

2. THE SCOPES TRIAL TRANSCRIPTS (1925)

The spread of the fundamentalist movement during the 1920s led many states to pass laws specifically banning or restricting the teaching of evolution in public schools. In 1925, a Tennessee high-school teacher named John Scopes (1900–1970) was convinced by several like-minded evolutionists to test the legitimacy of his own state's prohibition of evolution in its classrooms. The result was one of the most celebrated trials of the century, the so-called Monkey Trial held in Dayton, Tennessee. In the following excerpts from the trial transcripts, the main antagonists attempt to frame the question in terms of monumental social and religious choices. For Scopes's defense attorney, Clarence Darrow (1857–1938), the case represented a showdown between the forces of progressive enlightenment and backward religious bigotry. As a famous criminal and labor attorney, Darrow reveled in courtroom confrontation and seized this opportunity to go after fundamentalist lawmakers in one of their strongholds. The state's case was prosecuted by perhaps the other most famous American lawyer of the day, three-time populist candidate for the presidency, William Jennings Bryan (1860–1925). In Bryan's opening speech he portrayed Darrow and other evolutionists as outside agitators, bent on overturning the will of the people of Tennessee. Though Bryan did not live to deliver the closing speech he composed, it is clear that he too saw the conflict in epic terms. The compatibility of science and religion proposed by the Modernist theologian Kirby Mather, whose testimony is excerpted in the third reading, did not seem to strike either the atheist Darrow or the fundamentalist Bryan as even a remote possibility, thereby

indicating the depth of the antagonism the issue inspired. Scopes was found guilty and fined one hundred dollars, though the conviction was later overturned on a technicality by the Tennessee Supreme Court. The state's law against teaching evolution in public schools, however, was not revoked until the 1960s.

a. CLARENCE DARROW,
OPENING SPEECH

"There is not a single line of any constitution that can withstand bigotry and ignorance when it seeks to destroy the rights of the individual; and bigotry and ignorance are ever active. Here we find today as brazen and as bold an attempt to destroy learning as was ever made in the Middle Ages, and the only difference is we have not provided that they shall be burned at the stake. But there is time for that, your Honor. We have to approach these things gradually.

"Now let us see what we claim with reference to this law. If this proceeding, both in form and substance, can prevail in this court, then, your Honor, any law, no matter how foolish, wicked, ambiguous, or ancient, can come back to Tennessee. All the guarantees go for nothing. All of the past has gone to waste, been forgotten, if this can succeed.

"I am going to begin with some of the simpler reasons why it is absolutely absurd to think that this statute, indictment, or any part of the proceedings in this case are legal; and I think the sooner we get rid of it in Tennessee the better for the people of Tennessee, and the better for the pursuit of knowledge in the world; so let me begin at the beginning.

"The first point we made in this suit is that it is unconstitutional on account of divergence and the difference between the statute and the caption and because it contains more than one subject.

"Every Constitution with which I am familiar has substantially this same proposition, that the caption and the law must correspond.

"Lots of things are put through the Legislature in the night time. Everybody does not read all of the statutes, even members of the Legislature—I have been a member of the Legislature

myself, and I know how it is. They may vote for them without reading them, but the substance of the act is put in the caption, so it may be seen and read, and nothing may be in the act that is not contained in the caption. There is not any question about it, and only one subject shall be legislated on at once. Of course, the caption may be broader than the act. They may make a caption and the act may fall far short of it, but the substance of the act must be in the caption, and there can be no variance.

"Now let us see what they have done. There is not much dispute about the English language, I take it. Here is the caption:

'Public Act, Chapter 37, 1925, an act prohibiting the teaching of the evolution theory in all the universities, normals, and all the public schools of Tennessee which are supported in whole or in part by the public school funds of the State, and to prescribe penalties for the violation thereof.'

"Now what is it—an act to prohibit the teaching of the evolution theory in Tennessee? Is this the act? Is this statute to prevent the teaching of the evolution theory? There is not a word said in the statute about evolution. There is not a word said in the statute about preventing the teaching of the theory of evolution—not a word.

"This caption says what follows is an act forbidding the teaching of evolution, and the Catholic could have gone home without any thought that his faith was about to be attacked. The Protestant could have gone home without any thought that his religion could be attacked. The intelligent, scholarly Christians, who by the million in the United States find no inconsistency between evolution and religion, could

have gone home without any fear that a narrow, ignorant, bigoted shrew of religion could have destroyed their religious freedom and their right to think and act and speak; and the nation and the state could have laid down peacefully to sleep that night without the slightest fear that religious hatred and bigotry were to be turned loose in a great State.

"Any question about that? Anything in this caption whatever about religion, or anything about measuring science and knowledge and learning by the Book of Genesis, written when everybody thought the world was flat? Nothing.

"They went to bed in peace, probably, and they woke up to find this, which has not the slightest reference to it; which does not refer to evolution in any way; which is, as claimed, a religious statute.

"That is what they found and here is what it is:

"Be it enacted by the General Assembly of the State of Tennessee, that it shall be unlawful for any teacher in any of the universities, nor-

mals, and all other public schools in the State, which are supported in whole or in part by the public school funds of the State, to teach'—what, teach evolution? Oh, no.—'To teach the 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.'

"That is what was foisted on the people of this State, under a caption which never meant it, and could give no hint of it; that it should be a crime in the State of Tennessee to teach any theory,—not evolution, but any theory of the origin of man, except that contained in the divine account as recorded in the Bible.

"But the State of Tennessee, under an honest and fair interpretation of the Constitution, has no more right to teach the Bible as the Divine Book than that the Koran is one, or the Book of Mormon, or the Book of Confucius, or the Buddha, or the Essays of Emerson, or any one of the 10,000 books to which human souls have gone for consolation and aid in their troubles." . . .

b. WILLIAM JENNINGS BRYAN, OPENING SPEECH

"Our position is that the statute is sufficient. The statute defines exactly what the people of Tennessee decided and intended and did declare unlawful, and it needs no interpretation.

"The caption speaks of the evolutionary theory, and the statute specifically states that teachers are forbidden to teach in the schools supported by taxation in this State any theory of creation of man that denies the Divine record of man's creation as found in the Bible, and that there might be no difference of opinion—there might be no ambiguity—that there might be no such confusion of thought as our learned friends attempt to inject into it. The Legislature was careful to define what is meant by the first of the statute.

"It says 'to teach that man is a descendant of any lower form of life.' If that had not been there,

if the first sentence had been the only sentence in the statute, then these gentlemen might come and ask to define what that meant or to explain whether the thing that was taught was contrary to the language of the statute in the first sentence. But the second sentence removes all doubt, as has been stated by my colleague.

"The second sentence points out specifically what is meant, and that is the teaching that man is the descendant of any lower form of life; and if the defendant taught that, as we have proved by the textbook that he used and as we have proved by the students that went to hear him, if he taught that man is a descendant of any lower form of life, he violated the statute, and more than that, we have his own confession that he knew he was violating the statute."

[After summarizing the evidence, Bryan continues:]

"We do not need any expert to tell us what the law means. An expert cannot be permitted to come in here and try to defeat the enforcement of a law testifying that it isn't a bad law, and it isn't—I mean a bad doctrine—no matter how these people phrase that doctrine, no matter how they eulogize it. This is not the place to try to prove that the law ought never to have been passed. The place to prove that was at the Legislature.

"If these people were so anxious to keep the State of Tennessee from disgracing itself, if they were so afraid that by this action taken by the Legislature, the State would put itself before the people of the nation as ignorant people and bigoted people—if they had half the affection for Tennessee that you would think they had as they come here to testify—they would have come at a time when their testimony would have been valuable, and not at this time to ask you to refuse to enforce a law because they did not think the law ought to have been passed.

"And if the people of Tennessee were to go into a state, into New York, the one from which this impulse comes to resist this law, or go into any state . . . and try to convince the people that a law they had passed ought not to be enforced (just because the people who went there didn't think it ought to have been passed), don't you think it would be resented as an impertinence? . . .

"The people of this State passed this law. The people of this State knew what they were doing when they passed the law, and they knew the dangers of the doctrine that they did not want it taught to their children. And, my friends, it isn't proper to bring experts in here to try to defeat the purpose of the people of this

State by trying to show that this thing that they denounce and outlaw is a beautiful thing that everybody ought to believe in. . . .

"These people want to come here with experts to make your Honor believe that the law should never have been passed, and because in their opinion it ought not to have been passed, it ought not to be enforced. It isn't a place for expert testimony. We have sufficient proof in the book. Doesn't the book state the very thing that is objected to and outlawed in this State? Who has a copy of that book?"

JUDGE RAULSTON—Do you mean the Bible?

MR. BRYAN—No, sir, the biology. [*Laughter*]

A VOICE—Here it is, Hunter's Biology.

MR. BRYAN—No, not the Bible. You see, in this State they cannot teach the Bible. They can only teach things that declare it to be a lie, according to the learned counsel. These people in the State, Christian people, have tied their hands by their Constitution. They say we all believe in the Bible, for it is the overwhelming belief in the State, but we will not teach that Bible, which we believe—even to our children, through teachers that we pay with our money.

"No, no, it isn't the teaching of the Bible, and we are not asking it.

"The question is, Can a minority in this State come in and compel a teacher to teach that the Bible is not true and make the parents of these children pay the expenses of the teacher to tell their children what these people believe is false and dangerous?

"Has it come to a time when the minority can take charge of a state like Tennessee and compel the majority to pay their teachers while they take religion out of the heart of the children of the parents who pay the teachers?"

c. KIRTLEY F. MATHER, TESTIMONY

[Dr. Mather's statement was introduced as coming from a student of the Bible, lecturer to Bible students at the Boston University School of Religious Education, member of

the Baptist Church at Newton Center, Mass., and teacher of the Mather Class in its Bible school. Professor Mather said that evolution was "not a power, not a force," but "a process, a method." God was "a power, a force"; He necessarily uses processes and methods in displaying His Power and exerting force.]

"...Not one of the facts of evolution contradicts any teaching of Jesus Christ known to me. None could, for His teachings deal with moral law and spiritual realities. Natural science deals with physical laws and material results. When men are offered their choice between science, with its confident and unanimous acceptance of the evolutionary principle on the one hand, and religion, with its necessary appeal to things unseen and unproven on the other, they are more likely to abandon religion than to abandon science.

"If such a choice is forced upon us the churches will lose many of their best educated young people, the very ones upon whom they must depend for leadership in the coming years.

"Fortunately such a choice is absolutely unnecessary. To say that one must choose between evolution and Christianity is exactly like telling the child as he starts for school that he must choose between spelling and arithmetic. Thorough knowledge of each is essential to success—both individual and racial—in life.

"Good religion is founded on facts, even as the evolutionary principle. A true religion faces the facts fearlessly, regardless of where or how the facts may be found. The theories of evolution commonly accepted in the scientific world do not deny any reasonable interpretations of the story of Divine creation as recorded in the Bible. Rather they affirm that story and give it larger and more profound meaning.

"This, of course, depends upon what the meaning and interpretation of the stories are to each individual. I have been a Bible student all of my life, and ever since my college days I have been intensely interested in the relations between science and the Bible.

"It is obvious to any careful and intelligent reader of the Book of Genesis that some interpretation of its account must be made by each individual. Very evidently, it is not intended to be a scientific statement of the order and method of creation.

"In the first chapter of Genesis we are told that man was made after the plants and the

other animals had been formed, and that man and woman were both created on the same day.

"In the second chapter of Genesis we read that man was formed from the dust of the ground before plants and other animals were made; that trees grew until fruit was upon them; that all the animals passed in review before man to be named, and then, after these events, woman was made.

"There is obvious lack of harmony between these two Biblical accounts of creation so far as details of the process and order of events are concerned. They are, however, in perfect accord in presenting the spiritual truth that God is the author and the administrator of the universe, and that is the sort of truth we find in the Bible.

"It is a textbook of religion, not a textbook of biology or astronomy or geology. Moreover, it is just exactly the Biblical spiritual truth concerning God which rings clearly and unmistakably through every theory of theistic evolution. With it, modern science is in perfect accord.

"There are a number of reasons why sincere and honest Christians have recently come to distrust evolution. . . . Too many people who loudly proclaim their allegiance to the Book, know very little about what it really contains.

"The Bible does not state that the world was made about 6,000 years ago. The date 4004 B.C. set opposite Genesis 1:1 in many versions of the Bible, was placed there by Archbishop Usher¹ only a few centuries ago. It is a man's interpretation of the Bible; it is in the footnotes added recently; it is not a part of the book itself.

"Concerning the length of earth history and of human history, the Bible is absolutely silent. Science may conclude that the earth is 100,000,000 or 100,000,000,000 years old; the conclusion does not affect the Bible in the

¹James Ussher (1581–1656), an Irish prelate whose close reading and calculations of biblical narratives established a long-accepted chronology of human history since the Creation.

slightest degree. Or, if one is worried over the progressive appearance of land, plants, animals, and man on the successive six days of a 'Creation Week,' there is a well-known Biblical support for the scientists' contention that eons rather than hours elapsed while these things were taking place.

"*A day in the sight of the Lord is as a thousand years, and a thousand years as a day*" [2 Pet 3:8].

"Taking the Bible itself as an authority dissipates many of the difficulties which threaten to make a gulf between religion and science."