

SECTION D, SOCIAL SCIENCES

Arkansas' Anti-Evolution Referendum

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Anti-evolutionists have been active during the past year in Arizona, California, Florida, Indiana, New Jersey, Oregon, Texas and other states. Arizona led a movement to enact an amendment to the state constitution prohibiting the teaching that man may have evolved from lower forms of life. The California State Legislature defeated an anti-evolution measure in 1963 and the State Board of Education rejected such a proposal in 1964 even though Max Rafferty—State Superintendent of Public Instruction—had recommended its acceptance.¹

Anti-evolution petitions were circulated in six major Texas cities—Ablene, Austin, Dallas, Fort Worth, Houston and Lubbock—by the Church of Christ. Dallas high school officials reported they deliberately “side-step” evolution in their high school courses.²

Additional anti-evolution organizations continue to spring into existence. The Creation Research Society was formed in California in 1963 to bolster credence of the fundamentalists view. Likewise the Geo-Science Institute of Andrews University—a Seventh Day Adventists institution at Berrien Springs, Michigan—is currently producing films, books and other publications emphasizing the “literal interpretation of the Bible, design of nature, and the young earth concept.” Numerous evangelists, including Billy James Hargis, have taken up the cudgels of anti-evolutionism. Hargis, a leader of the “anti-communist” “Christian crusade” views evolution as a communist stratagem to destroy Christianity, capitalism, free enterprise and the American way of life.

Arkansas was the last state to defend Genesis by statute, however. During the summer of 1926, it became apparent that a determined effort would be made in the Forty-Sixth General Assembly to enact an anti-evolution law. In May the Reverend Selsus E. Tull of Pine Bluff, Arkansas, introduced the famous anti-evolution resolution at the Southern Baptist Convention at Houston, Texas. The Tull resolution declared:

Whereas, the Southern Baptist Convention, in its session May 12, 1926, by unanimous vote, declared that it ‘accepts Genesis as teaching that man was the special creation of God, and rejects every theory, evolution and other, which teaches that man originated in, or came out of, a lower animal ancestry’: and,

Whereas, Our great school of the prophets, the Southwestern Baptist Theological Seminary, through its board of trustees, on May 12th, accepted and incorporated the said action of the Convention in its Statement of Faith, and through its honored president further announced that said Statement of Faith would be made a test of all officers and teachers of said seminary;

Therefore, the Southern Baptist Convention does now resolve that it commends the Board of Trustees of the Southwestern Baptist Theological Seminary for its prompt and hearty acceptance of the Convention’s action; and, in order that no unfair comparisons arise or unjust accusations be brought against any of our Seminaries, schools or other Convention agencies, be it further

Resolved, that this Convention request all its institutions and boards, and their missionary representatives, to give like assurance to the Convention, and to our Baptist brotherhood in general, of a hearty and individual acceptance of the said action of the

Convention to the end that the great cause of our present unrest and agitation over the Evolution question be effectively and finally removed in the minds of the constituency of this Convention and all others concerned.⁴

The Superintendent of Schools of the small town of Cleveland — expressing the desires of many Arkansawyers — excluded all texts containing references to evolution with the statement, "No 'teen age pupils will be taught that they originated from monkeys while I am in charge."⁵ The literal interpreters drafted and circulated a petition published in several Arkansas newspapers, which read, in part:

To the Forty-Sixth General Assembly of the state of Arkansas:
We, the undersigned citizens, voters and taxpayers of the State of Arkansas and County of Randolph, believing in the Mosaic account of Creation, and believing the Darwinian theory of the origin of man to be erroneous, false, and misleading, and calculated in its nature to lead men from the truth of God and to instill in [them] the spirit of infidelity;

Do, therefore, petition your honorable body to enact a law, similar to the 'Tennessee Anti-Evolution Law' with just such changes and modifications as will make it applicable to the state of Arkansas.

Explanation

We believe in Evolution just as far as it goes; we believe in Evolution in the mineral, vegetable, and animal kingdoms.

We believe Evolution has produced changes in the earth. Its influence is recognized in the development of machinery and in the formation of languages and of governments. It produces many varieties of beautiful and useful things as flowers, apples, etc., of hogs, sheep, cattle, etc. It has no doubt produced varieties of men and monkeys, but we do not believe that any process of Evolution whatever can produce an apple tree from a mustard seed, a milk cow from a bull frog, or a man from a monkey. Such a belief not only disputes reason and science, but it disputes the decrees of the Most High, as recorded by His servant, Moses in Genesis 1:11, 1:24, 1:26.

We ask the *Star Herald* and its exchanges to give this petition publicity. To afford ample notice, we ask all publishers in the state to publish this, however it may come to their notice. We hope that the citizens of every county of the state will petition their representatives to support this measure.

Respectfully,

J. Will Henley, Minister Christian Church.
W. E. Hall, Pastor M.E. Church, South.
O. A. Greenleaf, Baptist Pastor.
Jos. Froitzheim, Pastor, St. Paul's Catholic Church.
G. W. Million, County and Probate Judge.
Rufus A. Meek, County School Superintendent.
J. W. Brown, M. D.
Geo. M. Booth, Prosecuting Attorney-Elect.
W. L. Pope, Ex-Circuit Judge.
Wm. H. Johnson.⁶

Such actions caused considerable fear that the anti-evolutionists would endanger a proposed constitutional amendment which was to be voted on to permit school districts to increase the local school tax from 12 to 15 mills.⁷

It was reported that the Baptist College at Little Rock required every member of the faculty to sign a pledge stating:

I do not believe in Darwinian evolution or materialistic, atheistic or theistic or any other theory of evolution by whatever name called which proposes to teach that there is, or, has been, such a thing in nature as transmutation of species to another, or that man came from the anthropoid ape, or from any lower form of animal life, or that man is derived from a common ancestor with other so-called primates. I believe that man is the direct creation of God and not the product of some form of evolved life.⁴

The Little Rock Science Club held public meetings to discuss proposed anti-evolution laws. Representative-elect A. L. Rotenberry of Little Rock — an avowed anti-evolutionist — addressed the organization after the Little Rock press had predicted he would introduce such a measure.⁵

On January 13, 1927, the Rotenberry bill was introduced, and read:
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE
STATE OF ARKANSAS:

Section 1. That it shall be unlawful for any teacher in any of the universities, normals and all other public schools of the State of Arkansas, which are supported in whole or in part by the funds raised by general or special taxes levied upon the property of the people of the state, for school purposes, to teach any theory that denies the story of the divine creation of man as taught in the Bible, and to teach instead that man descended from a lower order of animals, or any other source other than divine creation.

Section 2. That any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than two hundred dollars, nor more than one thousand dollars, and in addition thereto shall have his license to teach in any of the schools of this state revoked, and each day said Section 1 is violated shall constitute a separate offense.

Section 3. That all laws and parts of laws in conflict herewith be and the same are hereby repealed and this act take effect and be in force from and after its passage."⁶

The measure was referred to the Education Committee which reported it unfavorably by a large majority. On February 9, after hours of public discussion and debate — during which a motion to table the bill was lost — the House rejected the measure by only one vote, 48 to 49. Then on roll call vote, two legislators changed their "no" votes to "aye" allowing the measure to pass 50 to 47. A motion to exclude the colleges and universities from the provisions of the bill was defeated.⁷ The Senate received the measure on the following day, refused a roll call vote, and promptly tabled the bill. There was an effort to recall the bill on February 15 but it was defeated by a vote of 17 to 14.

The rural press had been approximately equally divided over the measure. Newspapers in the larger cities waged a bitter fight against the bill on the grounds that the Legislature should not attempt to control "ideas."

The American Association of University Professors chapter at the University of Arkansas had opposed the Rotenberry bill. The professors doubted the Constitutionality of the measure and charged that it would interfere with the "right of conscience". They prepared a statement outlining reasons why the bill should not be passed, charging:

In the first place we consider it [the pending legislation] of

very doubtful constitutionality. It certainly is contrary to the spirit, if not to the letter, of Section 6 of the Declaration of Rights in the Constitution of Arkansas, which says: 'The free communications of thoughts and opinions is one of the invaluable rights of man; and all persons may freely write and publish their sentiments on all subjects, being responsible for the abuse of such rights.' It may be objected that every man will still be free to say and teach what he pleases after the passage of the pending bill, the difference being that he can no longer draw pay from the state for teaching the theory of evolution, but will be subject to a penalty for such teaching while in the employ of the state. But the constitution also says that 'All men are created equally free and independent and have certain inherent and inalienable rights.' Such a law tends to destroy this equality, for it sets state-paid teachers apart and forbids them to teach something while leaving private teachers free to give instruction in the same thing.

More than this, it divides state-paid teachers into two classes and says to one, composed of those who reject the theory of evolution, 'You may teach the truth as you see it,' but to the other, composed of those who accept the theory of evolution, it says, 'You may not teach the truth as you see it.'

Section 24 of the Declaration of Rights says that 'No human can in any case or manner whatsoever control or interfere with the right of conscience; and no preference shall be given, by law, to any religious establishment, denomination or mode of worship above any other.' To forbid the teaching of evolution would be to interfere with the right of conscience of a teacher, for the teachers of evolution are just as conscientious in the search for, and the teaching of, the truth as any other teachers. If the proposed law does not actually give preference to a particular kind of religion, it comes perilously near doing so, for it forbids state-paid teachers to teach certain things not believed in by some of the adherents of Christianity, although the teachers may be, and many of them are, actually adherents of and sincere believers in, that same religion. In other words, it is legislation in favor of the fundamentalists and against liberals.

Article 26 says: 'No religious test shall ever be required of any person as a qualification to vote or hold office.' Now a teacher paid by the state is really an officer of the state and the United States Government recognizes him as such, for, under the income tax law, he, along with the governor, the secretary of state and other officials, is exempt from this tax. The supreme court has said that 'the power to tax is the power to destroy.' If congress could tax our teachers and other state officials, it could destroy our schools and our state governments. Yet the anti-evolution law practically imposes a religious test upon teachers.

For these reasons we believe that the proposed law is of very doubtful constitutionality and should not be put on the statute books.²³

Representatives of the "major" student organizations at the University of Arkansas publicly opposed the anti-evolution bill, stipulating, "We do not want to be laughed at, as are the graduates of the University of Tennessee, and practically boycotted by larger universities and medical schools when we seek to pursue our education further."²⁴ Liberal elements in the fields of education, theology, and science, from Fayetteville and Little Rock voiced opposition also. Will Rogers, who was in Arkansas when the Legislature was considering the prohibitory measure, commented, "I don't know why some of these states want to have their

ancestry established by law. There must be a suspicion of a doubt somewhere.'"¹⁴

After the defeat of his bill, Rotenberry announced that he would resort to the initiative method rather than attempt to "strengthen the Legislature." He declared that he desired "the people at large", rather than the lamentably unresponsive Senate, to have an opportunity of bringing into being an anti-evolution law 'with teeth in it.'"¹⁵

Rotenberry then drafted a measure:

For an act to be entitled an act to prohibit in any university, normal, public school, college or other educational institution in the State of Arkansas that is supported in whole or in part from public funds the teaching that man descended or ascended from a lower order of animals, and providing a penalty for violation thereof.¹⁶

Thus, as other states had sought truth by a vote of their respective legislatures, Arkansas — in the spirit of Rousseau — was to seek truth from the entire electorate.

The fundamentalists made immediate preparations for a renewed campaign. The Reverend Ben M. Bogard, a Baptist minister, incorporated the American Anti-Evolution Association — with himself as president — and created a state-wide organization. He announced that "Every legislator who voted against the bill will be black-listed, and the evolution issue will enter every race from governor to constable in subsequent elections."¹⁷ Reverend Bogard, in his weekly newspaper — *The Baptist Commoner*, wrote "If all who believe the Bible will go to the polls and vote there will be no trouble in passing the law. . . . We should rejoice that we can go to the polls and pass any [religious] law we please."¹⁸ Bogard further stipulated, "If a thousand of the brethren will copy this letter and send it to five of their friends and sign their [sic] own names to it and then the ones they write will copy and send to five of their friends it will win the election against evolution with ease."¹⁹ Petitions were circulated in sixty-six counties and quickly received twenty thousand signatures—five thousand more than necessary—to place an anti-evolution measure on the ballot in the November general election. It is notable that the majority of signatures came from counties with institutions of higher learning. Independence County, home of Arkansas College—a Presbyterian school—led the list. The home county of the University of Arkansas was next and it was closely followed by Faulkner County where both the State Teachers College and Hendrix College were located.²⁰

The Reverend Earl Kretzschmar—"chief spokesman"—for Arkansas's Lutherans, regarded liberalism and the doctrine of evolution as the source of most modern evils. Reverend Kretzschmar declared:

Liberalism wrecked Eden's happiness and perfection; it condemned Jesus to the death on the cross; it fought the spread of Christianity from the start. Less than 400 years after the first Pentecost, liberalism nearly succeeded in destroying the soul of Christianity. It came down like a blight on the fruits of the Reformation; it has caused in part the large number of divisions by which the visible church is rent. It is the source of present-day crime waves.²⁰

The campaign had hardly begun when Rotenberry—seeking the State Attorney General's office—was defeated in the primary election. Rotenberry had conducted strictly an anti-evolution campaign. His political advertisements in the state press carried the caption, "The Man or Monkey Question," and asked the voters, "Do you believe your ancestors were monkeys?" He maintained that an anti-evolution law would be of

little avail unless there was an Attorney General who would enforce it. Nevertheless, Rotenberry was overwhelmingly defeated.²¹

Preceding the referendum, Charles Smith, President of the American Association for the Advancement of Atheism, experienced a "mild martyrdom" when he was incarcerated at Little Rock for disturbing the peace by displaying a placard reading: "Evolution is true. The Bible is a lie. God's a ghost." Smith went on a hunger strike for eighteen days and then authorities removed him to a hospital where he was again arrested and convicted on a blasphemy charge.²²

When placed upon the ballot, the "state question" read, in part, "that it shall be unlawful for any teacher or other instructor in any university, college, normal, public school or other institution of the state which is supported in whole or in part from public funds derived by state or local taxation to teach the theory or doctrine that mankind ascended or descended from a lower order of animals, and also it shall be unlawful for any teacher, textbook commission or other authority exercising the power to select text-books for above-mentioned institutions to adopt or use in any such institution a text-book that teaches the doctrine or theory that mankind descended or ascended from a lower order of animals." A fine of \$500 and dismissal from state service was provided for possible violators.²³

The term "doctrine" was emphasized by advocates of the measure. They maintained that without this word teachers might have a "loophole" by which they could outline the descent of man. Proponents of the restrictive act did not refer to it as an anti-evolution measure because most of the teachings they opposed were not referred to as evolution. Two passages from Wilson D. Wallis's *Introduction to Anthropology*, which were used at the University of Arkansas and other state colleges, illustrate this point succinctly. They are: "It is probable that the higher apes are our nearest relations in the animal kingdom, but they must be reckoned as cousins of undetermined degree rather than as ancestors. How remote our common parentage is we cannot say." and "The literal blood relationship of man and the apes may be inferred from their similar susceptibility to disease."²⁴

Anti-evolution sentiment was found in practically all denominations, and congregations. Typical of the numerous resolutions condemning evolution is one from Benton, Arkansas, stating:

Be it Resolved, That it is the sentiment of Spring Creek Missionary Baptist Church of Benton, Arkansas:

1st. That we take a positive stand against evolution as taught by Darwin as being dangerous, atheistic and contradictory to the teaching of the Bible, and that such a theory is considered by us to be dangerous, deceptive, and destructive to the cause of Christianity.

2nd. That we endorse the action of the Tennessee legislature in passing the anti-evolution law.

3rd. That we as a church stand against the fatal teaching of evolution, and that henceforth we will not endorse nor support any organization or institution that refuses to take a positive stand against evolution.

4th. That we will continue to carry on the fight led by W. J. Bryan, and that we will not vote for any legislator or State senator who will not obligate himself to have enacted a law to prohibit the teaching of evolution in any common school, college, or university supported by taxation in this state, nor do we favor the adoption of such books to be used in said schools that teach such theories as evolution, nor do we favor the employment of

teachers who believe in the theory of Darwinian evolution in this State.²⁸

As expected, when the polls closed the electorate had overwhelmingly approved the anti-evolution measure by a vote of 108,991 to 63,406.²⁴ Thus, Arkansas has the distinction of being the only state to protect Genesis by a vote of the people. J. P. Womack, State Superintendent of Public Instruction, said that the law would not affect the common schools because no state-adopted texts had ever contained anything which could be construed as illegal under the new law. Moreover, the State Textbook Commission had no authority over high school and college texts.²⁵ Nevertheless, implementation of the new law began almost immediately. Womack sent a circular letter to the county and city school superintendents stipulating that the law banned *World Book*, *Webster's Dictionary*, *Encyclopedia Britannica*, and a number of other standard reference works because "all of them define the theory of evolution as the ascension of man from a lower order of animals, . . ." in violation of the law.²⁶

On February 18, 1937, State Representatives Adrian Coleman and John E. Coates unsuccessfully introduced a measure to repeal the anti-evolution law.²⁹ The Arkansas statute will be almost impossible to repeal, however, because it requires a three-fourths vote of the legislature.

As recently as ". . . 1948, the University of Arkansas turned down a proposed course which listed the first chapter of Genesis under 'Myths of Creation.'"³⁰

Representatives of both poles of evolutionary thought existed in Arkansas, and both played prominent roles in the blatant controversy. The negative pole was represented by the various sects of the Baptist persuasions, along with Methodists, Seventh Day Adventists, Lutherans and other fundamentalist groups. The opposite pole was represented by much of the secular press, the American Association of University Professors, numerous ministers of various persuasions and business and civic leaders.

Unlike H. L. Mencken's descriptions of "Babbits," "morons," "peasants," "hill-billies," "yokels," and other unsavory appellations, the fundamentalists were usually serious hardworking, God-fearing, pious individuals who were completely earnest about their religious convictions. Generally speaking they were not very well educated and were led by a few fire-eating, self-righteous, sanctimonious anti-evolution protagonists.

Anti-evolutionism, as a national movement, has been a moribund issue for three decades. Its demise can be attributed to multiple causation. Among the causative factors were the death of William Jennings Bryan, a catastrophic blow since he was the movement's acknowledged national leader; another was the Scopes trial publicity, which ridiculed and discredited the fundamentalists; lack of interdenominational unity; the presidential campaign of 1928, which served to distract attention from evolution, as many fundamentalists devoted much of their energy to defeating Alfred Smith, while still others divided their time among the issues of rum, Romanism, and evolution. These reasons for the demise of the anti-evolution movement remain of special importance because they are also the reasons — coupled with the present emphasis upon science and modern technology — that a renaissance of the movement is most unlikely.

FOOTNOTES

¹*Wall Street Journal*, June 18, 1964, p. 8.

²*Tulsa Tribune*, July 31, 1964, p. 13.

³*Wall Street Journal*, June 18, 1964, p. 8.

¹Maynard Shipley, *The War on Modern Science* (New York: Alfred A. Knopf, 1927), p. 161.

²Howard K. Beale, *Are American Teachers Free?* (New York: Charles Scribner's Sons, 1936), p. 311.

³"The Teaching of Evolution in Arkansas," *Science* n. s., Vol. LXIV (1926), p. 356.

⁴*Ibid.*

⁵Maynard Shipley, *The War on Modern Science*, *op. cit.*, pp. 164-65.

⁶*Ibid.*

⁷"Legislation Against the Teaching of Evolution in Arkansas," *School and Society*, Vol. XXV (1927), p. 166.

⁸*New York Times*, Feb. 10, 1927, p. 38; Also see "Anti-Evolution Bill Falls in Arkansas," *Christian Century*, Vol. XLIV (1927), p. 254.

⁹"Legislation Against the Teaching of Evolution in Arkansas," *loc. cit.*

¹⁰Ray Ginger, *Six Days or Forever? Tennessee v. John Thomas Scopes* (Boston: Beacon Press, 1958), p. 183.

¹¹*Ibid.*, p. 184.

¹²Maynard Shipley, "A Year of the Monkey War," *Independent*, Vol. CXIX (1927), p. 327.

¹³*New York Times*, Oct. 21, 1928, Sec. X, p. 4.

¹⁴Maynard Shipley, "A Year of the Monkey War," *loc. cit.*

¹⁵....., "The Forward March of the Anti-Evolutionists," *Current History*, Vol. XXIX (1929), pp. 578-79.

¹⁶*New York Times*, Oct. 21, 1928, Sec. X, p. 4.

¹⁷"Darwin an Outlaw in Arkansas," *Literary Digest*, Vol. LXXXIX (1928), p. 28.

¹⁸*New York Times*, Oct. 21, 1928, Sec. X, p. 4.

¹⁹Maynard Shipley, *The War on Modern Science*, *op. cit.*, p. 162.

²⁰"The Teaching of Evolution in Arkansas," *School and Society*, Vol. XXVIII (1928), p. 677.

²¹*New York Times*, Oct. 21, 1928, Sec. X, p. 4.

²²Maynard Shipley, *The War on Modern Science*, *op. cit.*, pp. 162-63.

²³*New York Times*, Feb. 19, 1937, p. 7.

²⁴"The Teaching of Evolution in Arkansas," *op. cit.*, p. 678.

²⁵Maynard Shipley, "The Forward March of the Anti-Evolutionists," *op. cit.*, p. 578; Also see *New York Times*, Nov. 14, 1928, p. 29.

²⁶*New York Times*, Feb. 19, 1937, p. 7.

²⁷Hodding Carter, *Southern Legacy* (Baton Rouge: Louisiana State University Press, 1950), p. 28.