

"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 a religious dictum. That is all I care to say."

—*Clarence Darrow, at the conclusion of the trial*

Clarence Darrow and William Jennings Bryan in the courtroom in Dayton, Tennessee.

❖ Chapter 3 ❖

The Scopes "Monkey" Trial

In the 1920s, rural Americans saw the work of the devil in the most upsetting trends of modern life—in the defiance of law, in the wild new music called jazz, and especially in the spread of disbelief in the literal truth of the Bible. They passed a law intended to shore up religious faith, and the stage was set for a trial that pitted science against religion.

MODERN TIMES

The 1920s still look modern to us. Anyone comparing photographs taken before World War I to photographs taken afterward can see how suddenly everything seems to change after the war ends. When the twenties arrive, the furniture and the people slim down. The few horses remaining on the city streets look lost amid the automobile traffic. People talk on the telephone, drive cars, listen to radios, and play records on their phonographs. They read tabloid newspapers and film magazines, where they learn from advertisements that they have a disease called halitosis, which can be cured by a product called Listerine. They shop at chain stores, play miniature golf, watch stunt pilots performing in aerial shows, and dance the Charleston. They have a president who tells them, "The business of America is business," and by and large they seem to agree. They're conscious of their modernity and conscious of how much things have changed, though not all of them are happy about it.

Americans of the 1920s also seem contemporary in their tremendous appetite for entertaining news. A man stuck in a mine for weeks, a ballplayer breaking all-time batting records, a young aviator flying solo across the Atlantic—these were



Jazz musicians play and flappers dance the Charleston in the Roaring Twenties. While many Americans celebrated the new freedom of behavior, others decried such scenes as examples of decadence and immorality.

the breaking stories that had the entire nation buying newspapers and tuning in their radios.

In 1925, the story that gripped the country was a trial that dramatized some of the most serious issues of the era, pitting religion against science, the Holy Bible against the theory of evolution, the nineteenth century against the twentieth, rural American against urban America, the great Populist orator William Jennings Bryan against the great agnostic lawyer Clarence Darrow. For eight unbearably hot July days in 1925, the small town of Dayton, Tennessee, would be every newsman's dream. Huge banners proclaiming PREPARE TO MEET THY GOD! SWEETHEARTS, COME TO JESUS! YOU NEED GOD IN YOUR BUSINESS! would be hung from the sides of barns and draped over planks on the courthouse lawn. There would be monkeys dressed in business suits and food vendors selling hot

dogs, soda, ice cream, and corn bread. There would be sidewalk preachers and portable toilets. The story that would have Americans glued to their radios that summer began with a scientific theory; a law that was passed, almost by accident, in response to that theory; and a discussion in a local drugstore among an enterprising group of well-meaning friends and neighbors, which culminated in one of the most famous court battles in American history.

THE SCIENTIFIC THEORY

In 1859, the British naturalist Charles Darwin published *On the Origin of Species by Means of Natural Selection*, providing overwhelming evidence for his theory that all species of plants and animals had evolved over the course of many millions of years through a mechanistic process called "natural selection." Not only did this theory of evolution flatly contradict the story of creation as told in the Bible, but it explained the whole concept of creation and creatures without recourse to God, as the outcome of a purely amoral, monumentally indifferent natural process.

For this reason, among others, many people found Darwin's theory to be deeply disturbing.

ON
THE ORIGIN OF SPECIES

BY MEANS OF NATURAL SELECTION,

OR THE
PRESERVATION OF FAVOURED RACES IN THE STRUGGLE
FOR LIFE.

BY CHARLES DARWIN, M.A.,

FELLOW OF THE ROYAL, GEOLOGICAL, LINNÆAN, ETC., SOCIETIES;
AUTHOR OF "JOURNAL OF RESEARCHES DURING H. M. S. BEAGLE'S VOYAGE
ROUND THE WORLD."

LONDON:
JOHN MURRAY, ALBEMARLE STREET.
1859.

The right of Translation is reserved.

Title page of the 1859 edition of Charles Darwin's *On the Origin of Species*.

One religious leader called Darwin “the most dangerous man in England.” The geologist Adam Sedgwick said that the theory of evolution was sure to “sink the human race into a lower grade of degradation than any into which it has fallen since its written record tells us of its history.” Even those who believed in evolution did not like it. “When its whole significance dawns on you, your heart sinks into a heap of sand within you,” commented the British playwright George Bernard Shaw. “If it be no blasphemy, but a truth of science, then the stars of heaven, the showers and dew, the winter and summer, the fire and heat, the mountains and hills, may no longer be called upon to exalt the Lord with us by praise; their work is to modify all things by blindly starving and murdering everything that is not lucky enough to survive in the universal struggle for hogwash.”

Scientists were convinced by the theory of evolution, however, because it explained so much and the evidence for it was powerful. Eventually the ordinary newspaper-reading public was convinced as well, partly because evolution is the kind of theory that nonscientists can understand, and that once understood is not easily dismissed. Evolution also gained acceptance because the theory mirrored and seemed to justify the ruthless economic competition of the nineteenth century. Darwin’s theory was about struggle. It provided moral ammunition to society’s winners by confirming what tough-minded businessmen in England and the United States had always said—government assistance to the weak upsets the order of nature. Only the strong survive, and this, it turns out, is a good thing, because it improves the breed.

By 1920, most religious leaders were able to come to terms with the theory of evolution by deeming the Bible’s account of creation to be morally rather than literally true. They were encouraged to reach this conclusion not only by modern biology but also by nineteenth-century linguistic scholarship, which had demonstrated that the Bible was the work of many authors over the course of hundreds of years. To many people this implied that the Bible was a product of the human mind—perhaps divinely inspired, but not infallible.

Religious leaders who reconciled themselves to Darwinism and the new find-

ings of Bible scholarship are sometimes called the "modernists." At the turn of the twentieth century, they represented the mainstream of Protestantism in the United States. Modernists held that scientific and religious truths were different sorts of truth and therefore could not be construed to contradict each other. Children continued to learn the story of Adam and Eve in Sunday school. Meanwhile, without objection from the religious community, Darwinism became a regular part of the curriculum in every public school and every college in the nation.

THE BIRTH OF FUNDAMENTALISM

Not everyone assented to this compromise between science and religion. Modernism might work in the industrial and commercial northeastern states, where people had grown complacent about religion, but in the rural South, religion was still about revival meetings and saving souls. It was about the promise of heaven and the threat of hell, a promise vouched for by the words of the Bible. To question the authority of the Bible was to weaken that promise.

A group of mostly Southern religious leaders decided to erect a wall against religious modernism by publishing a series of pamphlets entitled "The Fundamentals," in which they affirmed their belief in a set of core tenets of Christianity, among them the infallibility of the Bible. First published in 1909, these pamphlets were disseminated free of charge to churches across the nation. The protest against religious modernism was transformed into a formal movement in 1919, when a minister named Dr. William Bell Riley started the World Christian Fundamentals Association. Thus was born Christian Fundamentalism, the fastest-growing branch of Christianity today.

One reason Fundamentalism spread so quickly was that rural Southerners were just as unhappy with other forms of modernism as they were with religious modernism. The economic boom of the 1920s had bypassed many of them. In fact, they felt, with good reason, that this economic boom was being built on

their backs. Mechanization, which made farm labor cheaper and more efficient, and the end of the First World War, which in turn led to a decrease in European demand for American farm products (because Europeans were growing their own food again), had led to a sharp, permanent drop in the price of these products: great for city dwellers but a disaster for farmers, many of whom went bankrupt as a result.

It is not surprising, then, that farmers, and the depressed small towns that depended on them, saw the 1920s from a perspective quite different from that of the rest of the country. To them, the immigrants pouring into the seaports were threats to the American way of life and the way things used to be. The flouting of Prohibition in speakeasies, the wild dancing to Negro jazz, the short skirts, the big-city gangsters, the new phenomenon of teenagers necking in cars, the extravagant spending, and the frivolous divorces of Hollywood movie stars were all evidence of the moral decline of the nation. Rural Southerners attributed this decline to a loss of faith in the Bible, and they blamed the loss of faith on Darwin's theory. A prominent Fundamentalist wrote: "All the ills from which America suffers can be traced back to the teaching of evolution!"



This photo of better-than-average housing conditions in the settlement of Dunbar, Louisiana, depicts rural poverty in the South in 1911.

THE BUTLER LAW

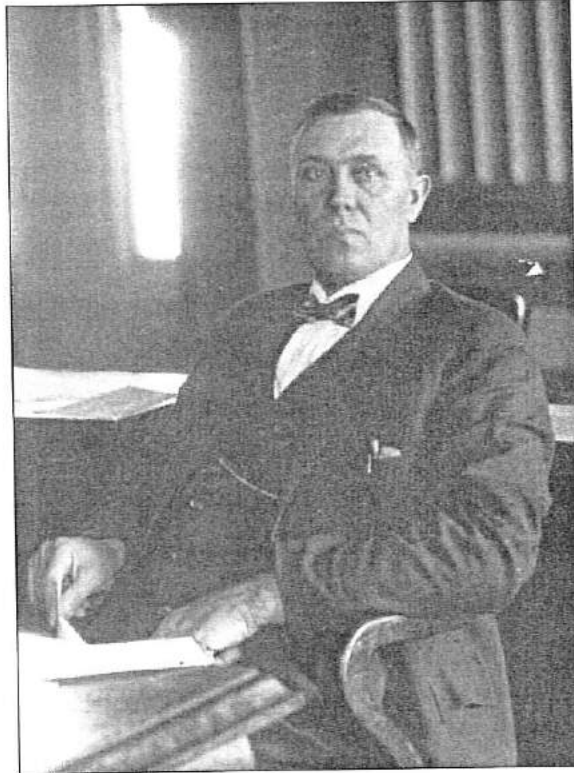
In order to fight the insidious influence of evolution, the Fundamentalists lobbied their politicians to pass laws banning the teaching of the theory in public schools. In 1923 alone, anti-evolution bills were introduced in six states. Although a couple of states came very near to making those bills into laws, it wasn't until 1925 that the Fundamentalists finally succeeded in getting a law passed.

The legislator who drafted the Tennessee anti-evolution bill, John Butler, said: "The teaching of this theory of evolution breaks the hearts

of fathers and mothers who give their children the advantages of higher education in which they lose their respect for Christianity. . . . If we are to exist as a nation the principles upon which our Government is founded must not be destroyed, which they surely would be if we became a nation of infidels . . . when we set the Bible aside as being untrue and put evolution in its place."

Butler's law made it a crime "to teach any theory that denies the story of the Divine Creation of man as taught in the Bible and to teach . . . that man has descended from a lower order of animals."

When Butler introduced the law to the state house of representatives, most of the legislators didn't take it very seriously. But, afraid of offending their constituents, they passed it by a vote of 71 to 5. (The speaker of the house was one of the only legislators brave enough to speak out against the bill. Deploing the religious extremism that was behind the Butler law, he called out from the floor: "Save our children for God!") The congressmen assumed that the upper house would



John Butler, author of the Butler Law.

defeat the bill anyway. But ironically, when it reached the upper house, the very same line of reasoning prevailed: the politicians there were just as fearful of the political consequences of offending the Fundamentalist voters, and they didn't think their actions would have any real consequence either, since the governor would never sign the bill into law. But much to everyone's surprise, when the bill reached his desk, Governor Peay—who had political considerations of his own—signed the bill. "They've got their nerve to pass the buck to me when they know I want to be United States Senator," he was heard to mutter when he put his signature on the piece of paper.

Peay thought that in any case his act was largely a symbolic one. When he signed the Butler law he made it clear that he had no intention of enforcing it. "Nobody believes it is going to be an active statute," he said.

THE ACLU STEPS IN

At first it seemed as though Governor Peay might be right. After the law's enactment, the state made no attempt to enforce it. There were no plans to revise the state's science courses and its textbooks, all of which contained explanations of the theory of evolution. Even textbooks in the Bible Belt (as journalist H. L. Mencken dubbed the ultrareligious South) carried chapters about Darwin's theory.

At the time of its enactment, most people were not aware that the Butler Act had been passed. The majority of Tennessee papers didn't even bother mentioning it. But when one paper ran a small story with the headline "Tennessee Bans the Teaching of Evolution," it caught the eye of Lucile Milner, the executive secretary of the American Civil Liberties Union (ACLU). Formed in 1920 to defend pacifists who had been arrested for refusing to fight in World War I for reasons of conscience, the ACLU was dedicated to protecting the civil liberties of Americans. Milner could see that the Butler law posed the kind of threat to freedom of speech and religion that the ACLU had been created to combat. When Milner passed the story on to her supervisors, they agreed.

And so the ACLU prepared to set up a "test case."

The initial goal of a test case is to lay the groundwork for arguing the constitutionality of the law in question before a higher court. The ACLU's plan was to work its way through the court system until it reached the Supreme Court. If the Supreme Court found the Butler law unconstitutional, states would be unable to enact similar laws and the Fundamentalist campaign against evolution would be dealt a crushing blow.

The ACLU proceeded to look for a teacher in Tennessee who would be willing to go out of his way to admit that he had taught evolution and then to stand trial for breaking the law. To that purpose, the organization sent a statement to all Tennessee newspapers, offering to pay the legal fees and any costs of a Tennessee teacher willing to be a defendant to test the Butler law. The ACLU ad read, in part: "We are looking for a Tennessee teacher to accept our services in testing this law in the courts. . . . All we need now is a willing client."

THE DRUGSTORE CONVERSATION

When George Rappelyea, a mining engineer in Dayton, Tennessee, noticed the ACLU ad in the *Chattanooga Daily News*, he decided that he wanted to have the test case held in his town. Rappelyea's interest in the case was rooted in the troubling memory he had of a funeral of an eight-year-old boy who had been crushed to death by two coal cars. The Fundamentalist preacher presiding over the funeral had castigated the grieving parents for not having baptized their son. "This here boy . . . is now awrithin' in the flames of hell," he had scolded. Rappelyea, reflecting on the story afterward, said, "Well, a few days later, I heard that this same bunch, the Fundamentalists, had passed that Anti-Evolution Law, and I made up my mind I'd show them up to the world."

Although not all the local businessmen and politicians he invited to attend a meeting at Robinson's Drug Store agreed with Rappelyea's views on evolution, everyone agreed that having the test case in Dayton could be a commercial gold mine for the struggling town. Dayton would be in the news. Visitors would flock to the town, meaning more customers for the local businesses. Possibly even a

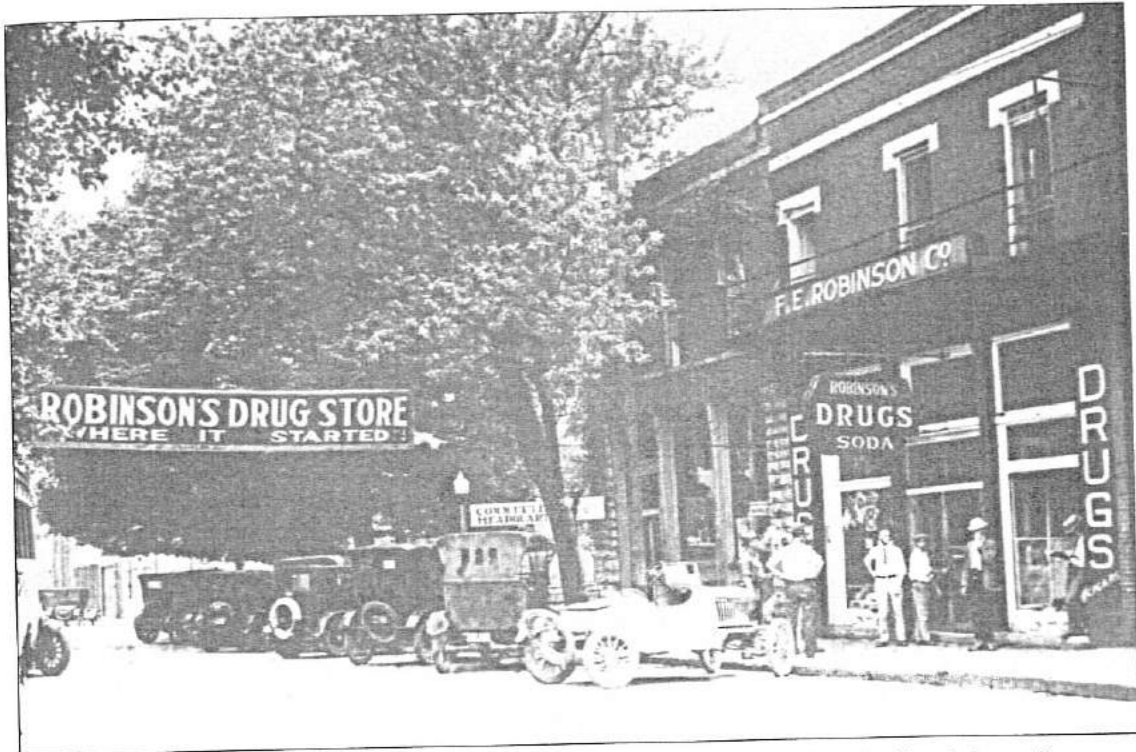
few of those visitors would decide to make their home in the lovely town, which in recent years had seen its population drop from eight thousand people to three thousand. In anticipation of the event, the town business leaders had a brochure printed that said, "Why Dayton of All Places."

As for who the "willing client" would be, everyone agreed that a young teacher named John Thomas Scopes would be the ideal candidate. John Scopes was single, so he didn't have a family to worry about, and he was popular, so he wouldn't be likely to antagonize the Fundamentalists of Dayton. Eager to get the ball rolling, the men told a boy who was sitting at the fountain sipping a soda to go find Scopes and tell him to come to the drugstore. A little while later, Scopes arrived at Robinson's, drenched with sweat. It was a hot day and he had been playing tennis.

Scopes was uneasy about making himself an object of publicity and about hav-



F. E. Robinson, proprietor of Robinson's Drug Store (fourth from left), helps unload bundles of a sixteen-page booklet, "Why Dayton of All Places?" produced to promote Dayton during the trial.



Robinson's Drug Store on Main Street, Dayton. F. E. Robinson's daughter later described her father as "a promoter. He never missed a chance to promote his business or Dayton." Note the "Where It Started" banner.

ing an arrest record to boot, and at first he declined. But Rappelyea appealed to Scopes's patriotism. Believing it would give him the chance to serve his country, Scopes finally agreed to volunteer.

A shy, quiet man, Scopes comforted himself with the thought that it would probably just be a local matter. After it was all over, he figured he could go ahead with his summer plan, which was to go home to Kentucky and sell cars to raise money for graduate school. Later Scopes would say: "It was just a drugstore discussion that got past control."

BRYAN AND DARROW

And indeed, the trial in Dayton might very well have stayed "a local affair, a case among friends," as Scopes had originally thought it would be, had it not attracted the attention of the great political evangelist William Jennings Bryan. A three-

time presidential candidate who had served as the secretary of the state under Woodrow Wilson, Bryan was one of the leaders of the anti-evolution movement. In addition to traveling around the country to speak out against evolution, Bryan had authored many of the anti-evolution bills himself.

On May 13, Bryan announced that he would represent the World Christian Fundamentals Association at the trial, and Fundamentalists across America rejoiced. "We cannot afford to have a system of education that destroys the religious faith of our children," Bryan proclaimed. "There are about five thousand scientists, and probably half of them are atheists, in the United States. Are we going to allow them to run our schools? We are not."



The young William Jennings Bryan, Democratic presidential candidate, 1896.

Bryan decried the changing intellectual tenor of the country, where science was replacing religion as the major intellectual force. "The sin of this generation is mind worship—a worship as destructive as any other form of idolatry," said Bryan. As far as he was concerned, what the country needed was "not more brains but more heart—not more intellect but more conscience." The "Great Commoner," as he was fondly known by hard-pressed farmers of the Populist Party, objected to the theory of evolution on political grounds as well. He had seen Darwinism used to support political and economic conservatism. Darwin had found unbridled competition—the "survival of the

fittest"—to be the law of nature. Applied to social and political thought, Darwin's theory could be construed to support the agenda of economic conservatives, who argued against government programs and regulation designed to assist the poor in *their* struggle for survival. From Bryan's perspective, Darwinism meant letting people suffer the consequences of their own supposed incompetence. After reading Darwin's *Descent of Man*, Bryan said, "Such a conception of man's origin could weaken the cause of democracy and strengthen class pride and the power of wealth."



Portrait of Clarence Darrow, taken during the Scopes trial.

The little "local affair" was destined to be less little and local still when Clarence Darrow decided to volunteer his services to the defense. At age sixty-eight, Darrow was the most famous trial lawyer of his time. He was known as a champion of the underdog, a man who took cases that other lawyers considered hopeless. He was also well known for being an opponent of capital punishment (and, in fact, of any punishment—he said the criminals should be "treated" rather than "punished").

Deeply committed to civil liberties, Darrow regarded the anti-evolution campaign as an attack on the Constitution. He was particularly enraged at Bryan for the role he played in mounting this assault. In response to a letter Bryan had addressed to the academic community and the press publicly offering to pay a hundred dollars of his own money to anyone who would sign an affidavit stating that

he was personally descended from an ape, Darrow had written a letter of his own. In his letter, published in the *Chicago Tribune*, Darrow submitted a list of fifty-five questions to Bryan, questions concerning familiar biblical anomalies such as how the serpent got around before God punished him by making him crawl on his belly and was Jonah really swallowed by a whale, and if so, how long was it before the whale spewed him out. Bryan had never responded to any of the questions, and Darrow was hoping that the trial would give him the opportunity to pose them to Bryan in person.

At first the ACLU was reluctant to accept Darrow's help. According to Scopes, the ACLU "felt Darrow was a headline chaser, and as a consequence, the real issue would be obscured." The trial "would become a carnival and any possible dignity in the fight for liberties would be lost." But Scopes wanted Darrow to represent him, and the ACLU felt obliged to grant its volunteer defendant his wish.

With Darrow on board, the ACLU had to revise its original goals for the trial, which had been limited to challenging the constitutionality of anti-evolution legislation, pure and simple. Darrow's plan was far more ambitious. He wanted to stage an all-out attack on Fundamentalism. He would invite world-renowned experts in the areas of science and theology to testify about evolution and thereby show that the Fundamentalists were suppressing the teaching of a valid scientific theory. Beyond that, he wanted to expose the dangers inherent in the repressive thinking of the Fundamentalists and their leader, William Jennings Bryan.

Eventually, Darrow prevailed, and with the other members of the defense—which included prominent attorney Dudley Malone, ACLU attorney Arthur Garfield Hays, and Tennessee attorney John Randolph Neal—three general goals were established: First, the defense would educate the judge, jury, and public about evolution. Next, they intended, through the testimony of the scientists and theologians they would assemble, to demonstrate that science and religion were not incompatible. Third, they would address the issue of academic freedom and emphasize that it was crucial for teachers to be allowed to teach unfettered by legislation.

However, whether or not they would be able to follow through on their ambi-

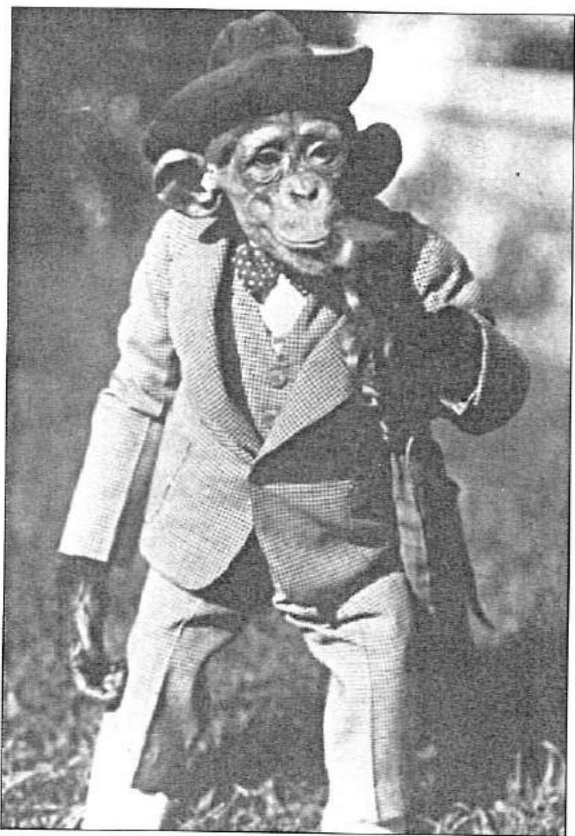
tious strategy would be up to the judge. It was in the prosecution's interest to keep the trial focused on the simpler question of Scopes's guilt and innocence. Did the state have the right to tell teachers, whose salaries they paid, what they had to teach? Yes, indeed they did, and as far as the state was concerned, there were no other issues that needed to be discussed.

THE TOWN PREPARES

Once Bryan and Darrow agreed to participate, it was obvious that the Scopes trial would attract national attention. The citizens of Dayton painted their houses and trimmed their lawns in anticipation of the big event. Businessmen scrambled to prepare Dayton for the onslaught of more than two thousand visitors. They arranged to have the Pullman Company sidetrack cars to serve as sleeping quarters. They secured tents from the War Department; they created a list of citizens who were willing to open up their private homes to visitors. The Aqua Hotel, one of the three hotels in Dayton, raised its rates to eight dollars a night, and the Bailey rooming house set up cots up and down its halls. Privies were installed on the street corners. The courthouse was given a fresh coat of varnish, its benches were painted cherry red, and extra spittoons were ordered. A makeshift pressroom was set up above the hardware store on Main



John Scopes in a photo taken at the time of the trial. Scopes was twenty-three when he agreed to be the ACLU's volunteer defendant in the case that became known as the "trial of the century."



"Mendi" the chimpanzee was brought to the "Monkey Trial" as a publicity stunt.

Street to accommodate the 150 reporters from around the world who would come to cover the "Monkey Trial," as the Scopes trial had already come to be known. Twenty-two Western Union operators were stationed in a room off the town's one grocery store, ready to transmit reporters' stories across the wires to their newspapers, magazines, and radio programs. Hollywood film studios sent motion-picture cameramen to make newsreels of the trial.

Monkey themes started cropping up everywhere. Robinson's Drugstore featured a five-cent "monkey fizz" at the soda fountain. The local butcher shop posted a sign in its window saying WE HANDLE ALL KINDS

OF MEAT EXCEPT MONKEY. Merchants displayed cardboard monkeys in store windows; there were stuffed monkeys for sale everywhere. Vendors sold large buttons that said YOUR OLD MAN'S A MONKEY.

The radio station WGN hooked up wires throughout the town and installed dozens of microphones in the courtroom to broadcast the trial, which would be the first in history ever to be aired over the entire country. Outside on the courthouse lawn, loudspeakers were set up to broadcast the proceedings to the visitors, most of whom would not be able to fit into the seven-hundred-seat courtroom. A bandstand was set up as well, and there was even a barbecue pit dug into the lawn.

Fundamentalists poured into the town to witness for themselves the defeat of the atheists at the hands of their champion, William Jennings Bryan. Some families came in covered wagons equipped with beds, some slept outside in tents

they'd set up in the parks, and others simply curled up under the trees at night and went to sleep under the stars. The Anti-Evolution League and booksellers set up to hawk their wares, including Fundamentalist favorites such as the best-selling book *Hell and the High Schools* and several books by William Jennings Bryan, as well as Fundamentalist pamphlets and, of course, the Bible. Preachers came to stand on corners and urge people to come to Jesus, and among them were holy men with names like "John the Baptist the Third" and "Deck Carter, Bible Champion of the World." Later, in his autobiography, Darrow would write: "All sorts of weird cults were present in Dayton, all joining forces to put up a strong fight against Satan and his cohorts. It was really another Armageddon."

A crowd of adoring fans were there to greet William Jennings Bryan when he arrived in Dayton. At a banquet given in his honor that night, Bryan asked his audience, "What is the secret of the world's interest in this little case? It is found in the fact that this trial uncovers an attack which for a generation has been made more or less secretly upon revealed religion, that is, the Christian religion. If evolution wins in Dayton, Christianity goes. Not suddenly, of course, but gradually, for the two cannot stand together. They are as antagonistic as light and darkness; as antagonistic as good and evil."

Darrow arrived two days after Bryan. There was no crowd to greet him.

THE TRIAL BEGINS

Judge Raulston, a lay preacher who came to court every day with a Bible tucked under his arm, started the first day of the trial with a prayer, as he would every day for the following eight days. Despite the unbearable heat, the courtroom was jam-packed with people. Trials were a popular form of entertainment for the locals, and the rural courtrooms were built to accommodate large crowds of on-lookers. That's why the courtroom in Dayton, a town of under three thousand people, had seven hundred seats, every one of which was taken that Friday, with an additional three hundred people standing at the back of the room.

The temperature in Dayton was ninety degrees in the shade, and, in the words

of journalist H. L. Mencken, the courtroom felt like a “blast furnace.” The people, equipped with their palm leaf fans, were willing to brave the heat in order to have this chance to bear witness to history in the making. In deference to the heat, the judge relaxed the usual court requirement for formal dress, and the room was a sea of men in white shirts, with their sleeves rolled up, detachable collars off, some replaced by handkerchiefs strategically placed to catch the sweat that dripped incessantly from their necks. (With the exception of a few of the more emancipated women, the audience was male.) In this age before air conditioning, even electric fans were rare, and the judge was the only one who was afforded the luxury of a fan. Later, the sheriff would install ceiling fans to offer relief from the merciless heat.



From left, John Scopes, defense attorney Dr. John R. Neal, and George Rappleyea walk to a court session beneath a banner instructing “Read Your Bible.”



Members of the jury, with Sheriff Bluch Harris standing left and Judge John T. Raulston standing right. Front row, from left: W. G. Taylor, Jess Goodrich, Capt. Jack R. Thompson (foreman), William G. Day, R. L. Gentry, and John Wright. Second row, from left: R. L. West, W. D. Smith, James W. Riley, John Dagley, John Bowman. Not pictured: W. F. Roberson.

The first day of the trial was devoted to selecting a jury, which would consist of nine farmers, a farmer-schoolteacher, a shipping clerk, and a fruit grower. All but one belonged to one of the nine evangelical churches in Dayton. Most of the jury had never heard of the theory of evolution.

Dayton was as wholesome and homogeneous as a place could be. There were no Catholics, no Episcopalians, and almost no Jews in this strictly Protestant town, where the major source of entertainment was the church social. People didn't drink or gamble or go to wild parties in Dayton. The women didn't smoke or wear makeup or bob their hair. No woman had ever served on a jury.

It was out of this homogeneous pool of people that the jury was chosen. Yet as similar to one another as they might be, the jurors did not see eye to eye about everything. One member of the grand jury that formally indicted Scopes for his crime said that Scopes should be hanged, while one of his fellow jurors expressed

the opinion that perhaps there was something to evolution. "When I was a boy, the Irish potato was called the London Lady and was never larger than a hen's egg. The tomato was a little, ridgy, one-sided thing that no more resembled the Ponderosa of today than a two-cylinder automobile looks like a Rolls-Royce. The cow was a crumply-horned animal that gave about half a gallon of milk a day the three months she wasn't dry—and the milk wasn't as good as that we feed our hogs today. And the razor-back hog looked like a hound dog. Stand beside our current Poland China [hog]—then ask me if I believe in evolution."

DAY TWO: MONDAY, JULY 13, 1925

The jury selection complete, the trial was ready to get under way. Tom Stewart, the head of the prosecution, read the formal indictment against Scopes. Next, it was the defense's turn to enter a plea of guilt or innocence, but instead of entering a plea, John Randolph Neal made a motion for the indictment to be quashed on the grounds that the law Scopes was accused of breaking was unconstitutional. As far as the ACLU was concerned, it wasn't John Scopes who was on trial here, but rather the Butler law. The ACLU would have preferred to dispense with the trial and the irrelevant matter of Scopes's guilt or innocence and go straight to the Tennessee Supreme Court to get the unjust law abolished.

As part of his argument, Neal charged that the Butler law violated the Tennessee state constitution on thirteen different grounds, including disregarding the article that stated, "It shall be the duty of the general assembly to cherish literature and science." In addition, he said, the law violated the prohibitions against state interference with freedom of speech and thought contained in the First Amendment of the United States Constitution, and it also violated the Fourteenth Amendment's prohibition against the state's right to establish a religion.

Next, defense counselor Arthur Garfield Hays spoke. He suggested facetiously that according to the Butler law any theory denying the Bible story that the earth is the center of the universe should be forbidden as well. Underscoring just how unreasonable he found the statute to be, Hays proposed a hypothetical

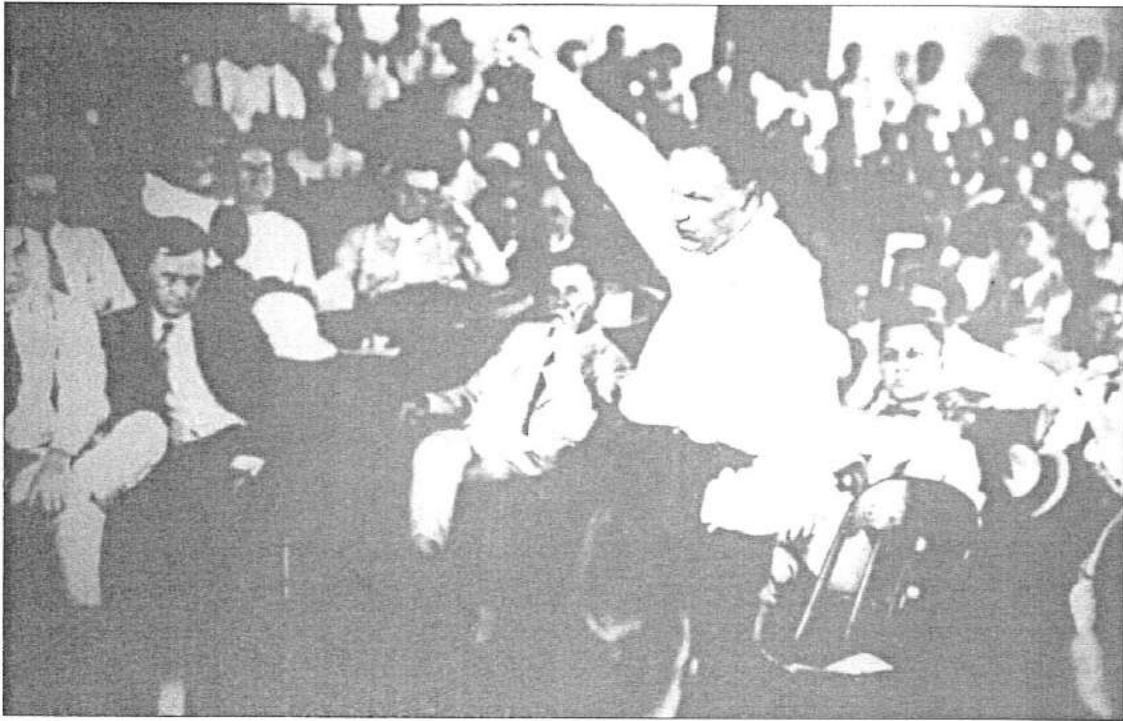
law that would make it illegal to teach that the earth revolved around the sun. Dudley Malone followed by stating that the law should be quashed because it imposed on the people of Tennessee a particular religious opinion from a particular religious book in which not everyone necessarily believed.

The most compelling argument of the day was presented by Clarence Darrow. Stating that he was going to argue the case "as if it were a death struggle between two civilizations," Darrow said:

Here we find today as brazen and as bold an attempt to destroy learning as was ever made in the Middle Ages. . . .

If today you can take a thing like evolution and make it a crime to teach it in the public schools, tomorrow you can make it a crime to teach it in the private school and next year you can make it a crime to teach it to the hustings or in the church. 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 are ever busy and need feeding. . . . Today it is the public school teachers; tomorrow, the private. The next day the preachers and 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 sixteenth century when bigots lighted fagots to burn the men who dared to bring any intelligence and enlightenment and culture to the human mind.

In response to the defense argument that the trial should be quashed since the idea that Scopes had committed a crime was based on an unconstitutional law, the prosecution maintained that the Butler law was constitutional and that the state had the right to require teachers to teach what they were hired to teach. Announcing that he needed time to consider the two sides' arguments before he reached a decision on the issue, Raulston adjourned the court for the day.



Clarence Darrow addresses the court in Dayton, Tennessee.

DAY THREE: TUESDAY, JULY 14

The fact that Judge Raulston began each session with a Christian prayer had been bothering Darrow since the first day of the trial, but he waited until the court convened the third day to raise the issue to the judge. "This case is a conflict between science and religion," he contended, "and no . . . attempt should be made by means of prayer . . . to influence the deliberation and consideration by the jury of the facts in this case."

Tom Stewart, arguing against Darrow's objection, replied that the case did not have anything to do with ideology; it was about the law, specifically "whether or not a schoolteacher has taught a doctrine prohibited by statute." Then, belying his own words, Stewart proceeded to refer to Darrow as "the agnostic counsel for the Defense." In so doing, Stewart was carrying out the prosecution's plan to besmirch Darrow in the eyes of the jury. One of the prosecutors was quoted in the *Chicago Tribune* as saying: "All we have to do is to get the fact that Mr. Darrow is

an atheist and does not believe in the Bible across to the jury, and his case is lost. He will not get to first base here; the jurors will merely yawn. They will listen to no one but Bryan."

After hearing the arguments, Raulston overruled Darrow's objection and the prayer stayed. The judge adjourned court that day at one p.m.

DAY FOUR: WEDNESDAY, JULY 15

On Wednesday morning, Judge Raulston announced his decision against the motion to quash. In a long-winded speech, Raulston argued that the Butler law violated neither religious freedom nor personal liberty and therefore Scopes should be tried.

And so, after a series of false starts, the trial was finally ready to get under way. After each side outlined its arguments, the prosecution proceeded to present



Judge John T. Raulston reads a ruling to the court.

its case, the high point of which was the testimony of two high school boys who had been prepped by Darrow to testify that Scopes had taught them about evolution.

Once the prosecution had elicited testimony from fourteen-year-old Howard Morgan, establishing that Scopes had taught the class about evolution, it was Darrow's turn to cross-examine the boy. Referring to the boy's acknowledgment of Scopes's evolution lesson, Darrow asked:

"It has not hurt you any, has it?"

"No, sir."

"That is all."

The next prosecution witness was seventeen-year-old Harry Shelton, who, under questioning from the prosecution, testified that Scopes had taught him that all life came from a single cell. In the cross-examination, Darrow asked: "Are you a church member?"

"Yes, sir."

"Do you still belong?"

"Yes, sir."

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

"No, sir."

And so, with all the witnesses examined and cross-examined, the prosecution rested its simple, cut-and-dried case. Now it was the defense's turn.

The entire foundation of the defense's argument lay in the fact that Scopes was accused of committing two separate crimes: one, teaching evolution, and two, contradicting the Bible. The defense never had any intention of challenging that Scopes had committed the first crime. Indeed, their entire strategy rested on the fact that he had taught Darwin's theory of evolution to his students: so as to leave no doubt in the minds of the jury that he had, Darrow declared after the students had testified, "Every single word that was said against this defendant, everything was true."

The only charge that Darrow disputed was the second one, which was, in the

words of the Butler law, that Scopes had taught a theory that "denies the story of Divine Creation of man as taught in the Bible." In order to prove that Scopes was not guilty of contradicting the Bible, Darrow sought to prove that the Fundamentalist interpretation of biblical creation—that God had created man in one fell swoop—was by no means an interpretation shared by all Christians. Darrow reasoned that if millions of Christians could reconcile themselves to the idea that man had evolved over a period of hundreds of thousands of years from an infinite variety of organisms, then Scopes had not contradicted the Bible when he taught his class that lesson about evolution.

To that end the defense had assembled a group of expert witnesses, which included fifteen scientists and religious leaders, all of whom had come to Dayton at their own expense to testify on behalf of religious and academic freedom.

With the help of the expert witnesses, Darrow had intended to give the



Some of the scientists brought to testify for the defense.

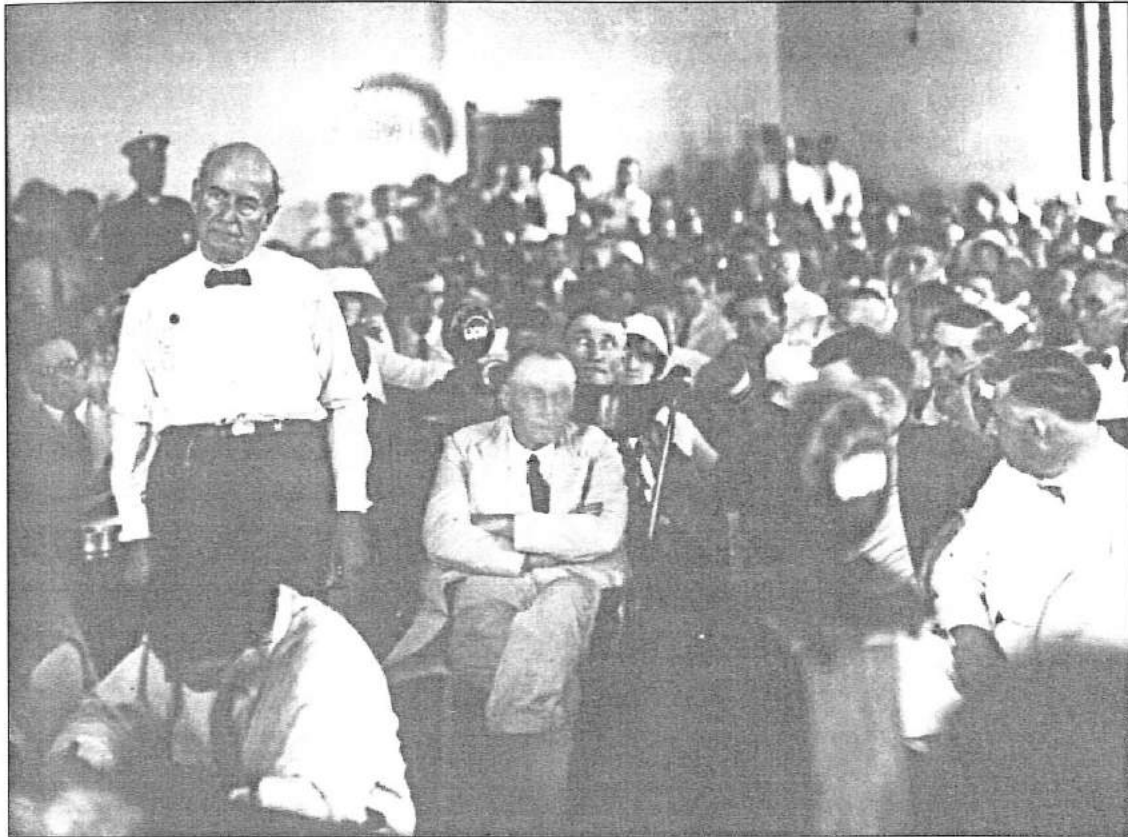
country a gigantic lesson in evolution. To begin that lesson, he called to the stand Maynard A. Metcalf, a professor of zoology at Johns Hopkins University. As anticipated, the prosecution voiced its objection to Metcalf's testimony, pointing out that such testimony was irrelevant to the case, since Scopes's guilt or innocence had nothing to do with the truth or untruth of evolution. But Judge Raulston said that he would allow Metcalf to testify, for now. It would serve as a kind of sample on which the judge would base his final decision as to the admissibility of such testimony. The audience sat in rapt attention as they heard Metcalf talk about evolution, how it was about "the change of one organism from one character into a different character." At the end of the day, when student Harry Shelton's mother was asked what she thought about the teaching of evolution after hearing what Metcalf had to say about it, she said, "As far as I'm concerned, they can teach my boy evolution every day of the year. I can see no harm in it whatsoever. Why, when they called Bud [*sic*] to testify against Mr. Scopes, he had forgotten most of his lessons. He had to get the book out and study it up."

DAY FIVE: THURSDAY, JULY 16

The next day was devoted to the debate over whether scientific testimony would be admitted into evidence. Darrow began with a prepared statement:

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, and there isn't a human being on earth believes it literally.

After lunch, William Jennings Bryan got up to speak on behalf of the prosecution. This was the moment that everyone had been looking forward to. Clutching a textbook containing a chapter about evolution in one hand and a palm fan in the other, Bryan proclaimed that he wouldn't permit any more of this "pseudoscientific" material to be interjected into the trial.



William Jennings Bryan addresses the court.

"The people of this state knew what they were doing when they passed the law," he said, "and they knew the dangers of the doctrine so that they did not want it taught to their children. And, my friends, it isn't—Your Honor, it isn't proper to bring experts in here to try to defeat the purpose of the people of this state by trying to show that this thing that they denounce and outlaw is a beautiful thing that everybody ought to believe in." Bryan proceeded to ridicule Metcalf for having the audacity to say that human beings shared the same biological heritage as mere animals:

They were teaching your children that man was a mammal and so indistinguishable among other mammals that they leave him there with three thousand four hundred and ninety-nine other mammals, including elephants. . . .

The New York Times.

NEW YORK, FRIDAY, JULY 17, 1925.

THE WEATHER
Fair today and tomorrow; not much change in temperatures.
Forecast for Saturday, July 18, 1925.
ETW weather report on Page 16.

**ASK COURT TO STOP
HYLAN PROPAGANDA
BY ENJOINING WNYC**

**Taxpayer's Action to Silence
City's Radio Begun for Offi-
cer of Citizens Union.**

USE BY MAYOR ATTACKED

**Justice McCordick Grants Order
Requiring Hylan and Mills to
Defend Proceeding.**

**Wants Round-World Planes
Put in National Museum**

Proposed by the New York Times
WASHINGTON, July 16.—The War
Department today is planning to
acquire the first airplane to fly
the National Museum despite the
fact that it was built in an effort
to break the monopoly of the Pacific
coast.

Acting Secretary of War Charles
Dennis today has approved the
proposal to acquire the airplane
for display in the National Museum.
The airplane was built by the
United States Army and was the
first to fly from New York to
London.

**BRYAN DEFENDS TENNESSEE AND ITS LAW;
CALLS EVOLUTION ATTACK ON CHURCH;
SPIRITED DEBATE ON EXPERT EVIDENCE**

STATE'S VIEW OF EVOLUTION

**McKenzie Pictures God
Throwing a Disbrag
Into the Ocean.**

LIFE TO EVOLVE FROM THIS

**The Master Then Said "Old Boy,
in 6,000 Years I Will Make
You Something."**

**Offer of \$10,000 to Start Bryan 'University'
Opens Dayton Campaign for \$1,000,000 Fund**

Dayton, Ohio, July 16.—(Special
to The Times.)—A Presbyterian
minister here today offered a \$10,000
fund to start a Bryan university.
The offer was made by the
Dayton Campaign for a \$1,000,000
fund to start a Bryan university.
The offer was made by the
Dayton Campaign for a \$1,000,000
fund to start a Bryan university.

FERVID APPEALS IN CO

**Attorney General Stew
Calls for a Chand
for Salvation.**

MALONE STIRS THE CR

**His Fiery Demand for Liber
Thought Brings Great
Ovation of the Day.**

LEGAL POINTS ARE IND

**But Judge Takes Adm
of Expert Evidence, the
Stake, Under Advise**

STATION'S EXPENSE CITED

**Plaintiff Charges Municipal Funds
Are Used Illegally—Broadcasting
of Political Speeches Denounced.**

**GIRL FAILS TO SWIM
ENGLISH CHANNEL**

**Miss Lillian Harrison of Argen-
tina Becomes Chilled Five
Miles From Goal.**

SETS RECORD FOR WOMEN

**She Is in the Water 8 Hours
and 57 Minutes—Plans to
Try Again in August.**

BIBLE VERSION OUTLINED

**He Contends That God Created
All Man, Completely, and in
His Own Physical Image.**

**Fall Text of Mr. Bryan's Argument
Against Evidence of Scientists**

**He Contends That the Law Is Clear, That It Is Proved That
Scopes Violated It and That the Experts Should
Have Gone to the Legislature.**

The station's expense was cited as a reason for the plaintiff's action. The plaintiff charged that the station was using municipal funds for the broadcasting of political speeches, which was illegal. The station's defense was that the speeches were made by private citizens and not by the government.

The girl, Miss Lillian Harrison, was attempting to swim across the English Channel. She was five miles from the goal when she became chilled and was rescued. She set a record for women by being in the water for 8 hours and 57 minutes.

The Bible version outlined by the speaker contended that God created all man, completely, and in His own physical image. This was in direct contrast to the theory of evolution.

The fall text of Mr. Bryan's argument against the evidence of scientists was presented. He contended that the law was clear and that the experts should have gone to the legislature to change it, rather than trying to force their views through the courts.

The fervid appeals in the courtroom were heard. Attorney General Stewart called for a change in the law, while Malone stirred the crowd with his fiery demand for liberty of thought. The judge took admission of expert evidence under advice.

**Reprieved at Eleventh Hour
Telegram, Confessing Murder**

The defendant was reprieved at the eleventh hour after receiving a telegram confessing to the murder.

New York Times headline, July 17, 1925: "Bryan Defends Tennessee and Its Law; Calls Evolution Attack on Church; Spirited Debate on Expert Evidence."

The Bible is the word of God; the Bible is the only expression of man's hope of salvation. . . . The Bible is not going to be driven out of this court by experts who come hundreds of miles to testify that they can reconcile evolution with its ancestor in the jungle, with man made by God in His image, man put here for purposes as part of the divine plan.

People in the audience called out "Amen!" and "Yes! Yes!" When Bryan finished speaking, they piled out of their seats, and with tears in their eyes, they thanked him for speaking for them.

After a short recess, defense attorney Dudley Malone rose to address the court. Throughout the trial, while all the other men removed their jackets and opened their shirt collars in search of relief from the sweltering heat, Malone had maintained the appearance of absolute cool. His apparent imperviousness to the heat had become something of a curiosity to everyone. Now Malone took off his coat and folded it neatly on the table. "Mr. Bryan, Your Honor, is not the only one who believes; he is not the only one who believes in God; he is not the only one who believes in the Bible."

The audience, still bathing in the afterglow of Bryan's stirring speech, slowly began to realize that here, too, was someone who had something important to say. "Keep your Bible," Malone exhorted the audience.

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 judgment . . . and do not try to tell an intelligent world and the intelligence of this country that these books written by men who knew none of the accepted fundamental facts of science, can be put into a course of science, because what are they doing here? . . . We have just had a war with twenty million dead. Civilization is not so proud of the work of the adults. Civilization need not be so proud of what the grown-ups have done. For God's sake, let the children have their minds kept open—close no doors to their knowledge; shut no

doors from them. Make the distinction between theology and science.
Let them have both.

The courtroom exploded with an enthusiasm that surpassed that which it had expressed for Bryan. One of the policemen, caught up in the excitement of the crowd he was there to control, pounded a table with his nightstick so hard that he split the top of the table.

Amid the uproar, Bryan sat, looking dejected and alone. In his memoir, John Scopes wrote about watching Bryan at that moment, "reading the tragedy on his beaten face."

DAY SIX: FRIDAY, JULY 17

That morning, Raulston announced his decision to exclude expert testimony. Although this came as a terrible blow to the defense team, they felt that all would not be lost if they would at least make the experts' testimony available for future reference when the case went to a higher court. With this in mind, Darrow asked the judge for permission to spend the rest of the day entering the experts' affidavits into the court record, and when Raulston expressed his reluctance to allot so much time to the task, Darrow erupted in anger:

"I do not understand why every request of the state and every suggestion of the prosecution should meet with an endless amount of time, and a bare suggestion of anything that is perfectly competent on our part should be immediately overruled."

"I hope you do not mean to reflect upon the court?"

"Well, Your Honor has the right to hope."

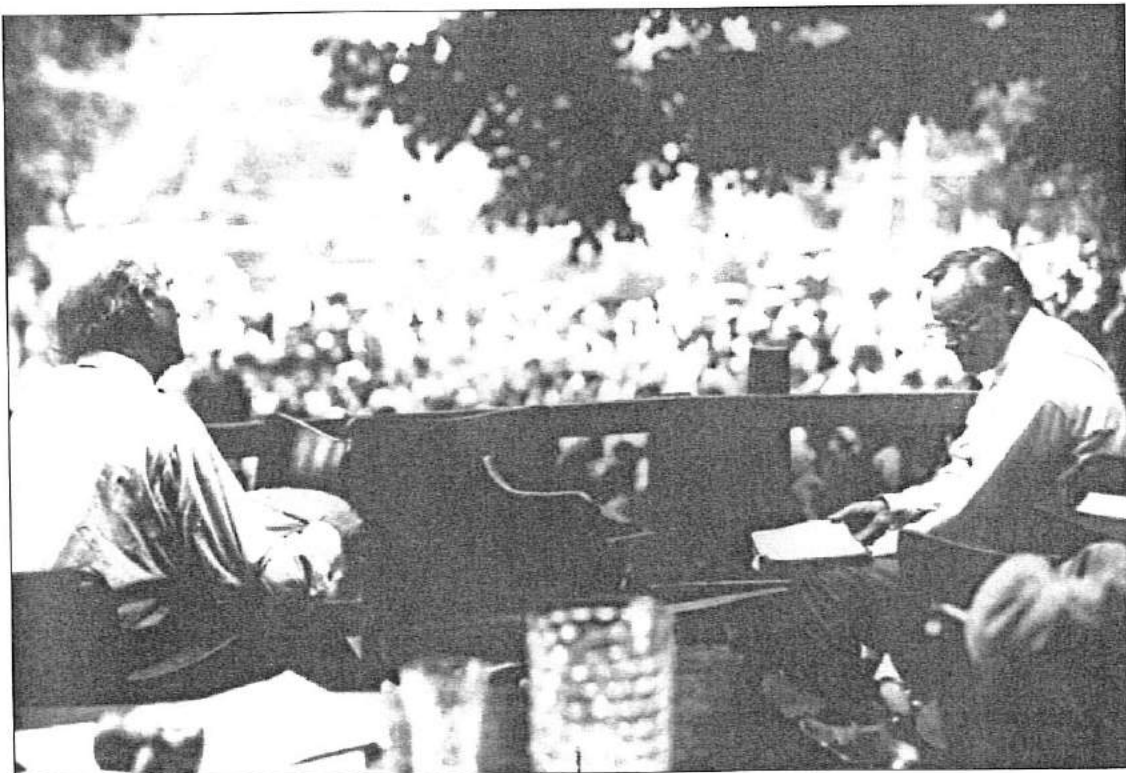
The judge responded by threatening to charge Darrow with contempt of court.

With Raulston's ruling, the defense had no case to present. There would be no more lessons about evolution, and no more arguments about whether or not such lessons were relevant to the trial of John Scopes. From all appearances it seemed that the most exciting part of the trial was over, and just as suddenly as

the hordes of people had descended on Dayton, so suddenly did they all begin to leave: the newspapermen packed up their cameras and typewriters and notepads, the radio engineers packed up their wires and microphones, the visitors bundled their chairs and their families back into their wagons, and the exodus from Dayton began. Anything to follow would be anticlimactic. There was no doubt in anyone's mind that Scopes, absent a defense, would be judged guilty as charged, so there didn't seem to be much point in enduring the unbearable heat any longer.

DAY SEVEN: MONDAY, JULY 20

The day that everyone expected to be nothing more than a routine wrap-up of business would turn out to be the most exciting of the trial. As expected, Raulston



Clarence Darrow, right, questions William Jennings Bryan, left, on the courthouse lawn during the seventh day of the trial.

charged Darrow with contempt for his insolence the previous day, Darrow apologized, and it seemed that all that remained was to send the jury out to make its foregone decision.

The court recessed for lunch, and when it reconvened, Raulston announced that he was moving the trial outside. According to rumor, there were signs that the ceiling might crack, but according to some historians, Raulston just wanted an excuse to get out of the stifling heat of the courtroom.

After people had taken their places on the lawn and Darrow had registered his protest against a huge sign outside the courthouse that said READ YOUR BIBLE (suggesting that it be accompanied by a sign that said READ YOUR EVOLUTION), everyone got ready for a relatively uneventful wind-up of the trial. But then, in a move that stunned everyone, the defense asked to call William Jennings Bryan to the stand.

By putting the world-renowned Fundamentalist on the witness stand, Darrow was going to find out once and for all just how infallible the Bible was. Against the protest of the other members of the prosecution team, Bryan took the stand. He welcomed this opportunity to defend the Bible against the self-proclaimed agnostic's assault. He lounged in his chair under the pine and oak trees on the platform that had served as a podium for the Fundamentalist preachers who had come in droves to Dayton that July, as Darrow, acting very friendly, began his questioning.

After Bryan had confirmed that yes, he believed that everything in the Bible was literally true, Darrow proceeded to quiz him on just how literal he believed the Bible to be. Darrow began slowly, but soon he was firing questions at Bryan one after the other. Did he believe the Bible story about the whale swallowing Jonah? Did he believe that Joshua had made the sun stand still, and if so, did he ever wonder what happened to the earth as a consequence? Did he realize that it would have been converted into "a molten mass of matter"? He asked Bryan about the Flood and whether he could give a date when exactly it had occurred.

Darrow continued along in this vein until Bryan was so flustered that his hands trembled. Then the great lawyer set his final trap:

"Do you think the earth was made in six days?" he asked.

"Not six days of twenty-four hours," Bryan, near witless with frustration and rage, answered.

In his memoir, John Scopes wrote: "These were astonishing answers. When Bryan admitted the earth had not been made in six days of twenty-four hours, the Fundamentalists gasped." Bryan had just denied the literal interpretation of the Creation.

Bryan, furious with Darrow, blurted out that Darrow only wanted to "cast ridicule on everyone who believed in the Bible."

To which Darrow responded: "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."

Darrow picked up the Bible: "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?" he asked.

"I believe that," Bryan responded.

Darrow wanted to know how the serpent went about before that time. "Did he walk on his tail?" he asked. The audience burst into laughter, and Bryan scowled at them.

In a rage, Bryan lashed out at Darrow. Shaking his fist at him, he said, "I am simply trying to protect the word of God against the greatest atheist or agnostic in the United States," he said.

With that, the judge adjourned the day's session.

DAY EIGHT: TUESDAY, JULY 21

When court opened the next day, Judge Raulston officially expunged Bryan's testimony from the record. In his opinion, it did not shed any light on the issue of whether or not Scopes had taught that man descended from a lower order of

animals, which, the judge asserted, was the subject of the trial—not what role God had to play in man's development. With no more witnesses, Darrow rested his case. Now it was up to the jury to decide.

Judge Raulston called in the jury, who had been absent from the proceedings for almost the entire trial. The members of the jury, who had expected to have front-row seats at the trial that held the world in its thrall, had spent most of their time out on the courthouse lawn, where Judge Raulston had banished them so that they would not be privy to discussions he deemed to be irrelevant to matters of John Scopes's guilt or innocence. In an ironic twist, the judge had apparently forgotten about the loudspeakers that had been set up outside the courthouse. The jury had heard the entire proceedings.

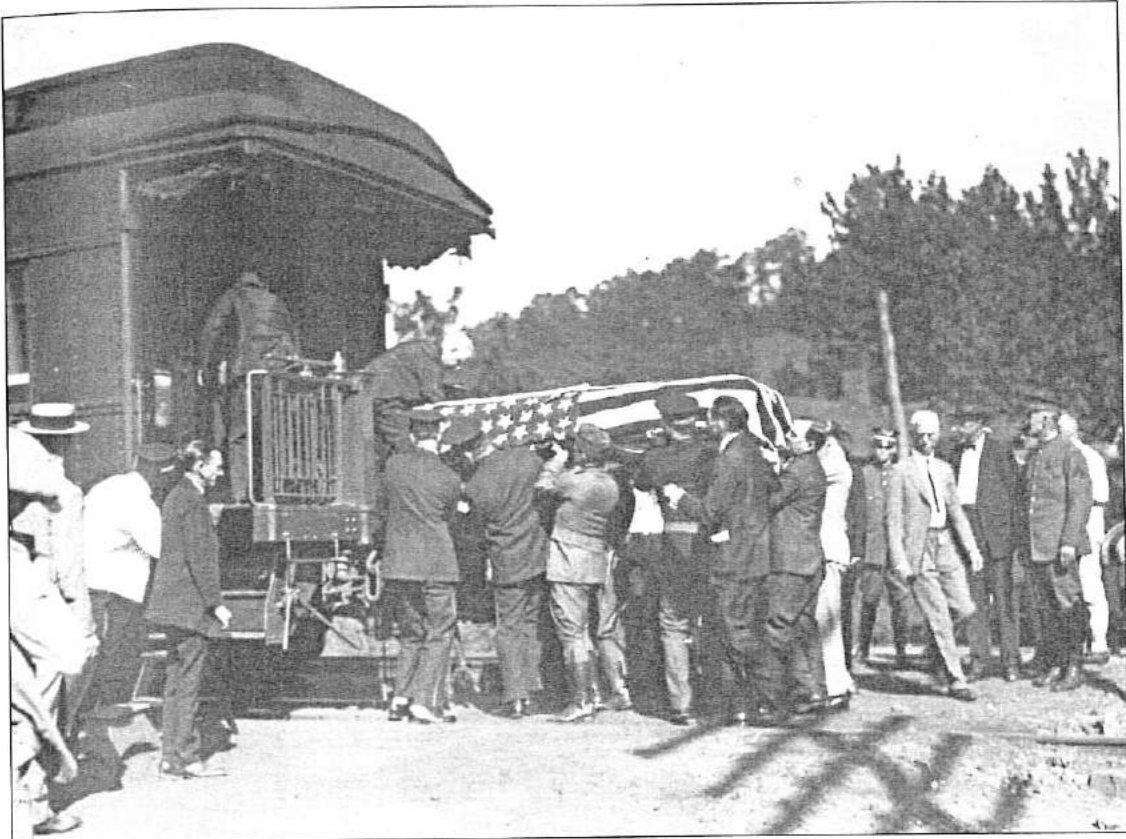
Nine minutes later, the jury returned with its verdict of guilty. With that, Judge Raulston fined Scopes one hundred dollars.

William Jennings Bryan stayed in Dayton, polishing up a speech reaffirming his religious and political beliefs, a speech he hoped would redeem his reputation in the eyes of the world. But he died in his sleep five days after the trial ended. He was sixty-five years old.

THE AFTERMATH

The ACLU never got the chance to bring the Butler law to the higher courts. The Tennessee Supreme Court reversed the decision of the jury in the Scopes trial on a technicality: by levying the fine himself, Judge Raulston had violated the state constitution, which required that all fines greater than fifty dollars be levied by a jury. When a decision is reversed, the case is usually returned to the lower courts to be retried, but the Tennessee Supreme Court urged the state to drop the matter, stating: "We see nothing to be gained by prolonging the life of this bizarre case."

There was no clear winner in the Scopes trial. It could be said that in certain respects it was a victory for the civil libertarian cause of fighting for freedom of



Pallbearers load the casket containing the body of William Jennings Bryan onto the train that carried it to Washington, DC, for funeral services and burial at Arlington National Cemetery.

speech and thought. For one thing, the trial dramatized the issue of academic freedom. Also, because of the bizarre spectacle of the Scopes trial, states were wary of ever actually enforcing their anti-evolution legislation. And with the humiliation of William Jennings Bryan and his subsequent death, Fundamentalists had lost their leader.

In other respects, though, the Scopes trial was more of a victory for the Fundamentalists. Emboldened by Scopes's guilty verdict, they went on to wage a campaign to get anti-evolution laws passed throughout the country. William Bell Riley, leader of the World Christian Fundamentals Association, declared: "Within twelve months, every state in the Union will be thoroughly organized."

Although Riley's prediction did not come true—only two states passed anti-evolution legislation, Mississippi in 1926 and Arkansas in 1928—the ACLU was

unable to find another teacher willing to volunteer for a test case. Eventually the organization stopped pursuing the matter, declaring that the law was essentially meaningless since it was never enforced.

But even though the laws against teaching Darwin's theory of evolution were not enforced, the theory was eliminated from science curriculums across the country. Most teachers were afraid to teach it, lest they lose their jobs. And so, despite their lack of success in the legislative arena, Fundamentalists succeeded in virtually halting the teaching of evolution in public schools across the nation for the next thirty-odd years. Some publishers—including the publisher of the book *Scopes* had used—deleted all mention of evolution from new editions of their biology texts. In Texas, Governor Miriam Ferguson ordered that all references to evolution be literally cut out of textbooks used in the schools. Ferguson declared: "I'm a Christian mother who believes Jesus Christ died to save humanity, and I am not going to let that kind of rot go into Texas textbooks." In Mississippi, one of the states that had passed an anti-evolution law, a high school superintendent held a public bonfire of the pages about evolution that had been torn from the textbooks used in his school.

It wasn't until 1957, in reaction to the news that the Soviets had beat the Americans in putting the first artificial satellite into space, that the unofficial ban on the teaching of evolution in the public schools was lifted. The idea that the Soviet Union could surpass the United States panicked Americans, who then focused their attention on improving science curriculums, which had been seriously damaged by the wholesale exclusion of this basic biological fact. One result of this new initiative was the development of a series of textbooks that featured evolution as the backbone of biology.

The ACLU did not have the opportunity to bring the issue of teaching evolution to the Supreme Court until 1968, in a case challenging the 1928 Arkansas anti-evolution law. In *Epperson v. Arkansas*, the Supreme Court declared the law to be unconstitutional on the grounds that it violated the separation of church and state required by the First Amendment of the U.S. Constitution. The civil libertarians prevailed again in 1987 when the ACLU challenged the constitu-

tionality of a Louisiana law that required the teaching of "creation science," a theory promoted by the Fundamentalists.

Fundamentalism remains a powerful and fast-growing religious force in the United States today. Fundamentalists are allied with the modern evangelical Protestants, who share their views regarding the literal truth of the Bible. Conservative Christians have never let go of their hostility for Darwinism or their frustration over the fact that their children may learn on weekdays a doctrine that undermines the beliefs their pastors instill in them on Sundays. They still consider Darwin's theory to be the work of the devil, and they have continued to launch a series of increasingly sophisticated assaults on the teaching of evolution in public schools.

Instead of attempting to ban Darwinism from the schools altogether, the strategy of conservative Christians is to change the curriculum to remind students that evolution is merely a theory, and to teach it along with alternative hypotheses such as "creation science" and "intelligent design." This approach attempts to sidestep questions about the separation of church and state, since the other theories need not mention God or the Bible. Civil libertarians insist that creationism and intelligent design are at best very bad science and that teaching them side by side with evolution is like teaching children that the earth might be flat and the stars might be holes in the sky. Neither the civil libertarians nor the Fundamentalists are likely to compromise anytime soon.