality. I had expressed willingness to stand trial. That was enough.”—**John Scopes, Center of the Storm (1967), p. 60.*

MORE MAIL FOR SCOPES—The letters kept pouring in. From all over the United States and elsewhere they came.

A New York promoter wrote and offered Scopes \$2,000 a week to appear as Tarzan in movies; another offered him \$50,000 if he would sign a contract to give lectures defending evolution.

A Christian woman, from Kentucky, expressed her concerns for the people:

“If you convert everybody to your way of thinking, what will you accomplish? The churches will be torn down, men will have to go armed to protect themselves from murder and lust, and sin will be rampant in the world, for men will not fear God and they will do as they please.”

Sounds like life in our own time, now that evolutionary theory is almost universally accepted. She concluded with this:

“The only thing you will accomplish will be the making of infidels and the sending of innumerable souls to hell.”—**Jack Scopes, “The Man Who Put the Monkey on Dayton’s Back,” Chattanooga Life and Leisure, July 1989, p. 19.*

In marked contrast, an evolutionist wrote different concerns for the people:

“As long as the legislature of Tennessee prefers sandals to shoes, unsanitary beards to clean shaves, and jackasses to automobiles, intelligence shall expect some persecution. The fight is on with these arrogant Fundamentalists and I wish to see them get enough of it before it is over, even if we must carry it on for 10 or 20 years.”—**Jack Scopes, “The Man Who Put the Monkey on Dayton’s Back,” Chattanooga Life and Leisure, July 1989, 19, p. 24.*

3 - FRIDAY, JULY 10, 1925

THE MONKEY TRIAL—Yes, it was a “monkey trial,” just as the press proclaimed throughout the world. The purpose was to make monkeys out of the creationists.

On Friday, July 10, 1925, the Scopes trial began.

The newspapers predicted a heat wave, and it was hot as crowds of reporters, Christians, atheists, and the curious thronged the courthouse.

As Scopes entered the courtroom and sat down, Darrow sat down next to him, threw a reassuring arm around him, and whispered, “Don’t worry, son; we’ll show them a few tricks” (Recollection by Scopes, in *Reader’s Digest*, March 1961, p. 137). Judge J.T. Raulston ascended the bench, and the trial was underway. Everyone was quiet as young Scopes was reindicted and a jury was selected.

At the trial, the chief counsel for the defense (Darrow) was cited because of his actions for contempt of court, and the leader for the prosecution (Bryan) took the witness stand. The accused (Scopes) never was called to testify. The defense spent its time upholding evolution and ridiculing the Bible. The prosecution defended the State and Biblical positions.

It has frequently been commented upon that the evolutionists were not permitted to bring in expert testimony by evolutionary scientists. But little mention is made of the fact that the creationists were not permitted to do so either. For example, on July 16, 1925, Bryan wrote to the well-known Johns Hopkins University surgeon, Howard Kelly:

“The court has excluded expert testimony, so we will not need to have you come. We have won every point so far and expect to win the suit.”—*W.J. Bryan correspondence, Ac. No. 557, Tennessee State Library and Archives.*

THE FIRST SIX DAYS—Amid the sweltering heat, **the initial six days of the trial were largely occupied with legal details**, such as the selection of a jury, questioning the law’s constitutionality, and debate over ad-

missibility of expert testimony regarding evolution and the Bible.

On the fourth day, two schoolboys, Howard Morgan and Harry Shelton, spoke briefly about what they thought they could remember in the classroom.

“The mother of one of the high-school boys who testified at the trial said she wanted her son to learn more about everything, including evolution. The mother of the other boy who testified said she did not mind if they taught her son evolution ‘every day of the year. I can see no harm in it whatever.’ ”—*Donald W. Patten, “The Scopes Trial,” in Symposium on Creation III (1971), p. 115.*

Then came the momentous seventh day.

4 - MONDAY, JULY 20, 1925

THE SEVENTH DAY—By this time, things were so dull inside the courtroom that most of the reporters decided to skip out after lunch and go find some place cool to sit. **So on the biggest day of the trial, only a half-dozen of the 200 reporters were present. When the day was over, young Scopes had to be recruited to help write up stories in the absence of the reporters!**

It was on this seventh day that Darrow was cited for contempt of court. Just after that, **Darrow asked that Bryan take the stand for examination; and this he agreed to do if he, in turn, would be allowed to question Darrow on the next day.**

This proved to be a mistake. The prosecution had tried to focus on whether a law had been violated and whether the people had the right to control their own schools. **But Bryan, in his willingness to be a witness for Christianity, opened himself to the manipulative attacks of Darrow, who brought in irrelevant issues and**

ridiculed the Bible, Bryan, and the law.

“How old is the earth?” “Did everyone outside the Ark die in the Flood? If so, what about the fish?” “Where did Cain get his wife?” “How did the snake walk—on its tail?” Bryan had some answers; others he did not have. He had no books with him on the platform, and he could not hold everything in his head. As a result, the press tended to portray him as a man who did not know enough.

For example, the reply to the first question would be to cite some of the wealth of scientific data showing that our planet is only a few thousand years old, as well as the social data indicating that agricultural-animal husbandry and historical records, are equally brief.

The reply to the second question would be that, according to Genesis 6:7 and 7:21, 23, only the creatures on the land were totally wiped out; and, a study of paleontology reveals that large numbers of fish were also killed.

The answer to the third question was not fully clear until later in the century. Scientists today know that genetic load, or the gradual build-up of mutational defects in the genes, is why close relatives should not marry. In the beginning, it would have been all right to do so, since there were no genetic flaws then. Yet Bryan, good man though he was, could not instantly know everything.

The answer to the fourth question would be this: Genesis 3:14 obviously has reference to a major change in the serpent. Its genetic code was actually restructured, so that its method of locomotion was entirely altered from what it previously had been. How had it earlier moved about? We are not told in this passage, but it would probably be either legs or legs and wings. It is significant that ancient legends speak not only of a universal Flood and an Ark, but also of a time when there was a flying snake. The winged serpent has been a widespread symbol for

thousands of years. As a result of the change in its DNA coding, the serpent henceforth would “eat dust.” If you try crawling at the same height from the ground, you will eat dust too.

The Bible is consistently accurate in its statements. In strong contrast are the confused utterances and mythical pronouncements of evolutionary theory.

“What Mr. Darrow was interested in . . . was to show that the Bible is untrue and that evolution is an accepted fact ‘among all thinking people.’ ”—*Western Recorder, July 30, 1925.*

William Jennings Bryan had spent a lifetime as a public figure, whereas Clarence Darrow was a skilled criminal attorney. In his questioning, he used tricky methods in an attempt to confuse Bryan. We will discuss some of these in the appendix at the end of this chapter, but consider this example:

Darrow: But when you read that Jonah swallowed the whale—or that the whale swallowed Jonah—excuse me please—how do you literally interpret that?

Bryan: When I read that a big fish swallowed Jonah—it does not say whale.

Darrow: Doesn’t it? Are you sure?

Bryan: That is my recollection of it. A big fish, and I believe it; and I believe in a God who can make a whale and can make a man and make both do what He pleases.

Darrow: Mr. Bryan, doesn’t the New Testament say whale?

Bryan: I am not sure. My impression is that it says fish; but it does not make so much difference; I merely called your attention to where it says fish—it does not say whale.

Darrow: But, in the New Testament, it says whale,

doesn't it?

A—That may be true; I cannot remember in my own mind what I read about it.

On and on it went, Darrow spending his time trying to confuse Bryan, and intermingling the confusion with unclear or tricky questions.

5 - TUESDAY, JULY 21, 1925

THE EIGHTH DAY—Then came the eighth day, and now it was time for Bryan to question Darrow. But the eighth day was the last—for the trial came to a sudden end. *It just so happened that*, on the evening of the seventh day, threatening notes were given to both Bryan and Darrow. The next day, Darrow used this as a pretext for requesting an immediate end to the trial, claiming that it was for the protection of both men.

Yet the defendant—Scopes—had never been asked the simple question on which the whole trial depended: Had he actually taught evolution in the school? In addition, the defense had never claimed that the accused was innocent of the charges, but now, instead, suddenly asked that the jury return a sentence of guilty. It was a strange trial in many respects.

Darrow's sudden concern about safety, and his request that a sentence of guilty be handed down, brought the entire trial to an immediate halt. **This was a shrewd action, for it meant that Darrow would not have to mount the stand and be examined by Bryan, and it prevented Bryan from making his final speech.** (Darrow made sure that he had already made his.)

The Butler law lacked clarity in regard to the penalty on conviction. Was it to be assigned by the judge or by the jury? Uncertain, the judge decided that he himself would set the fine after the jury had brought in a verdict of guilty.

Scopes was fined \$100 by the judge, which was the minimum possible under the law. Bryan, kindly to the end, offered to pay the fine if Scopes did not have the money.

BRYAN'S LAST FIVE DAYS—So the trial ended Tuesday, July 21st—the eighth day of the trial. The reporters left town on a railroad train with a big sign they stuck on its side: “*Protoplasma Special.*” Bryan spent the next five days writing out the 15,000-word speech which he had not been able to deliver at the trial, so it could be published. He also hiked around the Dayton area, looking for a suitable site where a Bible College could be built. Speeches were given in nearby towns and churches. All in all, it was an exhausting week for him, as he traveled hundreds of miles over rough 1925 Tennessee roads and spoke to nearly 55,000 people. On Sunday afternoon, July 26, after speaking at church, he died quietly during an afternoon nap.

Although a strong wave of popularity surged for Bryan among the common people, he had been deeply hurt by the vicious attacks of Clarence Darrow and the press. A close friend, who had a lengthy conversation with him just before his death, said this:

“Four days after the trial ended I talked with him at some length, and he was even then quivering with hurt at the epithets which had been applied to him. He was a crushed and broken man.”—*George F. Milton, “A Dayton Postscript,” in Outlook, August 19, 1925, p. 551.*

“By 1925, Henry Louis Mencken was a tough, witty, cynical cigar-chomping newspaperman who had spent 15 years covering big-city crime and politics. That year the *Baltimore Evening Sun* sent him to the little rural town of Dayton, Tennessee, to report on the trial of a science teacher named Scopes, whose

crime was teaching Darwin's theory of evolution . . .

"Mencken's dispatches were alternately sensible, satirical, condescending, and cruel; they were widely reprinted all over the country. Mencken painted Bryan as a rabble-rousing hypocrite. 'If the fellow was sincere,' he wrote, 'then so was P.T. Barmum . . . He was, in fact, a charlatan, a mountebank, a zany without sense or dignity' . . .

"Although technically Bryan won the case, by the end of the trial he was a broken man. Darrow had assaulted him with a barrage of ridicule that left him utterly worn out and defeated. A few days later he died suddenly.

"But even when Darrow had finished, Mencken did not let up. If Bryan had survived his first stroke, Mencken's 'memorial' article would have given him another. Bryan's whole career, he wrote, was devoted to raising half-wits against their betters, that he himself might shine."—*Richard Milner, *Encyclopedia of evolution* (1990), p. 298.

The savage attacks of Darrow, the street vendors with their pictures of Bryan, the monkey, the newspapers, wire services, radio broadcasts, apostate ministers, and all the rest. Each had its effect. The tired old warrior now could rest from his labors.

6 - FALLOUT FROM DAYTON

THE APPEAL—Soon after the trial ended, the ACLU began the appeals process to overturn the Dayton conviction. Not happy with Darrow, the ACLU tried to shed him; but, when their associate director, Forrest Bailey, wrote Scopes to drop Darrow, Scopes said No. Darrow had sat on the bench next to the worried young man during the trial and had been an encouragement to him. So

a year later, Darrow appeared before the Tennessee Supreme Court to argue the appeal. On January 27, 1927, a verdict was handed down. Thanking Scopes for his friendship, Darrow then sent him a photograph of himself, with the following words written across the bottom: "Clarence Darrow, with regards and affection to the man who helped make him famous, if not notorious."

The Tennessee Supreme Court upheld the constitutionality of the law, but reversed Scope's conviction on the technicality that, when a fine is more than \$50, it must be imposed by the jury and not the judge.

AFTERMATH—*Fay Cooper-Cole, a University of Chicago professor, had journeyed to Dayton to help Darrow. Returning after the trial, he was called into the president's office and confronted with the fact that his testimony, at the trial, had brought outrage from many citizens who demanded that the university fire him. Cole was told that the trustees had carefully considered the matter, and now he was to be informed of their decision. With a twinkle in his eye, the university president handed him a check: His salary had been raised.

Another of Darrow's "expert witnesses," *H.H. Newman, afterward wrote a book. In it, he said this about the author of the Tennessee anti-evolution bill, which became the law under which Scopes was convicted:

"The member of the State Legislature responsible for the draughting of the Tennessee Anti-evolution Bill is said to have regretted his part in the passage of that measure when, for the first time, he learned that the Bible was a translation and was not originally written in English."—*H.H. Newman, *The Gist of Evolution*.

John W. Butler, the man referred to, was astonished

when he learned of this. Writing to Newman, he declared the assertion to be “absolutely false,” and said that, ever since he first learned to read, he knew that the Bible was but a translation and not written in English. But Newman refused to do anything about the matter.

The evolutionists consistently portrayed the case in a different light than what actually happened. Here is how it is presented in a 1984 version. We will italicize the parts that are not correctly presented:

“The Tennessee legislature had passed a law forbidding teachers in publicly supported schools of the state from teaching that humans had evolved from lower forms of life. To challenge the law’s constitutionality, *scientists and educators persuaded a young high-school biology teacher, named John Thomas Scopes, to tell his class about Darwinism.* Scopes was thereupon charged with violating the law and brought to trial in Dayton, Tennessee, where he taught . .

“The trial was, for the most part, disappointing, for the judge refused to allow the defense to place *scientists on the stand to testify to the evidence behind the Darwinian theory,* and restricted testimony *to the question of whether Scopes had or had not discussed evolution.* But the issues nevertheless emerged in the courtroom when Bryan, over the protests of his fellow prosecutors, *volunteered to submit to cross-examination on the Fundamentalist position. Darrow promptly showed that Bryan was ignorant of modern developments in science and had only a stereotyped Sunday-school acquaintance with religion and the Bible . .* But the forces of darkness and ignorance are never permanently defeated.”—*Isaac Asimov, *Asimov’s New Guide to Science (1984), pp. 779, 780 [italics ours].*

(1) Scopes was not persuaded by anyone, much less

by “scientists and educators,” to teach evolution that spring *in order that* a court case could be brought that summer against the State. It was not until a few weeks before the 1924-1925 school year was over that Rappleyea initially conceived the idea. Rappleyea first thought of it on May 4; later that day, young Scopes agreed to say he had taught evolution earlier that spring to the biology class. The next day Scopes was served with the warrant; at the trial, his attorney said he taught evolution on April 24.

(2) Scopes was not a biology teacher. (3) Scopes repeatedly declared, in print afterward, that he never taught Darwinism at the school. (4) The judge did, at first, permit expert testimony, but afterward denied it to be presented to the jury since it was so nebulous, self-contradicting, and irrelevant. (See chapter appendix, “*Tricks at the Trial*” for more on this.) (5) The judge did allow expert testimony by the defense, and that testimony was placed in the official court transcript and afterward published abroad by the evolutionists.

(6) Bryan did not volunteer, but was asked by Darrow to be cross-examined on a promise by Darrow that, afterward, Bryan would cross-examine him. Bryan fulfilled his part of the agreement, but Darrow reneged on his part. (7) Darrow’s cross-examination of Bryan was rude, purposely confusing, humiliating, and even dishonest. (8) Bryan’s defense was as able as might be expected from an elderly man having to submit to Darrow’s interrogation tactics.

“Actually this [Scopes trial] was one of the few trials in which Clarence Darrow could not control himself, and came out empty-handed. The verdict in fact went squarely against Scopes, and the ban on evolutionist teaching continued on the statutes of the State of Tennessee for many years, being rescinded rela-

tively recently.”—G. Richard Culp, book review, in *Creation Research Society Quarterly*, June 1977, p. 74.

LATER LEGAL DECISIONS—All motions for a new hearing were denied, and the Butler Act remained on the books until 1967, when it was quietly removed. That came at a time when similar statutes were quietly being removed from other State books also, under threat from the ACLU and scientific organizations to bring them a “monkey trial” if they did not comply.

Dr. Fay Cooper-Cole, chairman of the Anthropology Department, at the University of Chicago, had given one of the scientific depositions for the evolutionists at the trial, and 34 years later wrote this:

“Where one person had been interested in evolution before the trial, scores were reading and inquiring at its close. Within a year the prohibitive bills [against evolution] which had been pending in other states were dropped and killed. Tennessee had been made to appear so ridiculous in the eyes of the nation that other states did not care to follow its lead.”—**Fay Cooper-Cole, “A Witness at the Scopes Trial,” Scientific American, January 1959, p. 130.*

The hawkers and apes out on the streets, the carnival atmosphere, the deceptive questioning by Clarence Darrow, the biased reports sent out by 200 newspaper reporters, 65 telegraph operators, and WGN Chicago radio broadcast, and the sarcastic reports of *Mencken, *Pegler, and *Krutch—all had its effect. The ACLU-coordinated objective had been achieved. The right “was made to appear so ridiculous” that the world feared to associate with it.

As has been common throughout history, a “scientific theory” that has no scientific facts to support it, must

rely on flattery, threats, and bribery to uphold it.

The 1967 Tennessee State repeal of the Butler Act occurred because a teacher had been expelled for teaching evolution in a public school, but later had been reinstated. The teacher filed a suit against the State, charging that the law “interfered with academic freedom.” Rather than go through another lawsuit, Tennessee repealed the law.

The year before, in Arkansas, a federal court ruled that their state’s anti-evolution law was unconstitutional, but the following year the Arkansas State Supreme Court reversed the decision of the lower court and upheld the constitutionality of the law.

The next year (November 12, 1968), the U.S. Supreme Court ruled that a law prohibiting the teaching of evolution in tax-supported schools is unconstitutional.

In 1987, the high court ruled that a State could not require the teaching of creationism in tax-supported schools.

But please note that, in these decisions, **the Supreme Court has not ruled that creationism and the scientific evidences favoring it could not be discussed, in contrast with the evidences for evolution!** Both can still be discussed in the classrooms of America. The discussion of neither of these opposing theories has been forbidden. Evidence in favor of Creation and the Flood can indeed be presented in state-supported schools. But, in doing so, religion should not be woven into the presentation. The creationist evidence should not be presented as “religious information,” or in defense of religion, in a general or even a particular way. Scientific facts and ancient historical records (such as the Bible) may be used in the presentation, but evolutionary teachings must be presented as well. A clear-cut contrast between evidence for the two views should be made.

THE YEARS THAT FOLLOWED—Scopes left the area that summer and studied geology at the University of Chicago, worked for an oil company in Venezuela and then a gas company in Louisiana, and died in 1970, not long after the passing of Rappleyea.

The 1925 trial was not only a major event covered by some 200 newsmen, whose stories totaled about 2 million words, but it also became a reference point for a series of similar legal battles in at least seven other states.

Bryan College was later built on the site selected for it by Bryan, on a hill on the east side of Dayton. It today has a 100-acre campus and 600 students. The Dayton courthouse was designated a National Historic Landmark by the National Park Service in 1977; and, in 1979, a \$1 million courthouse restoration and basement trial museum was completed. In another museum on the other side of the continent, located at the *Institute for Creation Research*, is to be found an original 1925 newspaper article, which mentions two lines of evidence offered in defense of evolution: the missing links, pieces of a skull—the Piltdown Man, and a tooth—Nebraska Man. Placed by that particular exhibit is a small sign, “*Evolution, a Matter of Faith.*” A matter of faith? Yes, evolution can only be accepted by faith alone, whereas there are solid scientific facts undergirding creationism.

In 1928, it was discovered that a mistake had been made; and the “hominid tooth” of prehistoric Nebraska Man turned out to be nothing more than a pig’s tooth! **Three years after the Scopes Trial, one main “proof” of evolution had been destroyed.**

In 1953, Joseph Weiner and Kenneth Oakley used a newly developed fluorine test on the original Piltdown skull fragments—and discovered that the bones were a hoax! This became something of a national scandal fo-

cusing on the British Museum, although museum officials were probably only innocent dupes. **Twenty-eight years after the Scopes Trial, the other main “proof” of evolution was destroyed.**

Write over the halls of evolution: “By Faith Alone”; and, over the halls of creationism, write these words: “Solid Facts.”

“Two main lines of evidence for evolution [at the Scopes Trial] were the Piltdown man and Nebraska man. Nowhere in the trial did the scientific problems receive any sensible discussion. Darrow displayed ignorance both about the theory of evolution and the teachings of the Bible, and leveled a barrage of insults and vilification at fundamentalist Bryan. Bryan did not respond in kind. Darrow was clearly the media favorite, however.”—*Michael Pitman, Adam and Evolution, p. 100.*

“Some thought that reports of what occurred at the trial would damage the cause of evolution. However, on the contrary, the evolutionists have used it to state repeatedly that, although Darrow ‘lost’ the trial, he ‘won’ the case and that, since the time of the Scopes Trial, no intelligent person can any longer doubt the truth of evolution.

“However as time has passed, the ‘scientific’ evidences against evolution have increased both in number and in strength. There is more that can be said against an evolutionary belief now than there has been at any time in the past because more facts are known and more evidences against evolutionary theory are constantly coming to light.”—*Donald W. Patten, “The Scopes Trial,” in Symposium on Creation III (1971), p. 117.*

7 - DIFFERENT VIEWPOINTS

MALONE'S POSITION—The other leading New York attorney who worked with *Clarence Darrow, in defending *Scopes at Dayton, was *Dudley Field Malone. The following remarkable statement was made by Malone during that trial. It comes from the trial transcript:

“Any teacher who teaches the boys or the girls of today an incredible theory—we need not worry about those children of this generation paying much attention to it. The children of this generation are pretty wise. People, as a matter of fact, I feel that the children of this generation are probably much wiser than many of their elders. The least that this generation can do, your honor, is to give the next generation all the facts, all the available theories, all the information that learning, that study, that observation has produced. Give it to the children, in the hope of heaven, that they will make a better world of this than we have been able to make it. We have just had a war with twenty million dead. Civilization is not so proud of the work of the adults. Civilization need not be so proud of what the grown-ups have done. For God’s sake, let the children have their minds kept open—close no doors to their knowledge; shut no door from them.”—**Dudley Field Malone, quoted in The World’s Most Famous Court Trial: A Complete Stenographic Report (1925). [This book is a transcript of the Scopes trial, and includes the testimony of all the “expert witnesses.”]*

DARROW'S POSITION BEFORE THE TRIAL—The following equally remarkable statement was made one year earlier by Darrow in a murder trial:

“In defending two young men, Loeb and Leopold,

for cruelly murdering a fourteen year old boy, by the name of Bobby Franks, the celebrated criminal lawyer of the day, Clarence Darrow, traced their crime back to what they had learned in the university. He argued, 'Is there any blame attached because somebody took Nietzsche's philosophy seriously?'

"His appeal to the judge was, 'Your honour, it is hardly fair to hang a nineteen year old boy for the philosophy that was taught him at the university.'"—**Clarence Darrow, quoted in W. Brigans (ed.), Classified Speeches, quoted in H. Enoch, Evolution or Creation, (1966) p. 146.*

*Nietzsche's philosophy was solidly based on Darwin's theory of evolution.

DARROW'S POSITION AT THE TRIAL—At the trial, Clarence Darrow revealed himself to be a bigot. Evolution should be taught in the schools of America. The people should be forced to accept it. Not to do so, would be rank intolerance and lead to Dark Ages persecution. Darrow sought to use sensationalism and fear to convince the judge and jury. **If evolution be banned, Darrow said, a year from now Tennessee State might begin burning books and newspapers:**

"If today you can take a thing like evolution and make it a crime to teach it in the public schools, tomorrow you can make it a crime to teach it in the private schools, and next year you can make it a crime to teach it to the hustings or in the church. At the next session you may ban books and the newspapers . . . Ignorance and fanaticism are ever busy and need feeding. Always feeding and gloating for more. Today it is the public school teachers; tomorrow the private. The next day the preachers and the lecturers, the magazines, the books, the newspapers. Af-

ter a while, Your Honor, it is the setting of man against man and creed against creed, until with flying banners and beating drums we are marching backward to the glorious ages of the sixteenth century when bigots lighted fagots to burn the men who dared to bring any intelligence and enlightenment and culture to the human mind.”—*Clarence Darrow, a speech given at the Scopes Trial, quoted in *Isaac Asimov’s Book of Science and Nature Quotations (1988), pp. 91-92.

To that statement, add this one:

“Most people in our country would agree with the statement made by ACLU’s lawyer, Clarence Darrow, at the 1925 Scopes trial when he said: ‘It is bigotry for public schools to teach only one theory of origins.’ Yet at the 1981 [Arkansas] trial the ACLU, in effect, he was arguing that only evolution be taught.”—*Thomas G. Barnes, book review, in *Creation Research Society Quarterly*, March 1983, p. 228.

*Menken, always ready to fulminate over something or other, gave his comment about the fact that Darrow’s speech was not accepted by the jury:

“The net effect of Clarence Darrow’s great speech yesterday seems to be precisely the same as if he had bawled it up in a rainspout in the interior of Afghanistan.”—*H.L. Menken, *Op. cit.*, p. 92.

BRYAN’S POSITION—At the time of the Dayton Trial, as well as in later years, it was frequently charged that Bryan was an “apostle of intolerance” and a “child of the Inquisition.” This bias was also placed in the 1960 Hollywood film, *Inherit the Wind*, based on the Scopes Trial.

Yet this was not his viewpoint. Bryan’s consistent position was that people should have the right to choose the views to be taught in their schools. On one occasion

he said that, since Christians build their own schools when they want to teach their doctrines, evolutionists should do the same for promulgating theirs. He felt that the people should be free to decide, rather than to be forced to accept strange theories in their schools, under coercion by certain pressure groups. During the trial he said that parents, who provide financial support for the schools, should make the final decision on what is to be taught in those schools.

“The most famous confrontation relative to the question of teaching origins in the schools is the Scopes Trial of 1925. Essentially, Clarence Darrow for the defense argued that teachers, being knowledgeable about the subject area, should teach what they feel is correct. Parents are not the ‘experts’ and thus should defer to the teacher’s judgment as to what is to be taught. On the other hand the prosecution, headed by William Jennings Bryan, felt that the parents, who provide financial support for the schools, should make the final decision on what is taught. In essence, the prosecution felt that ‘if I hire a painter to paint my house, the painter should use the color I choose, because I am paying the costs and have to live in the house; the painter is my employee.’ Because parents are essentially hiring the teachers to educate their children for them, Bryan felt they should be allowed to determine how the teachers do the job.”—*Jerry Bergman, “The Attitude of University Students toward the Teaching of Creation and Evolution in the Schools,” in Origins, Vol. 6, No. 2, 1979.*

Four years earlier, Bryan said this:

“We do not ask public school teachers to teach religion in the schools; and teachers, paid by taxation,

should not be permitted to attack our Bible in the schools.”—*William Jennings Bryan, Address to the Constitutional Convention of Nebraska, 1920.*

At another time, he said this:

“Christians do not ask that the teachers in the public schools, colleges, and universities become exponents of orthodox Christianity . . . but Christians have a right to protest against teaching that weakens faith in God, undermines belief in the Bible and reduces Christ to the stature of a man.”—*William Jennings Bryan, quoted in Lawrence W. Levine, Defender of the Faith: William Jennings Bryan: The Last Decade, 1915-1925 (1965), pp. 278-279.*

In summary then: The evolutionist schools should teach evolution; the creationist schools should teach creationism,—and the public schools should teach neither—or the evidences supporting both.

SUPPLEMENTARY MATERIAL

- 1 -

TRICKS AT THE TRIAL

Those that forsook the circus antics out on the streets of Dayton that week, long enough to go inside the courthouse—met with more. While monkeys walked the streets outside the courthouse square, inside *Darrow and his associates were busy trying to make a monkey out of Bryan and Christianity.

As the trial began on the morning of July 10, 1925, *Clarence Darrow made the first speech. He said that “*expert witnesses*” had been called in, by the defense, and would be giving their testimony. Immediately Will-

iam Jennings Bryan objected, declaring that those men would merely be giving their *opinions*. In so doing, they would be able to make extravagant and irresponsible claims without fear of being cited for perjury, and the trial itself would be reduced to a debate. Uncertain what to do, the judge permitted one of Darrow's "expert witnesses" to speak. But the statements of the witnesses were so confusing that the judge recognized it would be best to bar all expert testimony from the trial. But he did permit their remarks to be put into the court record for the use of a later appeals court. Therefore, although we will here discuss some of this "expert" testimony, as it is written into the trial record, keep in mind that the jury only heard the first one.

The initial witness was *Maynard Metcalf, of Johns Hopkins University, in Baltimore. Asked to define evolution, he gave a long and very confusing definition, in which he said that "embryonic development" was evolution. Of course, this definition is simply not true! The development of a baby in its mother's womb is not evolution, nor does it have anything to do with evolution.

*Arthur Godfrey Hays and *Dudley Field Malone, two of Darrow's fellow lawyers, then presented statements in which they agreed that, yes, the prenatal development of the child was evolution! To this, Malone added that a human being evolves all through his life. Bryan then stood up and set the record straight on what evolution really was.

It is an intriguing fact that evolutionary theory only survives because of the ongoing efforts of its supporters to confuse issues, make false claims, hide evidence, and vilify opponents. There really is nothing scientific about evolutionary theory. It is keyed to emotions, lifestyle, job-holding, and more besides,—but it definitely is not scientific.

*H.H. Newman, a University of Chicago professor, declared that evolution is change, and the other view is fixity. Therefore whatever is change is evolution—biological or otherwise!

*Fay Cooper-Cole, a University of Chicago anthropologist (the one who received the raise in pay when he returned home), said that fossil remains of the Neanderthals showed conclusively that their heads “hung habitually forward,” their knees were “habitually bent,” and they walked in a “semi-erect position.” Those statements are simply not true. The Neanderthals were identical to modern man, except that they had larger brains.

*Kirtley F. Mather, a Harvard geologist, said “there are, in truth, no missing links in the record which connects man with other members [apes and monkeys] of the Order Primates.” This is an other untruth.

*Dudley Field Malone, the assistant attorney for the defense, said that evolutionists do not teach that man descended from monkeys. Another untruth. Bryan rose and replied to this point, quoting Darwin’s book, *The Descent of Man*, where Darwin wrote that man did descend from apes.

Then *Arthur Hays, Darrow’s other associate attorney, stood up and tried to hedge on a legal technicality. The Tennessee law declared that public school teachers should not teach that man descended from lower forms of life. Hays declared that teaching that man descended from monkeys was no violation, since all were in the order of Primates!

It was on the third day that Darrow objected to starting each daily opening of court with prayer, saying it was prejudicial to his side of the case. The judge ruled that, since prayer was customary and not an innovation at this particular trial, it would continue. The judge went on to point out that Darrow was inconsistent, since

he and his associate attorneys had earlier declared that evolution and religion are consistent and not opposed to each other.

The court then turned the matter over to the local ministerial association, which, because of Potter's petition, decided to let all further court prayers be given by pro-evolutionist pastors.

This theme, that Bible religion and evolution were in accord with one another, came up again and again, as different witnesses spoke. So much so, that Scopes himself later admitted that the witnesses "had been carefully selected in order to prove that orthodox Christians also believed in evolution" (quoted in Ray Ginger, *Six Days or For ever* [1958], p. 136).

*Maynard Metcalf regularly taught a large Sunday school class in Chicago, and testified at the trial:

"There is no conflict, not the least degree conflict, between the Bible and facts of evolution, but the literalist interpretation of the words of the Bible [that it means exactly what it says] is not only puerile; it is insulting, both to God and to human intelligence."—

**The World's Most Famous Court Trial: A Complete Stenographic Report* (1925), p. 242.

*Walter C. Whitaker, pastor of a large Episcopalian church, said: "As one who for thirty years has preached Jesus Christ as the Son of God and as 'the express image of the Father,' I am unable to see any contradiction between evolution and Christianity." As a leading minister of his denomination, Whitaker served on the board that decided on the theological competency of all new pastors seeking to be hired by Episcopalian churches.

Here is an example of how *Darrow conducted himself during the trial:

"Darrow himself, completely unscrupulous and without personal integrity, bluffed shamelessly. He

said: ‘Are your mathematics good? Turn to 1 Elijah 2 . . .’ (There is no such book in the Bible.) Then he said, ‘Is your philosophy good? See 2 Samuel 3 . . .’ (This chapter is a historical account of events during the time of David.) Next he asked, ‘Is your astronomy good? See Genesis chapter 2, verse 7 . . .’ (This verse is about the creation of man and has nothing to do with astronomy.) Finally he asked, ‘Is your chemistry good? See—well, chemistry—see Deuteronomy 3:6 or anything that tells about brimstone.’ (This verse has nothing to do with chemistry or brimstone.)”—*Donald W. Patten, “The Scopes Trial,” in A Symposium on Creation III (1971), p. 110. [See page 84 in World’s Most Famous Court Trial, for transcript of this.]*

Darrows questioning of Bryan was blasting. So much so, that Darrow was held in contempt of court for his conduct. This was a serious charge, but when he apologized, the judge rescinded it. Repeatedly, Bryan was insulted and humiliated by Darrow, but Bryan made no attempt to retaliate with vindictiveness. At one point in the trial, Darrow told Bryan in derision, “You insult every man of science and learning in the world because he does not believe in your fool religion” (*World’s Most Famous Court Trial*, p. 288).

Bryan clearly pointed out that evolution taught that man had gradually risen from lower forms of life, and therefore was directly opposed to the Biblical account of the Fall of man. If man had not fallen, then he did not need Christ, Calvary, and salvation.