

AMERICAN MONKEYS

THE SCOPES MONKEY TRIAL TRANSCRIPTS

THE EVOLUTION CASE
STATE OF TENNESSEE VS. JOHN THOMAS SCOPES
THE WORLD'S MOST FAMOUS COURT TRIAL

ABRIDGED BY A.J. SCHAAR

THE WORLD'S FIRST
READER'S EDITION



"WHAT WOULD THEIR VERDICT BE?"

—*The Daily Star* (Montreal).

First published in 2025

By Black Chicken Unlimited

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ISBN: 978-1-300-68379-7

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**FOR HONORING AND CELEBRATING
THE 100 YEAR ANNIVERSARY OF THESE EVENTS**

1925 – 2025

*We have made some observable progress.
Here's to the next 100 years.*

**Original transcript furnished by the Chattanooga Times
and published by the National Book Company**

“We are moved by the great interest shown throughout the world in this most notable case. It is unlike any other case ever tried, and we believe has an interest that will hold long after the individuals involved have passed away. ... We trust this work may find a hearty welcome from those who desire to know just what occurred at Dayton.”

-National Book Company



BRYAN
MAN OF FAITH

STUDIES IN
CHARACTER—



DARROW
AGNOSTIC

Guide to the Main Speakers

The Court

THE COURT, Judge John T. Raulston
BAILIFF, Mr. Sherriff

The Press

Henry MENCKEN, The Baltimore Sun

The Prosecution

Tom STEWART, Attorney General of Tennessee
Gordon MCKENZIE
William Jennings BRYAN

The Defense

Arthur Garfield HAYS, of the ACLU
Dudley Field MALONE
Clarence DARROW

The Defendant

John Thomas SCOPES

The Witnesses and Spectators

Rev. Potter, Foreman Thompson, Mr. Walter White,
Mr. F.E. Robinson, "Howard" Voice, "Amen" Voices,
"One of them has quit" Voice, the Morgan boy,
Dr. Maynard Metcalf, Rev. Eastwood, "14 inches" Voice,
Dr. Jones, Mr. Tony Muto, Special Reporter from Toronto

A NOTE ON THE TEXT

This ain't a synopsis or a study of Scopes.

This here's the Source.

AMERICAN MONKEYS is the world's first abridgement of the Scopes "Monkey Trial" court transcripts; the only edition published to be easily read, and read aloud.

The goal of this abridgement has been to present the events and arguments fairly, faithfully, and in a manner compelling to read, because:

The court transcripts, uncut, are very challenging; the legalese and nitpicks being debated for hours on end make them all but inaccessible to high-school students studying these subjects and are even tough for widely read scholars to get through without a determined effort.

AMERICAN MONKEYS has been edited together in such a way that now the transcripts are not just accessible, and enlightening, but *downright entertaining*.

Here you'll find some of the most eloquent speeches and passionate arguments ever made in a courthouse— without needing to sift through 300 pages of legal debate on minutiae.

Overwhelmingly, this book lets the original transcripts speak for themselves. In the process of abridging them to their most essential, exciting, and insightful, only a few minor changes and additions have been made to them, as follows:

The sections called **INTRODUCTION** and **SURROUNDING THE COURTHOUSE** have been included to give some basic historical context. Chiefly, the language in these sections comes directly from articles written by Henry Mencken on the trial supplemented with some well-established facts about the trial's participants. Similarly, the section called **CODA** includes some of Charles Darwin's own writings on his evolutionary theory in relation to revealed religion.

Within the transcript's language proper, **[bracketed language]** indicates original words or phrases that have been moved or slightly paraphrased, as well as small, added words like [and] [so], all of which serve to help bridge the transcript's cuts.

[Bracketed Names] indicate lines that have been reassigned to the main speakers at the trial. For instance, some of McKenzie's language was originally said by the Hicks brothers, or Bryan's son, all of whom sat on the prosecution, but who otherwise said little; there was a second student who testified almost identically to the Morgan boy; etc. By slightly condensing the speakers in this way, it is much easier to keep track of and identify with the main figures.

Some **[Mencken: bracketed language]** is also in the cut proper; this lets him speak aloud some information, often as it was given in the original trial transcripts, for instance, [he was duly sworn]. This has been done so **AMERICAN MONKEYS** can be fully understood by an audience in the event of a public reading. As transcripts are inherently recorded conversations, group readings are encouraged as an ideal way to get to know these truly great speakers and their rarified speeches, first-hand. They stand the test of time, to today.

WHY READ AMERICAN MONKEYS?

Commonly thought of in terms of “science vs. religion” or “religion vs. education,” the Scopes “Monkey Trial” engages with *many* issues that are highly relevant to anyone who lives in a modern “free” society.

At the time this note is being written, there is much discussion about mandating prayers and Bibles in the schools of several states (notably Oklahoma and Florida). Even setting this immediate reflection of the trial’s history aside, this book speaks to many more far-reaching, passionate interests:

For instance, a “circus-like” press leading our social narratives is one. The politicization of education, faith, and fact is another. Prejudiced forces for racial discrimination and superiority still rush to find justifications for themselves. And indeed, just as the KKK and other “alt-right” groups still demonize evolution for theorizing that all people have a shared origin (in “the jungle”), all modern “identity politics” on the “extreme left” take their origins in equally unsettling “social Darwinist” trends that emerged in the late 1800s. Not least, the idea of science as a force of “good” or “evil” remains contentious and questionable for *many* reasons today... As does law, and law-enforcement.

But the matter here that’s perhaps most novel in the face of today’s modern world is how devoutly some of the trial’s arguments are made in the interest of *reconciliation*. And with what *courtesy*, not just on the part of the defense, but of the prosecution also, these men treated each other, who opposed each other’s beliefs and “facts” to the very core of their natures— and this, in the wake of America’s Civil War.

To quote Judge Raulston after the verdict has been brought in, “we are great when we fight the battle out and be friends.” I am glad and honored to bring these mighty issues, and these attempts at their reconciliation into the light for general consideration and appreciation on their own merits (as information, not as an interpretation).

On a related note, it bears mentioning that *Inherit the Wind* by Mr. Jerome Lawrence and Mr. Robert E. Lee is often assumed to be a fairly accurate representation of Mr. Scopes’ trial—but it isn’t and was never meant to be. *Inherit* is a response to the fear-mongering anti-intellectualism of McCarthy—like Mr. Arthur Miller’s, *The Crucible*, a “witch trial” remade into a 50’s parable. *Inherit* shows us “Mr. Cates,” an imprisoned intelligence persecuted by a mob of bellowing Bible-beaters in “Heavenly Hillsborough”—and not Mr. Scopes, a man who *volunteered* to help test this law by sitting as defendant, who was never jailed, in a town of people whom all the trial’s visitors called remarkably gracious and open-minded; who valued civil discourse and who were proud to welcome this great debate into Dayton. In other words, while Mr. Scopes himself praised *Inherit the Wind*, he agreed with Mr. Lawrence and Mr. Lee that it is not history.

For those who seek an understanding of what actually happened 100 years ago—of what captured the attention of the entire world—of what made the factual Evolution Case the most famous court trial that had ever existed—those people should read this—and read it aloud. Make history live; may we learn from it.

My thanks to you, to our ancestors, and to our *ascendants*,

Amanda Jane Schaar

A Closed Book In Tennessee



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“An **American Monkey**... is much wiser than most men.”

-**Charles Darwin**

EVOLUTION



SCOPES TRIAL



AMERICAN MONKEYS

INTRODUCTION

Mencken: Welcome to Dayton, Tennessee, 1925. Welcome to the trial that would put it on the map. Hi. I'm Henry Mencken. Reporter for the Baltimore Sun. You may not have heard of me, but you *have* heard me quoted; I'm the one who named "The Bible Belt." And "The Monkey Trial."

This town, I confess, has surprised me. I expected to find a squalid Southern village with pigs rooting under the houses and the inhabitants full of hookworm and malaria. What I found was a country town full of charm and even beauty. The houses are surrounded by pretty gardens with cool green lawns and stately trees. A few of the town ancients still wear string ties, but the young people are all very nattily turned out. They would fit into any college campus in America.

You join us on the fourth day of the trial; the fourth day—the day the sun was created according to Genesis, and the day the trial actually began for a prodigal son of science, one Mr. John Thomas Scopes. What happened in the first three days of this trial, you ask? That's a good question. Never be afraid to ask a good question. And the answer is, an impartial jury has been selected, with some obvious difficulties and the atmosphere of a furnace. 100 degrees, easily, all day. Let us take the *voir dire*¹ of the jury as read, shall we? They found a

¹ *Voir dire* literally means "speak the truth." It is the preliminary phase of a jury trial where jurors are examined and selected.

dozen citizens who said they could be fair. The side of the prosecution, that's the state of Tennessee, and the side for the defense of Mr. John Scopes have laid out their opening arguments on the issues that shall make up the case— this, has made up the bulk of the first three days of the trial. What you need to know is that the defense has made, strongly, a motion to quash the indictment against Mr. Scopes on the grounds that the law itself, the “antievolution law,” is:

Malone: Unconstitutional.

Hays: Unreasonable.

Darrow: And unenlightening.

Mencken: Many of the reasons given by defense you can possibly already guess:

Malone: The separation of church and state.

Hays: Freedom of speech, freedom of religion.

Darrow: Freedom of education. Freedom to *think*.

Malone: That the Tennessee State Constitution says, “education shall be cherished; science shall be cherished.”

Hays: That it's an abuse of police power to make teaching evolution a *criminal* offense; that the legislature never had the right to make it so.

Malone: That the law unfairly discriminates against teachers— anyone else outside a Tennessee school could discuss evolution lawfully.

Hays: The act is vaguely written and demands of anyone who reads it that *they must know* what is *contrary to the Bible* in order to ever *enforce it*. And *which* Bible does the law mean?

Malone: King James, the Oxford, or only translations from old Aramaic rather than from ancient Greek?

Darrow: (*toward Bryan*) And whose *interpretation* of the Bible shall we choose, hm? And by whose authority is that interpreter chosen?

Mencken: The *prosecution* has staunchly maintained:

McKenzie, Stewart and Bryan: He broke the law.

Mencken: —All right. Let's introduce you to them. Tom Stewart, Attorney General for the State of Tennessee, born and bred and private-schooled here, he is the chief prosecutor on this case, at least nominally. There's local judge Gordon McKenzie who stands fanatically against evolution for religious and moral so-called reasons. And last but not least, here's the man who encouraged the law to be made in the first place in Tennessee, three-time presidential nominee and evangelical celebrity, William Jennings Bryan. Try not to faint.

Over here on the defense we have Arthur Garfield Hays, general counsel for the ACLU, the American Civil Liberties Union; a defender of many an unpopular cause, and unpopular here in Dayton because he is from New York. From Rochester. Here is Dudley Field Malone also of New York. From Manhattan. An international divorce lawyer for the main of his career, and a public and high-profile advocate, at the federal level, for women's suffrage rights and the new labor unions. (Incidentally, both Mr. Malone and Mr. Bryan served together under Woodrow Wilson's administration.) And finally, of course, there's Clarence Darrow, of Chicago, Illinois, honest Abe Lincoln's hometown. Even the prosecution says freely of Darrow that he's one of the world's finest lawyers and minds. This is the first, last, and only time he volunteered his service to a case. Why? In his own words, he wanted to. Here's John Scopes, the 'professor' himself. Here's Judge John T. Raulston presiding. His bailiff, Mr. Sherriff. And for the sake of brevity, let me say for all of the rest of the folks in this text of the trial's transcripts that there

are reverends and experts, the foreman, and many masons who applaud and laugh and *hosanna* here in the courthouse and listening outside. Clap if you want to, laugh if you want to, *pray* if you want to, or not, it's a free country; you're a free agent—and you are part of the crowd. And it is crowded here in Dayton; all the halls of the courthouse are packed; it's so crowded, in fact, that the judge, more than once, has feared that the courthouse: will fall.

Welcome to the fourth day's proceedings of The Evolution Case, Wednesday, July 15, 1925. The Court met pursuant to recess and opened, again, with prayer.

FOURTH DAY

The Court: Will everyone stand up? Dr. Potter, come forth to the judge's rostrum, I understand the ministers' association has appointed you to open Court with prayer.

Dr. Potter: Oh, Thou to Whom all pray and for Whom are many names, lift up our hearts this morning that we may seek Thy truth. May we in all things uphold the ends of justice and seek that those things may be done which will most redound in honor to Thy glory and to the progress of mankind toward Thy truth. Amen.

The Court: Open Court, Mr. Sherriff.

Bailiff: Oyez, oyez, the Honorable Circuit Court is now open. Sit down, please.

Hays: I want to renew our objection to the prayer, and I want the courtesy of the Court just a moment to explain my particular attitude—

McKenzie: The defense counsel have been constantly bringing up objections to these prayers. Your Honor, *they say*

that evolution² does not contradict the Bible— does not contradict Christianity. Why are they objecting to prayers if it doesn't contradict the Bible— doesn't contradict Christianity? This morning's prayer has been opened by a Unitarian. It has been opened by a Baptist, and by a Methodist on the different mornings. Ask the defense to put their objections on the record and stop this here heckling in Court in opening Court every morning.

The Court: The Court has no purpose by opening the Court with prayer to influence anybody wrongfully but hopes that such may influence somebody rightfully. It has been my custom at times when there has been no minister in the Court, I have called on some good old pious man whom I knew was good, who believed in God, to open the Court with prayer. I don't think it hurts anybody, and I think it may help somebody. So, I overrule the objection.

Darrow: Your Honor, I want to take exception to the remarks of the Court.

The Court: Let the exceptions go in the record.

Stewart: Your Honor, yesterday, Mr. Darrow and I made an agreement that the record would show each morning that they excepted to the prayer. Perhaps the other attorneys did not understand that, but hereafter it will just *show* that without any *statement* being made in Court. And, Your Honor, I want, before the Court proceeds with business— *I want to make a statement: Yesterday afternoon, if the Court please, I said a thing which upon reflection and deliberation I feel sorry for. I*

² "...this indicates how seriously that part of Tennessee viewed the heinous offense of teaching evolution, which they all pronounced as though the word began with a double EE. ...the treason against religion was reason enough for ignoring the law... to bar the teaching of "EEvolution" in Tennessee." Clarence Darrow (*The Story of My Life*)

expressed myself toward Mr. Hays in a rather discourteous manner, I feel. I meant at the time to be emphatic, but I did not mean to be discourteous. The least that one lawyer can do toward another in the trial of a case is to be *courteous* to him, and I feel very much ashamed when I feel that I have not been *courteous* to *anybody*. Mr. Hays has treated me with much courtesy, and I am sure he did not mean on yesterday, to try to drown me out with his *voice*. There was nothing back of what I said at all, except a temporarily ruffled temper, I am sorry for it, and I apologize.

Hays: If Your Honor please.

The Court: I recognize Mr. Hays.

Hays: I am happy to accept the apology of the Attorney General— with the knowledge that he is speaking in the name of the sovereign state of Tennessee. [And] permit me to say personally that there are two qualities I much admire in a man. One is that he is human, and the other that he is courteous. The outburst yesterday proves that the Attorney General was human, and the apology proves that he has the courtesy of a Southern gentleman.

Malone: I submit, I am not at all satisfied with the apology of General Stewart and he knows why. I still think the Attorney General's remarks were extremely discourteous and uncalled for.

Darrow: I don't want the Court to think *I* take any exception to Mr. Stewart's statements— of course, the weather is warm and we may all go a little further at times than we ought— but he is perfectly justified in saying that I am an *agnostic*, for I am, and I do not consider it an insult, but rather a compliment to be called an *agnostic*.

[**Malone:** Of course, he did also use the word "infidel."]

Darrow: [The word infidel has no meaning whatever. Everyone is an infidel that doesn't believe in the prevailing religion. A Christian is an infidel to a Mohammedan.³] All I shall insist on through this case—the fact that I am an agnostic ought not to weigh in the balance as to whether Mr. Scopes is innocent or guilty. And all I ask for is that if counsel thinks it is *wise* to refer again to it, that it shall not be done in such a way as to in *any* manner influence *anybody*, and I think I am right on that. I do not take any offense whatever in his having said I was an agnostic— although I hate to be accused of such a foolish thing as “infidelity” because everybody in the world can be accused of that.

The Court: What do you say, General Stewart?

Stewart: I think I am ready, if these gentlemen will join me, in trying this lawsuit as lawyers. I would like to get done with this thing.

The Court: I think Mr. Darrow is right when he suggests no reference be made to the religious belief of *any* counsel. Now, let us have order. If you gentlemen want to take my picture, take it now.

Laughter in the courtroom, photographs are taken

The Court: (cont.) I will proceed to [give] my opinion on the motion to quash the indictment.

Bailiff: Order in the courtroom. No talking.

Rapping with gavel, photographs are taken

The Court: State of Tennessee vs. John T. Scopes. This case is now before me on a motion to quash. The Court is pleased to

³ *An unoffensive term in common usage at the time. The term is now out of favor with some Muslims as it suggests they follow Mohammad as prophet, rather than Allah as God (Peace be upon Him). Darrow would not have intended this derogatorily.*

overrule the whole motion and require the defendant to plead further.

Malone: Your Honor, we desire to enter an exception to Your Honor's ruling in overruling our motion to quash the indictment. We do this out of abundance of precaution and to keep the record straight in the event that a record may be made in this case [for the Superior Court of Tennessee] ultimately.

The Court: Oh, yes. —This has required quite a bit of energy, as you must know, for the Court to [form] the opinion that has just been delivered—in the atmosphere by which he was surrounded. I desire to thank the lady, little girl, or whoever it may be that is so mindful of the Court as to send up this beautiful bouquet.

Applause

The Court: (cont.) Are you ready to read the indictment?

Stewart: The indictment has been read, Your Honor, but we can read it again.

Foreman Thompson:⁴ If it ain't out of order, I would like to make the request, the unanimous request of the jury to take up the matter of some electric *fans* here. This heat is fearful. While I think I could stand my part of it—

The Court: The county judge [McKenzie] is the man you would have to appeal to on that.

McKenzie: Nothing would give me greater pleasure than to have them installed, but on account of the depleted state of the treasury, I do not believe the county can do it.

Malone: I will buy some *fans*.

The Court: [Foreman] Thompson, [sir,] I will divide my *fan*. Perhaps we can borrow some small *fans*, and place them on

⁴ *This juror is allegedly the best looking and best dressed man in the room, and he will later run for office in Tennessee.*

the table, Mr. County Judge. Maybe we can place some small *fans* on the table.⁵ Are there any further preliminary matters, before the plea, I mean?

Stewart: The state is ready. Gentlemen of the Grand Jury, on May 25, 1925, John T. Scopes was indicted in this county for violating what is generally known as the antievolution statute, which makes it unlawful to teach in the universities, normal, and all other public schools of the state, which are supported in whole or in part by the public school funds of the state, any theory that denies the story of Divine Creation of man as taught in the Bible and teach instead thereof that man descended from a lower order of animals. This act became the law in Tennessee on March 21, 1925.

The Court: What is your plea, gentlemen?

Hays: Not guilty, may it please Your Honor.

The Court: Not guilty. Now gentlemen, I shall ask the counsel for both sides to make an opening statement, please, in which you will please briefly outline what your theory is in the case.

Stewart: It is the insistence of the state in this case, that the defendant, John Thomas Scopes, has violated the antievolution law— what is known as the antievolution law— by teaching in the public schools of Rhea County the theory tending to show that man and mankind is descended from a lower order of animals. Therefore, he has taught a theory which *denies* the story of Divine Creation of man as taught by the Bible.

The Court: Now, I will have your statement.

Malone: The defense believes that “God is a spirit and they that worship Him must worship Him in spirit and *truth*.”

⁵ *Many fans were brought in before the trial was moved outside; none of the fans were placed on the table for the defense or even directed to blow toward them.*

The defendant, John T. Scopes, has been indicted for the alleged violation of an act passed by the Tennessee legislature, which prohibits the teaching of evolution theory in all the universities, normal schools and public schools of Tennessee. The defense contends that before you, gentlemen of the jury, can convict the defendant, Scopes, of a violation of this act, *the prosecution must prove two things*: first, that Scopes not only taught the theory of evolution, but that he also, and at the same time, *denied* the theory of Creation as set forth in the Bible.

While the defense thinks there is a conflict between evolution and the Old Testament, we believe there is no conflict between evolution and Christianity.

We maintain and we shall prove that Christianity is bound up with no scientific theory, that it has survived 2,000 years in the face of all the discoveries of science, and that Christianity will continue to grow in respect and influence *if* the people recognize that there is *no conflict* with science and [itself]. We will show that science occupies a field of learning separate and apart from the learning of theology which the clergy expound.

[And,] We shall prove by experts and scientists in every field of scientific knowledge that *there is no branch of science* which can be taught today *without teaching the theory of evolution*. For the purpose of illustration, we hope to show you from *embryology* about the development of a child from a single cell to its birth: the embryo has a tail; it also has gill slits; at six months the body is covered with a complete coating of hair which it loses before birth; the embryo

becomes a human when it is born. If the teaching of the theory of evolution in *this* field is to be excluded by *law* you will have to find adequate training for your doctors in medical schools outside of your state, or you will have to import physicians from Chicago or New York, as the defendant Scopes had to import Mr. Darrow and myself.

Much of this learning we hope to set before you will not be found in the Bible, but we maintain that all scientific truth *cannot* be contained in the Bible since so many truths that *we all know about* have been discovered *since* the Bible was *written*. Moses never heard about steam, electricity, the telegraph, the telephone, the radio, the aero plane, farming machinery, and Moses knew nothing about the scientific thought and principles from which these vast accomplishments of the inventive *genius* of mankind have been *produced*. The *purpose* of the defense will be to set before you *all available facts and information* from *every branch of science* to aid you in forming an opinion of *what evolution is*, and of *what value to progress and comfort* is the *theory of evolution*, for you are the *judges* of the *law* and the *facts*, and the *defense* wishes to *aid you* in *every way* to *intelligent opinion*.

[And,] The defense denies that it is part of any movement or conspiracy on the part of scientists to destroy the authority of Christianity or the Bible! The defense denies any such conspiracy *exists*— except in the mind of the evangelical prosecution. There is no more justification for imposing views of the *Bible* on courses of *biology* than there would be for imposing the views of *biology* on courses of comparative *religion*. There *may* be a conflict between evolution and the

peculiar ideas which are held by Mr. Bryan as the evangelical leader of the prosecution, but we deny that *he* is the authorized spokesman for the Christians of the United States—we maintain there is a clear distinction between God, the church, the Bible, Christianity, and *Mr. Bryan*... *We* maintain that science and religion embrace two separate and distinct fields of thought and learning. *We* remember that Jesus said, “render unto Caesar the things that are Caesar’s and unto God the things that are God’s.”

The Court: I do not think Mr. Bryan’s personal views are involved in this case, so I think it is not proper in connection with this statement to mention him. Let that be excluded.

Malone: Yes, Your Honor, [but] I do not think Mr. Bryan is the least sensitive about it.

Bryan: Not a bit.

The Court: It is not a question of whether it gives offense, it is a matter of your legal rights.

Bryan: The Court can do as it pleases but I ask no protection from the Court, and when the proper time comes, I shall be able to show these gentlemen that I stand today, just where I did— but that this has nothing to do with the case at bar.

Malone: One of the *reasons* for the defense was [Mr. Bryan’s]—

Loud applause in the courtroom

The Court: Order.

Stewart: (*to Malone*) The only mistake the good Lord made is that he did not withhold the completion of the job until he could have got a conference with *you*.

Malone: I rather think you are right.

Laughter in the courtroom

The Court: Any further statements?

Stewart: None, whatever.

The Court: [The state may call its first witness].

Stewart: [Thank you, Your Honor. State calls Mr. Walter White to the stand, he is the superintendent of county schools in Rhea County, Tennessee.]

White comes to the witness stand

Stewart: (cont.) [Mr. White, do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?]

White: [Yes, sir.]

Stewart: Mr. White, do you know what particular books, or subjects Mr. Scope taught in the high school?

White: He was a science teacher; he taught chemistry, biology and other subjects in the science courses.

Stewart: Did he teach this book, Hunter's Biology?

White: Yes, sir.

Stewart: Will you file that book as Exhibit 1 to your testimony?

White: Yes, sir.

Stewart: What school did he teach in, Mr. White?

White: The Rhea County Central High School, here in Dayton.

Stewart: Is that school supported by state and county funds?

White: Yes, sir.

Stewart: How long have you been superintendent of public instruction?

White: A few days more than six and a half years.

Stewart: Has Mr. Scopes been teaching in the high school here for more than a year?

White: No, sir. He taught last year only.

Stewart: Do you know when this last term of school that he taught was out?

White: May 1, 1925.

Stewart: Do you remember when the prosecution of this case first begun, Mr. White?

White: May 5th— May 5th, 1925.

Stewart: Some three or four days after adjournment of the school?

White: Four days after the school completed its term.

Stewart: Did you have any conversation with him concerning this teaching of Hunter's Biology, after the passage of this law, or at any time?

White: I talked with him about it [at Robinson's Drug Store] on the afternoon of May 4th, 1925, the day before this—

Stewart: Trial?

White: This trial was started.

Stewart: He had already been arrested then?

White: No, sir, he had not been arrested.

Stewart: What was the *conversation* between *you* and the defendant *Scopes* as to the teaching of Hunter's Biology?

White: Mr. Scopes said that he taught this biology, and that he had reviewed the entire book during certain days in April, somewhere, after having taught it to the boys, and among other things he said he could not teach that book without teaching evolution. And I *defended* the evolution statute, and he said—

Darrow: We except to that.

The Court: Not what you 'defended,' but what you said.

White: The substance of what I said about this? I told Professor Scopes that he had violated the Tennessee statutes.

Stewart: Were you at that time discussing this new law that was passed?

White: Yes, sir.

Stewart: That law was passed on the twenty-first of March, was it?

White: The twenty-first of March of this year, and he said he couldn't teach *biology* without violating this law.

Stewart: He *said:* that in teaching *biology*, [in April], he was teaching *evolution*, and that would be in violation of the law.

White: Yes, sir.

Stewart: Did he say to you, in reference to this book, that he had taught that part that pertained to evolution?

White: Yes, sir.

Stewart: What did he say?

White: He admitted that he had taught that. He said that he couldn't teach the book without teaching that and he could not teach that without violating the statute.

Stewart: Did he say that it was unconstitutional?

White: He defended his course by saying that the statute was unconstitutional.

Stewart: —He taught that in the high school here in Dayton?

White: Yes, sir.

Stewart: In Rhea County? Mr. White, I will ask you if this is the King James version of the Bible, and to file it as an exhibit to your testimony.

Hays: Do you mean to file that in evidence?

Stewart: We offer this in evidence, yes, sir, as explanatory of what the act relates to when it says "Bible."

Hays: What *is* the Bible? Different sects of Christians disagree. Your Honor, they should be required to *designate* the violation of the law. This is a criminal statute and should be strictly construed. There is nothing in the statute that shows they should be controlled in their teaching by the *St. James version*. The statute *might* have said that, but it did *not*. And yet, with an unaccountable confidence they have presented a book to Your Honor and attempt to put that book in evidence with the confidence of a man not learned in religion, because

any man learned in religion knows it is no more *the* version of the Bible than a dozen or half a dozen other books. Therefore, Your Honor, we object to that Bible going in evidence—and insist the prosecution *prove* what the Bible *is* before they put it in evidence.

The Court: Mr. Hays, would you raise the same objection if they attempted to file any other Bible?

Hays: Not if someone testifies that the King James version *is* the Bible, and the jury can believe or disbelieve the statement.

The Court: Let your objection be overruled. Let it be introduced as the Bible.

Hays: We except to that.

Darrow: What parts of the Bible are you going to introduce anyway? Is it the whole book, and each of us can read such passages as we want?

Stewart: Just make such excerpts as you care to take out of it. We file the whole book, and the judge can order it attached to the record in original form.

The Court: I can order the book itself sent up.

Darrow: Yes, and save that much work. We just want to know what particular *edition* it is. We can get a copy of the same book; that is all.

Stewart: This is the—

Darrow: Scofield.

Stewart: —Holman's Pronouncing Edition of the Holy Bible, containing the Old and New Testaments. Text conformable to that of 1611, known as the authorized or King James version.

Hays: The act provides that one shall not teach a certain theory, different from what is taught in the Bible, and now he undertakes to provide that he shall not teach a theory contrary to the *St. James' version* of the Bible. I presume the prosecution will be able to point out which theory of the

Creation as taught in the Bible they relied upon in prosecuting Mr. Scopes. We will *insist* upon an answer to this question.

Malone: What publishers?

Stewart: A.J. Holman & Company, Philadelphia, publishers.

Darrow: Do you know whether we can find that on sale here?

Stewart: Yes, sir, you can find that same edition on sale, I think, at Robinson's drug store.

The Court: Of course, it is a Bible in common use. We *will* have to get an extra one in this case—I take it that another copy of this same Bible can be secured without difficulty, surely, at Mr. Robinson's.

Darrow: In this small town, I don't know.

The Court: If you can't get that here, you can get it in some other town.

Examination of Mr. White continues by A.G. Stewart

Stewart: On pages 194 and 195 of this book, biology, where the doctrine of evolution and the evolutionary tree is shown by a drawing. Did Mr. Scopes say that he reviewed in April *that* with the rest of the book?

White: It is my understanding that he reviewed the important parts of the book that refer to Charles Darwin's theory of evolution.

Darrow: I turned down the leaves of that.

Stewart: They are marked.

The Court: The stenographer will mark the books as exhibits. Better mark them as we go along.

Darrow: Your Honor, one of the reporters has called my attention to the fact that they were terribly crowded coming in the courtroom over there.

The Court: If they are crowded there, let them speak up.

Darrow: We are interested in [the reporters] anyhow.

A VOICE: One of them has quit!

Stewart: This is Exhibit 1, A Civic Biology, and this is exhibit 2, the Bible. The stenographer may mark them. [And Mr. Darrow], you may cross-examine, if you care to.

Darrow: Mr. Witness, will you please speak loud?

White: Yes, sir.

Darrow: For the reporters. This book of Hunter's, what is the name of that book?

Stewart: Biology.

Darrow: I am asking the witness.

White: George William Hunter's Civic Biology.

Darrow: Where did Mr. Scopes get it?

White: [It is] in the course of study. *Mr. Robinson*, the book man for this section handled the books.

Darrow: That was the official book adopted by the [state] board, was it not?

White: In Tennessee, the [State] Board of Education does *not* adopt books.

Darrow: Who does?

White: That was the official book adopted by the Tennessee textbook commission in 1919, but the contract expired in 1924, a five-year contract.

Darrow: Had any other book been adopted in the meantime?

White: No, sir.

Darrow: And these books were to be purchased at certain places, were they?

White: Certain depositories.

Darrow: The Robinson store was one of those depositories, was it?

White: Yes, sir.

Darrow: So, [Scopes] taught this, which was the *official* book at that time?

White: Yes, sir.

Darrow: And did you ever talk with him *before* he was charged with teaching it?

White: I did not.

Darrow: You never said anything to him about it, or to any other teacher about *not* teaching it?

White: No, sir; I did not for these reasons—

Darrow: I don't care anything about the reasons. You never complained of Mr. Scopes as a teacher?

White: I had no complaint against his work in general.

Darrow: That is what I am speaking of.

White: No complaint against his work in general.

Darrow: That's all, do you know how long this book has been used?

White: Since 1909, the school year of 1909.

Darrow: That is all.

Stewart: That is all.

White: All right.

Stewart: Step down.

[**Mencken:** The witness was excused.]

Stewart: [The state calls Howard Morgan to the stand. Do you swear to tell the truth, the whole truth, and nothing but the truth so help you God?]

Morgan: [I do.]

Stewart: Your name is Howard Morgan?

Morgan: Yes, sir.

Stewart: You are Mr. Luke Morgan's son?

Morgan: Yes, sir.

Darrow: Will you speak a little louder? Some of these reporters say they cannot hear.

Stewart: Speak a little louder. Your father is in the bank here, Dayton Bank and Trust?

Morgan: Yes, sir.

Stewart: How old are you?

Morgan: 14 years old.

Stewart: Did you attend school here at Dayton Central High School last year?

Morgan: Yes, sir.

Stewart: Did you study anything under Professor Scopes?

Morgan: Yes, sir.

Stewart: Did you study this book, [A Civic Biology]?

Morgan: Yes, sir. Latter part of April.

Stewart: Now, you say you were studying this book in April; how did Professor Scopes teach that book to you? I mean, did he ask you questions and you answered them or did he give you lectures, or both?

Morgan: Well, sometimes he would ask us questions and then he would lecture to us on different subjects of the book.

Stewart: Sometimes he asked you questions and sometimes he lectured you. —Did he ever undertake to teach you anything about *evolution*— about any *theory*—

Darrow: I think, Your Honor, I will object to that. Ask him what it *is*.

The Court: What is the *difference*?

Darrow: Why—

The Court: —All right, all right.

Stewart: (*to Morgan*) Just state in your own words, Howard, what he taught you.

Morgan: Yes, sir. He said that the earth was once a hot molten mass, too hot for plant or animal life to exist upon it; in the sea the earth cooled off; there was a little germ of one cell organism formed, and this organism kept evolving until it got to be a pretty good-sized animal, and then came onto be a land animal, and it kept on evolving, and from this was man.

Stewart: Let me repeat that; perhaps a little stronger than you. If I don't get it right, you correct me.

Hays: Go to the head of the class!

Stewart: He said that in the beginning... the earth was a crystalline mass, too hot for life to exist, that it cooled off, and the soil formed and the sea formed, plant life was on the earth, and in the sea, animal life began with a little one-celled animal.

Morgan: Yes, sir.

Stewart: Which evolved and evolved and finally got bigger and became a land *animal* and the culmination was man?

Morgan: Yes, sir.

Stewart: Now, when was it he taught you this?

Morgan: Well, it was April.

Stewart: During class?

Morgan: Yes, sir. We were studying general science.

Stewart: Howard, how did he classify man with reference to other animals; what did he say about them?

Morgan: Well, the book and he both classified man along with cats and dogs, cows, *horses*, monkeys, lions, *horses* and all that.

Stewart: What did he say they were?

Morgan: Mammals.

Stewart: And you say he taught this to you [in] April of this year, in a high school of Rhea County.

Morgan: Yes, sir.

Stewart: Cross-examine.

Darrow: Let's see, your name is what?

Morgan: Howard Morgan.

Darrow: Now, Howard, what do you mean by classify?

Morgan: Well, it means classify these animals we mentioned, that men were just the same as them, in other words—

Darrow: He didn't say a cat was the same as a man?

Morgan: No, sir; he said man had reasoning power; that these animals did not.

Darrow: There is some doubt about that, but that is what he said, is it?

Laughter in the courtroom

The Court: Order.

Stewart: With some men.

Darrow: A great many. Now, Howard, he said they were all mammals, didn't he?

Morgan: Yes, sir. He said these animals were mammals and man was a mammal.

Darrow: Do you remember what he said that *made* any animal a mammal what it is, or don't you remember?

Morgan: I don't remember.

Darrow: You are like the rest of us, you don't remember all you study, I suppose. Well, we are all that way. But he said that all of them were mammals; dogs and *horses*, monkeys, cows, man, *whales*, I cannot state *all* of them, but he said all of those were mammals?

Morgan: Yes, sir; but I don't know about the *whales*; he said all these other ones.

Laughter in the courtroom

The Court: Order.

Darrow: Now, what he taught you, it has not *hurt* you any, has it?

Morgan: No, sir.

Laughter in the courtroom

Darrow: (*to Morgan*) Is there anything in this book that says man is descended from a monkey?

Morgan: No, sir; not that I know of.

Stewart: It is not in the book about man coming from the same *cell* that *monkeys* came from either, Colonel Darrow.

Morgan: I could not find it, Mr. Darrow.

Darrow: Well, [it isn't in there].

Malone: [Not even that man "descended" from monkeys?]

Darrow: [But] Professor Scopes [did say] that all forms of life came from a single cell, didn't he?

[Morgan]: Yes, sir.

Darrow: Did anybody ever tell you that before?

[Morgan]: No, sir.

Darrow: That's [about] all you remember that he told you about biology, wasn't it?

[Morgan]: Yes, sir.

Darrow: Are you a church member?

[Morgan]: Sir?

Darrow: Are you a church member?

[Morgan]: Yes, sir.

Darrow: Do you still belong?

[Morgan]: Yes, sir.

Darrow: You didn't leave church when he told you all forms of life began with a single cell?

[Morgan]: No, sir.

Darrow: That's all.

The Court: No talking in the courtroom. Who do you want next?

Darrow: That is all.

Stewart: That is all. Step down, [Howard].

[Darrow: Thank you, Howard.]

The witness is excused

Stewart: [The prosecution now calls Mr. F. E. Robinson to the stand.]

[Mencken: And he was duly sworn upon a Bible.]

Stewart: You are Robinson, known for Robinson's Drug Store?

Robinson: Yes, sir.

Stewart: Where all this thing started?

Robinson: Yes, sir. At my store.

Stewart: Did you have any conversation with Scopes with reference to his teaching the theory of evolution?

Robinson: I don't remember what date; it was the next week after school was out. Scopes said that any teacher in the state who was teaching Hunter's Biology was violating the law; that science teachers could not teach Hunter's Biology without violating the law.

Stewart: That Hunter's Biology—

Robinson: That's the *state* adopted book.

Stewart: [Then], you *except* to Walter White's testimony?

Robinson: That was a *state* adopted book. Dr. Rappleyea said, 'you have been teaching this book?' And Scopes said, 'yes.' And the doctor said, 'you got the book out of stock, but if you taught this in regard to evolution since the law was passed, you have been violating the law?' Scopes said, 'so has every other man violated the law.' Scopes said when it was passed Professor Ferguson discussed the law with him and said that a man could not teach *science* from *any* of the books published now without violating the law.

Stewart: On evolution?

Darrow: He said 'science.'

Robinson: Science.

Stewart: I didn't mean to prompt him.

Darrow: Oh I know you did not.

Stewart: Who is Professor Ferguson?

Robinson: He is Principal of Rhea County High School, where Scopes taught.

Stewart: And Scopes said he taught this book in Rhea County?

Robinson: Yes, sir.

Stewart: And he said that he [taught] it in the middle of April?

Robinson: Well, he said the last two or three weeks.

Stewart: And you are the Chairman of the School Board of this county?

Robinson: Yes, sir.

Stewart: And Scopes told you he knew the law?

Robinson: Yes, sir.

Stewart: And you discussed it with him?

Robinson: Yes, sir.

Stewart: I think that is all. You may cross-examine.

Stewart, McKenzie and Bryan must be speaking quite loudly together as Darrow begins

Darrow: He showed you a book which—

The Court: If the counsel for the state will stop; they are talking too loud.

Stewart: Beg pardon, I didn't get that?

The Court: You are talking loud, you lawyers were.

Stewart: Just conferring with each other.

Darrow: I will wait. —He showed you a book which has been entitled A Civic Biology, which I hold in my hand?

Robinson: Yes, sir.

Darrow: *You were selling them, were you not?*

Robinson: Yes, sir.

Darrow: And *you were a member of the school board?*

Robinson: Yes, sir.

Laughter in the courtroom

Darrow: I think someone ought to advise you that you are not bound to answer these questions.

Stewart: The law says teach, not sell.

Laughter in the courtroom

Darrow: And this part, on page 194 was taught, was it?

Robinson: Yes, sir.

Darrow: Well, now [let's] *read it*.

“**Doctrine of Evolution**— We have now learned that animal forms may be arranged so as to begin with very simple one-celled forms and culminate with a group which contains man himself. This arrangement is called the evolutionary series. **Evolution means change**, and these groups are believed by scientists to represent stages in complexity of development of life on earth. Geology teaches that millions of years ago, life upon the earth was very simple, and that gradually more and more complex forms of life appeared, as the rocks formed *latest* in time show the most *highly developed forms* of animal life. The great English scientist, Charles Darwin, from this and other evidence, explained the theory of Evolution. This is the belief that simple forms of life on earth gradually gave rise to those more complex and that thus ultimately *the most complex forms came into existence.*”

That is what was read?

Robinson: Yes, sir.

Darrow: How many of those [books] did you have for sale?

Robinson: Oh, I have been selling that book for six or seven years.

Darrow: Have you noticed any mental or moral deterioration growing out of the thing?

Stewart: How is that?

Darrow: Have you noticed any mental or moral deterioration growing out of the thing?

Stewart: Exception.

The Court: I sustain the exception.

Darrow: How do you get them, Mr. Robinson?

Robinson: From the depository at Chattanooga for this county. The place that the *state* designates to handle the *state* books.

Darrow: You got them from the *state* authorities. Were they adopted, as you understand it?

Robinson: By the *state* board of education.

Darrow: *State* board of education?

Robinson: Yes, sir.

Stewart: Perhaps as Mr. Darrow has seen fit to read from that part of the biology [book] in question, Your Honor, I want at this point to read [the first chapter] of Genesis in order to get it into the record.

The Court: You may proceed.

Darrow: No objection to that.

Stewart: “In the beginning, God created the heaven and earth. And the earth was without form, and void; and darkness was upon the face of the deep. And the spirit of God moved upon the face of the waters. And God said, let there be light: and there was light. And God saw the light, that it was good: and God divided the light from the darkness. And God called the light *day*, and the darkness He called *night*. And the evening and the morning were the first day. And God said let there be a firmament in the midst of the waters, and let it divide the waters from the waters; And it was so. And God called the firmament *heaven*. And the evening and the morning were the second day. And God said, Let the waters *under* the heavens be gathered together unto one place, and let the dry land appear, and it was so. And God called the dry land *earth*; and the gathering together of the waters called He *seas*: and God saw that it was good. And God said, let the earth bring forth

grass, the herb yielding seed, and the fruit trees yielding fruit after his kind, whose seed is in itself, upon the earth: and it was so; and God saw that it was good. And the evening and the morning were the third day. And God said let there be lights in the firmament of the heavens to divide the day from the night; and let them be for signs, and for seasons, and for days, and years. And God made *two great lights*: the greater light to rule the day and the lesser light to rule the night: He made the *stars* also. And God set them in the firmament of the heaven to give light upon the earth: and God saw that it was good. And the evening and the morning were the fourth day. And God said, let the waters bring forth abundantly the moving creature that hath life, and fowls that may fly above the earth in the open firmament of heaven. And God created great *whales*, and every living creature that moveth, which the waters brought forth abundantly, after their kind, and every winged fowl after his kind; and God saw that it was good. And God blessed them saying, be fruitful and multiply, and fill the waters in the seas, and let fowl multiply in the earth. And the evening and the morning were the fifth day. And God said, let the earth bring forth the *living creature* after his kind, cattle and creeping thing, and beasts of the earth after his kind: and it was so: and God saw that it was good. *And God said, Let Us make man in Our image*, after Our likeness: so God created man in His own image, in the image of God, created He them. And God blessed them, and God said unto them, be fruitful and multiply, and replenish the earth, and subdue it; and have dominion over the fish of the sea and over the fowl of the air and over every living thing that moveth upon the earth. *And God saw everything that He had made*, and behold, *it was very good*. And the evening and the

morning were the sixth day.” Now, are you through with the cross-examination? Come down.

[Mencken: The witness was excused.]

Darrow: Gentlemen, I don’t know how many more you want to put on—you have some other boys, who will testify the same? I suggest [that] you just give the names.

Stewart: One little boy in the science class with the little Morgan boy, whose testimony would be the same. Morris Stout. And Charles Hagley will testify substantially the same, and the Shelton boy. The book was [taught] about the 20th of April.

Darrow: Very well.

Stewart: *The state rests.*

Darrow: Yes. We would like to continue.

The Court: Let your witnesses be sworn.

Hays: Your Honor, before the witnesses are sworn, it is necessary for us as a matter of procedure to move to dismiss the prosecution’s case.

The Court: Let it be overruled.

Hays: Exception.

Bailiff: [Your Honor, the aisles need to be kept open. People keep moving and taking the chairs.]

The Court: It is foolish to expect the judge of the Court to provide chairs for everybody; I have as many responsibilities as I can get along with without having to attend to these details.

Darrow: Yes. Defense calls Maynard M. Metcalf.

Stewart: Just a moment, I do not mean to interrupt, but I want to impart a little information as a matter of procedure. Of course, you know we are going to except to this scientific testimony. But we have a rule in this state that precludes the

defense from taking the stand if the defendant [Scopes here] does not take the stand first.

Darrow: Well, you have already caught me on it.

The Court: That is a technicality. I will allow you to withdraw the witness, [Mr. Darrow].

Darrow: Your Honor, every single word that was said against this defendant, [Mr. Scopes]— *everything was true*.

The Court: So, he does not care to go on the stand?

Darrow: No, what is the use?

The Court: —Well, that is all.

Darrow: (*to Metcalf*) Give us your name?

Metcalf: Maynard M. Metcalf.

Darrow: What is your profession?

Metcalf: I am a zoologist.

Darrow: And just what is that?

Metcalf: It is the study of animals.

Darrow: How long have you been a zoologist?

Metcalf: Why, I began special study when I was about 14 years old. I am now 58, I think— no 57, I think that is right.

Darrow: You have not learned it all yet, have you?

Metcalf: I am afraid not.

Darrow: Where did you begin studying?

Metcalf: Why, when I was a youngster starting in at Oberlin College at the age of 14. I was there four years.

Darrow: Then what did you do?

Metcalf: I went to the Johns Hopkins University for graduate study in zoology, for four years, the usual time. Then I accepted a position as associate professor of biology at the Woman's College of Baltimore.

Darrow: You were teaching zoology there?

Metcalf: Yes, sir, I was teaching zoology with a little botany associated with it.

Darrow: And from there what did you do?

Metcalf: I went abroad, working at the Naples zoological station, spending a year and a half [there], and then spending half a year at the Institute Für in Berlin.

Darrow: And from that time?

Metcalf: I had already accepted a professorship in Oberlin, and I returned then to my Alma Mater after this work in Berlin.

Darrow: What was the professorship you accepted?

Metcalf: Zoology, the head of the department of zoology.

Darrow: And you have been there up to the present time?

Metcalf: No, I resigned to give all of my time to research. I worked in my own laboratory, which I called the Orchard Laboratory, which I and a few advanced students in Oberlin college [used]. They were working with me, but by sub-rosa arrangement.

Stewart: What kind of arrangement?

Metcalf: Sub-rosa.⁶

Stewart: Is that a zoological term?

Metcalf: No, straight Latin.

Darrow: You are thinking of Rosa.⁷

Stewart: I thought maybe it was a cigar of some kind.

Darrow: It does sound like one. *(to Metcalf)* And then what did you do next?

Metcalf: I continued that work until, I think it was three years ago, I went to the Johns Hopkins University for a year's work in connection with their laboratory, then I returned home, and the last year I have been residing in Washington.

Darrow: What were you connected with in Washington?

⁶ Latin literally translates, 'under the rose,' meaning in secret.

⁷ Probably, Darrow refers to a rose in Latin.

Metcalf: I had charge of— I was Chief of the Division of Biology and Agriculture of the National Research Committee.

Darrow: That was carried on by the *government*?

Metcalf: That was instituted by an executive order of President Wilson immediately after the war. It was really instituted during the war for the study of scientific problems associated with the war, and after the war was over, by executive order of President Wilson, it was continued for the study of scientific problems of use to the country in peace time. My appointment expired the 30th of June of this year.

Darrow: You are out of a job?

Metcalf: No, I am afraid not. I wish I were. I am to [be on the faculty of Johns Hopkins University next spring, after I return from a zoological trip to South America].

Darrow: And what position are you to hold at Johns Hopkins?

Metcalf: Associate in research, associate in zoology, a purely research position.

Darrow: You have received degrees at colleges, I will let you mention them?

Metcalf: Well, I do not think they mean much. I took A.B. from Oberlin, and took Ph.D. from Johns Hopkins and have been given doctor of science, honorary, by Oberlin, since.

Darrow: Have you held any offices in scientific organizations?

Metcalf: There are a lot of those offices which pile up on a man; he cannot avoid them.

Darrow: Are you a member of any church organization?

Metcalf: Yes.

Darrow: Which one?

Metcalf: The Congregationalist Church. Do you want to know the particular church?

Darrow: Yes.

Metcalf: I am now a member of the United Church in Oberlin, which is a Congregationalist Church. I have been a member of two other Congregationalist Churches—no, one Presbyterian and one Congregationalist.

Darrow: You have been a Presbyterian too, have you?

Metcalf: Well, I joined the Presbyterian Church when I was 11 years old, I think, I am not sure.

Darrow: And you have been connected with church activities aside from being a member?

Metcalf: Yes.

Darrow: In what way?

Metcalf: Well, in Baltimore I had charge of a Bible class in the church for about three years, [and] I had charge of a Bible class of college students in Oberlin. That is all, I think—of course I have had some church offices, but those do not mean much.

Darrow: Not unless it is treasurer or something like that.

Metcalf: No, nothing worse than deacon.

Darrow: Doctor, do you understand, or at least ever studied and read evolution?

Metcalf: Surely.

Darrow: For how long?

Metcalf: I cannot answer that question. I think I heard the word and the thought long ago. An older brother used to discuss evolutionary subjects with me until we went to sleep at night, night after night, before I was eight years old. I guess I had been brought up on it. That has been a sort of peculiar interest of mine, always.

Darrow: Are you an evolutionist?

Metcalf: Surely. Under certain circumstances, that question would be an insult; under these circumstances I do not regard it as such.

Darrow: Do you know any scientist in the world that is not an evolutionist?

Stewart: We except to that of course.

The Court: Sustain the exception.

Hays: Here we call a witness to say, among other things, that in [his] profession, it is largely accepted. Our whole case depends upon proving that evolution is a reasonable scientific theory.

The Court: I do not know how you can prove it reasonable by proving what some other person believes.

Hays: We expect to prove what *all* science says.

Metcalf: I am acquainted with practically all of the zoologists, botanists and geologists of this country who have done any work—that is, any material contribution to knowledge in those fields—and I am absolutely convinced from personal knowledge that any one of them believe, as a matter of course, that *evolution is a fact*.⁸ But, I doubt very much if any two of them agree as to the exact method by which evolution has been brought about. But I think there is—I *know* there is *not a single one* among them who *has the least doubt of the fact of evolution*.

Stewart:—Of course we do not want this part of the record to be in the papers.

McKenzie: Your Honor has the right to keep it from the jury.

The Court: I will instruct the stenographers not to give that part of the transcript to the newspapers. Do you object to that?

Stewart: I am objecting to a *general* question as to what evolution is. We maintain [this testimony be] limited to that *particular* kind described in this lawsuit.

⁸ *It's said that WJB leaned forward here, displeased.*

Darrow: (*to Metcalf*) [Then,] will you state what evolution is, in regard to the *origin of man*?

Stewart: We except to that.

Darrow: Now, we are ready—

Stewart: We except to this scientific testimony on the ground it is incompetent, because it invades the province of the Court and jury, and ask Your Honor to exclude the jury while we argue this matter.

Darrow: The jury, only one of whom ever read about evolution, is forced to say what evolution is, without hearing [scientific] evidence?

Stewart: We want Your Honor to exclude the jury. And we do not want any more questions along this line. I think we have a right to insist that the jury not hear any of the rest of those. They have a certain duty to perform.

The Court: Gentlemen of the jury, I will excuse you now until 9 o'clock in the morning. Thank you, gentlemen.

[**Bailiff:** The jury is excused.]

Darrow: I will just ask one more question.

Bailiff: Let us have order in the courtroom. Respect the Court.

Darrow: I will put two or three short ones. (*to Metcalf*) Is evolution taught in *all* the leading colleges of the world?

Stewart: We except to that, of course.

Darrow: Or the western world— I will exclude the east; I don't know about that.

Metcalf: It is in China and Japan and in India.

Darrow: And will you tell what it *means*, the *fact of evolution*?

Metcalf: A *definition* is perhaps the most difficult thing a man can ever be asked to engage in. I beg to be allowed to answer in a way that certainly will not be *adequate*, but that may be *accurate* as far as it goes.

Darrow: Do it that way, then.

Metcalfe: Evolution, I think, means change; in the final analysis I think it means change.

Darrow: Could you make any estimate: how long from the *beginning*?

Metcalfe: No. We do not know. We *do* know that there was a very abundant fauna and flora as early as the Cambrian period.

Darrow: How long ago was that?

Metcalfe: Oh, that is a hard question to answer in years. No geologist talks “years”—it is “ages.”

Darrow: More than 6,000 years ago, was it?

Metcalfe: Well, 600,000,000 years ago is a very modest guess.⁹

Darrow: [And] now, in the classification of the scientist-zoologist, where does *man* come?

Metcalfe: He is classified among the primates. Man is not a very highly evolved animal in his body. He isn't as highly specialized as a great many organisms. His hand, for example, is a very generalized structure, nowhere near as specialized as the hand of a bird, but he clearly belongs among the mammals.

Darrow: Will you give us some of the *evidences* of the evolution of *man*?

Metcalfe: The great [evidences]—and I use that word in plural—are not found in man himself, but in the whole organic world. The inherent compulsion toward evolution which is found in *all of the universe* makes a tremendous probability in favor of the evolution of man. The [evidence] is *so* convincing, I think it would be entirely impossible for any normal human being who is conversant with the phenomena

⁹ Here too, it is said WJB leaned forward, displeased.

to have, even for a moment, the least doubt [in] the *fact* of evolution. But, he might have tremendous doubt as to the truth of any *hypothesis* as to the *methods* of the evolution—which this or that or the other man, even *great* men of science might bring up.

Darrow: You say that evolution as you speak of it means including man?

Metcalf: *Surely.*

Bailiff: Now folks, we are not going to stand for that standing in the aisles! There is not going to be anybody let in here tomorrow who is not seated, they can go outside where they can hear what is going on here right on the lawn.

The Court: Colonel Darrow, it has been a pretty hard day for me. We will adjourn until 9 o'clock tomorrow morning.

FIFTH DAY

[Mencken: On the fifth day of The Evolution Case, Thursday, July 16, the Court rapped for order and opened again with prayer, from Dr. Allen this time, whose name had been put forward by the pastors' association. And upon opening the Court, the jury was instructed to retire because:]

Stewart: We want to confine this, so far as the record is concerned. It is the insistence of the state that *no* theory of evolution is competent for the record, before the jury or anybody else, *except* that theory that teaches that *man* descended from a lower order of *animals*. This gentleman, Dr. Metcalf, said yesterday in a very fair statement that there were different theories, some true, some perhaps not true, and so forth, but to that *particular* theory, about which the act itself speaks, we want this inquiry confined. Will you gentlemen

just *state* what you expect to show and let us make our exception?

Darrow: We expect to show by men of science and learning—both scientists and real scholars of the Bible—men who know what they are talking about—who have made some investigation—we expect to show first what evolution is, and secondly, that any interpretation of the Bible that intelligent men could possibly make is *not* in conflict with *any* story of *Creation*—while the Bible, in many ways, *is* in conflict with *every* known *science*. A jury cannot decide this important question—which means *the final battle ground between science and religion* according to our friend, [“The Prince of Peace”¹⁰] here—without knowing both what evolution *is*, and the *interpretation* of the story of Creation.

Stewart: The state moves to exclude the testimony of the scientists by which the counsel for the defendant *claim*: they *may* be able to show that there is no conflict between science and religion. The wording of the act interprets itself; Mr. Scopes taught that man descended from a lower order of *animals*; the act states *that* should be unlawful; and for these reasons, this testimony would be incompetent. In other words, they cannot come in here and try to prove that what *is* the *law* is *not* the *law*. That would be the effect of it.

The Court: That is your motion, general?

Stewart: Yes, sir, it is part of the motion, Your Honor—

[McKenzie]: If Your Honor please. It is, I think, apparent to all that we have now reached the heart of this case. Whether this expert testimony will be admitted largely determines the question of whether this trial, from now on, will be an orderly effort to try the case upon the issues raised by the indictment,

¹⁰ *The title of a lecture (published) by WJB.*

or whether it will degenerate into a joint debate upon the merits or demerits of *someone's* views upon evolution. Now, what are the issues in this case, if the Court please? The indictment simply charges that John Scopes taught, in violation of law, that man has descended from a lower order of animals, and the state has offered evidence tending to prove that he did so teach. As a matter of fact, this evidence has not been *controverted* by the defendant! The facts are *agreed* upon on *both sides*. What issue of *fact* is there left for the *experts* to express an *opinion* on? There is no issue of *fact* upon which expert testimony is either proper or necessary. If the Court please, as the state sees this case, the *only* issue this jury has to pass upon is whether or not *what John Scopes taught is a violation of the law*. That is the issue, and it is the *only* issue that the jury is to pass upon, and we *maintain*: to permit an expert to testify upon this issue would be to [substitute] a trial by *experts* for a trial by *jury*, and to *announce* to the world *Your Honor's belief that this jury is too stupid to determine a simple question of fact! I, therefore, respectfully urge Your Honor to sustain the objection of the state to the introduction of this testimony.*

The Court: Be at ease.

Hays: If Your Honor please, I am learning every day more about the procedure in the state of Tennessee. First, our opponents objected to the jury hearing the *law*; now, they are objecting to the jury hearing the *facts*. Certainly, no court has ever held it to be dangerous to admit the opinions of scientific men in testimony. Jurors cannot pass upon debatable scientific questions without hearing the facts from men who know. Is there *anything* in Anglo-Saxon law that insists that the determination of either court or jury must be made in ignorance? Of course, Your Honor knows that isn't the law.

Under the law, anything is relevant that tends to throw light on the subject—and particularly in a case like this, evidence *must* be introduced to inform the Court [because:]

I say, as I look at it, there are two laws in this state; one of which compels a teacher to use a book, and the other of which makes it a crime for him to use that same book. I don't think the Tennessee legislature *meant to make it a crime to teach things in that book* [while] at the same time *compelling the teacher to use that book*. If your state of Tennessee *intended* to make that a crime, well, it has done something I believe no other state in the Union has ever done since the Union was founded—and I don't think the state *has* done it— [and the] reason *why* [is because] those two statutes can be *reconciled*, [and that] will come out in *evidence*.

When you gentlemen find out what evolution is, we think you are *compelled* to take our theory because of those two laws which are diametrically opposed *unless* you [reconcile them] by finding out what the facts are [about evolution]. And wholly aside from that, Your Honor said before this matter came up that *you* called *this case* an *investigation*— and if the statement is incorrect, Your Honor will correct me. I am reading: “a judge should begin *all investigations* with an open mind and should never hastily and rashly rush to conclusions. So long as there is any question of either law or fact in doubt he should diligently inquire for the truth.” When Your Honor said *that*, you wanted to hear the *facts*. *Who* is *afraid* of the statement of *facts*? Or do our friends on the prosecution feel that our scientists merely state *opinions*, and give no evidence of facts? I assume that Your Honor takes this up with an open mind.

The Court: Oh, yes.

Hays: Your Honor, this is a serious thing. It is an important case. The eyes of the country, in fact of the world, are upon you here.

The Court: I will hear you all.

[McKenzie]: If Your Honor please, in regard [to] the state of Tennessee, our Higher Courts have said that expert evidence is largely a field of speculation, and that it is full of pitfalls; that it is full of danger and must be received with great caution. [And,] if Your Honor please, the words of the *statute itself* preclude the introduction of such testimony as they are trying to bring into the case. I call Your Honor's attention to the last clause of this act: they are very careful to omit it— they are very careful to leave out any mention of Section 1 of the law which reads: “it shall be unlawful for any teacher to teach any theory that denies the story of the Divine Creation of man, and to teach *instead*”— instead of what?— “*instead* of the story of Divine Creation as taught in the Bible, that man has descended from a lower order of animals.” Now, this proof is amply shown, that Mr. Scopes taught that man descended from a lower order or animals—

The Court: Do you think that that meets the requirements of the statute?

[McKenzie]: Absolutely. There is no question as to that, Your Honor. On the construction of any statute, our Courts hold this, if one clause of that statute is vague, you must construe the whole statute together and see what is the *intention* which our legislature *intended* to put into that act. It says it is [unlawful] to teach evolution *instead*— instead of what?— *instead* of the Bible story of Creation, that man has descended from a lower order of animals. Now, down here in Tennessee, we believe in Tennessee law. And what is the purpose of *this*

law? It is to prevent the teaching in our schools that man descended from a lower order of animals, and when [Mr. Scopes] taught that, as has been proven by our proof in chief, [Mr. Scopes] *violated* the law and *cannot* get around it! [In] that last clause of this act, the legislature set forth their *intention* of what they *intended* to do; that is just as plain as can be!

The Court: Now, if I understand you correctly, [Colonel McKenzie], you say— you *insist*— that the state proved that he taught that man descended from a lower order of animals, and that by implication, this proof meets the requirement of the first clause of the act?

[McKenzie]: Absolutely. It prohibits *any* teacher in *any* public school from teaching *any* theory *instead*— instead of what?— *instead* of the Divine Creation as taught in the Bible. To teach *instead*— *instead of what?*— that is my point.

The Court: What does this proof show? That Mr. Scopes taught that this little cell of life first evolved into a lower order of animals; is that your insistence?

[McKenzie]: [The book] says it [first] began in the sea.

The Court: In the sea?

[McKenzie]: As a little one-celled animal, and it continued to evolve on up through different stages of life until it culminated in man himself.

The Court: Before it culminated in man, if it went directly from one cell [to a man] and never crystallized into a lower animal—

[McKenzie]: That is not the proof!

The Court: What is the proof?

[McKenzie]: The proof shows it started as a one-celled animal and then developed along for a while in the sea, and it developed up, and *crawled* out on the bank.

The Court: And developed into what?

[McKenzie]: Into a higher form of life.

Stewart: That all *animal* life developed from one cell, from the same egg, the man, the *monkey*, the horse, the cow, everything.

Darrow: That *is* what it is, all animal life began in that one cell.

The Court: Is it the state's insistence that it never did develop into different animals, but came direct to man?

[McKenzie]: No, sir...

The Court: I am trying to get your theory. It might be of one common origin, and from that one common origin, fowl, beast, fish, and man came. Now, do *you* understand them to say that from this one cell, it developed *directly* into man without first having become a different kind of animal?

[McKenzie]: No. That is not the proof.

Stewart: *Through* all different kinds of *animal* life.

The Court: Well, all right.

[McKenzie]: Now, if Your Honor please, the only issue here in this case is whether or not Professor Scopes taught man descended from the lower order of animals. To make a special issue of these experts is an unheard-of procedure in the courts of Tennessee. We are not endeavoring to run here a teachers' institute; we do not want to [turn this Court of law into] a high school or college; we do not object to these *foreign gentlemen* coming into Tennessee—

The Court: Do not call them that.

[McKenzie]: They call themselves that.

Malone: That is all right.

The Court: That is all right.

[McKenzie]: We do not object to them coming into Tennessee and putting up a college— we will *give* them the ground to

put the college on if they want to educate the people of Tennessee, as they say they do. But this is a court of law, it is not a court of instruction for the mass of humanity at large. They, themselves, *admit* that it is their purpose, Your Honor, to *enlighten* the people of Tennessee! They come in to interpret *our* law, *our* legislature. What do *they* know about the *Bible*?

Malone: May it please Your Honor, I do not know whether he is talking about the attorneys or the witnesses.

[McKenzie]: I am talking about the witnesses! I will talk about you gentlemen later!

Hays: We want you to hear [the witnesses] first before you decide.

Darrow: After they testify, the state's motion would be to strike their testimony, if you do not know.

[Malone]: I might say, we have a very distinguished Tennessean, the state geologist, Wilbur Nelson.

Stewart: [I might say], we would get along better if there were less heckling.

The Court: [Then] proceed.

[McKenzie]: Go to it. Any question you would like to ask.

Darrow: There is one question I would like to call your attention to. A question of law. I would like to have your view on it. Now, in order to make your act constitutional, it must be *against* evolution¹¹. Does the Court get me?

The Court: Yes.

Darrow: —Do you?

[McKenzie]: —Yes.

Darrow: Unless the act itself is *against* evolution [and not *for*]—

¹¹ *Against evolution and not for a religion. Of course, the act would be unconstitutional if it established a 'state religion' (First Amendment).*

McKenzie: If Your Honor please, I do not care to take that up. Your Honor has held that the act is constitutional. We have done crossed the Rubicon. Your Honor has held that the act was reasonable, that it was a valid exercise of the police power of the state of Tennessee, and that Tennessee had the right to regulate its common schools and prescribe any curriculum it desired. That never left anything on the face of the earth to determine except as to the guilt or innocence of the defendant in *violating* that act.

The Court: (*because he was interrupted*) I will hear you, [Mr. Darrow].

Darrow: I am saving up.

The Court: General McKenzie, let me ask you a question. Is this your position, that the story of the Divine Creation is so clearly set forth in the Bible, in Genesis, that no reasonable minds could differ as to the method of Creation, that is, that man was created, complete, by God?

McKenzie: Yes.

The Court: That God created Adam first as a complete man; did not create a single cell of life.

McKenzie: That is right.

The Court: The cell did not develop in time.

McKenzie: That is right. And man did not descend from a lower order of *animals* that originated in the *sea* and then turned from one animal to another and finally man's head shot up.

The Court: Here is what I want to get, now, in order to make a case, does the state have to *prove* that the defendant Scopes taught a theory *denying* the Divine Creation, and *then prove* that he taught man descended from a lower order of animals; or do you claim that if you meet the second clause [that he

taught evolution], by implication of law, you have met the requirements of the first [that he denied Divine Creation]?

McKenzie: Yes, that is exactly it.

The Court: Now, General, just suppose it stopped there, and the other clause was stricken out, [that he taught evolution], would this proof be competent [that he *denied* Divine Creation]?

McKenzie: —I think not. No, sir. I do not. But the law goes further and says, “teach *instead*.” Now, if Your Honor please, [the defense] don’t want to destroy [the Biblical] account.

The Court: They want to reconcile—

McKenzie: They are seeking to reconcile it, if Your Honor please, and *prove* by the mouth of their *scientists* that when *God said* He created *man* in *His own image*, in *His own image created*— they want to put words into *God’s* mouth, and have *Him* say that He issued some sort of *protoplasm*, or *soft dish rag*, and put it in the *ocean* and said, “old boy, if you wait around about 6,000 years, I will make something out of you.”

Laughter

Darrow: When it said, “in His own image,” did you think that meant the physical man?

McKenzie: I am taking the Divine account, “He is like unto me.”

Darrow: Do you think it is so?

McKenzie: I say that, although I know it is awfully hard on our Maker to look like a lot of fellows who are profusely ugly, to say they favored the Master. I don’t mind *your* favoring Him, but there ought to be some remedy for it.

Darrow: You think the physical man is like God? I think God knows better. You think to *believe* the Bible, you *must believe* the physical man as we see him looks like God.

McKenzie: Yes, sir.

Darrow: And when you see man, you see a picture of God.

McKenzie: Like unto Him and made in His image; and the reason why I believe that *firmly* is because the Bible teaches it! When Christ came to earth— and I believe in the virgin birth—

[Hays]: Mr. McKenzie?

McKenzie: What is it, Mr. [Hays], do you want to ask a question?

[Hays]: Do you think if a teacher in the Tennessee schools, if they *failed* to teach that man is physically like God, would *that* be violating the statute?

McKenzie: —Well, we will try that when we get to it. Let us talk about the matters involved in *this case*.

Darrow: Let me ask another question?

McKenzie: All right.

Darrow: He should give me the title of Colonel. He is calling everybody else Colonel. You spoke about it taking a good many years to get a man under *our* theory. The *Bible* says there was the first day, the second day, the third day, the fourth day, the fifth day, the sixth day, and so on. Do you think they were literal days?

McKenzie: *Colonel*, we didn't have any sun until the fourth day. I believe in the Biblical account. Now, in regard to Christ being just a man, walking around looking like us, I believe he *was* the same, a man of sorrow and grief, crucified for us. And I believe that still. And when He was here, He was like other men, but *He* was in the image of God. And that is why I believe He was in the image of *man*.

Malone: Your Honor, I am objecting, on this ground. I don't know whether the general is arguing now or testifying as an expert witness on the other side.

McKenzie: He objects to *me*, yet *he* made a speech yesterday, it was on *eviltion*, and it was *not competent*.

Malone: The judge admitted it.

McKenzie: Yes, and he is the *best* judge in the world. Now, if the Court please, I say they are seeking to put words into the mouth of God and substitute another story, entirely different to God's word.

Darrow: I think you misunderstand our position. What we claim is there is no question among intelligent men about the *fact* of evolution; as to how [that evolution] came out, there is a great deal of difference—

McKenzie: That is it! *You don't know*. You just absolutely jangle along, going in one door and out the same door. I wonder if that [Mr. Metcalf] has ever read the Bible.

Darrow: He had one with him.

McKenzie: I don't know where they got their [witnesses], but they are putting [evidence] up against the word of God. I reckon the next thing—

Hays: May I interrupt you for a moment?

McKenzie: Yes, sir.

Hays: You seem so *sure* as to what our witnesses are *going* to testify. We have not brought our witnesses out; how is it that you are in a position to know what they are going to say?

McKenzie: You know *no* expert testimony is competent in this case— I think *this* is competent.

The Court: He asked you how you know what they were going to testify.

McKenzie: —His witness swore the truth when he said none of them *know*. He said they didn't *know*, and I think [he told] the truth. (*to Hays*) Do *you* believe the story of Divine Creation?

Hays: That is none of your business.

McKenzie: Then don't ask *me* impertinent questions. I will say to you that I have as little concern as to where *you* emanated from, or as to where you are *going*, as any man I ever met.

Hays: Now, may I ask for an apology, Your Honor?

The Court: Yes, sir.

McKenzie: I didn't mean to give offense; I beg your pardon.

Hays: —It is like old sweethearts made up.

The Court: Well, I believe Mr. Bryan then will speak next for the state?

Bryan: (*Bryan's Speech*) If the Court please, I haven't thought it proper until this time to take part in the discussions; but today we come to the discussion of a very *important* part of this case; I have been tempted to speak at former times, but I have been able to withstand the temptation. The principal attorney has often suggested that I am the arch conspirator, and that I am responsible for the presence of this case, and I have almost been credited with leadership of the ignorance and bigotry which he thinks could alone inspire a law like this. [The defense] says that before [they] got here, [they] read that I said this was to be a *duel to the death*, between science— was it? And revealed religion. Well, my friend[s], when I said that, [I must have foreseen what I could not yet know]; that this question between *religion* and *irreligion* is *so important*, that even the invoking of [*prayer*] upon it might seem *partisan* and *partial*.

[Now,] when we come to consider the *importance* of this question, *all* of us claim what Your Honor so graciously grants— a hearing. I have got down here for fear I might forget them, certain points that *I* desire to present for Your Honor's consideration...

(reads) We have proven, by that textbook, what [Professor Scopes] taught; we have proven, by the students who went to hear him: he violated the statute. And more than that, we have *his own confession* that he *knew* he was *violating the statute*. We have the testimony here of Mr. White, the *superintendent of schools*, who says that *Mr. Scopes told him* he could not teach that book without violating the law. We have the testimony of Mr. Robinson— the Head of the *Board of Education*— and Mr. Scopes told *him* that he had reviewed that book just before the school closed and that he could not teach it without teaching evolution and violating the law, and that he and one of the teachers, Mr. Ferguson, had talked it over *after* the law was passed and had decided they could not teach it without violation of the law, and yet— Mr. Scopes *proceeded to violate the law*.

(says) That is the evidence before the Court, and we do not need any expert to tell us what this *law* means. The people of this state passed this law, the people of this state *knew* what they were doing when they passed this law, and they *knew* the dangers of the doctrine [of evolution]— they did not want it taught to their children, and my *friends*—

[The Court: (he should be addressing the Court) Ahem.¹²]

Bryan: Excuse me— Your Honor, it isn't proper to bring experts in here to try to *defeat the purpose* of the *people of this state!* Has it come to a time when the minority can take charge of a state like Tennessee and *compel* the majority to

¹² This and following 'ahems' are imposed on the transcript's record; historians frequently state Bryan was corrected/embarrassed for addressing the crowd ('my friends') rather than the Court throughout this speech.

pay their teachers while they take *religion* out of the *heart of the children* of the *parents* who *pay* the *teachers*? [The Bible] is the book that is outlawed, [not biology]!

No matter when this law was passed; no matter what the Board of Education has done; no matter whether they put their stamp of approval upon that book of biology or not, the moment this law became a law, anything in that book contrary to this law was *prohibited*, and nobody knew it better than Mr. Scopes himself.

There is that book! Your Honor, we do not need any *experts* to come in here and tell us about this thing! We have little—what is the Morgan boy’s first name?

A VOICE: Howard.

Bryan: (cont.) Little Howard Morgan understood *this*— *this* is the book they were teaching your children that man was a *mammal* and so indistinguishable among the *mammals* that they leave him there with thirty-four hundred and ninety-nine other *mammals*.

Laughter and applause

Bryan: (cont.) Including elephants? Talk about putting Daniel in the lion’s den! How dared those scientists put man in a little ring¹³ like that with lions and tigers and everything that is bad! The scientists think of shutting man up in a little circle like that with all these *animals*, that have an *odor*¹⁴ that extends beyond the circumference of this circle, my friends!

Extended laughter

¹³ *Facsimile image from A Civic Biology follows this text where the “little ring”/ “little circle” can be seen.*

¹⁴ *It’s said that Malone’s jaw dropped at this, and that Stewart seemed uncomfortable.*

Bryan: (cont.) We do not need experts to tell us about *this*. The Christian believes man came from *above*, but the evolutionists believe he must have come from *below*.

Tell me that the parents of this day have not any *right* to declare that *children* are *not* to be taught this doctrine? Shall *not* be taken down from the high plane upon which God put man? Shall be detached from the throne of God and be compelled to link their ancestors with the *jungle*, tell that to these children? My friends, this is the doctrine that *they* want taught, this is the doctrine they would *force* upon the schools, where *they* will *not* let the *Bible* be read!

Let me read you what *Darwin* says, if you will pardon me [using these long words]—

Malone: What is the book, Mr. Bryan?

Bryan: The Descent of Man by Charles Darwin. “The Simiadae then branched off into two great stems, the new world and the old-world monkeys, and from the *latter*, at a remote period, man, the wonder and glory of the universe proceeded.” —Not even from *American monkeys!* But from *old world monkeys!*

Laughter

Bryan: (cont.) [There] my *friends* we have our glorious pedigree— that is what *Darwin* says. My friends—

[The Court: Ahem.]

Bryan: I beg pardon, if the Court please, I have been so used to talking to an audience instead of a court that I sometimes say, “my friends,” although I happen to know not all of them are my friends.

If the gentlemen will brace themselves for a moment, I will say I am a member of the American Academy for the Advancement of Science; and it is true today, every effort they have taken up to show the origin of species has failed. Every one— every one. Evolution is not a theory but a hypothesis. There is not a single so-called expert who can trace *one single species to any other*. And yet they call *us* ignoramuses and bigots because we do not throw away our Bible and accept it as *proved* that evolution is a *fact* when *they cannot prove it*— and they *demand* that we allow them to teach this *stuff* to our *children!* Now, my friends,

[ahems]

I want you to know that they not only have *no proof*, but they cannot find the *beginning*. I suppose this distinguished *scholar* who came here *shamed* them all by his number of *degrees*— he did not shame *me*, for I have *more* than he has, but I can understand how my friends *felt* when he unrolled degree after degree. Did *he* tell you: where life began? Did he tell you: that back of all these, that there was a *God?* Not a word about it. Did he tell you how life *began?* Not a word; and not *one* of them can tell you *how* life *began*. The *atheists* say it came some way without a God; the agnostics say it came in *some* way, they know not whether with a God or not. And the Christian evolutionists say we come away back there somewhere, but they do not know how far back— [not *one* of them can] give you the *beginning!*— No, they take up life as a *mystery* that *nobody* can explain, and they want *you* to let them commence there and *ask no questions*. They want to come in with their padded-up evolution that commences with *nothing* and ends *nowhere*. They do not *dare* to tell you that it ended with *God*. They come here with this bunch of *stuff* that they call *evolution*, that they tell you that *everybody believes*

in— but do not know that *everybody knows* as a *fact*, [that *none* of them] can tell how it *came*, and they do not *explain* the *great riddle of the universe*— they do not *teach* the *great science* of how to *live*— and yet *they* would undermine the *faith* of these little *children* in that *God* who stands back of *everything* and whose *promise* we have that *we shall live with Him forever* by and by. **They shut God out of the world.**¹⁵ They do not talk about God. *Darwin* says the beginning is a *mystery unsolvable* by us. *He* does not *pretend*, to say how these things *started*.

The Court: [So], the theory is, Colonel Bryan, that [if] God did not create the *cell*, it *cannot* be reconciled with the Bible?

Bryan: Of course, it could not be reconcilable with the Bible.

The Court: Before it could be reconciled with the Bible, it would have to be admitted that *God created the cell*?

Bryan: There would be no contention about that, but even if they put God back there, it does not make it harmonious with the Bible. This principle of evolution disputes the *miracle*. There is no place for *miracle* in this train of evolution. They eliminate the virgin birth— that means that they eliminate the resurrection of the body— that means they eliminate the doctrine of atonement and they believe man has been rising all the time, that man never fell, that when the Savior came there was not any reason for His coming— that He lies in His grave.

And when Christians of *this state* have *tied [their own] hands* and said, ‘we will not take advantage of *our* power to teach religion to *our* children, by teachers paid by *us*,’ these people come in from the *outside* of this state, and *force* upon the

¹⁵ *It’s said that he stifled a sob.*

people of this state, and upon the children of the taxpayers of this state, a doctrine that *refutes* not only their belief in God, but their belief in a *Savior* and belief in *Heaven*, and takes from them *every moral standard* that the *Bible gave us!*

Darrow: Your Honor, I want to object. There is not a word of truth in it; there was not a word of criticism—

Bryan: The gentleman called as an expert did not qualify as an expert on the Bible except to say he taught a Sunday school class!—

Malone: We were not offering him for that purpose. We expect to be able to call experts on the Bible.

Bryan: Oh, you did not *count* him as an *expert*?

Malone: We count him as a Christian, possibly not as good as Mr. Bryan.

Bryan: Oh, you have [different] kinds [of experts] to be called.

Malone: No, just Americans.

Bryan: We are to have [different] kinds of experts called: the expert scientist, the expert Bible men, and then just Christians.

Malone: We will give you all the information you want, Mr. Bryan.

Bryan: Thank you, sir. I think we have all we want *now*.

Applause

Bryan: (cont.) Now, Your Honor, when it comes to Bible experts, do they think they can bring them in here to instruct the members of the jury, eleven of whom are members of the church? I submit that more of the jurors are experts on what the Bible *is* than any Bible expert who does not subscribe to the true spiritual influences or spiritual discernments of what our Bible *says*.

VOICES in the Audience: Amen!

Darrow: I hope the reporters got the amens in the record.

Laughter

Bryan: The one beauty about the Word of God is, it does not take an expert to understand it. People who never saw a book, who [can't] read, and yet can understand the Bible, and they can accept the salvation that the Bible offers. Therefore, Your Honor, we believe that this evidence is not competent; this is not a mock trial, this is not a convocation brought here to allow men to come and stand for a time in the limelight and speak to the world from the platform of Dayton!

Why should we prolong this case? My friends,

[ahems]

No jury, great or small, is going to *destroy the issue* between the *believer* and the *unbeliever*. No, we are *not* going to settle that question *here*. I think we ought to confine ourselves to the *law* and to the evidence that can be admitted in accordance with the *law*. Your Court is an office of this state, and we who represent the state as counsel are officers of the state, and we cannot *humiliate* the great state of Tennessee by admitting for a moment that people can come from anywhere and protest against the enforcement of *this state's laws* on the ground that it does not conform *with their ideas*. Or because it banishes from our schools a thing that *they believe in* and think *ought to be taught* in spite of the *protest* of those who *employ the teacher* and *pay him his salary*.

The facts are simple, the case is plain, and if those gentlemen want to enter upon a larger field of "educational" work on the subject of evolution, let us get through with this case and then convene a mock court for it will deserve the title of "mock

court” if its purpose is to banish from the *hearts* of the *people* of the *world* the *Word of God* as revealed!

Great applause and commotion in the courtroom

The Court: Colonel Darrow, did you have a statement to make?

Darrow: You *cannot* destroy *thought*! It is the duty of a school, as I perceive it, to be the great storehouse of *wisdom* of the ages, and to let students go there, and learn, and choose. [If today you can take a thing like evolution and make it a crime to teach it in the public school, tomorrow you can make it a crime to teach it in the private schools. At the next session you may ban books, and the newspapers. Soon, you may set Catholic against Protestant, and Protestant against Protestant, and try to foist your own religion upon the minds of men. If you can do one, you can do the other. Ignorance and fanaticism is ever busy and needs feeding. Always it is 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.

After 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 fagots¹⁶ to burn the men who dared to bring any intelligence and enlightenment and culture to the human mind!

I do not pretend to be a prophet, but I do not need to be a prophet to know. Your Honor knows the fires that have been lighted in America to kindle religious bigotry and hate— and

¹⁶ *Bundles of sticks used for kindling fires.*

there is no suspicion which possesses the minds of men like bigotry and hatred. You can refuse to open your eyes, you can stick your fingers in your ears so you cannot hear if you want to, but your life and my life and the life of every American citizen depends after all upon the *tolerance* and *forbearance* of his *fellowmen*. If men are not *tolerant*, if men cannot *respect* each other's *opinions*, if men cannot *live and let live*, then *no man's life is safe, no man's life is safe.*] But here, along comes somebody who says, we have *got* to believe as *they* believe, and makes it a *crime* to know more than I know!

The Court: All right, Colonel, be certain to return to the [case].

Malone:¹⁷ If the Court please, it does seem to me that we have gone far afield in this discussion. However, probably this is the time to discuss everything that bears on the issues of this case, and I have been puzzled and interested at the psychology of the prosecution; I find it difficult to distinguish between Mr. Bryan, the lawyer in this case, Mr. Bryan, the propagandist outside of this case, and the Mr. Bryan who made a speech *against science* and *for religion* just now— Mr. Bryan, my old chief and friend. I know Mr. Bryan. I don't know Mr. Bryan as well as Mr. Bryan knows Mr. Bryan, but I know this, that he *does believe* in the Bible.

But I think it is a poor excuse for the leader of the prosecution to cast reflection or aspersions upon the men and women of the *teaching profession* in this country. *God* knows, the *poorest paid profession in America* is the *teaching profession*, who devote themselves to science, forego the gifts of God, consecrate their brains to study, and eke out their lives as

¹⁷ *It's said that until this point, only Malone had retained his suit coat; he removed it at this time.*

pioneers in the fields of *duty*, finally hoping that *mankind will profit* by their efforts, and to open the doors of *truth*. Are we to have our children know nothing about science except what the *church* says they shall know? I have never seen harm in learning and understanding, in humility and open-mindedness; and I have never seen clearer the need of that learning than when I see the attitude of the prosecution, who attack and refuse to accept the information and intelligence, which expert witnesses will give them!

We have been *told* here that this was not a religious question. I defy anybody, after Mr. Bryan's speech, to believe that this was *not* a religious question. Mr. Bryan— who brought *all* of the *foreigners* into the case. Mr. Bryan— who offered his services from *Miami, Florida*.

If it be wrong for American citizens from other parts of this country to come to Tennessee to discuss issues which *we* believe, then Mr. Bryan has no right here, either. It was only when Mr. Darrow and I heard that Mr. Bryan had offered his name and his reputation to the *prosecution* of this young *teacher*, that we said, "well, we will offer our services to his *defense*." And moreover, Your Honor, we maintain that we have a *right* to call witnesses to show that there is *more than one theory of the Creation in the Bible*. Mr. Bryan is not the only one who has spoken for the Bible; Judge McKenzie is not the only defender of the word of God. There are other people in this country who have given their whole lives to God— Mr. Bryan, to my knowledge, with a very passionate spirit and enthusiasm, has given most of his life to *politics!* We believe—

Applause

The Court: Mr.—

Malone: Is that any reason that I should fall down when Bryan speaks of theology? Is he the last word on the subject? I remember in my history, the story of the burning of the great library at Alexandria, and just before it was burned to the ground, the Egyptians went to the hostile general and said, “Your Honor, do not destroy this great library, because it contains all the *truth* that has been gathered,” and the Mohammedan general said, “but the *Koran* contains all the *truth*. If the library contains the truth that the *Koran* contains, we do not need the library, and if the library does *not* contain the truth that the *Koran* contains, then we must destroy the library anyway.”

These gentlemen say, “the *Bible* contains the *truth*— if the world of *science* can produce any truth or facts *not* in the *Bible* as we understand it, then *destroy science*, but keep our *Bible*.” And we say, “keep your *Bible*!” Keep it, as your consolation, keep it, as your guide, but keep it where it belongs, in the world of your own conscience, in the world of your individual judgement— keep your *Bible* in the world of theology where it belongs and do not try to tell an intelligent world and the intelligence of this country that a book written by men who knew none of the facts of science can be put into *a course of science*— because what are they doing here? This law says what? It says that no theory of creation can be taught in a course of *science*, except that which conforms with the theory of *Divine Creation* set forth in the *Bible*! In other words, it says that *only the Bible* shall be taken as an authority on the subject of *evolution*, in a course on *biology*.

The Court: Let me ask you a question, Colonel? It is *not* within the province of this Court to *decide which is true*, is it?

Malone: No. But it *is* within the province of the Court to *listen to the evidence* we wish to submit and to *make up its own mind*.

Your Honor, the prosecution inside and outside of the Court has been ready to try the case, and this *is* the case. What is the *issue* that has gained the attention, not only of the American people, but people everywhere? Is it a mere technical question as to whether the defendant Scopes taught a *paragraph* in a book of *science*? You think, Your Honor, that the News Association in London— which sent you that very complimentary telegram you were good enough to show me— sent it because the *issue* is whether John Scopes taught a couple of paragraphs out of a book? Oh, no, the *issue* is as broad as Mr. Bryan himself has *made it*. The issue is as broad as Mr. Bryan has *published it*— and why the *fear*? If the issue is as broad as *they make it*— why the *fear* of *meeting the issue*? I feel that the prosecution here is filled with a *needless* fear. I believe that if they withdraw their objection and hear the evidence of our experts, their minds would not only be improved, but their souls would be purified. I believe and we believe that men who are God-fearing, who are giving their lives to study and observation, and to the teaching of the young— are the teachers and scientists of this country. Do [teachers] destroy the morals of children to whom they have dedicated their lives? Are preachers the only ones in America who care about our youth? Is the church the only source of morality in the country?

And I would like to say something for the children of this country. We have no fears about the young people of America. They are a pretty smart generation. The least that

this generation can do, Your Honor, is to give the *next* generation all the facts, all the available data, all the 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. For God's sake, let the children have their minds kept open— close no doors from them. *Make the distinction* between theology and science. **Let them have both. Let them both be taught. Let them both live.**

We can *prove* by witnesses whom we have brought here and are proud to have brought here, to *prove*, we say, that *there is no conflict between the Bible and whatever he taught*. Your Honor, in a *criminal* case we think the defendant has a *right* to put in *his own case*, on *his own theory*, in *his own way*. Why! Your Honor, after you hear the evidence, if it is not informing to the Court and to the jury, you can exclude it— you can strike it out.

Mr. Bryan, just a week ago, spoke of this jury system as a seal of freedom for free men in a free state! [But] *who has been excluding the jury for fear it would learn something?* Have we? Who has been making the motions to take the jury out of the courtroom? Have we? We want *everything* we have to say on religion and on science *told*, and we are ready to submit our theories to the direct and cross-examination of the prosecution.

We have come here to tell the *truth* as we understand it. We do not fear all the truth *they* can present as *facts*. The *truth*

always wins, and we are not afraid of it. The truth is no coward. The truth does not need the forces of government. The truth does not need Mr. Bryan. The truth is imperishable, eternal, and immortal and needs no human agency to support it. We have come here ready for a battle. We are ready. We are ready. We feel we stand with progress. We feel we stand with science. We feel we stand with intelligence. We feel we stand with fundamental freedom in America. We are not afraid. Where is the fear? We meet it. Where is the fear? We defy it. We ask Your Honor to admit the evidence as a matter of *correct law*, as a matter of *sound procedure*, and as a matter of *justice* to this defense of this case!

*Profound and continued applause*¹⁸

Bailiff: (*raps for order*;¹⁹ *then is presumably handed a note*) Is the Reverend Dr. Jones or the Reverend Dr. Cartwright in the house? An old resident of Dayton, Mr. Blevins, has passed away and his funeral will be this afternoon at 4:30; those wishing to attend may do so. Pass out quietly.

Stewart: Your Honor.

The Court: I will hear you, General Stewart.

Stewart: This discussion, which is supposed to be a purely legal discussion, has assumed many and varied aspects...

¹⁸ *After an instant of spellbound silence, applause rocked the courtroom. Men leaped from their seats. "Great God!" Darrow whispered to Mencken, who was sitting nearby, "the scoundrel will hang the jury!" Malone had been so good, he feared, that there'd be no verdict. "Dudley," Bryan said to Malone, "that was the greatest speech I have ever heard!" "Thank you, Mr. Bryan," Malone replied, "I am sorry it was I who had to make it." B. Wineapple (Keeping the Faith)*
¹⁹ *It's said that even as the bailiff rapped for order, he too, was cheering.*

I believe that *civilization* was one time at a very low ebb. I believe [*civilization*] was in an embryonic stage, so to speak. I believe that *man* is more or less a *caveman*; and I think sometimes when our tempers get ruffled that we have sufficient evidence of *that fact*— as I am sure [the defense] will agree with me. I do not ascribe to this theory of evolution, however, which undertakes to *teach in defiance of the law of the state of Tennessee*, that man descended from a lower order of *animals*. I *don't* believe that I came from the same cell with the *monkey* and the *ass*.

If you place scientists upon the witness stand, they must confine themselves to that branch or theory of evolution which teaches that man descended from a lower order of *animals* because: *the act says so*. Because the act states in so many words, that they *shall not teach that man descended from a lower order of animals*.

That being true, then, if the Court please, I think we have proved it sufficiently. Our proof shows it beyond any question: the book which was read shows it, and the words from the mouths of the witnesses show it beyond a question that the defendant here did teach to the children in Rhea County High School that man descended from a lower order of *animals*. That he taught that theory: [was unlawful]. He has done *all that is necessary to violate* this act. Why? Because: *the act says so*. I submit, Your Honor, that with the application of *reason, no other construction* can be placed upon this.

What will the *scientists testify? I don't care!* [Respectfully, Your Honor,] to bring [scientists] in here to testify upon a

construction of the *Bible* is²⁰, I submit, a *prostitution* upon the *Courts* of the *State of Tennessee*, and I *believe* it! It is not admissible, if the Court please, under *any construction* they can place upon it!

I know Your Honor's honest desire to do right about this, and Your Honor knows that *I* want to make a correct and proper argument, and not to misstate what I conceive to be the law. And my only purpose is to tell Your Honor what I conceive to be the *everlasting truth of the matter*. I believe I am *right*, and I have *never* believed *anything* any stronger yet! That is how much *emphasis* I can put on it.

Hays: May I ask Your Honor to ask General Stewart a question?

The Court: Ask him yourself.

Hays: General, I should like to know—you cannot ask the Court to accept this statute by cutting out one clause.

Stewart: Which clause?

Hays: The first part—that he taught evolution is not necessarily contrary to the Bible. You construe the act by cutting out that clause. You agree with me, do you not, that those words must mean something? Why do you leave out those words? Why not leave out the *other* words as well?

Stewart: The cardinal rule of construction is that the *intention* of the legislature *must prevail*, and it must prevail over everything else. That [act] shows the *intention* of the legislature as clearly as though they had talked for a month.

Darrow: They [wouldn't] have to have any *intention* if it [was] plain.

²⁰ *Pounding with his hand on the shorthand reporter's table.*

Stewart: If the Court please, we, who live in this sovereign jurisdiction prefer to worship God according to the dictates of our own *consciences*, and we give *everyone* the right to do so, and Your Honor, I would criticize no man for his individual view of things— but why, if the Court please, is this *invasion* here? Why, if the Court please, have we not the right to interpret *our Bible* as *we see fit*? Why have we not the *right* to *bar the door to science* when it comes within *the four walls of God's church* upon this earth? Have we not the *right*? Who says that we have not? *Show me the man* who will challenge it. We have the *right* to pursue knowledge— we have the *right* to participate in scientific investigation, but, if the Court please, *when science strikes* at that upon which *man's eternal hope is founded*, then I say the *foundation* of man's *civilization* is about to *crumble*.

They say this is a battle between religion and science. If it is, I want to serve notice now, in the name of the great God, that I am on the side of religion! I want to *know* beyond this world that there may be an eternal happiness for me, and for all!

Almighty God, in His conception of things here, did not intend that there should be a *clash* upon this earth between any of the *forces* here, except— save and except the *forces* of *good* and *evil*. And I am sorry that there has come a *clash* between *scientific investigation* and *God's word*. There should not be any *clash* between *science* and *religion*. I am sorry that there is, but *who brought it on?*

I say bar the door and not allow science to enter. It would deprive us of all the hope we have in the future to come. And I say it without any bitterness— Mr. Darrow is the greatest

criminal lawyer in America today. His courtesy is noticeable— his ability is known— and it is a shame, in my mind, and in the sight of a great God, that a mentality like his has strayed so far from the natural goal that it should follow. Great God! The *good* that a man of his *ability* could have done if he had aligned himself with the *forces of right* instead of aligning himself with *that which strikes its fangs at the very bosom of Christianity*.

Yes, discard that theory of the Bible, throw it away, and let scientific development progress beyond man's origin— and the next thing you know, there will be a legal battle staged within the corners of this state that challenges even permitting anyone to *believe* that Jesus Christ was divinely born— that Jesus Christ was born of a virgin— challenge that, and the next step will be a battle staged denying the right to teach that there was a resurrection, until finally, that precious book and its glorious teachings upon which this *civilization* has been *built* will be taken from us!

We have *all* studied the *history* of this *country*. We are taught that George Washington, on one occasion, before a battle he fought, led his army in prayer. We are told that the great general of the Southern Confederacy, Robert E. Lee, prayed to God before each battle. And yet here we have a *test by science* that challenges the *right* to open *court* with a *prayer to God*. They come and say, “ye shall not open your court with prayer, we protest!” —They say *we* shall not teach *our* Bible to *our* children because it conflicts with scientific investigation. I say scientific investigation is *nothing but a theory* and will *never be anything but a theory*. *Show me some reasonable cause to believe it is not! They cannot do it.*

Hays: Give us a chance.

Stewart: A chance to what.

Hays: To prove it, to show you what it is.

Stewart: —If Your Honor please, that which strikes at the very vitals of *civilization* and of *Christianity* is *not entitled* to a chance!

Applause and laughter

Stewart: (cont.) I ask Your Honor respectfully and earnestly, to disallow the admission of this testimony, and I ask it because I believe under the law of Tennessee, it is *absolutely inadmissible*.

Malone: He is a good talker.

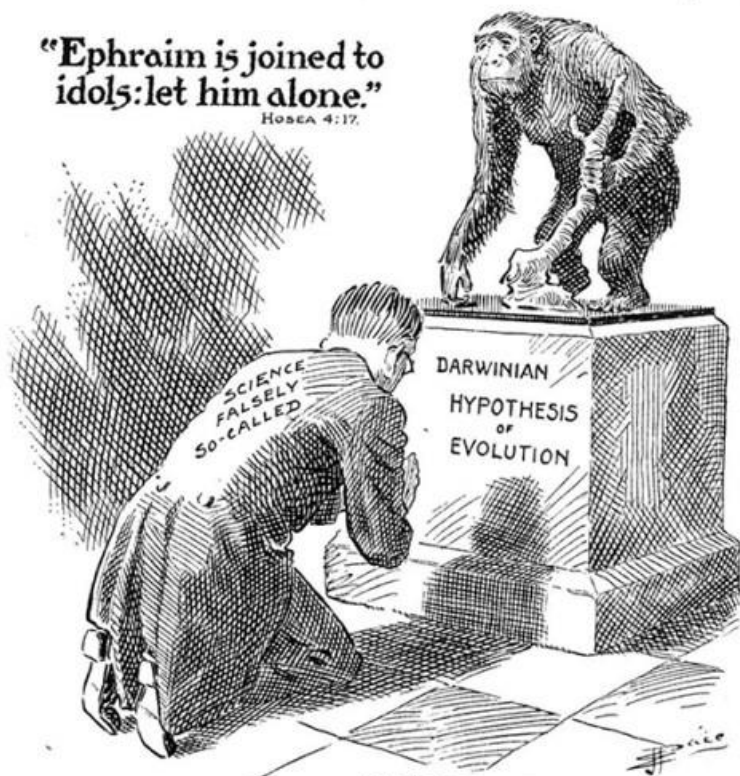
The Court: The Court will adjourn until 9 o'clock tomorrow morning.



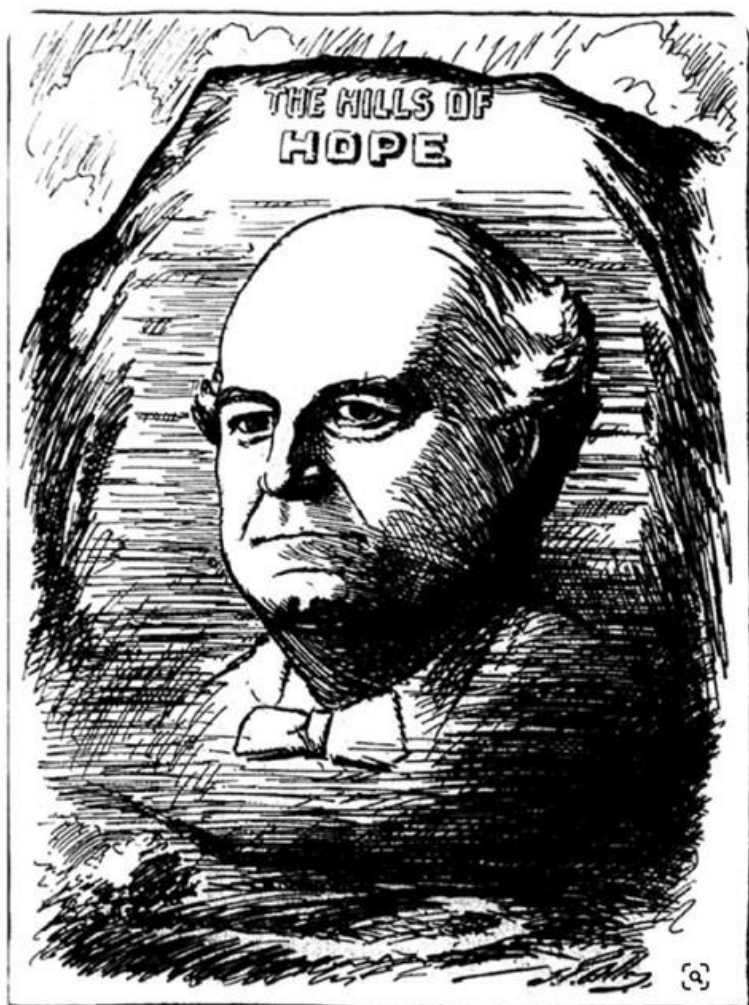
IN THE MOUTH OF A CANNON.

**"Ephraim is joined to
idols: let him alone."**

Hosea 4:17.



ANCESTOR WORSHIP



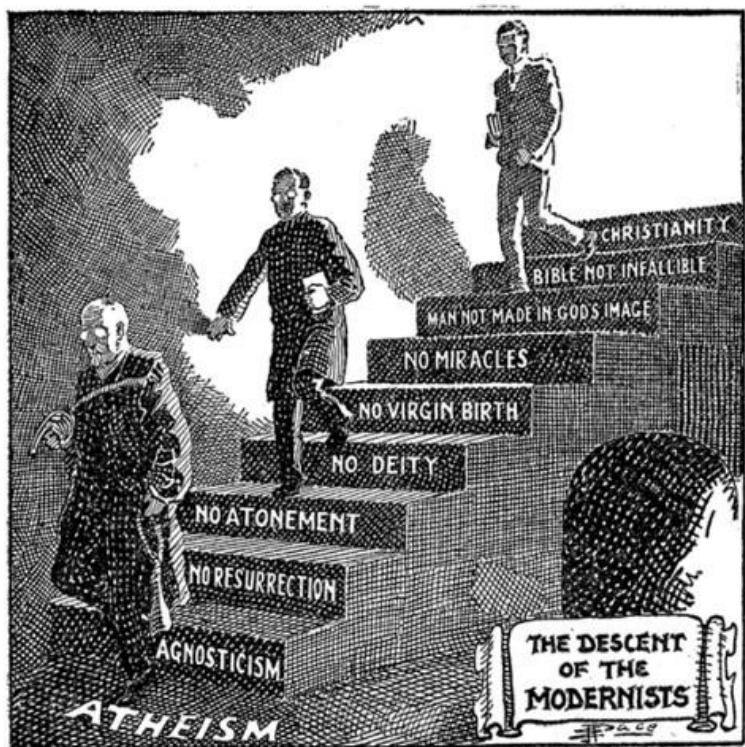
"ONWARD, CHRISTIAN SOLDIER!" SUCH AS YOU NEVER DIE



DARROW'S PARADISE :



WE CONCEDE A FEW TYPES TO THE EVOLUTIONISTS.



Barnum Outdone



SURROUNDING THE COURTHOUSE

Mencken: The trial, indeed, takes on, for all its legal forms, something of the air of a religious orgy. The courthouse is surrounded by a large lawn, and it is peppered day and night with evangelists. One and all they are fundamentalists, and their yells fill the air with orthodoxy. I have listened to twenty of them and had private discourse with a dozen, and I have yet to find one who doubted so much as the typographical errors in Holy Writ. They dispute raucously and far into the night, but they begin and end on the common ground of complete faith.

One of these holy men wears a sign on his back announcing that he is The Bible Champion of The World. He told me today that he had studied the Bible four hours a day for thirty-three years, and that he had devised a plan of salvation that would save the worst sinner ever heard of, even a scientist, a theater actor, or a pirate on the high seas, in forty days. This gentleman denounced the hard-shell Baptists as swindlers. He admitted freely that their *sorcerers* were *powerful preachers*, and could save any ordinary man from *sin*, but he said that they were impotent against *iniquity*. The distinction is unknown to *city* theologians but is as real down here as that between sanctification and salvation. The local experts, in fact, debate it daily. The Bible Champion, just as I left him, was challenged by one such professor, and the two were still hard at it an hour later.

Another man, an immensely tall and thin mountaineer in blue jeans, his collarless shirt open at the neck and his hair a tousled mop. He paced up and down as he preached, and at

each turn he thrust his arms into the air and yelled, “glory to God!” He was preaching on the day of judgment. The high kings of the earth, he roared, would all fall down and *die; only* the sanctified would stand up to receive the Lord God of Hosts. One of these kings he mentioned by name— the king of what he called Greece-y. The King of Greece-y, he said, was doomed to hell. He had an audience.

A few yards further on, a woman with her hair pulled back into a tight little knot; she began so quietly that we couldn’t hear what she said, but soon her voice rose, *resonantly*, and we could follow her. She was denouncing the reading of books. Some wandering book agent, it appeared, had come to her cabin and tried to sell her a specimen of his wares. She refused to touch it. Why, indeed, read a book? If what was in it was *true*, then everything in it was already in the *Bible*. If it was false, then reading it would imperil the soul. A fat brother wearing silver-rimmed spectacles agreed; once his children could read the Bible, he said, they had had enough. Beyond, lay only *infidelity* and *damnation*. *Sin stalked the cities that forgot God*. *Cops* have come up from Chattanooga to help keep the peace here; to help to save Dayton from the devil.

This is the feeling of fear that fills the very air on the sixth day of The Evolution Trial, Friday, July 17, 1925. The bailiff raps for order and calls to find a reverend in the house.

SIXTH DAY

Bailiff: Is Reverend Mark in the house? Is Reverent Rabbi Mark in the house? Is Reverend Dr. C.G. Eastwood in the house?

Eastwood comes forward

The Court: Dr. Eastwood, open Court with prayer.

Eastwood: Our Father and our God, we thank Thee for the privilege that is ours of living in this glorious land that Thou hast given to us— through the sacrifice and heroism of those who have lived and gone. We thank Thee, Oh God, that Thou didst inspire them to press onward and upward in the building of a civilization that should last; and we pray Thee that the same spirit that impelled them may grip our hearts and seize upon us, that we may give to the generations that shall yet follow as rich a heritage as they have bequeathed unto us. And our Heavenly Father, we thank Thee for the courts of justice in our land, where men can come and receive justice. And this morning we pray that Thy blessings may rest upon this Court at this hour and upon this occasion. And, our Father, we pray that Thy blessings may rest upon the jury in its deliberations, and upon the counsel, and upon all those engaged in or participating in this case and, *Oh God*, we ask that Thy blessings may rest upon those who are members of the *press* as they send out messages to the waiting millions of the world. Now again we pray that Thy blessings may rest upon this Court and Thou wilt give Thy divine guidance in the things that shall be done and the decisions that shall be made here. These things we ask in the name of our Lord and Master Jesus. Amen.

The Court: Open Court, Mr. Sheriff.

Bailiff: Oyez, oyez, the Honorable Circuit Court is now open pursuant to adjournment. Sit down please.

The Court: This case is now before the Court upon a motion by the Attorney General to exclude from the consideration of the jury certain expert testimony offered by the defendant; the *import* of such testimony being **an effort to explain the origin of man and life.**

The *state* insists that such evidence is wholly irrelevant, incompetent, and impertinent to the issues pending, and that it should be excluded.

Upon the other hand the *defendant* insists that this evidence is *highly* competent and relevant to the issues involved, and should be admitted.

The *state* says that it is both proven and *admitted* that this defendant did teach in Rhea County, within the limits of the statute, that man descended from a lower order of animals; and that with these facts ascertained and proven it has met the requirements of the statute and has absolutely established the defendant's guilt; and with his guilt thus established, his ultimate conviction is unavoidable and inevitable, and that no amount of expert testimony can aid and enlighten the Court and jury upon the real issues, or affect the final results.

But the *defendant* is not content to agree with the state in its theory, but takes issue, and says that before there can be any conviction the state must prove two things. First, that the defendant taught evolution *in the sense used* in the statute. Second, that this teaching *was contrary* to the Bible. So that the jury may determine whether [the teaching of] evolution

conflicts with [the teaching of] the Bible, they cannot do this without evidence.

Now upon these issues, as brought up, it becomes the duty of the Court to determine the question of the admissibility of this expert testimony offered by the defendant:

It is *not* within the province of the Court under these issues to decide and determine which is *true*, the story of Divine Creation, or the story of evolution. In the final analysis, this Court, after a most earnest and careful consideration, has reached the conclusion that under the provisions of the act involved in this case, it is made unlawful to teach in the public schools of the state of Tennessee the theory that man descended from a lower order of animals. If the Court is correct in this, then the evidence of experts would shed no light on the issues. Therefore, the Court is content to sustain the motion to exclude the expert testimony.

[And] by way of parenthesis, I desire to *suggest* that I believe evolutionists should at least show man the consideration to substitute the word “ascend” for the word “descend.”

Hays: Your Honor will permit me to take an exception? We say that it is a denial of justice not to permit the defense to make its case on its own theory. I say further that it is contrary to every element of Anglo-Saxon procedure and jurisprudence to refuse to permit evidence as to what evolution *is* and what it *means*,²¹ and what the *Bible* is and what *it* means. Take my

²¹ *John Washington Butler, who wrote “the antievolution law,” told reporters, “I’d like to have heard the evidence. It would have been right smart of an education to hear those fellows who have studied the subject.” John Scopes told reporters after the ruling to exclude expert*

exception for these reasons, and those placed on the record yesterday; the defense most respectfully excepts.

The Court: Let the exception be entered on the record.

Stewart: I desire to except to exceptions being stated in that manner. I except to the manner in which the counsel for the defense excepts to the Court's ruling. I think it is a reflection upon the Court.

The Court: Well, it don't hurt this Court.

Stewart: I think there is no danger of it hurting the Court.

Darrow: There is no danger of it hurting *us*.

Stewart: No, *you* are already *hurt* as much as *you* can be *hurt*.

Darrow: Don't worry about us! The state of Tennessee don't rule the world yet! With the hope of enlightening the Court, as a whole, I want to say that the scientists probably will not correct the words "descent of man," and I want to explain what "descent" means [when it comes to] finally reaching man—

Stewart: We all have dictionaries.

Darrow: I don't think the Court has one!

The Court: I think the Court understands some things as well as the scientists.

Hays: The Court still has to charge the jury, and the Court still has to pass on questions of law. We wish to raise, not only before Your Honor, but before your higher court, our proposition that this *law* is *unreasonable*.

The Court: Let me state what I have in mind. I think you *are* entitled to have in the record a sufficient amount of your proof to indicate to the [Superior] Court, in case of conviction here,

testimony, "people who have never thought before are now beginning to think." Many spectators were disappointed not to hear the scientific testimony; as one of the reporters said, "they expect[ed] Bryan to eat the scientists alive, now it looks to them like he is running away."

what your proof *would* have been. I think you have a right to introduce that proof under such limitations as the *Court* may prescribe, and let it be written in the record in the absence of the jury, and I meant all the time for you to do that.

Hays: I understand. We can put in the evidence in order that we may make a *record* for the [Superior] Court. But we feel *we have a right to argue before this Court* and the Court will hear us upon the question of whether or not this law is *reasonable*. We ask the Court to permit us to put in evidence for the sole purpose of informing the Court so *you* can determine, after evidence, whether or not this law is *unreasonable*. I state to Your Honor, in my judgement, if you permit us to come to the evidence, Your Honor will come to the same conclusion on evolution that you have come to on the question of the Copernican theory, and I ask that it be put in as evidence in *this* case in order to inform *this Court* and give us an opportunity to show whether that law is *reasonable* or *not*. Your Honor told me yesterday that Your Honor would hear us with an open mind.

The Court: I am going to let you introduce evidence and I will sit here and hear it, and if that evidence were to convince me that I was in error I would, of course, reverse myself.

Hays: That is true. I know you would do that.

The Court: I never hesitate to reverse myself if I find myself in error.

Hays: That being so, I think Your Honor ought to permit us to enter the evidence for both purposes.

The Court: It looks like we are quibbling over a matter really without difference.

Hays: If that is so, won't Your Honor give me that privilege?

Malone: I want to ask General Stewart whether he would mind withdrawing his remarks that the *purpose* of the defense

in producing this evidence is to [reflect upon or otherwise] make a *farce* out of the judge's opinion. Certainly that is not our purpose, and I don't think *he* meant that it is. We haven't really provided any *low comedy* here so far, so let us not—

Stewart: I will be glad to withdraw that and supplement it with this remark, which you will not deny. It is a known *fact* that the defense considers this a *campaign of education* to get before the people their *ideas of evolution* and *scientific principles*. This case has the aspect of *novelty*, and therefore has been *sensationalized* by the newspapers, and of course these gentlemen want to take advantage of the opportunity. I don't want to make any accusations that they are *improperly* taking advantage of it. They are lawyers, and they have these ideas and theories of evolution and of scientific principles, and I take it that *that* will not be disputed; and all I ask, if the Court please, is that we not go *beyond the pale* of the law. If the Court please, let the substance of the evidence be stated by one of the attorneys and let it be placed in the record, in affidavit form. I think that would be much better and would expedite the trial of this case, and I would much prefer that course be taken.

Darrow: That is what I am willing to do. *Counsel well knows what the judgment and verdict in this case will be*. We have a right to present our case to *another* court, and that is *all* we are after.

Stewart: I don't object.

Malone: I just want to make this statement for the purposes of the record, that the defense is *not* engaged in a "campaign of education," although the way the defense has handled the case has probably been of educational value. If the defense is representing anything, it is merely representing the attempt to

meet the *campaign of propaganda* which has been begun by a distinguished member of the prosecution—

Darrow: —Has there been *any effort* to ascertain *truth* in this case?

The Court: Well, *isn't* it an effort to ascertain the truth?

Darrow: No, it is an effort to *show prejudice*.

Laughter

Darrow: (cont.) If there's an *effort to ascertain truth in this case*, why not bring in the jury and *let us prove it*?

The Court: Courts are a mockery—

Darrow: They are *often that*, Your Honor!

The Court: —When they permit prejudice. Always expect this Court to rule correctly.

Darrow: No, sir, we do *not*.

Laughter

Darrow: (cont.) We expect to protect our rights in some *other* court. Now that is plain enough, isn't it? —Then, we will make statements of what we *expect to prove*. Can we have the rest of the day to draft them?

The Court: I would not say—

Darrow: If Your Honor takes *a half day* to write an opinion—

The Court: I have not taken—

Darrow: We want to make statements here of what we *expect to prove*! I do not *understand* why every request of the *state* and every suggestion of the *prosecution* should meet with an endless waste of time, and a bare suggestion of anything that is perfectly competent on *our* part should be immediately overruled!

The Court: *I hope you do not mean to reflect upon the Court.*

Darrow: *Well, Your Honor has the right to hope!*

The Court: *I have the right to do something else, perhaps.*

Darrow: *All right; all right.*

Bryan: May it please the Court. Do I understand that the defense has decided to put on *no* witness, but simply to present affidavits?

Darrow: That is it; to present statements.

Stewart: The Court has held—we are conducting this case as the Court directs.

Darrow: So far.

Bryan: Your Honor, for them to be entitled to [enter evidence] in the form of affidavits, would *we* have a right to produce any rebuttal? Not for this Court, but [for] an upper court. Is it to be a one-sided trial in the upper court, and will the upper court have *nothing* before it except the expert statements of the *defendant*? Or will the *plaintiff* be entitled to put in, in the form of affidavits, its proof in *rebuttal* of what is promised or expected by the defendant?

Darrow: Mr. Bryan is naturally a little rusty in practice. Of course, the plaintiff has no such right. After it has been *heard*, the state can introduce its rebuttal, but the Court has held the evidence which we offer shall not be *heard*.

The Court: I rather think Colonel Darrow is correct. The state's theory is that none of this proof is relevant to the issues, and I *have* excluded their evidence, holding that under the issues made up under the statute that it is not relevant. [As the testimony is being excluded per the state's theory,] I think you would not be entitled to put in a rebuttal proof.

Darrow: We will present it [as written statements], as I said.

The Court: [Yes. Now], when it comes to taking the *whole day* to prepare [those written statements], I hate to lose the time. Colonel Darrow is certainly laboring under a mistake when he says this Court has ever taken *a day* to prepare an opinion. I [prepared] an opinion the other day; the Court

waited from 1:30 to 3— no— the forenoon, about five hours perhaps. It did take time, yes. I believe that *is* correct.

Stewart: Your Honor *needed* that time.

Darrow: I want to ask if it is unreasonable for me to ask for the rest of the day to prepare the statements?

The Court: I don't know.

Darrow: [Well], I know.

The Court: Do you think you need the time?

Darrow: I do need it, Your Honor.

The Court: You would know better than I.

Darrow: I will read them tomorrow.

Stewart: They wouldn't be read [aloud]; just filed in the record.

The Court: Yes, they will be filed in the record; no occasion to read them.

Darrow: —All right.

McKenzie: It has been held that they can go in any time in the world; why take the time of the jury? Put them in the record any time *after* the lawsuit is done.

Malone: We have these witnesses here who cannot *stay* here; we want to make *use* of them while they are here.

The Court: I have no purpose except to be fair. If it takes the day to do it, why of course, but I hate to lose the time. But *justice is more important than time*.

Darrow: Certainly, Your Honor. Your Honor, we will come in tomorrow morning.

The Court: Today is Friday.

Malone: We think we can finish it up on Monday. Yes, Your Honor.

The Court: Have any of you gentlemen on the state's side any suggestions to make; do you want to be heard any further?

Stewart: There is nothing left now except the argument of the case before the jury.

McKenzie: We [shall] finish this case on Monday at 8 o'clock.

Malone: Until 8 o'clock.

The Court: Nine o'clock. Nine o'clock Monday morning.

Bailiff: Order in the courtroom. Order.

[**Mencken:** Thereupon at the hour of 10:30 o'clock a.m., of Friday, July 17, A.D., 1925, a recess was taken 'til the hour of 9 o'clock sharp, Monday morning. Whereupon, on the seventh day of The Evolution Case:]

SEVENTH DAY

Bailiff: We opened a little earlier on account of the judge's watch.

[**Mencken:** This judge runs a little fast?]

Bailiff: The judge isn't fast; I think it is just his watch.

The Court: Open Court, Mr. Sherriff.

Bailiff: Oyez, oyez, this Honorable Circuit Court is now open pursuant to adjournment. Sit down.

The Court: On last Friday, July 17, *contempt and insult* were expressed in this Court— for the Court and its orders and decrees— when the following colloquy occurred between the Court and one of the attorneys interested in the trial of this case.

(reads) "Mr. Darrow. If Your Honor takes half a day to write an opinion. The Court. I have not taken— Yes, I did take five hours. Mr. Darrow. We want to make a statement here of what we expect to prove. I do not understand why a bare suggestion of anything that is perfectly competent on our part

should be immediately overruled. The Court. I hope you do not mean to reflect upon the Court? Mr. Darrow. Well, Your Honor has the right to hope. The Court. I have the right to do something else, perhaps. Mr. Darrow. All right, all right.”

(says) If the courts are not kept above reproach, their usefulness will be destroyed. He who would unlawfully and wrongfully show contempt for a court of justice, sows the seeds of discord and breeds contempt for both the law and the courts, and thereby does an injustice both to the courts and good society.

Men may become prominent, but they should never feel themselves superior to the law or in justice.

In the face of what I consider an unjustified expression of contempt for this Court and its decrees, made by Clarence Darrow, I hereby order citation from this Court be *served* upon the said Clarence Darrow; that he be required to make and execute a good and lawful bond for \$5,000²² and not depart the Court without leave.

Darrow: What is the bond, Your Honor?

The Court: \$5,000.

Darrow: That is, I do not have to put it up this morning?

The Court: Not until the papers are served upon you.

Darrow Now, I do not know whether I could get anybody, Your Honor.

[Hays]: There will be no trouble.

Disturbances

²² *A little less than \$100,000 today (2025).*

Bailiff: Let us have order in this courtroom. You people come up here to hear the *trial*, this is not a *circus*. Let us have order.

Darrow: Your Honor, I feel I ought to say that whatever took place was hurried, one thing followed another and the truth is, I did not know just how it looked until Your Honor read over the minutes [there]. I am sorry that I said it. I went further than I should have gone. So far as it having been premeditated or made for the purpose of insulting the Court, I had not the slightest thought of that, I had not the slightest thought of that. And so far as the people of Tennessee are concerned—I don't know as I was ever in a community in my *life* where my religious ideas differed as *widely* from the great mass as I have found them since I have been in Tennessee. Yet, I have not found upon anybody's part, any citizen here in this town or outside, the slightest discourtesy. I have been treated better, kindlier, and more hospitably than I fancy would have been the case in the *North*, and that is due largely to the ideas that you have here. I certainly meant nothing against the people of the state of Tennessee, and I haven't the slightest fault to find with the Court. I am not saying this, Your Honor, to influence you, but to put myself right. Personally, I don't think it constituted contempt—but I am quite certain the remark shouldn't have been made, and the Court could not help taking notice of it, and I am sorry that I made it, and I want to apologize to the Court for it.

Applause

The Court: Colonel Darrow, the Man that I believe came into the world to save man from sin, the Man that died on the cross that man might be redeemed, *taught* that it was Godly to forgive—and were it *not* for the forgiving nature of Himself, *I would fear for man*. I believe in that Christ. I believe in these principles.

[My friends], I accept Colonel Darrow's apology. I am sure his remarks were not premeditated. I am sure that if he had had time to have thought and deliberated, he would not have spoken those words at, perhaps, one of the greatest disappointments of his life, when *this Court* had *held against him*. Taking that view of it, I feel that I am justified in speaking for the people of this great state that I represent when I speak as I do to say to him that *we* forgive him, and *we* forget it, and we commend him to go back home and learn in his heart the words of the Man who said, "if you thirst come unto Me and I will give thee life."

Applause

The Court: (cont.) Send for the jury.

Darrow: Your Honor, before you send for the jury, I think it my duty to make this motion. Off to the left of where the jury sits, about ten feet in front of them, is a large sign about ten feet long reading "Read Your Bible," and a hand pointing to it. The word "Bible" is in large letters, perhaps a foot and half long, and the printing—

The Court: Hardly that long I think, general.

Darrow: What is that?

The Court: Hardly that long.

Darrow: Why, we will call it a foot.

The Court: Compromise on a foot.

Darrow: Well, we will call it a foot, I guess *more*, but I might be wrong again, judge.

The Court: Well, I believe there will be no *insistence*.

A VOICE: Fourteen inches!

Darrow: I move that the sign be removed.

The Court: Yes.

Mckenzie: If Your Honor please, *why* should it be removed?

Stewart: Do I understand you to ask it to be removed?

Darrow: Yes.

The Court: (*to the prosecution*) What do you say about it being removed?

Stewart: I do not care for it being removed, I will be frank.

Malone: May Your Honor please— we are merely asking this Court to remove anything of a prejudicial nature—

McKenzie: If the Court please, in regard to removing the sign, “Read Your Bible,” I have never seen the time in the history of this *country* when any man should be *afraid* to be reminded of the *fact* that he should *read his Bible*— *they* represent a *force* that is aligned with the *devil* and his *satellites*—

Malone: Your Honor, I object to that kind of language.

McKenzie: (cont.) I say when that time comes, that then is time for us to *tear up all* of the Bibles, throw them in the *fire*, and let the country go to *hell*.

Malone: May I ask that our exception to those remarks be put in the record? And I should like to move the Court to expunge the last remarks.

The Court: Yes, expunge that part of Mr. McKenzie’s statement from the record where he said you were satellites of the devil. Anybody else want to be heard?

Malone: Yes, I think it is all right for the individual members of the prosecution to make up their minds as to what *forces* we represent. *I* have a right to assume *I* have as much chance of heaven as they have, and to reach it by my own means, and my understanding of the Bible and of Christianity, and I would be a *pretty poor Christian* if I got my religious views from any member of the *prosecution* that I have yet heard from during this trial!

Applause and laughter, rapping for order

Bryan: May it please the Court, I am going to quote the Bible in defense of our position, and I am going to hold the Bible as safe, though they try to discard it from our *wall*. Paul said, “if eating meat maketh my brother to offend, I shall eat no meat while the world lasts.” If leaving that sign up there during the trial makes our brother to offend, I would take it down during the trial.

Darrow: Your Honor, I just want to make this suggestion. We might agree to get up a sign of equal size on the other side and in the same position reading “Hunter’s Biology,” or “Read Your Evolution.” This sign is not here for *no purpose*, and it can have no effect but to influence this case, and I read the Bible myself— more or less— and it is pretty good reading in places. But it is pretty obvious the sign is not *fair*, Your Honor.

The Court: If the presence of the sign irritates anyone, or if anyone thinks it might influence the jury in any way, I have no purpose except to give both sides a fair trial in this case. Feeling that way about it, I will let the sign come down. Now let the jury be brought around.

[**Mencken:** The sign was removed from the courthouse wall and the jury was brought in.]

Hays: The defense desires to call *Mr. Bryan* as a witness.

[Your Honor ruled that we could not go before the jury with *our* experts], so we wish to call *him* now.

The Court: Do you think you have a *right* to his testimony, like you did the others?

McKenzie: I don’t think it is necessary to call him, calling a lawyer who represents a client.

Bryan: If Your Honor please, then I insist that Mr. Darrow can [also] be put on the stand, and Mr. Malone, and Mr. Hays.

The Court: Call anybody you desire. Ask them any questions you wish.

Bryan: Then we will call all three of them.

Darrow: Not at once?

Bryan: Where do you want me to sit?

The Court: Mr. Bryan, you are not objecting to going on the stand?

Mr. Bryan: Not at all.

The Court: Do you want Mr. Bryan sworn?

Darrow: No.

Bryan: I can make affirmation; I can say, “so help me God, I will tell the truth.”

Darrow: No, I take it you will tell the truth, Mr. Bryan.

Examination of W.J. Bryan by Clarence Darrow

Darrow: (cont.) You have given considerable study to the Bible, haven't you, Mr. Bryan?

Bryan: Yes, sir, I have tried to.

Darrow: Well, we all know you have, we are not going to dispute that at all.

Bryan: I have. I have studied the Bible for about fifty years—of course, I have studied it more as I have become older, than when I was but a boy.

Darrow: Do you claim: that everything in the Bible should be *literally* interpreted?

Bryan: I believe everything in the Bible should be accepted *as it is given* there; *some* of the Bible is given *illustratively*. For instance, “ye are the salt of the earth.” I would not insist that man was *actually* salt, or that he had *flesh* of salt, but it is used in the *sense* of salt as saving God's people.

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: 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: ...Doesn't the New Testament say *whale*?

Bryan: My impression is that it says *fish*; but it does not make so much difference.

Darrow: But in the New Testament it says *whale*, doesn't it?

Bryan: That may be true; I cannot remember.

Darrow: You say, the big *fish* swallowed Jonah, and he there remained how long— three days— and then he spewed him upon the land. You believe He made them— that He made such a fish and that it was big enough to swallow Jonah.

Bryan: Yes, sir. Let me add: one miracle is just as easy to believe as another.

Darrow: Perfectly easy to believe?

Bryan: If the Bible said so; the Bible doesn't make as *extreme* statements as evolutionists do. You have a definition of "fact" that includes imagination!

Darrow: And you have a definition that *excludes* everything *but* imagination.

Stewart: I object to that as argumentative.

Bryan: You—

Darrow: The witness must not argue with me, either. (*to Bryan*) Do you consider the story of Jonah and the whale to be a *miracle*?

Bryan: I think it is it.

Darrow: Do you believe Joshua made the sun stand still?

Bryan: I believe what the Bible says. I suppose *you* mean that the *earth* stood still.

Darrow: I don't know, I am talking about the *Bible*; the Bible says Joshua commanded the *sun* to stand still for the purpose of lengthening the day, doesn't it, and you believe it?

Byran: I do.

Darrow: Do you believe, at that time, the entire sun went around the earth?

Bryan: No, I believe that earth goes around the sun.

Darrow: —Do you believe the men who wrote it thought that the day could be lengthened, or the sun could be stopped?

Bryan: I don't know what they thought. I believe that the Bible is *inspired*; [written by] inspired authors; [whether they were *directed* to write, or *understood* what they wrote], I don't know.

Darrow: Whoever *inspired* it? Do you think whoever inspired it *believed* that the sun went around the earth?

Bryan: I *believe* it was inspired by the Almighty, and he [who wrote it] may have used language that could be understood at that time.

Darrow: Was—

Bryan: —Instead of using language that could *not* be understood until *Darrow* was born.

Laughter and applause

Darrow: Yes? It was language that was understood at the time, and we *now* know that the sun stood still as it *was* with the earth.

Bryan: Well, it is relatively so, as Mr. Einstein would say.

Darrow: I ask *you*.

Bryan: You know as well as I know.

Darrow: Better. But *you* have *no doubt* about it?

Bryan: No.

Darrow: Now, Mr. Bryan, have you ever pondered what would *naturally* happen to the earth if it stood still suddenly?

Bryan: No.

Darrow: Don't you know, it would have been converted into a molten mass of matter?

Bryan: You testify to that when [I get *you* on the stand]; I will give you a chance.

Darrow: *Don't* you believe it?

Bryan: I would want to hear expert testimony on that.

[No laughs recorded]

Darrow: You have never investigated that subject?

Bryan: I don't think I have ever had the question asked.

Darrow: Or ever *thought* about it?

Bryan: I have been too busy on things that I thought were of more importance than that.

Darrow: You believe the story of the *flood* to be a *literal* interpretation?

Bryan: Yes, sir.

Darrow: When was the flood?

Bryan: I would not attempt to fix the date. The date has been suggested.

Darrow: About 4004 BC?

Bryan: That has been the estimate of a *man* that is accepted today. I would not say it is *accurate*.

Darrow: The estimate— printed in the *Bible* [is not accurate]?

Bryan: Everybody knows, at least, I think most of the people know, that was the *estimate* given.

Darrow: Do you know how [that estimation] was arrived at?

Bryan: I never made a calculation.

Darrow: A calculation of what?

Bryan: I could not say.

Darrow: From the generations of man?

Bryan: I would not want to say that.

Darrow: What do you think?

Bryan: I do not think about things I don't think about!

Darrow: Do you think about things you *do* think about?

Laughter in the courtyard

Darrow: (cont.) You want to say now, you have *no idea* how these dates were computed? You say from the generations of man—

Stewart: I am objecting to his cross-examining his own witness.

Darrow: He is a hostile witness.

The Court: I am going to let Mr. Bryan control—

Bryan: I want him to have all the latitude he wants. For I am going to have some latitude when *he* gets through.

Darrow: You can have latitude and longitude.

Laughter

The Court: Order!

Stewart: We were supposed to go into the origin of the case, and we have nearly lost the day, Your Honor.

McKenzie: I object to it.

Bryan: These gentlemen have not come here to *try this case*. They came here to *try revealed religion*. I am here to *defend* it, and they can ask me any question they please.

The Court: All right.

Applause from the courtyard

Darrow: Great applause from the bleachers.

Bryan: From those whom you call “yokels.”

Darrow: I have never called them yokels.

Bryan: That is the ignorance of Tennessee, the bigotry.

Darrow: You mean, who are applauding you?

Applause

Bryan: Those are the people whom you insult.

Darrow: You insult every man of science and learning in the world because he does not believe in your fool religion.

The Court: I will not stand for that.

Darrow: For what *he*'s doing?

The Court: I am talking to *both* of you.

Stewart: This has gone *beyond the pale* of a lawsuit, Your Honor! I have a public duty to perform, under my oath, and I ask the Court to stop it. Mr. Darrow is making an effort to insult the gentleman on the witness stand, and I ask that it be stopped, for it has gone *beyond the pale* of a lawsuit.

The Court: To stop it now would not be *just* to Mr. Bryan. He wants to ask the other gentlemen questions along the same line.

Darrow: How long ago was the flood, Mr. Bryan?

Bryan: It is given as 2348 years B.C.

Darrow: Well, 2348 years B.C. You believe that *all* the living things that were *not* contained in the *ark* were destroyed.

Bryan: I think the fish may have lived.

Darrow: —Outside of the fish?

Bryan: I cannot say.

Darrow: You cannot say?

Bryan: No, except [to say] that just as it is; I have no proof to the contrary.

Darrow: I am asking *you* whether *you* believe?

Bryan: I do.

Darrow: That all living things outside of the fish were destroyed?

Bryan: —What I say about the fish is merely a matter of humor.

Darrow: I understand.

Bryan: I accept it as the Bible gives it, and I have never found any reason for denying, disputing, or rejecting it.

Darrow: The Bible you have offered in evidence says 2340, something, that 4,200 years ago [(that's 2300 B.C. plus this

year of grace 1925 A.D., about 4,200 years ago the flood would be)], there was not a living thing on the earth, *excepting the people on the ark and the animals of the ark, and the fishes*. You believe: *every nation, every organization of men, every animal in the world outside of the fishes—*

Bryan: The fish, I want you to understand, is merely a matter of humor!

Darrow: Let me make this definite. You believe: that *every civilization on the earth and every living thing— except possibly the fishes—* that came out of the ark were wiped out by the flood.

Bryan: At that time.

Darrow: At that time. And then, whatever human beings, including all the *tribes* that inhabit the world, and *have* inhabited the world, and *all* the animals, have come onto the earth *since* the flood?

Bryan: Yes.

Darrow: Within 4,200 years. Do you know a scientific man on the face of the earth that believes any such thing?

Bryan: I don't think I've ever asked one the direct question.

Darrow: Quite important, isn't it?

Bryan: Well, I don't know as it is.

Darrow: It might not be?

Bryan: [I am much more interested in the Rock of Ages, than the age of rocks.]

Darrow: You have never had any *interest* in the age of the various people and civilizations and animals that exist upon the earth today, is that right?

Bryan: I have never felt a great deal of *interest* in the effort that has been made to *dispute the Bible* by the *speculations of men*, or the *investigations of man*.

Darrow: Are you the *only* human being on earth who knows what the Bible means?

Stewart: I object.

The Court: Sustained.

Darrow: You do know that there are *thousands* of people who profess to be Christians who believe the earth is *much* more ancient, and that the *human race* is *much* more ancient?

Bryan: I think there may be.

Darrow: Don't you *know* that the ancient civilizations of China are 6,000 or 7,000 years old, at the very least?

Bryan: No; they would not run back beyond the Creation, according to the Bible, 6,000 years ago.

Darrow: [But] *you* don't *know* how *old* they are, is that right?

Laughter

Bryan: I don't know how old they are, but probably *you do*. I think *you* would give preference to *anybody* who *opposed the Bible*, and *I* give the preference to the Bible.

Darrow: Do you know how old the Confucian *religion* is? Or the *religion* of Buddha?

Bryan: I can't give you the exact date.

Darrow: Do you know how old the *religion* of Zoroaster is?

Bryan: No, sir.

Darrow: Do you know they are [*all*] more ancient than the *Christian* religion?

Bryan: I am not willing to take the opinion of people who are trying to find excuses for rejecting the Christian religion when they attempt to give dates and hours and minutes; they have yet to compel me to accept what they say as if it were absolutely *true*.

Darrow: Are you familiar with James Clarke's book on the ten great religions?

Bryan: No.

Darrow: He was a Unitarian minister, wasn't he? You don't think he was trying to find fault, do you?

Bryan: I am not speaking of the motives of *men*.

Darrow: You don't know how *old* they are, all these other *religions*?

Bryan: No.

Darrow: Did you *ever try* to find out?

Bryan: When you display my ignorance, could you not give me the *facts* so I would not be ignorant any longer? Can you not *tell* me?

Darrow: You know, some of us might get the facts and *still* be ignorant.

Bryan: You ought not to ask me a question when you don't know the answer to it.

Darrow: Mr. Bryan, am I the first man you ever heard of who has been interested in the age of human societies?

Bryan: You are the first man I ever heard speak of it.

Darrow: Where have you lived all your life?

Laughter

Bryan: Not near you.

Applause

Darrow: Nor near anyone of learning?

Bryan: Oh, don't assume you know it all.

Darrow: Do you know, there are *thousands* of books in our libraries on *all* those subjects I have been asking about?

Bryan: I couldn't say, but I will take your word for it.

Darrow: You have never in all your life made *any attempt* to find out about the other peoples of the earth— how *old* their civilizations are— how *long* they had existed on the earth, have you?

Bryan: No, sir, I have been so well satisfied with the Christian religion that I have spent *no* time trying to find arguments

against it. I have all the information I want to live by and die by.

Darrow: And that's *all* you are interested in?

Bryan: I am not looking for any more on religion.

Darrow: Well, all right. You have heard of the Tower of Babel, haven't you?

Bryan: Yes, sir.

Darrow: That tower was built under the *ambition* that they could build a tower up to *heaven*, wasn't it? And God saw what they were at, and to prevent their getting into heaven, He *confused their tongues*?

Bryan: Something like that, I wouldn't say to *prevent* their getting into heaven—I don't think God was afraid they would *get into heaven*—I think it was a *rebuke* to them.

Darrow: A rebuke to them trying to go that way?

Bryan: To build a tower for that purpose.

Darrow: To take the short cut?

Bryan: That is your language, not mine.

Darrow: Now, when was that?

Bryan: That was about 100 years before the flood, Mr. Darrow. According to [this Bible], it is [the year] 2247 on one page and 2218 on the other.

Darrow: 2247 B.C.?

Bryan: 2218 is at the top of one page, and 2247 on the other.

Darrow: —Well, make it 2230 then?

Bryan: All right, about.

Darrow: *All* the different languages of the *earth* date from the *Tower of Babel*, is that right? Do you know how many languages are *spoken* on the face of the earth?

Bryan: No; I know the Bible has been translated into 500 [languages], and no other book has been translated into anything like that many.

Darrow: That is interesting, if true. Do you know *all* the languages there are?

Bryan: No, sir.

Darrow: Have you any idea how far back the last *glacial age* was?

Bryan: No, sir.

Darrow: Do you know whether it was more than 6,000 years ago?

Bryan: I think it was *more* than 6,000 years.

Darrow: —Then you *do* have an idea of how old the earth is?

Bryan: No.

Darrow: Would you say that the earth was *only* [6,000] years old?

Bryan: Oh, no; I think it is much older than that.

Darrow: How much?

Bryan: I couldn't say.

Darrow: Do *you* say the *Bible itself* says it is older than that?

Bryan: I don't think the *Bible* says *itself* whether it is older or not.

Darrow: Do *you think* the earth was made in six days?

Bryan: Not six days of twenty-four hours.²³

Darrow: Doesn't it say so?

Bryan: No, sir.

Stewart: I want to interpose another objection. What is the *purpose* of this examination?

Bryan: The *purpose* is to cast ridicule on everybody who believes in the Bible, and I am perfectly willing that the world shall know that these gentlemen have no other purpose than ridiculing every Christian who believes in the Bible.²⁴

²³ *It's said gasps could be heard outside on the lawn.*

²⁴ *This exchange is described in terms of both men as "shouting" or "screaming."*

Darrow: We have the *purpose* of preventing bigots and ignoramuses from controlling the education of the United States and you know it, and that is all.

Bryan: And I, am simply trying to protect the word of *God* against the greatest *atheist or agnostic* in the *United States!* I want the *papers* to know I am not afraid to get on the stand in front of him and let him do his worst! I want the *world* to know!

Stewart: I am not afraid of Mr. Bryan being perfectly able to take care of himself, but this examination cannot be a *legal* examination and it cannot be *worth* a thing in the world, and, Your Honor, I respectfully except to it, and call on Your Honor, in the name of all that is *legal*, to stop this examination and stop it here.

Hays: I rather sympathize with General [Stewart], but Mr. Bryan is produced as a witness because he is a student of the Bible, and he presumably understands what the Bible means. He is one of the foremost students in the United States. Mr. Bryan has already stated that the world is not merely 6,000 years old and *that is very helpful* to us. This Bible, which goes to the jury, says that the world started in 4004 B.C.

Bryan: You think the Bible says that?

Hays: The one you have taken in evidence says that.

Bryan: I don't concede that it does.

Stewart: —This is resulting in a *harangue* and nothing else.

Darrow: I didn't do any of the haranguing; Mr. Bryan has been doing that.

Stewart: You know absolutely *you* have done it.

Darrow: I would have been through in half an hour!

Stewart: [This testimony] is not *worth* anything to them, if Your Honor please, even for the record in the Supreme Court.

Hays: If Mr. Bryan, as a Bible student, states you *cannot* take the Bible as *literally* true— that isn't *worth* something to us?

Stewart: The Bible speaks for itself.

Hays: You mean to say, the *Bible itself tells us whether these are parables?*

Stewart: This is a *harangue*; it is not *worth* anything.

The Court: Are you about through, Mr. Darrow?

Darrow: I want to ask a few more questions about Creation.

The Court: I know. Be very brief, Mr. Darrow. The only reason I'm allowing this all to go in is that they may have it in the [Superior Court].

Bryan: The reason *I am answering* is *not* for the benefit of the Superior Court. It is to keep these gentlemen from saying I was afraid to meet them and let them question me, and I want the Christian world to know that *any atheist, agnostic, unbeliever*, can question me *any* time as to my belief in God, and *I will answer him*.

Darrow: I want to take an exception to this conduct of this witness. I do not need his explanation for his answer.

The Court: Yes.

Bryan: Your Honor, the only *reason* they have asked *any* question is for a chance to give this *agnostic* an *opportunity* to *criticize* a *believer* in the word of *God*; and I answered [his] questions in order to *shut his mouth*, so that he cannot go out and tell his *atheistic friends* that *I would not answer his question*. That is the *only* reason, no more reason in the world.

Malone: Your Honor, on this subject, I would like to say, that I would have asked Mr. Bryan every question that Mr. Darrow has asked him for the purpose of bringing out whether or not there is to be taken in this Court only *literal* interpretations of the Bible, or, as these questions indicate, if a *literal* construction *cannot* be put upon *parts* of the Bible—

which have been covered by Mr. Darrow's questions. [And] I hope for the last time no further attempt will be made by counsel, or by Mr. Bryan, to say the defense is concerned at all with Mr. Darrow's particular religious views or lack of religious views. We are here as *lawyers* with the same *right* to our views; I have the same right to mine, as a Christian, as Mr. Bryan has to his— and I consider myself as *good* a Christian as he— and we do not intend to have this case charged by Mr. Darrow's agnosticism or Mr. Bryan's brand of Christianity.

A great applause

The Court: I will pass on each question as asked, if it is objected to.

Darrow: Mr. Bryan, do you believe that the first woman was Eve?

Bryan: Yes.

Darrow: Do you believe she was literally made out of Adam's rib?

Bryan: I do.

Darrow: Did you ever discover where Cain got his wife?

Bryan: No, sir; I leave the *agnostics* to hunt for her.

Darrow: You have never found out?

Bryan: I have never *tried* to find.

Darrow: Where she came from you do not know. All right. Does the statement, "the morning and the evening were the first day," and, "the morning and the evening were the second day," mean anything to you?

Bryan: I do not think it necessarily means a twenty-four-hour day.

Darrow: —You do not?

Bryan: No.

Darrow: What *do* you consider it to be?

Bryan: The fourth verse of the second chapter says, “these are the *generations* of the heavens and of the earth, when they were created in the *day* that the Lord God made the earth and the heavens.” The word “day” there in the very next chapter is used to describe a *period* [of time]. I do not see the necessity for construing the words “the evening and the morning” as necessarily a twenty-four-hour day, “in the *day* when the Lord made the heaven and the earth.”

Darrow: [So,] when the Bible *said* for instance, “and God called the firmament heaven. And the evening and the morning were the second *day*,” that does not necessarily *mean* twenty-four hours?

Bryan: I know a great many think so.

Darrow: [But] what do *you* think?

Bryan: I do not think it does.

Darrow: *You* think those were not *literal* days?

Bryan: No. But I think it would be just as easy for the kind of God we believe in to make the earth in six days as in six years or in 6,000,000 years or in 600,000,000 years. I do not think it is *important* whether we believe one or the other.

Darrow: Have you any idea of the *length* of the periods [of time]?

Bryan: I do not.

Darrow: [But] you think the *sun* was made on the fourth day?

Bryan: Yes.

Darrow: And they had the evening and the morning without the *sun*, do you think?

Bryan: I believe in Creation *as there told*, and if I am not able to *explain* it, I will *accept* it. *You can explain it to suit yourself.*

Darrow: ²⁵—They had the evening and the morning before the sun for three days, or periods [of time], all right. That settles it. Now, those periods— they *may* have been a very long time?

Bryan: They might have been.

Darrow: The Creation *might* have been going on for a *very* long time?

Bryan: It *might* have continued for millions of years.

Darrow: Yes. All right. Do you believe the story of the temptation of Eve by the serpent?

Bryan: I do.

Darrow: And you believe *that* is the reason that God made the serpent to go on his belly after he tempted Eve?

Bryan: I believe the Bible *as it is*, and I do not permit you to put *your* language in the place of the language of the *Almighty*. I will not answer your questions in your language.

Darrow: I will read it to you from the Bible [then]. “And the Lord God said unto the serpent, because thou hast done this, thou art cursed above all cattle, and above every beast of the field; upon thy belly shalt thou go, and dust shalt thou eat all the days of thy life.” *Do you think* that is why the serpent is compelled to crawl upon its belly?

Bryan: I believe that.

Darrow: Have you any idea how the snake went *before* that time?²⁶

Bryan: —No, sir.

Darrow: Do you know whether he walked on his tail or not?

²⁵ *It's said the two men faced off here until Darrow was satisfied that his point had been made, and that Bryan knew he had made it for him. The Bible cannot always be interpreted as literal (or scientific) fact. "You can explain it to suit yourself!" - "All right. That settles it."*

²⁶ *Implying that God has made the snake evolve in the Bible (Genesis).*

Laughter in the audience

Bryan: No, sir. I have no way to know.

Darrow: Now, to refer to the cloud that was put in the heaven after the flood, the rainbow. Do you believe in *that*?

Bryan: Read it.

Darrow: All right, Mr. Bryan, I will read it for you.

Bryan: Your Honor, I think I can shorten this testimony. The only purpose Mr. Darrow has is to *slur* at the Bible, but I will answer his question. I will answer it all, and I have no objection; I want the world to know that this *man*, who does not believe in a *God*, is trying to use a court in Tennessee—

Darrow: I object to that.

Bryan: (cont.)²⁷ to *slur* at it, and while it will require time, I am willing to *take* it.

Darrow: I object to your statement. I am objecting to you on your fool ideas that no intelligent Christian on earth believes.

The Court: Court is adjourned until 9 o'clock tomorrow morning.

EIGHTH DAY

[**Mencken:** After that battle, science v. religion; after that duel to the death, Mr. Darrow walked back to his rooms surrounded by a large and friendly crowd. Mr. Bryan left the court almost alone. Mr. Darrow would later write in his book²⁸ that he felt sorry for him. I believe he did, too. Charitable people did. William Jennings Bryan had just flunked his own test. He had not stood with the illiterate literacy of the

²⁷ *WJB is said to have stood from his chair in “operatic” “near tears” “near hysterics.”*

²⁸ *The Story of My Life, the autobiography of Clarence Darrow.*

fundamentalists. Nor had he disproved science as a theory or a fact. Bryan had shown the world that Bryan cared most about Bryan and had *no interest in any fact* that disagreed with him. Kids there called him narrow-minded in hushed tones.

On the eighth and final day of The Evolution Case, Tuesday July 21st, the Court met pursuant to recess and opened with a prayer, again, in the name of Jesus Christ, amen.]

The Court: Let's have order. Since the beginning of this trial the judge of this Court has had some big problems to pass upon. Of course, there is no way for me to know whether I decided these questions correctly or not until the courts of last resort speak. If I have made a mistake, it was a mistake of the head and not the heart. [Now], there are two things that may lead a judge into error. One is prejudice and passion. Another is over-zeal to be absolutely fair to all parties. I fear that I may have committed an error [on yesterday] in my over-zeal to aid the Higher Courts in determining whether or not *I* had committed error in *my* decrees. If I am in error, I hope to God that somebody will correct my mistake.

I feel, that the [further] testimony of Mr. Bryan can shed no light upon any issues that will be pending before the Higher Courts. The issue *now* is whether or not Mr. Scopes taught that man descended from a lower order of animals. It isn't a question of whether God created man as all complete at once, or God created man by the process of development and growth. These questions have been eliminated from this Court. The only question we have *now* is whether or not this teacher, this accused, this defendant, *taught* that man descended from a lower order of animals. Mr. Bryan's

testimony cannot aid the Higher Courts in determining that question.

Darrow: Let me suggest this. We have all been here quite a while, and I say it in perfectly good faith: we have no witnesses to offer, no proof to offer on the issues that the Court has laid down here. Mr. Scopes *did* teach what the children said he taught, that man descended from a lower order of animals—we do not contradict that, and I think to save time we will ask the Court to bring in the jury and instruct the jury to find the defendant *guilty*. We make no objection to that, and it will save a lot of time, and I think that should be done.

Stewart:—We are pleased to accept the suggestion of Mr. Darrow!

Bryan: May it please the Court.

The Court: I will hear you, Mr. Bryan.

Bryan: Now, I had not reached the point where I could make a statement to *answer* the charges made by the counsel for the defense as to my *ignorance* and *bigotry*.

Darrow: I object, Your Honor, now, what's all this about.

The Court: (*to Bryan*) I will hear what you say.

Bryan: I shall have to trust to the justness of the *press*, not to the Court, but to the *press* in answer to the charge scattered, broadcast, over the world, and I shall also avail myself of the opportunity to give to the *press*, not to the Court, the questions that I *would* have asked had I been permitted to call the attorneys on the other side.

Darrow: I think it would be better, Mr. Bryan, for you to take us out also with the press and *ask us the questions*, and then the press will have both the questions and the answers.

Bryan: (*to The Court*) I think it is hardly *fair* for them to bring into the limelight *my* views on religion and stand behind a

dark lantern that throws light on other people but conceals *themselves*. I think it is only *fair* that the *country* should know the religious attitude of the people who come down here to *deprive* the people of Tennessee of the *right* to run *their own schools*.

Darrow: I object to that.

The Court: I overrule the objection.

Bryan: That is all.

Malone: If Your Honor pleases, I wish to make a statement, if statements are in *order*. The attorneys for the defense are hiding behind no screen of any kind. They will be very happy at any time to answer any questions which Mr. Bryan can ask along the lines that were asked him, if they—

Stewart: —Permit me to suggest—

The Court: —Alright.

Stewart: —I think the next thing in *order* is to bring the jury in and charge the jury.

McKenzie: —I suggest that Colonel Bryan have a joint discussion with the distinguished gentlemen— there is a crowd, and they are all anxious to hear him, and by *that* means *your* views will be reflected.

Malone: —We are not worried about our views. We are in a court of law and our discussion is ended. We are ready for the jury.

[**Mencken:** The jury was brought in, and as they took their seats in the jury box:]

The Court: (*privately to the attorneys*) Have you gentlemen any further statements to make?

Stewart: (*privately*) We want Your Honor to proceed to charge the jury.

Darrow: (*privately*) As long as it is agreed we don't need to *talk* any longer.

The Court: Gentlemen of the Jury: this is a case of the State of Tennessee vs. John Thomas Scopes, where it is charged that the accused violated what is commonly known as the antievolution statute; that it shall be unlawful for any person to teach any theory that denies the story of Divine Creation of man, as taught in the Bible, and teach *instead* that man is *descended* from a lower order of animals. To this charge, the defendant has pleaded not guilty.

In this case the defendant did not go on the stand. Under our construction and laws, he has the right to either testify or not to testify as he sees proper, and his failure to testify creates no presumption of his guilt. And you, gentlemen, enter upon this investigation with the presumption that the defendant is not guilty of any offense.

Under the provision of the statute in this case, a person who violates the same may be punished by a fine of not less than \$100²⁹ nor more than \$500. If after a fair and honest investigation of all the facts you find the defendant guilty and find that his offense deserves a greater punishment than a fine of \$100, then you must impose a fine not to exceed \$500. But if you are content with a \$100 fine, then you may simply find the defendant guilty and leave the punishment to the Court. If [your investigation] fails to show his guilt beyond a reasonable doubt, you should acquit the defendant, and your verdict should be not guilty. Under our constitution and laws, the jury can have no prejudice or bias either way, but you should search for and find the *truth*, and the *truth* alone, and

²⁹ *A little less than \$2,000 today (2025).*

bring into this Court such a verdict you think *truth* dictates and *justice* demands. Any requests?

Darrow: Your Honor, may I say a few words to the jury? Gentlemen of the jury, as far as this case stands, the Court has told you very plainly that if you think my client taught that man descended from a lower order of animals, *you will find him guilty*. You heard the testimony of the Morgan boy on that question, and you heard the books read, and there is no dispute about the *facts*. Scopes did not go on the stand because he could not *deny* the statements made by the state's witnesses. I do not know how you may *feel*, I am not especially interested in it, but this case and this law will never be decided until it gets to a Higher Court, and it cannot get to a Higher Court unless you bring in a verdict. So, I do not want any of you to think we are going to find any *fault* with you as to your verdict. We will take this to the Higher Court and settle *whether the law is good*. I guess that is plain enough?

Stewart: That is satisfactory.

The Court: Have you any statement, Mr. Attorney General?

Stewart: I do not think that there is anything [else] that can be said to the jury [from the prosecution's side] than what *Mr. Darrow* [just] said! Of course, the case in its present attitude is that it will be thrashed out by the Appellate Court; that is what the defense wants *and* the state wants. What Mr. Darrow wanted to say to *you* [gentlemen of the jury] is that he *wanted* you to find his client *guilty*; but did not want to be in the position of *pleading* guilty, because it would destroy his rights in the Appellate Court.

The Court: We couldn't take the verdict before noon, could we?

Stewart: How's that?

The Court: We couldn't take the verdict before noon, could we?

Stewart: I take it, it will only be a matter of a few moments.

[**The Court:** The jury may retire for deliberation.]

[**Mencken:** The jury was out for nine minutes.]

The Court: Mr. Foreman, will you tell us whether you have agreed on a verdict?

Foreman Thompson: Yes, sir. We have, Your Honor.

The Court: What did you find?

Foreman Thompson: We have found the defendant guilty.

The Court: Did you fix the fine?

Foreman Thompson: No, sir.

The Court: You leave it to the Court?

Foreman Thompson: Leave it to the Court.

The Court: Mr. Scopes, will you come around here, please, sir.

The defendant presents himself before the Court

The Court: (cont.) Mr. Scopes, the jury has found you *guilty* under this indictment. The statute makes this an offense punishable by a fine of not less than \$100 nor more than \$500. The Court now fixes your fine at \$100. Have you anything to say, Mr. Scopes, as to why the Court should not impose punishment upon you?

Defendant J.T. Scopes: Your Honor, I feel that I have been convicted of an unjust statute. I will continue in the future, as I have in the past, to oppose this law in any way I can. Any other action would be *in violation* of my ideal of *academic freedom*— that is, to teach the truth as guaranteed in our Constitution, of personal and religious freedom. I think the fine is unjust.

The Court: So then. The Court now imposes on you a fine of \$100 and costs, which you will arrange with the clerk.

Malone: I want to state that the Baltimore Evening Sun has generously offered to go bond for Mr. Scopes and the defense has accepted the offer. And Your Honor, may I at this time say, on behalf of my colleagues, that we wish to *thank* the people of the state of Tennessee, not only for their hospitality, but for the opportunity of trying out these great issues here.

Applause and hand clapping

Newspaperman Mr. Tony Muto: May it please Your Honor, on behalf of the ladies and gentlemen of the press that came down here to cover this trial for the various newspapers, magazines and syndicates, I wish to thank the Court and all the officials for all the courtesies and kindnesses that have been shown us.

Applause

Special Writer from Toronto: May I have the privilege, as the only Canadian correspondent present, to express my great appreciation of the extreme courtesy which has been accorded me and my brethren of the press by the Court and the citizens of Dayton. I shall take back with me a deeper appreciation of the great republic for which we have felt so kindly, and whose institutions we so magnify and admire.

Applause

McKenzie: On behalf of Rhea County and General Stewart, and on behalf of the prosecution, I desire to say to the gentlemen who have just made their statements, that we are delighted to have had you with us. We have learned to take a broader view of life since you came. You have brought to us your ideas— your views— and we have communicated to you, as best we could, some of our views. As to whether or not we *like* those views, that is a matter that should not address itself to us at this time, but we do *appreciate* your views, and while much has been said and much has been

written about the “narrow-minded” people of Tennessee, we do not feel hard toward you for having said that, because that is your *idea*. We people here want to be more broad-minded than some have given us credit for, and we *appreciate* your coming, and we have been greatly elevated, edified and educated by your presence. And should the time ever come when you are back near the garden spot of the world, we hope that you will stop off and stay awhile with us here in order that we may chat about the days of the past, when the Scopes trial was tried in Dayton.

Applause

[Stewart]: I feel that we should be remiss in our recognition of the counsel from outside of our state who have appeared in this case; I want to say that the bar of Tennessee appreciates the distinguished services of these great lawyers who have come to discuss among us a fundamental problem which affects our government, and the government of *all* the states, and we appreciate from the bottom of our hearts their labors amongst us, and we feel that they have as much right to be heard as our local counsel, and we welcome them to our state on this occasion and on any other occasion when matters of great magnitude involving our national welfare come before us.

Applause

[Hays]: I want to thank Your Honor and the gentlemen of the other side for the great courtesy they have shown to my distinguished associates from other states.

Applause.

The Court: Colonel Bryan, I will hear you.

Bryan: (*His Last Court Speech*) I hope the Court will pardon me if I mention a viewpoint that has not been referred to. Dayton is the center and the seat of this trial largely by

circumstance. We are told that *more words have been sent across the ocean by cable to Europe and Australia about this trial than has ever been sent by cable in regard to anything else happening in the United States*. That isn't because the trial is being held in Dayton. It isn't because a schoolteacher has been subjected to the danger of a fine from \$100 to \$500. But I think illustrates how people can be drawn into prominence by attaching themselves to a great cause. *Causes stir the world*. It is because it goes deep. It is because it extends wide, and because it reaches into the future beyond the power of man to see. Here has been fought out a little case, of little consequence, but the *world* is interested because it raises an *issue*, and that *issue* will some day be settled *right*, whether it is settled on our side or the other side. It is going to be settled *right*. There can be no settlement of a *great cause* without *discussion*, and people will not *discuss* a cause until their *attention* is drawn to it, and the *value* of this trial is not in any incident of the trial; it is not because of anybody who is attached to it, either in an official way or as counsel on either side. Human beings are mighty small, Your Honor. We are apt to magnify the personal element, and we sometimes become inflated with our importance... But the world little cares for man as an individual. He is born, he works, he dies, but *causes* go on *forever*, and we who participated in *this case* may congratulate ourselves that we have attached ourselves to a *mighty* issue.

I have no power to *define* this issue. None of the counsel on our side has this power and none of the counsel on the other side has this power, even this Honorable Court has no such power. The *people* will determine this issue. They will take sides upon this issue, they will state the question involved in

this issue, they will examine the information— *this case will stimulate investigation, and investigation will bring out information, and the facts will be known, and upon the facts, the decision will be rendered, and I think, my friends, and Your Honor, no matter what our views may be, we ought not only desire, but pray, that that which is right will prevail, whether it be our way or somebody else's.*

Applause

Darrow: May I say a word?

The Court: Colonel, be glad to hear from you.

Darrow: I want to say in thorough sincerity that I appreciate the courtesy of the counsel on the other side from the beginning of this case. I go away with a feeling of respect and gratitude toward them for their courtesy and their *liberality* toward us persons; and I appreciate the kind treatment of this Court, who might have sent me to *jail*, but did not.

Laughter

Darrow: (cont.) Of the controversy between the Court and myself I have already ruled that the Court was right, so I do not need to go further.

The Court: Thank you.

Darrow: But I mean it.

The Court: Yes.

Darrow: (cont.) Of course, there is much that Mr. Bryan has said that is true. Nature does not choose any special setting for mere events. I fancy that the place where the Magna Charta was wrested from the barons in England was a very small place, probably not as big as Dayton, but events come along as they come along. *I think this case will be remembered because it is the first case of this sort since we stopped trying people in America for witchcraft because here we have done our best to turn back the tide that has sought to force itself*

upon this modern world— of testing every fact in science by religious dictum. That is all I care to say.

The Court: My fellow citizens, I recently read somewhere what I think was a definition of a *great* man, and that was this: That he possesses a passion to know the truth and have the courage to declare it in the face of all opposition.

It is easy enough, my friends, to have a passion to find a truth, or to find a fact, rather, that coincides with our preconceived notions and ideas, but it sometimes takes courage to search diligently for a truth that may destroy our preconceived notions and ideas.

A man who is big enough to search for the truth, and find it, and declare it in the face of all opposition is a big man.

Now, my friends, *the people in America are a great people.* We are great in the South, and they are great in the North. *We are great because we are willing to lay down our differences when we fight the battle out and be friends.*

And, let me tell you, there are two things in this world that are *indestructible*, that man cannot destroy, or no force in the world can destroy. One is truth. You may crush it to the earth but it will rise again. It is indestructible. Another thing indestructible in America and in Europe and everywhere else, is the Word of God. I have had some difficult problems to decide in this lawsuit, and I only pray to God that I have decided them right. I want to do everybody justice.

We are glad to have you with us.

Applause

Hays: May I, as one of the counsel for the defense, ask Your Honor to allow me to send you *The Origin of Species* and *The Descent of Man* by Charles Darwin?

Laughter

The Court: Yes; yes.

Laughter and applause

The Court: (cont.) Has anyone else anything to say?

No response

The Court: (cont.) We will adjourn. And Brother Jones will pronounce the benediction.

Dr. Jones: May the *grace* of our Lord Jesus Christ, the *love* of God, and the *communion and fellowship* of the Holy Ghost abide with you *all*. Amen.

The Court: The Court will adjourn *sine die*.³⁰

³⁰ *Latin translates “without day.” When a court has concluded without setting a day or time to reconvene again.*

CODA

Mencken: An expert (excluded from testifying) suggested in their affidavit: one of the only animals who climbed onto the land, and then decided to go back into the sea, is the whale—and maybe the whale’s the more intelligent for it! That may be a fair point. Here on land this fire is still burning on many a far-flung hill and may begin to roar again at any minute. Why do *you* suppose this conflict was and remains so passionate?

Is it because to some people, religion offers the only morality in our society? And therefore, religion should be at the *center* of our systems of government and education? ...And only a godless, atheistic, satellite of the devil would try to prevent or put asunder the only source of our very morals?

Is it because to others, the only thing that’s within our power to keep free, that cannot fully be controlled by any bureaucracy, is our freedom to learn from, think of, and interpret the world? ...And only a bigoted ignoramus would even *attempt* to control our very thoughts— our very selves?

Is it because for some people, a lasting peace can only come about when they are at last acknowledged as the superior race? Or as the chosen of God? Is it because to others, a lasting peace can only be achieved when all life is at last considered equal, and worth respecting as one’s own?

Is it because some people simply want to stop the teaching of *anything*— to stop the means and spirit by which we learn to *teach ourselves*— because they’ve simply had enough of *progress? Enough evolution, as it were? Enough change?*

Is it Darwin himself who's to blame? Or the nature of evolution itself creating new life thru mistakes and thru death? Because with evolution we gained a new lens through which we can view the known universe and see a natural order within it. And we also gained eugenics, mass sterilizations, white-robed lynchings, and 'social' Darwinists who say the *rich* are the fittest to survive on the earth and therefore *should oppress* the poor and the weak. Or the *historically oppressed should be today's oppressors* now... To many people, of many kinds, this *fight for survival* was what Darwin *meant*.

Hays: None of this was *at all* what Mr. Darwin meant. And when he saw these abuses of his work, he rewrote his remarks in *The Origin of Species* to say, "*my conclusions have lately been much misrepresented, [and] great is the power of steady misrepresentation. But the history of science shows, fortunately, this power does not long endure.*" And Darwin went on to say, "*I look with confidence to the future, to young and rising naturalists,*" as if applying his theory to *the evolution of human thought* over time and generations.

Scopes: Let us all give Darwin the final words here. It seems only *just*. And everyone can benefit from knowing that Darwin said, 50 years before this trial started, "*I formerly spoke to very many naturalists on the subject of evolution, and never once met with any sympathetic agreement. Now things are almost wholly changed, and almost every naturalist admits the great principle of evolution.*"

Bryan: "*The chief cause of our natural unwillingness... is that we are always slow in admitting great changes of which we do not see the steps. The mind cannot possibly grasp the full meaning of the term of even a million years; it cannot add up and perceive the full effects of so many slight variations [over] an almost infinite number of generations.*"

Stewart: *“It is so easy to hide our ignorance under such expressions as “plan of creation” and “unity of design,” and to think that we give an explanation when we only restate a fact. [And] anyone whose disposition leads him to attach more weight to unexplained difficulties than to the explanation of a certain number of facts will certainly reject the theory.*

McKenzie: *“[But], as showing how transient such impressions are, remember that the greatest discovery ever made by a man, namely, the law of gravity, was also attacked as subversive of revealed religion.*

Bailiff: *“I see no good reason why the views in this volume, [The Origin of Species], should shock the religious feelings of any one. To my mind it accords better with what we know of the laws impressed on matter by the Creator.*

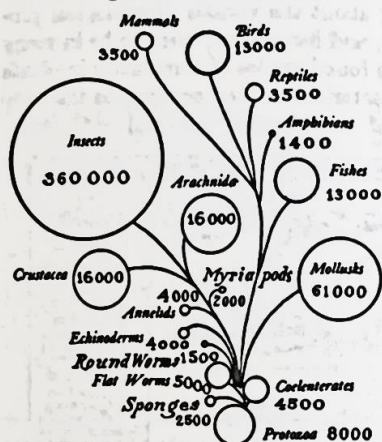
Malone: *“When I view all beings not as special creations, but as the lineal descendants of some few beings which lived long before... they seem to me to become ennobled.*

Darrow: *“It is interesting to contemplate a tangled bank, clothed with many plants of many kinds, with birds singing on the bushes, with various insects flitting about, and with worms crawling through the damp earth, and to reflect that these elaborately constructed forms, so different from each other, and dependent upon each other in so complex a manner, have all been produced by laws acting around us.*

The Court: *“From the war of nature, from famine and death: the most exalted object which we are capable of conceiving.*

Mencken: *“There is a grandeur in this view of life, with its several powers... And whilst this planet has gone cycling on according to the fixed law of gravity, from so simple a beginning, endless forms most beautiful and most wonderful have been, and are being evolved.”*

The Doctrine of Evolution. — We have now learned that animal forms may be arranged so as to begin with very simple forms and culminate with a group which contains man himself. This arrangement is called the *evolutionary series*. Evolution means



The evolutionary tree. Modified from Gal-
loway. Copy this diagram in your note-
book. Explain it as well as you can.

change, and these groups are believed by scientists to represent stages in complexity of development of life on the earth. Geology teaches that millions of years ago, life upon the earth was very simple, and that gradually more and more complex forms of life appeared, as the rocks formed latest in time show the most highly developed forms of animal life. The great English scientist, Charles Darwin, from this and other evidence, explained the theory of evolution. This is the

belief that simple forms of life on the earth slowly and gradually gave rise to those more complex and that thus ultimately the most complex forms came into existence.

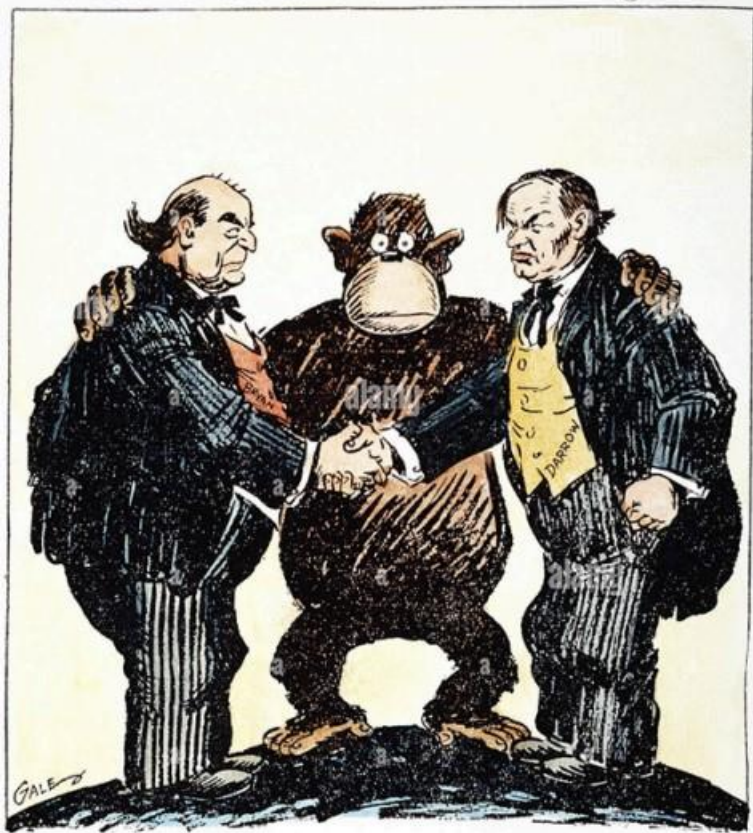
The Number of Animal Species. — Over 500,000 species of animals are known to exist to-day, as the following table shows.

Protozoa	8,000	Arachnids	16,000
Sponges	2,500	Crustaceans	16,000
Cœlenterates	4,500	Mollusks	61,000
Echinoderms	4,000	Fishes	13,000
Flatworms	5,000	Amphibians	1,400
Roundworms	1,500	Reptiles	3,500
Annelids	4,000	Birds	13,000
Insects	360,000	Mammals	3,500
Myriapods	2,000	Total	<u>518,900</u>

Taken from a facsimile court copy of A Civic Biology.



“When Shall We Three Meet Again?”



1925

A.J. SCHAAR

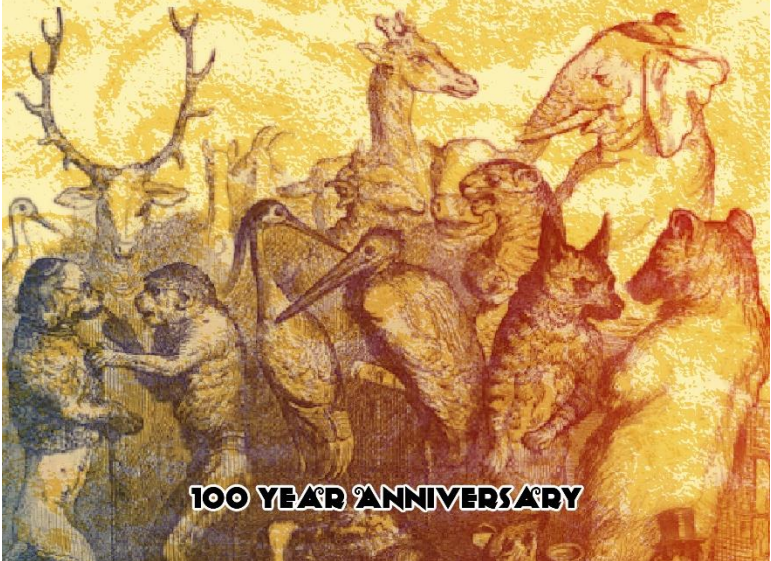
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TORONTO (Foreman Thompson, “One of them has quit”
Voice, the Morgan boy, Dr. Metcalf, “Amen” Voices, Rev.
Eastwood, “14 inches” Voice, Dr. Jones,
Special Reporter from Toronto)

The Prosecution
STEWART
MCKENZIE
BRYAN

The Defense
HAYS
MALONE
DARROW

The Defendant
SCOPES

“Beak Kind” and contact Black Chicken Unlimited prior to events to receive more information, useful ideas, and support.

THANK YOU.

THE MAIN EVENTS

(CHEAT SHEET)

*“You don’t remember all you study, I suppose.
Well, we are all that way.” – Clarence Darrow*

INTRODUCTION

Mencken introduces us to Dayton and the main speakers.

FOURTH DAY

The only day conventional witnesses are heard before the jury. The state presents all its witnesses, and rests. The defense presents one scientific witness, which is objected to.

FIFTH DAY

Arguments as to whether or not scientific evidence/testimony should be allowed. This is a must-read day of personal statements from both sides of the trial.

SURROUNDING THE COURTHOUSE

Mencken describes the atmosphere surrounding the trial.

SIXTH DAY

The shortest day with court convening for a few hours only. The judge rules that scientific testimony shall not be heard. Darrow strongly objects.

SEVENTH DAY

Darrow is held in contempt of court— and then forgiven. The defense calls Bryan to the stand. This is a must-read examination of Bryan by Darrow.

EIGHTH DAY

The verdict of guilty is rendered and the minimum fine is imposed. All parties express gratitude with great courtesy.

CODA

Concluding remarks and words from Charles Darwin.