

Darwin in Dayton

Daniel J. Kevles [The Atlantic](#) November 19, 1998 issue

Reviewed: Summer for the Gods: The Scopes Trial and America's Continuing Debate over Science and Religion by Edward J. Larson

In 1925, the Scopes trial—"the trial of the century," reporters said at the time—pitted Fundamentalist Christianity against Darwinian evolution in a sweltering courtroom in Dayton, Tennessee. The event was the basis of Jerome Lawrence and Robert E. Lee's mid-1950s play, *Inherit the Wind*. Edward J. Larson observes in *Summer for the Gods* that the immensely successful play "all but replaced the actual trial in the nation's memory." Stanley Kramer's film version, which appeared in 1960, had strong performances by Fredric March as the character representing William Jennings Bryan, the enemy of teaching evolution in the public schools, and Spencer Tracy as the one representing Clarence Darrow, Scopes's rumpled, shrewd, free-thinking lawyer. The cynical and caustic journalist based on H.L. Mencken was played by Gene Kelly. In the opening scene, with Leslie Uggams singing "Give Me That Old Time Religion" in slow, drum-beat cadences, three stern-faced officials and a preacher in a small Southern town march to a schoolroom to arrest the John Scopes character while he is teaching his high school biology class about the descent of man. The high points of the film are still dramatically effective, particularly Darrow's humiliating cross-examination of Bryan on the believability of the literal text of Genesis and the climactic moment after the trial ends with a guilty verdict, when Bryan, seeking to justify his views, is ignored, collapses in mid-speech, and dies.

Unlike the historical films of Oliver Stone, *Inherit the Wind* does not pretend to be history. In their introduction to the published version of the play, the authors say that it refers to events that took place "not too long ago," noting that it could have been yesterday or might be tomorrow. Nevertheless, the movie leaves a strong impression that, while the real Scopes lost his case, the real Bryan, subjected to ridicule, lost the argument over evolution. Fundamentalist Christianity, exposed as close-minded, was discredited. The country's classrooms were made safe for the teaching of the Darwinian theory of evolution, including the evolution of human beings. Larson notes that most secular observers at the time would have agreed with the novelist Irving Stone's judgment in 1941 that the Darrow-Bryan confrontation "dealt a deathblow to Fundamentalism."

In fact, however, whether as play or film, *Inherit the Wind* is misleading about the events of the Scopes trial and its wider implications. Bryan died not at the trial but five days later while taking a nap. He spent his last days issuing statements to the press and preparing a 15,000-word stump speech that would continue his battle against Darwinism and Darrow. Nor was Bryanite religiosity shattered by the trial, Larson points out, drawing on *Trial and Error*, his earlier, groundbreaking book on the teaching of evolution. Fundamentalists blamed Darrow for Bryan's death and made Bryan a martyr to their cause. "Scopes songs" celebrated Bryan's victory. The consensus of the press, which gave the trial enormous publicity, was not that the confrontation was decisive but that it marked the opening skirmish in a battle between religious fundamentalists and religious modernists. At least in the South, Bryan's followers kept gaining power. Within a few years of his death, Mississippi's legislature enacted a law prohibiting the teaching of evolution in the schools and Arkansas did the same by popular referendum. School boards throughout the South imposed local restrictions on the teaching of evolution.

In Texas during the fall of 1925, Governor Miriam ("Ma") Ferguson—the South's first woman governor—instructed the state textbook commission to delete the theory of evolution from the state's high school biology texts, a policy that Louisiana soon adopted as well. The publisher of George W. Hunter's *A Civic Biology*, the text in which Scopes's students read about human evolution, eliminated the six-page section on that subject from editions for the Southern market. Anti-evolutionism, though remaining strong only in the South, had a chilling nationwide effect on high school biology texts. Through the late nineteenth and early twentieth

centuries, evolution had been taught in American high schools without controversy. In 1930, Larson tells us, an estimated 70 percent of public high schools did not teach evolution, a bowdlerization of the curriculum that continued past World War II. Post-Scopes textbooks tended to downplay material on changes in species, omit mention of human origins in subhuman species, and downgrade natural selection—if they discussed it at all—to a theory that Darwin had “suggested” or “believed.” In the 1950s, Truman Moon’s *Biology for Beginners*, the dominant text in the market, did not even mention the word “evolution.”

Attempts to repeal the anti-evolution law in Tennessee failed in 1935—“A law that was good enough for William Jennings Bryan is good enough for me,” a legislator remarked—and again in 1952, when the president of Bryan College, a Fundamentalist institution opened at the time of the trial, wrote to every member of the state legislature, “The arguments advanced by Mr. Bryan [are] as sound today as when presented twenty-five years ago.” Fifteen years later, the law was finally erased from the books, and by then several United States Supreme Court decisions had gone a long way toward forcing religion out of the schools, which eased the task of putting Darwinism into them. Nevertheless, by the 1980s Christian conservatives were demanding equal time in the schools for biblical creationism as a branch of “science.” Many people who had seen *Inherit the Wind* would probably have been surprised to find that the campaign to contest the teaching of evolution in the schools had neither died out nor given up its claim to national legitimacy.

In *Summer for the Gods*, the first full study of the Scopes trial to be published in forty years, Larson, a historian of science and professor of law at the University of Georgia, incisively examines the myths surrounding the Scopes trial. His treatment is fresh and authoritative, making good use of the record of the trial, the extensive newspaper and magazine coverage it received, and the private papers of several of the main figures and organizations involved in it. He doesn’t discredit the main theme of *Inherit the Wind*; intellectual intolerance was a central issue in the case. Rather, he restores attention to aspects of it that are commonly overlooked and that reverberate in the contentions of our own day over science and religion in the schools. The originality of his book arises in large part from its thoughtful, evenhanded treatment of both sides in the confrontation—and the seriousness with which he takes the opposing convictions about religion, science, and their relationship to the law that clashed in Dayton.

Larson devotes the first third of his book to the background of the trial, explaining how several trends converged in it. One was the growing antagonism of Fundamentalist Protestants to the attempt of modernist Christians to reconcile theology with the findings of scholarship and science ranging from biblical criticism to cosmology. The reaction to Christian modernism led to the founding, in the summer of 1918, of the World’s Christian Fundamentals Association (WFCA) under the leadership of William Bell Riley, a prominent Baptist minister in Minnesota. Another trend, Larson argues, was the growing rapprochement in biology between evolution and the new field of genetics. In the United States early in the century, many biologists had grown skeptical of Darwin’s theory of evolution by natural selection because it was not evident how changes in organisms occurred on which natural selection could act. The problem left room for evolutionary change to be brought about in a Lamarckian or even theistic fashion, and those possibilities colored high school treatments of the subject. By the early 1920s, however, accumulating genetic knowledge suggested that evolution might work by means of the natural selection of chance mutations, a process that Larson argues, not altogether convincingly, was difficult to reconcile with Christian apologetics.

Although the Fundamentalist dissent from Christian modernism was initially theological, it increasingly concentrated on Darwinian evolution, which many modernist religious believers continued to take, in the words of one, to be “the method of divine intelligence” in creation. Demographic trends encouraged Fundamentalists to turn their attention to the schools. Ten times as many students were attending high school in 1920 as in 1890, which meant that ten times as many were vulnerable to exposure to Darwinian doctrines. Tennessee followed the national trend, enrolling 50,000 students in high school in 1925, five times more than in 1910. Riley

committed the WFCA to battle the teaching of evolution in the schools. While campaigning across the country against religious modernists in 1922 he offered to debate with them the theory of evolution. Early in 1923, he told Bryan, “The whole country is seething on the evolution question.”

Bryan himself was seething, too, often aloud, and when William Jennings Bryan spoke, people listened. He was an irrepressible evangelist of social reform, twice a presidential candidate, enough of an apostate from Woodrow Wilson’s foreign policy to have resigned his office as secretary of state. He regularly attacked the teaching of human evolution from the platform—Bryan delivered some two hundred speeches a year—in books and articles, and in his syndicated “Weekly Bible Talks,” which reached fifteen million newspaper readers. Larson contends that Bryan was not a hellfire-preaching philistine. He loved politics, travel, and food, which he consumed in huge quantities (Darrow cracked that he died of “a busted belly”). Although he quarreled with teaching evolution as a “proven fact” rather than as “a hypothesis,” he acknowledged that the biblical account of creation might be interpreted to be consistent with the view that the earth and its plants and animals had evolved over long periods of time.

What angered Bryan was the extension of Darwinian evolution to human beings. To his mind, Darwinian theory made human beings too much the product of a material process that invited their degradation through eugenics; by seeing people as competitors in a struggle for survival, moreover, Darwinism, he said, justified rapacious business relations and war between nations. He wrote: “I object to the Darwinian theory because I fear we shall lose the consciousness of God’s presence in our daily life, if we must accept the theory that through all the ages no spiritual force has touched the life of man and shaped the destiny of nations. But there is another objection. The Darwinian theory represents man as reaching his present perfection by the operation of the law of hate—the merciless law by which the strong crowd out and kill off the weak.”

Bryan deplored the teaching of evolution in addresses before nine state legislatures in the South and the Midwest, emphasizing everywhere that the core of the issue was democratic control of the schools. “The real issue is not *what* can be taught in public schools, but *who* shall control the education system,” he claimed, insisting that “a scientific soviet is attempting to dictate what is taught....” In 1923, he told the West Virginia legislature, “Teachers in public schools must teach what the taxpayers desire taught. The hand that writes the pay check rules the school.”

Bryan and William Bell Riley both urged the state of Tennessee to enact a law against teaching evolution in the schools. In January 1925, John W. Butler, a Democratic farmer-legislator and Primitive Baptist lay leader, introduced a bill making it a misdemeanor punishable by a fine for any public school teacher “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 had descended from a lower order of animal.” The bill, brought to a vote without any prior debate, passed the Tennessee House by a majority of 71 to 5, with support coming from every part of the state. Newspapers in Chattanooga and Nashville derided the measure, and so did modernist Tennessee clergymen, who emphasized the need for academic freedom and insisted that Christian faith needed no protection against scientific knowledge.

Nevertheless, when the anti-evolution bill came before the state senate, it passed by a margin of four to one. Some people urged Governor Austin Peay to veto the bill, but most of the letters he received on the matter endorsed it. The president of the University of Tennessee, Harcourt A. Morgan, disliked it, but he kept quiet and urged his faculty to do likewise, Larson notes, since a proposal for expanding the university was before the legislature. Peay, who called himself an “old-fashioned Baptist,” signed the bill, describing it as “a distinct protest against an irreligious tendency to exalt *so-called* science, and deny the Bible in some schools and quarters—a tendency fundamentally wrong and fatally mischievous in its effects on our children, our

institutions and our country.” He observed that, anyway, “nobody believes that it is going to be an active statute.”

Contrary to *Inherit the Wind*, the law became an active statute through a put-up job that originated in a press release from the American Civil Liberties Union. Founded under a different name during World War I to protect the rights of anti-war protesters and conscientious objectors, the ACLU was skeptical of majoritarianism. Amid the intensifying conservatism of the Twenties, it had broadened the range of the minority rights with which it was concerned to include those of labor unions and of teachers under pressure to hold orthodox social and economic opinions. The ACLU then took on the general cause of academic freedom in high schools, including the free-speech rights of biology instructors to tell their students about Darwin’s theory of evolution. The ACLU began offering beleaguered teachers legal assistance and, when the Tennessee anti-evolution law was passed, it announced in a press release that it would defend any teacher prosecuted under it.

In Dayton on May 4, 1925, as Larson tells the story, George W. Rappleyea, a thirty-one-year-old Ph.D. in chemical engineering and manager of coal and iron mines in the area, read the ACLU’s release in the *Chattanooga Times*. An enthusiast of the theory of human evolution, he detested the state’s anti-evolution law. He went to Fred E. Robinson’s drugstore, a gathering place for members of the town’s establishment, and suggested they make Dayton the venue of a test case. Dayton had been declining since the turn of the century. Not everyone at Robinson’s that day disliked the anti-evolution law, but whether they were for or against it, all were happy to give their town a boost. (A Chattanooga congressman later derided the trial as a pure publicity stunt, snapping, “It is not a fight for evolution or against evolution, but a fight against obscurity.”) The group summoned John T. Scopes, twenty-four, the high school’s football coach and general science teacher. He had been filling in for the regular biology teacher, who was ill, and had assigned students to read Hunter’s *Civic Biology*, which put him in violation of the law. Scopes was not a crusader, but he was the son of a socialist and agnostic, disapproved of the anti-evolution law, and, single as well as footloose, had no stake in Dayton. He agreed to be the defendant in a test case. After a warrant was sworn out for his arrest, Scopes went off to play tennis and Rappleyea wired the ACLU in New York.

In mid-May, Bryan offered his services to the prosecution, Riley and other leaders of the WPCA having urged him to appear on its behalf. Bryan himself wanted to help ensure that the law was upheld, since Tennessee was being ridiculed for having passed it. The prosecution accepted Bryan, Larson says, because it sensed that his presence would bring additional publicity for the trial. The ACLU initially expected Scopes to be defended primarily by Arthur Garfield Hays, a member of its executive committee, a prominent corporate lawyer in New York, and a fierce defender of the constitutional right to free speech. But Bryan’s entry into the case prompted Dudley Field Malone and Clarence Darrow to offer their services to the defense gratis (this was the only time that Darrow ever proposed to work for nothing). Malone was a well-known divorce lawyer and a devotee of radical causes who, as Larson points out, had been dismissed by Bryan from the State Department. Darrow was a militant agnostic and an enthusiast of Darwinism, holding that it was superior to Christianity as a basis for morality. Long a defender of radicals and labor unions, he had in recent years taken on rich murderers as his clients, including Leopold and Loeb just the year before.

The ACLU leadership was unenthusiastic about Malone, a divorced Irish Catholic, and reluctant to include Darrow, fearing that his views on religion might jeopardize Scopes’s chances. However, Scopes himself wanted Darrow, thinking, as he recalled, that “it was going to be a down-in-the-mud fight” and that the “situation demanded an Indian fighter rather than someone who graduated from the proper military academy.” In any case, Scopes’s local counsel in Dayton, a lawyer named John R. Neal who contended that he had been fired from the faculty of the University of Tennessee for defending the teaching of evolution, publicly announced, without consulting the ACLU, that the defense gladly accepted the services of Darrow and Malone. Despite attempts by the ACLU to keep Darrow and Malone out of the case, they stayed. This, Larson argues convincingly, broke the

ACLU's control of the defense and, together with Bryan's involvement, turned what the ACLU had hoped would be a sober test of free speech into a charged contest over the legitimacy of majority rule and the merits of evolution.

Larson's account of the trial and the legal issues involved in it is particularly illuminating. The defense strategy was to show that Scopes did not violate the law because his teaching was not inconsistent with a variety of ways that the biblical account of creation could be interpreted. The defense therefore lined up a number of distinguished scientists and theologians to demonstrate the point by giving expert testimony. Their evidence might have presented a plausible response to the first part of the law, the clause that prohibited teaching any theory that denied the biblical story of creation. The prosecution, led by Tom Stewart, a lawyer who was the state attorney general for the district, insisted that such testimony should be held inadmissible on grounds it was irrelevant. Scopes, he argued, had patently violated the part of the law proscribing instruction that human beings had descended from a lower order of animal, and no expert witnesses could gainsay the fact.

The dispute about admissible evidence, carried out in the absence of the jury, led to a stirring speech by Malone following an hour-long oration on the issue by Bryan. "I defy anybody, after Mr. Bryan's speech, to believe that this is not a religious question," Malone declaimed, adding, "Is our only weapon—the witnesses who shall testify to the accuracy of our theory—is our only weapon to be taken from us?" He concluded, "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. 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 the defendant." Malone got a standing ovation from the assembled press, but Judge John Raulston, a conservative Christian, ruled that the defense's experts could not testify, a holding that Larson, drawing on the views of several pro-defense commentators of the day, finds legally justifiable.

During the weekend following Raulston's ruling, which came on a Friday, Darrow resolved to put Bryan himself on the stand for the defense as an expert witness on the Bible. His questioning of Bryan, conducted on Monday before a huge crowd on the courthouse lawn, really had nothing to do with the case, Larson writes, but had everything to do with Darrow's last-resort desire to ridicule both Bryan and literal readings of the Bible. Attorney General Stewart tried to halt the examination, but Bryan refused to step down, exclaiming, "I am simply trying to protect the word of God." After two hours of the exchange, Judge Raulston abruptly adjourned the court. Darrow later wrote to Mencken, "I made up my mind to show the country what an ignoramus he was and I succeeded."

Darrow, his eye on an appeal and having no further witnesses to call, asked the court to instruct the jury to find Scopes guilty. Ruling on the appeal several weeks later, the Tennessee Supreme Court upheld the anti-evolution law by a bare margin, in effect ruling that Scopes, in his capacity as an employee of the state, was obliged to submit to the law of the majority. However, the court also managed to overturn Scopes's conviction on a technicality that neither the prosecution nor the defense had raised. The court saw "nothing to be gained by prolonging the life of this bizarre case" and in the interest of the "peace and dignity of the state" decided to end it.

In the last third of his book, Larson provides a fascinating account of how the trial became the legend that was eventually passed on by *Inherit the Wind*. The modern Scopes legend began with the publication in 1931 of *Only Yesterday*, the journalist Frederick Lewis Allen's book about the Twenties, which sold more than a million copies. Larson points out that Allen got many facts wrong, claiming, for example, that Bryan affirmed his belief in the literal Genesis, which he did not, and that Scopes deliberately broke the law and then got himself arrested. More important, Allen made the trial into a contest between Bryan's and Darrow's views of religion and evolution, completely omitting the defense's battle for individual liberty and the prosecution's

reliance on the rights of the majority. His treatment of the case left the impression that, as Larson puts it, the trial amounted to a “triumph of reason over revelation.”

Historians increasingly followed Allen’s version of the trial, but while he portrayed it as one of the circuses of the Twenties, scholars such as Richard Hofstadter in the McCarthyite Fifties, Larson writes, interpreted it primarily as an expression of the dark, anti-intellectual forces in American life. So did the authors of *Inherit the Wind*, who considered the Fundamentalist campaign against the teaching of evolution a bygone issue but revived it as a metaphor for the blacklisting of their day. In both the play and the film, the town is an oppressive presence, equally on trial with Scopes. As a mob loudly demonstrates outside the jail singing “We’ll hang John Cates [Scopes] to a sour apple tree,” the character based on Mencken remarks, “Hooligans of the world unite. We have nothing to burn but our intellectuals.” The Bryan character is made into “a mindless, reactionary creature of the mob,” Larson writes, while the Darrow character is presented as an advocate of tolerance, including tolerance for Fundamentalists. In fact, Dayton was a friendly and tolerant town; Bryan had his own independent concerns, also expressed by a number of cultural critics in the Twenties, about the tendency of modern science to undermine traditional human values and provide little if anything to replace them; and Darrow had no time for Fundamentalists.

The Scopes legend helped deal a decisive blow to the prohibition against teaching evolution in the schools in 1965, when a case brought by Susan Epperson, a young biology instructor in Arkansas, against her state’s law forbidding such teaching reached the US Supreme Court. The ACLU, joined by the American Jewish Congress, argued for Epperson that the statute unconstitutionally established religion because it had no other purpose than to aid and protect those sects adhering to a literal interpretation of Genesis. The court agreed, having been urged in its deliberations to do so by Justice Abe Fortas, who grew up in Memphis, Tennessee, during the Twenties. Larson says that the Scopes trial may well have influenced Fortas.

Larson concludes his excellent book with a characteristically thoughtful observation: “The issues raised by the Scopes trial and legend endure precisely because they embody the characteristically American struggle between individual liberty and majoritarian democracy, and cast it in the timeless debate over science and religion. For twentieth-century Americans, the Scopes trial has become both the yardstick by which the former battle is measured and the glass through which the latter debate is seen.”

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