

# THE TRIAL OF JOHN SCOPES

A re-creation of John Scopes' trial in 1925,  
debating man's origin—science vs. fundamentalism

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**Should there be one set of truths  
that all students must experience?**

During the last several decades many Americans have been shocked as they read about the book banning acts of the people around the United States. Warsaw, Indiana, even though it is an ordinary Midwestern community of conservative, traditional, and hard-working people, seemed hardly the place for an incredible outbreak of book burning. Yet during the 1977–1978 school year, a massive seizure of anti-intellectualism swept this Indiana town and in its wake exposed deep prejudices: five books were banned and the battle over academic freedom in education was ignited once again.

A high school biology teacher named W. Lloyd Dale became the center of controversy in Lemmon, South Dakota, in 1979 when he was fired from his teaching post for teaching the Biblical theory of creation in his classroom. Dale said he had the academic right to teach what he saw as the truth—that the theory of evolution is false and that man was divinely created. The school board and leading citizens saw the situation differently and relieved Dale from his post. Thus the issue of academic freedom continued to grab headlines and stir up strong feelings.

In 1980 a bill requiring the teaching of “creation of God” in Georgia’s public schools, if evolution is also taught, passed the state senate 46-7, despite protests that the measure is unconstitutional. “Our children are not hearing both sides,” said one legislator. “They are confused. They don’t know what to believe.” Advocates of the bill say children are taught creation by God before they go to school, and then creation by evolution while in public schools.

During the 1990s parent groups are challenging school boards across America, saying they want to change many things going on in the schools. They are deeply concerned about ideas their students are meeting. Such parents often belong to groups which seem to be saying that there is one cluster of facts and truths and one way of teaching these facts/truths that all American children must experience. Educational leaders, in turn, often are horrified, for they feel that the American tradition of academic freedom is being threatened daily.

Luckily for us who want to understand vital issues, history has provided us with a classic legal battle over academic freedom. Nearly everyone who is over 35 years old and who

## Why study the SCOPES trial of 1925?

is a product of an American public or private school system has heard of the Scopes “Monkey Trial.” In 1925 in an old courthouse in Dayton, Tennessee, a teacher named John T. Scopes went on trial for violating an act which forbade him from teaching any theory which contradicted the Biblical story of the creation. Although the issue has never been fully resolved (note the cases cited) and several similar cases cropped up in the years following Scopes’ conviction in 1925, the monkey trial itself remains a fascinating part of American history. Knowledge of its key issues seems essential in understanding academic freedom today.

The trial itself was dramatic. The appearance of Clarence Darrow to defend Scopes and William Jennings Bryan to prosecute added luster to what seemed at first to be a provincial affair. Both attorneys knowingly accepted their tasks and hoped to expose the other side’s “fallacious ideas.” When Darrow put Bryan on the witness stand as an authority of the Bible, he created the highlight of the trial, very possibly one of the most memorable confrontations in our intellectual history.

Your class will re-create the Scopes trial. During preparation, the trial itself, and the follow-up, your students will meet both the issues raised at the time and the fascinating personalities involved. Some students will take major roles such as Bryan, Darrow, Judge John T. Raulston, and the unheralded Dudley Field Malone (Scopes himself played only a minor role). Others will become witnesses, court officers, jurors, or the townsfolk of Dayton, Tennessee, who were both stunned and amused at their town’s sudden notoriety. This re-creation’s purpose goes beyond understanding the 1925 trial. Your students also need to understand this trial’s impact on succeeding generations and to appreciate the complex issues related to academic freedom.

Specifically your students should experience the following:

### **Knowledge**

1. Some of the major intellectual issues in America during the 1920s
2. The process by which a case is actually brought to a “test”
3. The actual conduct of a trial
4. Concepts such as academic freedom, bigotry, justice, evolution, and fundamentalism



*You will appreciate how your students will use several writing and speaking skills while they find themselves caught up in all the issues of this trial that happened 65 years ago ...*

### **Skills**

1. Outlining major issues discussed in the trial into generalizations and supporting details
2. Writing extra questions and additional summation statements to use during the trial
3. Utilizing oral skills to sway opinion toward one side or the other
4. Using notes from arguments presented in the Scopes trial to make a personal decision about guilt or innocence

### **Feelings**

1. Appreciating how people can believe strongly in evolution or in fundamentalism during an era of changing values—whether the era is the 1920s or today
2. Trying to do one's best while playing a role which prosecutes or defends John T. Scopes
3. Taking a stand for or against John Scopes in his battle against a system which prevents his academic freedom in an atmosphere of narrow-mindedness and ignorance
4. Sensing what it was like to live in the mid-1920s and deal with a “red-hot” and controversial issue like academic freedom and different religious beliefs

## OVERVIEW

Most adult Americans are somewhat familiar with the Scopes or “Monkey Trial,” as it has been called. However, not too many likely thoroughly understand the real issue of the case and the trial’s impact on subsequent history. John Scopes and the case for academic freedom deserve better in today’s America where parental committees regularly challenge teachers and the books they make available to their students. Persons in certain communities and regions of our country remain somewhat ignorant and skeptical of science, especially when science conflicts with cherished religious beliefs.\* People who believe the Bible is the literal truth—often called fundamentalists—were losing support by the 1920s. The spread of new ideas and the growth of technology had for several years been diminishing the numbers of believers in fundamentalist Protestantism. We are uncertain whether or not the results of the Scopes case accelerated this decline in fundamentalism, but the national exposure in July 1925 must have increased religious doubt and questioning of certain biblical dogma.

The Scopes trial lasted eight days, beginning on Friday, July 10, 1925, and concluding with the Darrow-Bryan clash on Monday, July 20. On Tuesday the verdict was given. From the onset it should be noted that the trial’s dramatic pinnacle was not the Darrow-Bryan exchange, as Scopes and other observers wrote years later. The high point of the trial took place on Thursday, July 16, when defense counsel Dudley Field Malone spoke on the admissibility of scientific testimony. Even Bryan, the prosecution attorney, had to admit to Malone when the latter sat down: “Dudley, that’s the finest speech I’ve ever heard.”

As a teacher you may want to add your own creative ideas to enhance this re-creation. The more you strive to make the trial seem realistic, the more your students will respond and play their roles with dramatic flair. Don’t forget to consult the Optional Creative Ideas for successful suggestions.

### Note:



*\*Both the Interact company and the author would like to caution you as a teacher: If you teach in a community with a significant percentage of fundamentalist Protestants, you should speak with your principal before beginning this re-creation. You two can work out certain procedures either to lessen the tension or to insure that all sides have opportunities to express their convictions. As a result, everyone involved will feel more secure.*

### How accurate is this re-creation?

The author of this re-creation has taken some liberties in order to facilitate the trial. In addition, some facts of the trial should be noted.

1. The defendant, John Scopes, played a minor role, mostly in a consulting capacity during the trial. Only at the end did he speak, and this was right after sentencing. In this respect the re-creation is accurate. Clarence Darrow chose not to put Scopes on the witness stand for fear of Scopes' lack of knowledge of biology science. (He was only a substitute teacher; he might wreck the case for the defense!)
2. Each day a local minister delivered a prayer before the trial proceeded despite the incessant objections of the defense.
3. The real dramatic highlight of the trial occurred on Thursday, July 16, when defense counsel Dudley Field Malone gave an impassioned and eloquent speech on the necessity of admitting scientific testimony. The judge ruled not to admit it. Like the movies and the myth, this re-creation sets up the Bryan-Darrow clash as the dramatic pinnacle. It simply makes better theater. (You should point out this distortion.)
4. One of the interesting facts about the Scopes trial is that the three main personalities—Darrow, Bryan, and Scopes—were friends. Darrow had voted for Bryan on two of the three occasions Bryan ran unsuccessfully for the presidency (1896, 1900, and 1908). The two giants had known each other for a good number of years. Despite differences in religious beliefs, both had fought tirelessly for causes to promote democracy and to help the common man's plight. They joked with one another during the hot sessions in the Dayton courthouse as frequently as they got serious about Scopes' case.

The defendant John T. Scopes admired both men. He got to know Darrow very well during the trial, but he also acknowledged his admiration for Bryan, his causes, and his silver-tongued oratory. About Bryan, Scopes could later write: "He is, in my opinion, the most outstanding public speaker this country has produced. I've seen no one else like Bryan." Darrow received similar praise from Scopes. "Darrow," wrote Scopes, "had a greater influence on my life than any other man I have known, except my father."

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## HISTORICAL ACCURACY - 2

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*As you can see, a real attempt was made to create an accurate re-creation of what happened in Dayton, Tennessee, in 1925.*

5. With the exception of Professor Harlow T. Ross,\* all witnesses used in the re-creation are real. Others were called and testified, but they have not been included. What the witnesses say on the stand is based on what the real persons actually said.
6. Likewise, the questions asked by the attorneys are as close to the actual transcript questions as possible. (Of course, your students will add and delete questions as they wish. Encourage them to do so.)
7. Except when they were debating the most serious issues of the case, the major participants showed an incredible amount of humor and levity toward one another. Bryan and Darrow joked with one another, Bryan mocked Darrow's agnosticism, Darrow poked fun at Bryan's "blind faith." The only really serious and conscientious participant throughout the eight days was prosecution attorney Tom Stewart, who frequently looked pompous and out of place.

\* Ross was created to balance the two sides and to inject information about anthropology and academic freedom.

## OPTIONAL CREATIVE IDEAS - 1

1. Build enthusiasm days before the trial by using the chalkboard to announce the trial (colored chalk is effective). You might first announce via a telegram the arrest of John Scopes in Dayton, Tennessee; then add the ACLU's part, the selection of the attorneys, etc., until the classroom re-creation starts.
2. Use risers in your trial. Most schools have them available for assemblies. The author has found 16" and 24" risers are just about the right height. Use 24" risers for the back row of the jury, 16" for the front row. The judge and witness stand can utilize 16" risers.
3. Use props whenever you can. Have an electric fan for Judge Raulston. The attorneys could have garters or elastic armbands (to dramatize the shirt-sleeve heat) and could also wear suspenders, which can be stretched and flopped back to emphasize points. Another prop which was present in great numbers at the trial was a palm-shaped hand fan with a funeral parlor name—"Miller's Mortuary"—on it.
4. Two other touches to give reality to your classroom re-creation: signs and lemonade or water pitchers. It was very hot inside that Dayton courthouse. You might have glasses and pitchers of ice water near the attorneys and judge. Since the case was a battleground for fundamentalism, signs were in abundance. Have students make small but effective slogans such as "Read Your Bible Daily" ... "Man Is Not A Monkey" ... "Prepare To Meet Thy Maker" ... "Come To Jesus" ... "Read Your Darrow Daily."

*Students enjoy making posters to decorate the classroom prior to an historical re-creation ...*





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## OPTIONAL CREATIVE IDEAS - 2

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5. Have the major participants call each other “colonel.” Since the title had little meaning outside the army and the South loved titles and military tradition, it was used liberally in the trial. Actually only Bryan, who had served in the Nebraska Volunteers in the Spanish-American War in 1898, was a real colonel. One member of the prosecution, a humorous attorney named Ben McKenzie, was called “general.”
6. Try to set up a realistic old-time microphone in the classroom. Radio station WGN, the *Chicago Tribune’s* outlet, covered the trial for the express purpose of being the first organization to make a national radio hookup. The student who plays announcer Quin Ryan could ad-lib his remarks during lulls in the procedure.
7. The remainder of your students who have not been chosen to be the main participants could be newspaper reporters. H.L. Mencken of the *Baltimore Sun* led a cross-section of the nation’s reporters from Associated Press (AP), United Press International (UPI), and International News Service (INS). Their responsibilities are enumerated elsewhere, but let them know that about 150 to 200 of the 700 persons jammed into the courthouse were members of the press.
8. Just before Bryan is put on the witness stand to testify as an authority on the Bible, the heat inside the courtroom forced everyone to move outside on the lawn. The judge, witnesses, and attorneys sat under trees to cool off. If you choose to do so, you could duplicate this scene.