

plants are modified over vast periods of time by a process known as natural selection. Scientists, however, distinguish between “micro-evolution,” which means changes within a species (such as dog breeding) and “macro-evolution,” which refers to the theory that one species can develop into a different one – or even into an entirely different kind of organism.

**Fundamentalism** • In U.S. history, the belief that the Bible was literally inspired by God—that it was given by God through human authors and that God’s influence extends to the very words. Fundamentalists do not believe in the complete literal interpretation of the entire Bible, because they allow for figures of speech and symbols, but they do defend the accuracy of the description of the origins of human beings given in Genesis.

**Natural Selection** • In Darwinian theory, the principle by which evolution operates. It argues for the “survival of the fittest” and says, in Darwin’s words, that nature favors “the preservation of favorable individual differences and variations, and the destruction of those which are injurious.”

### Laws, Cases, and Legal Terms

• **First Amendment** – Adopted on Dec. 15, 1791, it reads in full:

*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*

• **Fourteenth Amendment** – Adopted on July 9, 1868, section 1 reads:

*All Persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they abide. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*

The Scopes defense team argued that this amendment, like the First, protected Scopes’s right to free speech.

• **Butler Act** – A law passed by the Tennessee Legislature in 1925 and signed into law by Governor Austin Peay. Its text reads:

*AN ACT prohibiting the teaching of the Evolution Theory in all the Universities, Normals and all other public schools of Tennessee, which are supported in whole or in part by the public school funds of the State, and to provide penalties for the violations thereof.*

*Section 1. 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, 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.*

*Section 2. Be it further enacted, That any teacher found guilty of the violation of this Act, Shall be guilty of a misdemeanor and upon conviction, shall be fined not less than \$100.00 Dollars nor more than \$ 500.00 Dollars for each offense.*

*Section 3. Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.*

### Things to Think About

• The Scopes trial is often cited as a test of “academic freedom.” Do you think teachers should be allowed to teach what they believe to be solid science? Do you think teachers should be allowed to teach the theory of creationism as an alternative to the theory of evolution? If a community disagrees with a teacher’s choice of subject material, do you believe it has the right to forbid that material? To what degree do school authorities have a right to censor what is taught in school? Are there some forms of speech that should be forbidden in school?

• Why was the American Civil Liberties Union eager to become involved in the Scopes case? What is a “test case” and why was the Scopes case such an important one?

• During the trial, Williams Jennings Bryan argued that “A man cannot demand a salary for saying what his employers do not want.” To what degree do you think he had a point?

• The framers of the U.S. Constitution tried to ensure that the government would not endorse or mandate certain religious beliefs. From their efforts stems the controversial issue of the “separation of church and state.” Do you think the Butler Law, by insisting on the validity of the Bible, violated this separation?

• Research the ways in which evolution is still being debated as an issue in education. Find out about the theory of creationism and the argument that it should be taught along with evolution as a valid alternative theory. Do you think creationism should be taught in schools?

• Imagine that you were remaking the film *Inherit the Wind* today (see the “Other Resources” section below). Who would you like to see play the lead roles?

### Internet Resources

<http://www.law.umkc.edu/faculty/projects/ftrials/scopes/scopes.htm> — From the University of Missouri at Kansas City’s Web Site, “Famous American Trials,” the section on Scopes.

<http://www.rheacounty.com/scopes.html> — From Rhea County, Tenn., where the trial was held, a concise recounting of the events.

<http://xroads.virginia.edu/~UG97/inherit/1925Home.html> — A useful site from the American Studies department of the University of Virginia. Includes information on Inherit the Wind.

<http://www.people.virginia.edu/~ekh7q/rundown.html> — Another useful site from the University of Virginia.

<http://socrates.berkeley.edu/~jonmarks/Darrow.html> — From the University of California at Berkeley, the transcript of Darrow’s interrogation of Bryan.

### Other Resources

For students:

**Blake, Arthur.** *The Scopes Trial: Defending the Right to Teach (Spotlight on American History)*. Millbrook Press, 1994.

For adults:

**Conkin, Paul Keith.** *When All the Gods Trembled: Darwinism, Scopes, and American Intellectuals (American Intellectual Culture)*. Rowman and Littlefield, 1998.

**De Camp, L. Sprague.** *The Great Monkey Trial*. Doubleday, 1968.

**Ginger, Raymond.** *Six Days Or Forever: Tennessee v. John Thomas Scopes*. Beacon Press, 1958.

**Larson, Edward J.** *Summer for the Gods: The Scopes Trial and America’s Continuing Debate over Science and Religion*. Basic Books, 1991.

**Nardo, Don.** *The Scopes Trial (Famous Trials Series)*. Lucent 1997.

**Rogers, Marion Elizabeth, ed.** *The Impossible H.L. Mencken: A Selection of His Best Newspaper Stories*. Doubleday Anchor 1991. (Contains the stories that Mencken filed from Dayton on the Scopes trial.)

**Scopes, John Thomas and Presley, James.** *Center of the Storm: Memoirs of John T. Scopes*. Holt, Rinehart and Winston, 1967.

**Tompkins, Jerry.** *D-days at Dayton*. Louisiana State University Press, 1965.

*A play by Jerome Lawrence and Robert Lee, Inherit the Wind, is loosely based on the Scopes trial, although it is unhistorical and even, at times, misleading. It was first staged in 1955 and then made into a motion picture in 1960. The film was directed by Stanley Kramer and starred Spencer Tracy as the Clarence Darrow character and Fredric March as the William Jennings Bryan character. It was twice remade as a television movie; the 1988 version starred Kirk Douglas and Jason Robards and the 1999 version starred Jack Lemmon and George C. Scott.*

## LANDMARK AMERICAN TRIALS

### THE SCOPES MONKEY TRIAL

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# LANDMARK AMERICAN TRIALS

Some trials take on a significance that is larger than the verdict itself. Such trials are shaped by the tenor and emotions of the era in which they occur, and in turn may reshape prevailing attitudes. The trials of this series fall into that category. Whether pointing up the anti-anarchistic hysteria demonstrated in the 1921 Sacco and Vanzetti trial or the anti-Communist fervor exhibited during the 1951 Rosenberg case, these trials become miniature history lessons that can provide as much insight into an age as a history textbook.

## THE SCOPES MONKEY TRIAL

In early 1925 the Tennessee legislature passed a law that made it illegal for any teacher in a state-supported school to teach the theory that man evolved from a lower order of animals instead of teaching the story of creation as told in the Bible. Certain citizens in the town of Dayton, Tennessee, saw this as an opportunity to make their town famous and win publicity. They persuaded a physical education teacher who substituted as a science instructor to put himself forward as a test case. As a result, two weeks after the 24-year-old John Scopes taught a lesson in evolution using a state-approved textbook, he was arrested. The trial became a media circus (in which the town did not come off at all favorably) largely because the defense and prosecution were led by the nationally known and charismatic Clarence Darrow and William Jennings Bryan, respectively. More important, the trial pointed up the differences between secular and religious political thought in the United States, as well as the clash between traditional rural values and progressive urban ideas.



## The Jazz Age and the Revolution in American Values

- Although many people consider the 1960s to be the decade in which youth rebellion most profoundly changed the United States, one could argue that the 1920s were at least as important in that way, if not more so. The poet Edna St. Vincent Millay's famous remark "My candle burns at both ends" captured some of the spirit of the era. A new music, jazz, inspired a sense of liberation among the young, who began dressing, dancing, and dating in ways that shocked their elders. Other new forms of entertainment also grew popular, principally the radio and the movies. An especially noted phenomenon was the "flapper" – a new woman who raised her hemlines, cut her hair, smoked cigarettes in public, and took up frantic dances like the Charleston. The flapper represented a new freedom for women, and greatly dismayed her parents' generation.
- The prohibition of alcohol, which began in 1920, was intended to purify American morals, but it had the opposite effect. Organized crime expanded to meet the demand for illegal liquor, and many otherwise law-abiding Americans found themselves engaged in criminal activity. The banning of alcohol also gave it a forbidden appeal to the young.
- Many American writers went abroad, principally to Paris, to find their new voices. Among them were F. Scott Fitzgerald, Ernest Hemingway, Sherwood Anderson, and Gertrude Stein, who coined the term "Lost Generation" to describe this restless and disaffected group. Modern art had already come to the United States with the famous art show held at the 69th Regiment Armory in New York City in 1913. As modernism took hold, many found the jarring and experimental works incomprehensible, if not downright subversive. The works of the Sigmund Freud, the founder of psychoanalysis, were becoming increasingly popular, and his frank discussions of sexuality were often misinterpreted as a license for sexual experimentation. Finally, the theory of evolution, which had been around for some six decades, had become largely accepted. Many religious Americans, raised on the stories of the Bible, considered it just one more example of modernity's ongoing assault on traditional religious beliefs.
- In reaction to the cultural upheaval of the "Roaring 20s", many Americans, especially in small towns and rural areas, sought to defend their traditional values. The decade actually saw an increase in church membership. Several religious books made the best-seller lists, and the country witnessed a growing interest in revival meetings and other forms of evangelical preaching.
- This was the climate in which the trial of John Scopes took place. Many Americans saw this trial as central to the revolution in American values that was going on the 1920s.

## The Issues

The trial of John Scopes was historically important because it brought together many issues that were then, and still are, hotly debated in the United States. Some of them are:

- **Free Speech** – Supporters of Scopes argued that the First and Fourteenth Amendments to the Constitution protected his right to express his ideas in the classroom, a concept known as "academic freedom." The idea of academic freedom has been traced back to the universities of the Middle Ages, which enjoyed considerable freedoms. The idea was debated in the United States throughout the 19th century, and in 1915 a large group of professors formed the American Association of University Professors (AAUP) to uphold academic freedom. On the other hand, Bryan argued that equal time had to be given to the creationist view of man's origins as described in the Bible's Book of Genesis. He was not against the teaching of evolution as a theory as long as the Bible was not attacked at the same time.
- **Fundamentalism** – After the Civil War, fundamentalists in the United States began a struggle to defend the literal interpretation of the Bible. They were responding not only to the theory of evolution, but also to liberalism in theology, which questioned the historical accuracy of many of the parables in the Bible. A series of documents known as The Fundamentals became the focus of this conflict in the period just before World War I. The fundamentalists appreciated that much of the poetry and many of the parables in the Bible were not to be interpreted literally, but they did defend the description of the origins

## Events of the Case

**March 21, 1925** • Tennessee passes the Butler Act, which makes it a crime to teach in school that "man has descended from a lower order of animals."

**May 4, 1925** • The Chattanooga Daily Times publishes an article saying that the American Civil Liberties Union (ACLU) is offering legal support to any teacher who challenges the Butler Act.

**July 10, 1925** • The trial of John Scopes begins.

**July 21, 1925** • Scopes is found guilty and fined \$100.

**May 1926** • The Tennessee Supreme Court hears the appeal in the Scopes case.

**January 17, 1927** • The Tennessee Supreme Court upholds the Butler Act but overturns Scopes's conviction on a technicality.

**February 19, 1935** • Tennessee votes to retain the Butler Act.

**1967** • Tennessee repeals the Butler Act.

## Other Events

**1859** • Charles Darwin publishes *On the Origin of Species by Means of Natural Selection*, which introduces the theory of evolution.

**June 23, 1909** • The Charles Darwin Museum is opened in Great Britain to commemorate the 100th anniversary of his birth.

**February 26, 1917** • The Original Dixieland Jazz Band cuts the first jazz record. The date is often cited as the beginning of the "Jazz Age."

**January 16, 1920** • Prohibition goes into effect in the United States.

**August 26, 1920** • American women win the right to vote.

**September 30, 1920** • A census report reveals that, for the first time, the urban population of the United States exceeds the rural population.

**1921** • "Bobbed," or short, hair becomes fashionable among young women. The trend is criticized as a symbol of youth rebellion.

**1921** • Pablo Picasso paints "The Three Musicians," a cornerstone of modern art.

**October 1921** • A record 8 million women are now employed in the United States.

**1922** • F. Scott Fitzgerald publishes his short-story collection, "Tales of the Jazz Age."

**1925** • The "flapper" dress is introduced; it features a short hemline and little or no waist.

**July 26, 1925** • William Jennings Bryan dies in Dayton, Tennessee.

**July 2, 1926** • The House Judiciary Committee hears evidence that Prohibition is responsible for an increase in crime.

**November 28, 1926** • The Commerce Department reports that the U.S. has achieved the highest level of prosperity in its history, and that unemployment is virtually nonexistent.

**May 21, 1927** • Charles Lindbergh lands in Paris, completing the first solo airplane flight across the Atlantic.

**October 24, 1929** • On the day known as "Black Thursday," the U.S. stock market crashes. The "Roaring 20s" are over.

of man as described in Genesis. In the wake of unfavorable publicity after the Scopes trial, many fundamentalists began setting up their own separate educational institutions, churches, publishing houses, and missionary societies.

- **The Theory of Evolution** – After the publication of *On the Origin of Species* in 1859, the concept of evolution came under attack, mainly from two sources: academics, who claimed that the evidence was weak; and theologians, who were upset about the theory's contradiction of the biblical story of creation. Darwin himself recognized that many more discoveries of fossils would need to occur before the gaps in his theory could be filled. As research progressed, more and more scientists accepted evolution. To this day, however, defenders of revealed religion, usually known as "creationists," argue that evolution remains unproved and that the Bible can be defended scientifically.

## Important People

**Bryan, William Jennings** • Three-time Democratic candidate for president and Secretary of State under Woodrow Wilson. Though not a complete fundamentalist, he agreed with most fundamentalist beliefs. He was not the head of the prosecution team in the Scopes trial, but he was its most famous member.

**Butler, John Washington** • The Tennessee representative who created the anti-evolution law that was the cause of the Scopes trial.

**Darrow, Clarence** • The most famous trial lawyer in the United States and the most sensational member of the Scopes defense team.

**Darwin, Charles** (1809-1882) • British naturalist and author. Founder of the modern theory of evolution.

**Hays, Arthur Garfield** • The manager of the Scopes defense team, he had a reputation as a defender of unpopular causes for the ACLU.

**Malone, Dudley** • A member of the Scopes defense team, he gave one of the most notable speeches in the trial. He had formerly been an Undersecretary of State under William Jennings Bryan in the Wilson administration.

**Mencken, H. L.** • Reporter, editor, and critic who was famous for his often biting commentaries on American culture. His coverage of the Scopes trial is considered a classic of American journalism.

**Metcalf, Maynard** • Eminent zoologist called to testify on Scopes' behalf. His testimony is ruled irrelevant by Judge Raulston.

**Morgan, Howard** • A student in John Scopes' science class at Rhea County High School, he testified for the prosecution that Scopes had taught evolution.

**Neal, John Randolph** • A member of the Scopes defense team, his assignment was to challenge the anti-evolution law's constitutionality.

**Rappelyea, George** • A New York businessman who came to Tennessee on a geological expedition, he came up with the idea of challenging the Butler Act and persuaded John Scopes to accept the role of defendant in the case.

**Raulston, John T.** • The judge in the Scopes trial, he was known in his community as a highly religious man.

**Robinson, Fred** • Owner of the drugstore in which the Scopes challenge was planned, a witness in the trial, and the chairman of the school board.

**Scopes, John** • A 24-year-old Rhea County science teacher and athletic coach who volunteered to become the defendant in the trial. He graduated from the University of Kentucky in 1924. He never testified in the trial.

**Shelton, Harry** • High school senior who testified that Scopes taught evolutionary theory.

**Stewart, Thomas** • Chief prosecutor in the Scopes trial.

**White, Walter** • Rhea County school superintendent who testified that Scopes had admitted teaching evolution.

## Vocabulary

**American Civil Liberties Union (ACLU)** • An organization founded in 1920 to protect civil liberties in the United States.

**Bible Belt** • A term invented by H. L. Mencken to describe the area of the United States (chiefly the South) where fundamentalism was the strongest.

**Creationism** • A doctrine that holds that matter and life were created in the manner described in the biblical Book of Genesis and that there is scientific evidence to back it up.

**Evolution** • The theory, chiefly developed by Charles Darwin, that animals and