

---

## **The Scopes "Monkey Trial" and It's Thirty-Fifth Anniversary Celebration**

**R. HALLIBURTON, JR., Northeastern State College**

The author attended the thirty-fifth anniversary celebration of the Scopes "Monkey Trial" at Dayton, Tennessee, (July 19-21, 1960) as a representative of the University of Oklahoma and the National Science Foundation.

In 1924 John Washington Butler of Macon County Tennessee campaigned for reelection to a second term in the Tennessee House of Representatives. Among his campaign promises, Butler announced that if elected he would introduce a bill in the Legislature prohibiting the teaching of the theory of evolution, as it was evil, and that it turned children from God and parents into the arms of agnosticism and atheism. Upon this platform, Representative Butler was returned to the Tennessee House by a 10 to 1 vote.

In March of 1925 Butler introduced his anti-evolution bill in the Tennessee House of Representatives. While the bill was under consideration, William Jennings Bryan journeyed to Nashville and lectured for the measure. Bryan's lecture was entitled, "Is the Bible True?" Several hundred copies of his address were printed, distributed at large and pre-

sent to members of the legislature. The inimitable oratory of the "Great Commoner" may have influenced the legislators since the bill passed the House 71 to 5 and subsequently received Senate approval by a margin of 24 to 6. Governor Austin Peay then signed the measure into law on March 21, 1925.

It was inevitable that a transgression of the law would soon be detected and litigation initiated. Such a circumstance soon arose in the little hamlet of Dayton, Tennessee, which is approximately 40 miles north of Chattanooga. The accused was a young teacher at the Rhea County High School in Dayton. He was John Thomas Scopes, a 24 year-old science teacher and football coach. "Professor" Scopes was generally well-liked throughout the small Dayton community and he enjoyed the respect and admiration of his students. His only "vices" were considered to be smoking cigarettes and dancing, both of which he did on occasion in public.

Young Scopes accepted the mantle of notoriety in the tranquil atmosphere of Robinson's Drug Store on Dayton's main street. There, soon after the enactment of the anti-evolution law, a "bizarre and fantastic" scheme was deliberately concocted by a small group of local citizens.

This group was led by George W. Rappelyea, a Dayton mining engineer, who had learned while reading the *New York Times* that the American Civil Liberties Union of New York would gratefully offer its legal services to the first person indicted under the statute. One evening Rappelyea and Walter White, the Rhea County Superintendent of Schools, and two lawyer friends were engaged in a friendly conversation in Robinson's Drug Store. The conversation finally turned into a discussion of the Bible and evolution. The group then sent for the young science "professor" and Rappelyea inquired whether Scopes ever taught evolution. Though he has since denied the charge, Scopes was said to have admitted that he did.

Rappelyea then sought Scopes's permission to initiate a test case in order to challenge the validity of the anti-evolution statute. He reasoned that the consequent litigation would result in considerable publicity and "place Dayton on the map". Young Scopes reluctantly gave his consent and Rappelyea filed a formal complaint the following day. The young "professor" was summarily indicted by a grand jury which censured him by remarking that the school room was the place to develop "character" rather than a place to violate laws.

With the satirical pen of H. L. Mencken of the *Baltimore Sun* setting the pace, the press seized upon the colorful issue with considerable alacrity. William Jennings Bryan quickly came to Tennessee's defense, stating that a teacher is a representative of the parents and is obligated to do what they expect to be done. Bryan formed the analogy that if a man were hired to paint a house, the owner would expect him to use the colors the owner selected. If a man were hired to teach school, he should use the facts the parents selected. The "Great Commoner" ignored any vestige of academic freedom in his dictum, "The hand that writes the pay check rules the school."

As the impending date of adjudication approached, there was some thought and debate as to whether the trial would be a legal, educational, religious, scientific or political phenomenon. The citizens of Dayton, however, were much too busy making extensive preparations for the trial to give much thought to jurisprudence *per se*. The street to the courthouse became lined with soda and sandwich stands, hucksters and vendors everywhere hawking everything from religious books to watermelons. The little hamlet of less than three thousand population was encompassed by a half-circus, half-revival meeting atmosphere. It was believed that the Rhea County courthouse with a seating capacity of about three-hundred would

be inadequate to "entertain all the spectators". Some city officials thought that the trial should be moved to the baseball park and twenty-thousand bleacher seats be erected to accommodate the crowds. They also requested Tennessee Congressman Cordell Hull to secure a large number of tents from the War Department. The railroad was asked to station a considerable number of Pullman cars on the local side track. They next appointed one of their number, W. W. Mergan, chairman of the "Committee on Entertainment for the Scopes' Trial." In the meantime, news of the impending adjudication was disseminated throughout the world.

William Jennings Bryan, the acknowledged leader of the fundamentalist movement, offered his services for the defense of the anti-evolution law on behalf of the World's Christian Fundamentals Association. The state found that arrangement satisfactory and welcomed his assistance although he had not practiced law for twenty-eight years.

The American Civil Liberties Union readily accepted the financial responsibility for Scopes' defense on the grounds that the suppression of the freedom of speech was involved. The A. C. L. U. engaged Dr. John R. Neal, former Dean of the University of Tennessee Law School, as head counsel for the defense and instructed him to test the constitutionality of the law. Prior to the trial date Clarence Darrow, who was then one of America's most eminent and formidable lawyers, and Dudley Field Malone offered their services to the defense without charge. Their offer was quickly accepted.

The Scopes case went to trial in the Rhea County Court on July 10, 1925. It was charged that "professor" Scopes had taught, in violation of a state statute, that man had descended from a lower order of animals. The penalty, upon conviction could be a fine of not less than \$100 nor more than \$500 for each offense. The counsel for prosecution included Bryan, three time presidential candidate of the Democratic party and past Secretary of State under Woodrow Wilson; General McKenzie, ex-district attorney of Dayton; J. Gordon McKenzie, Sue and Herbert Hicks, young Dayton lawyers; A. T. Stewart, circuit Attorney General; Walter White, Rhea County Superintendent of Schools and County Prosecutor; W. C. Haggard, Dayton attorney; and William Jennings Bryan, Jr.

Counsel for defense was comprised of Dr. John R. Neal of Knoxville, Darrow of Chicago, and Malone of New York City. The 12 veniremen were made up of 10 farmers, a part-time teacher and a shipping clerk. One juror was unable to read or write and none believed in the theory of evolution. Eleven members of the panel had never heard of Darwin and the twelfth thought that he might be the owner of a notions store in downtown Dayton.

Presiding over the court was Judge John T. Raulston, of Winchester, Tennessee, who was magistrate of the 18th Tennessee circuit. Judge Raulston coupled his adjudicatory duties with that of a lay Methodist preacher and elucidated that he believed the Scopes case to be the most important ever tried in this country. Consequently, he sought divine guidance in the conduct of the trial.

John Washington Butler, author of the anti-evolution law, hired extra help for the threshing on his farm in order to attend the trial. He arrived in Dayton armed with a commission to write his views of the litigation for a press association.

By this time the rest of Tennessee and the world were referring to Dayton as "monkey-town" and world champion freaks began arriving. Zack Miller of 101 Ranch fame brought two railway cars of various types of monkeys, apes and other simians to the city. Daytonians took in these

side shows with open-mouthed wonder and admiration. A common salutation on main street was "Brother, thy tail is hanging down."

Throughout the trial Dayton's simian population was considerable and people strolled the streets with monkeys on chains. Freaks and monkeys were forced to share the spotlight of prominence with the demented, cranks, and religious crackpots many of whom had to be locked up or escorted out of town for their own protection.

The stage had now presumably been set for the trial. The contest appeared more and more to be evolving into a personal "tournament of intellects" between William Jennings Bryan and Clarence Darrow. The defense asked for a ruling on the constitutionality of the law and Judge Raulston promptly ruled the statute constitutional. Next, the defense sought to offer expert testimony from a group of the world's most eminent scientists. The magistrate also ruled out this testimony as irrelevant after auditing and evaluating it.

Dudley Field Malone assailed the disallowance of scientific testimony by the court. His argument, composed in fine rhetorical style, erudite in content and emphasized by histrionicism, ended in a spontaneous tumult of cheers from the audience—not because they agreed with him, but because the audience appreciated his oratorical prowess.

The case for the defense was shattered by the refusal of the court to accept scientific testimony in evidence. The defense was hinged upon the constitutionality of the act. Since Scopes had previously made an open court declaration that he had violated the law and his admission had been corroborated by eye witnesses, there was but one alternative available to the jury.

Apparently it was too soon for the trial to end, however, even though everyone knew the eventual outcome. The court room gallery, the radio audience—this was the first court room trial broadcast by radio—and the newspaper followers desired to see Bryan and Darrow lock in combat and the court gave them the opportunity. On the last day of the trial, the court was moved out of the courthouse to the shaded lawn below. The temperature was a motivating factor in this action but there was also a fear that the large and boisterous crowd would collapse the courthouse.

When court reconvened under the shelter of a large shade tree, Clarence Darrow called William Jennings Bryan to the stand. This was the moment people all over the world had waited for. Bryan readily consented to the examination concerning religion in general, fundamentalist dogma, or any other germane subject. During the questioning Bryan admitted that he knew very little about comparative religion or geology, physiology, or other specialized branches of the natural sciences.

When questioned about the authenticity of Biblical miracles, Bryan accepted them in their entirety with complete faith. Later he was forced to hedge somewhat concerning the feat of Joshua commanding the sun to arrest itself. He accepted the helio-centric theory of the universe, thereby placing himself in an awkward argumentative position. He maintained a steadfast position, however, in accepting the miracle concerning Jonah and the whale. He also insisted that the Biblical flood was universal and should be accepted literally.

This inquisition had no bearing on the outcome of the trial and the entire episode was superfluous, irrelevant and immaterial. No possible benefit could be derived from such questioning, as the court had previously precluded any importance that might be attached, with its decision not to accept expert or technical testimony in evidence.

The shade tree exchange between the two barristers amounted to a duel between Darrow's brash rationalism and Bryan's pious and adamant faith. Bryan had readily consented to Darrow's examination because he anticipated examining Darrow in return.

He was frustrated in his attempt to do this when Attorney General Stewart informed him that there would be no further examination by counsel on either side. This was a great blow to the "Commoner" who had his speech ready for delivery. The attorney general had become so provoked by the exhibitionary tactics of both counselors that he seriously considered entering a *nolle prosequi* motion. Since the attorney general refused to tolerate the counselors' continuance of their private assault on the other's personal contentions, there was no pretext for prolonging the trial, and the jury pronounced John Thomas Scopes guilty as charged.

After hearing the verdict, Scopes nervously listened to Judge Raulston pronounce sentence of \$100 fine. Then Scopes addressed the bench by saying, "Your honor, I feel that I have been convicted of violating an unjust statute. I will continue in the future, as I have in the past, to oppose the law in any way I can. Any other action would be in violation of my ideal of academic freedom. I think the fine is unjust." A minister then pronounced a benediction and the court adjourned. Thus the trial ended on July 21, 1925.

Although he was convicted and the conviction sustained by an appellate court, it is commonly accepted that the famous test case *The State of Tennessee vs. John Thomas Scopes* fashioned the demise of anti-evolutionism as an organized national movement and as a curb on academic freedom. Fundamentalism was thoroughly discredited during that adjudicatory process. However, the issue involved in the Scopes trial, and the animosity aroused on both sides of the controversy, is far from dead.

There have been numerous attempts to repeal the Tennessee "monkey law". The first came in 1931, another in 1951, and the American Civil Liberties Union—the organization which financed the defense of John Thomas Scopes—asked Governor Frank G. Clement to take steps to repeal the obfuscatory statute in 1955. An abortive effort to gain support for a repeal measure was fomented at the thirty-fifth anniversary celebration of Scopes conviction which was held at Dayton, Tennessee, on July 21, 1960.

The "monkey trial" celebration was a promotional effort by Stanley Kramer Productions to publicize the moving picture *Inherit the Wind*. The film company had contacted Dayton's Chamber of Commerce and suggested that the city commemorate the thirty-fifth anniversary of Scopes' conviction by asking the participants in the trial to return to the city for the ceremony. In turn, as the climax of the celebration, the motion picture company would preview the film at the Dayton Drive-In Theater. Recognizing a fortuitous opportunity to "put Dayton on the map" again—the offer was accepted with alacrity. Invitations were forwarded to John T. Scopes, Mrs. Rudd Brown, granddaughter of William Jennings Bryan; Dr. Watson Davis, Director of Science Service, who had selected fifteen of the world's most eminent scientists to give testimony at the trial in 1925; Vera Raulston, daughter of the trial judge; J. G. Goodrich, W. G. Taylor, and J. H. Bowman the only surviving jurors; Charles C. Keith, Court Officer at the trial and many others. Efforts were made to communicate with George W. Rappelyea, instigator of the test case, and members of Clarence Darrow's family but none could be contacted.

As the trial personalities arrived in Dayton, they were confronted by the same carnival-like environment which they had experienced back in 1925. Roadside stands, well-stocked with peaches, watermelons, and various kinds of produce lined Highway 27 into the city. A large banner

stretched across Market Street greeted all visitors and welcomed them to "Scopes Trial Day". The streets were draped with bunting and flags. Hospitality booths were operated by the Jaycettes, and the Business and Professional Women's Club sponsored a 1925 vintage fashion show. Miss Dayton, Miss Strawberry Queen, and Mrs. Grandma Tennessee were present to greet all visitors.

Robinson's Drug Store, the establishment where the test case was conceived, proudly displayed the table around which the trial was born. The employees of the drug store were dressed in the style of the "roaring twenties" including white trousers, red and white striped shirts, celluloid collars, bow ties, and Panama hats. These accouterments were completed with lavender suspenders or "galluses", not unlike those perennially worn by Clarence Darrow. Fountain attendants presented a variable rainbow of color as they busily dispensed "Bryanales" and "Scopes Sodas" to their many customers. Store manager W. C. "Sonny" Robinson claimed the "Bryanales" were prepared from William Jennings Bryan's own personal recipe.

Business establishments along Dayton's main street held window displays which contained memorabilia and souvenirs of the famous trial. One jewelry store displayed monkey watch fobs made from melted ball bearings. Several religious organizations had rented unoccupied buildings and sold bellucose anti-evolution literature. Evangelical preachers conducted services preaching sermons against all evolutionary theories. A random but representative sermon was entitled "Adam or Ape? Which Was Your Ancestor? Did Man Originate in the Garden of Eden or the Zoological Gardens?"

The news media turned out *en masse* to record Dayton's historic celebration. The Associated Press, United Press International, Columbia Broadcasting System, Monitor Radio Network, and special correspondents from numerous newspapers throughout the country were among those who reported the commemorative ceremonies; thus, nation-wide and international coverage was again assured. Scopes, accompanied by his wife, arrived in Dayton on the eve of the celebration day. The remainder of the invited guests, along with some ten thousand others, arrived from various parts of the country and were all accounted for by morning of the celebration day.

The festivities began with a press conference in the same courtroom, where thirty-five years earlier Scopes had been convicted and sentenced. All trial figures were in attendance and participated in the conference. The afternoon was devoted to a parade through town which ended at the Rhea County courthouse. There Scopes was re-introduced to the residents of Dayton and presented with a key to the city by Mayor J. J. Rogers.

At 8:00 p.m., a motorcade formed at the courthouse and journeyed to the drive-in theater where the audience viewed the first public presentation of *Inherit the Wind*. Immediately following the film the audience gathered at the refreshment stand for a "town meeting" discussion of the motion picture. Sentiments were divided, the general audience reaction seemed favorable to the film, but a sizeable minority said they had been "mistreated" in the "opus" and there was more than ample evidence that opinions had not changed altogether to the side of modern science.

Commenting on the situation, Scopes said, "I had hoped that the trial would accomplish more than it did. It was a circus. Calling it a monkey trial was part of the circus." But, he added, "If I had it all to do over again, I would do exactly the same thing. I do think the trial stopped a number of other states from passing similar laws." Scopes was probably

correct in both of his statements although Mississippi and Arkansas did pass their restrictive measures afterward. Scopes' parting words as he left the theater were, ". . . if the trial was to be held again today the verdict would remain the same as in 1925." "I think so, . . ." replied a by-stander, ". . . after all, he did break the law."

Thus, Dayton remains by-and-large a fundamentalist, anti-evolution community. It was definitely the conviction of John T. Scopes which most Daytonians were celebrating—not just the historical event itself. Townspeople, uninformed about Darwin's or any other theory of evolution still ask, "Do you believe you are the son of an ape?"

What was the trial about? A Dayton waitress said, "Oh, some guy claimed we came from a monkey. A man named Darrow and another named Bryan got mad about it and they got into an argument and the whole thing broke up." These statements represent the extent of evolutionary knowledge of many Daytonians. Of more than twenty-five high school students and recent graduates interviewed by the author not one could offer a better definition of evolution than "descent from an ape." Most replied that before the celebration they had never heard of Charles Darwin. However, in a press interview in 1958, the Dayton High School biology teacher, Seawillow Trotter Sells, stated that "evolution is presented as a theory" and "then I read the first two chapters of Genesis," to the students. This pedagogical performance was allegedly a part of the terms of employment to which both teacher and school board had agreed.

All science is still taught from the viewpoint of special, miraculous, and instantaneous creation at William Jennings Bryan College just outside Dayton. Bryan College, situated on Bryan Hill and dedicated to the paladin of fundamentalism, is a non-accredited institution which prepares students to approach every ". . . course of study with and from a biblical view point."

---