

# THE TRIAL OF JOHN SCOPES



**1925**

A Re-creation of John Scopes' Trial in 1925, Debating Man's  
Origin—Science vs. Fundamentalism

# THE TRIAL OF JOHN SCOPES

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

BILL LACEY, author of THE TRIAL OF JOHN SCOPES, has written for Interact since 1974. He has authored/edited more than 25 simulations, re-creations, and similar role-playing works. Among the items he has written, he is most proud of GREEKS, SKINS, and CHRISTENDOM. Bill uses many of his creations in his history classes at Fountain Valley High School in Fountain Valley, California.

Copyright ©1992, 1980

**Interact**

10200 Jefferson Boulevard

P.O. Box 802

Culver City, CA 90232

ISBN 978-1-57336-138-5

All rights reserved. Only those pages of this simulation intended for student use as hand-outs may be reproduced by the teacher who has purchased this teaching unit from **Interact**. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means—electronic, mechanical, photocopying, recording—without prior written permission from the publisher.



## 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."



---

## HISTORICAL ACCURACY - 2

---

*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

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

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."



---

## OPTIONAL CREATIVE IDEAS - 2

---



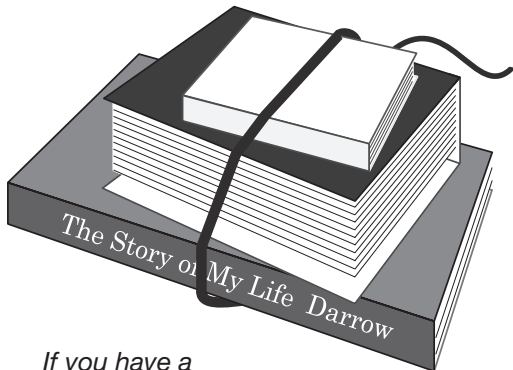
5. Have the major participants call each other “colonel.” Since the title had little meaning outside the army and the South loved titles and military tradition, it was used liberally in the trial. Actually only Bryan, who had served in the Nebraska Volunteers in the Spanish-American War in 1898, was 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.

---

## BIBLIOGRAPHY

---

- Allen, Frederick Lewis, *Only Yesterday*, New York, Bantam Books, 1959.
- Darrow, Clarence, *The Story of My Life*, New York, Grosset and Dunlap, 1932.
- deCamp, L. Sprague, *The Great Monkey Trial*, New York, Doubleday and Company, Inc., 1968.
- Ginger, Ray, *Six Days or Forever, Tennessee Versus John Thomas Scopes*, New York, The New American Library, 1958.
- Levine, Lawrence, *Defender of the Faith*, New York, 1965.
- Ragsdale, W.B., "Three Weeks in Dayton," *American Heritage*, Vol. XXVI, No. 4 (June 1975), pp. 38-41, 99-103.
- Scopes, John Thomas and James Presley, *Center of the Storm: The Memoirs of John T. Scopes*, New York, Holt, Rinehart and Winston, 1967.
- Stone, Irving, *Clarence Darrow for the Defense*, New York, Doubleday and Company, Inc., 1941.



*If you have a student who hopes to become a lawyer, consider directing her/him to Darrow's autobiography. The author has an American history teacher friend who claims his whole philosophy of life was dramatically affected by reading this book ....*

# SETUP DIRECTIONS - 1

**Note:** You will not need to duplicate the bulleted items the first time you use this re-creation, for *Interact* has given you different colored handouts for those students playing roles. If you choose to use the optional handouts, you will need to duplicate them. All other necessary items are in the Student Guide.

1. See note at left the first time you use this re-creation. For subsequent classes—or if you are using this trial with more than one class—duplicate the number in parentheses, using the masters in this Teacher Guide. Plan to duplicate materials about a week and half before the re-creation.

## Prosecution

- LEGAL PLAN FOR THE PROSECUTION (three: one for each prosecutor: Bryan, Stewart, McKenzie—four pages, back to back)
- PROSECUTION WITNESS: Walter White (four: one for White, three for prosecutors—one page)
- PROSECUTION WITNESS: Howard Morgan (four: one for Morgan, three for prosecutors—one page)
- PROSECUTION WITNESS: Harry Shelton (four: one for Shelton, three for prosecutors—one page)
- PROSECUTION WITNESS: F.E. "Doc" Robinson (four: one for Robinson, three for prosecutors—one page)

## Defense

- LEGAL PLAN FOR THE DEFENSE (three: one each for Darrow, Malone, and Hays—six pages, back to back)
- DEFENSE WITNESS: Dr. Maynard Metcalf (four: one for Metcalf; three for defense attorneys—one page)
- DEFENSE WITNESS: Professor Harlow T. Ross (four: one for Ross; three for defense attorneys—one page)
- DEFENSE WITNESS: Williams Jennings Bryan (four: one for Bryan; three for defense attorneys—two pages, back to back)

## Other

- CLARENCE DARROW (one: two pages)
- DUDLEY FIELD MALONE (one: one page)
- JOHN T. SCOPES (one: one page)
- JUDGE JOHN T. RAULSTON (one: two pages, back to back)
- REVEREND L. M. CARTWRIGHT (one: one page)
- RADIO ANNOUNCER QUIN RYAN (one: one page)

## Optional

- JURORS (six-12: one page)
- JUROR'S CONFIDENTIAL FORM (six-12: two pages, back to back)
- COURTROOM OBSERVERS (three-six: one page)
- HISTORICAL AFTERMATH (class set: two pages, back to back)





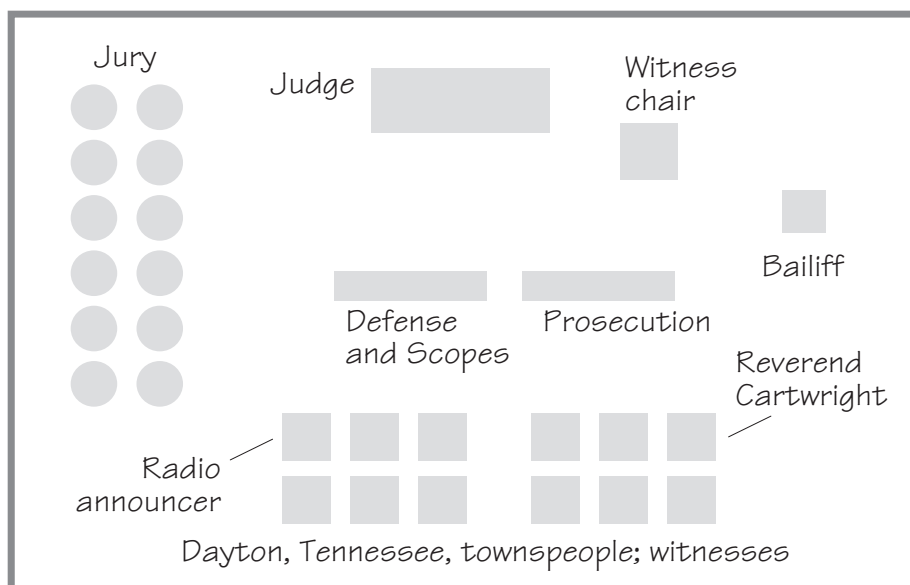
"Clarence Darrow  
Heads Defense Of  
Tennessee Teacher."

2. After carefully studying the various roles, decide who will play each role and write down this decision.
3. About a week in advance of the trial, give a Student Guide and appropriate handouts to both sides' attorneys. Tell each attorney which role he/she will play. Stress that they should start studying this material carefully in order to familiarize themselves with it.
4. About one to three days before the trial, build up some enthusiasm by writing chalkboard messages as if they were *New York Times* headlines: "Tennessee Teacher To Test Anti-evolution Law" ... "William Jennings Bryan To Prosecute Teacher Scopes in Monkey Trial" ... "Clarence Darrow Heads Defense Of Tennessee Teacher" ... "Dayton, Tennessee, Tries Teacher in Circus-like Atmosphere."
5. At least two days before the trial be sure to allow the two legal teams to meet together. Each side's attorneys must decide who will examine which witness and who will cross-examine which witness.
6. One day before the trial, prepare a lesson on the intolerance of the early 1920s, the "insanity" of the decade itself (goldfish swallowing, bunion derbies, flagpole sitting, marathon dancing, etc.), and the science-versus-fundamentalism issue. A film, sound filmstrip, or teacher presentation would be appropriate.

# TEACHING DIRECTIONS - 1

## Day 1: Trial preparation

1. Hand out the Student Guide and have class members read the Overview, Purpose, and the Brief Summary of Major Roles.
2. Assign the remaining roles. (If you want all students to have roles, eliminate the courtroom observers and increase the number of jurors.) Hand out the remaining participant sheets. **Special note:** The bailiff has no handout. He/she should examine the description of responsibilities in the Student Guide.
3. Tell your class who will play the major roles, their responsibilities, and, if needed, replace any students who are absent and thus would not be prepared. It may be wise to have backups for the important roles—especially witnesses.
4. If you have time, go over the Background Essay with the entire class. Go slowly, clarifying passages as needed.
5. Allow 20 to 25 minutes for the attorneys to meet their witnesses. The judge should carefully study the Trial Sequence in the Student Guide and ask you any questions he/she needs answered. You should address the jurors and the remaining townsfolk of “Dayton” about their responsibilities.
6. Before you leave for the day, set up your classroom to be a southern country courthouse in 1925. Possibly have the palm-shaped fans, water pitchers, electric fans, and signs. See the Optional Creative Ideas. Here is a possible room arrangement:






### Days 2–3: The trial

1. Allow 10 minutes or so to take roll, make sure everyone knows his/her role and everyone is in place. Caution the entire class on courtroom deportment and the power of the judge. Replace absent students.
2. Start the trial and follow the Trial Sequence until its completion.
3. When the trial ends, remind students of their post-trial responsibilities explained in the Student Guide.

### Day 4: Debriefing

1. If you choose to duplicate it, hand out and have students read the HISTORICAL AFTERMATH. Or tell them what this sheet contains.
2. See the debriefing section in the Student Guide for questions to discuss with your students.
3. Recommended is dividing your class into activity groups of five to six students each.
4. Have each activity group choose a chairperson, who then appoints a recorder.
5. As each group discusses, the recorder writes down the group's representative conclusions and/or feelings about the questions.
6. After an appropriate discussion period has taken place, have the groups' recorders sit in a discussion circle in front of the class and share their groups' conclusions/feelings.

Debriefing Notes



---

# LEGAL PLAN FOR THE PROSECUTION - 1

---

*(For William Jennings Bryan, A. T. “Tom” Stewart,  
and Ben McKenzie)*

## General strategy

You men were selected or volunteered to prosecute John T. Scopes, a Rhea County Dayton High School teacher, after he was arrested for violating the Butler Act—that is, for teaching a theory of creation other than the version found in the Bible. Both your team and the defense team agree that Scopes *did* violate the law. You know that Clarence Darrow and the other defense attorneys have some other goal than a “not guilty” verdict. Darrow, Dudley Field Malone, and Arthur Garfield Hays are crafty old lawyers. They’re up to something else.

Your foremost goal is to get a conviction, but you must do more. Your prosecution team must work on strategy to bring out the anti-Christian dogma Scopes and Darrow will advance. You must make the judge, jury, courtroom, and the nation see the truth of what evil they want to do. In this pursuit you must not let Darrow’s wit, mockery, or humor detract from the course of justice. Object to his statements which attack the cherished traditions of Southerners, Christians, and the good plain people of rural America. Remain steadfast and resolute in your quest. Be dignified, courteous, and orderly. If the defense wants the trial to be a forum to mock fundamentalism, stand, and object. *Keep the trial focused on Scopes’ violation of the law.*

*Occasionally slow  
down and pause—  
dramatically—when  
you speak key ideas as  
important as these ...*



Strive to point out that if Darrow is allowed to tear down the simple life of Southern rural Americans, his attack won’t stop there. He will assault other traditional values next. Never let your mind drift from your main point: **Scopes is guilty because he violated the law.** Whatever else you can bring out to enhance the cause of fundamentalism, the South, farmers, and rural life is a bonus. *A final comment:* When William Jennings Bryan takes the stand to be examined by Darrow, the student playing Stewart should object often.

## Opening remarks

Bryan will deliver the prosecution's opening remarks. He should set the tone for your strategy and your courtroom deportment. Using eloquent, yet simple words, he should work on the jury’s sympathies and their common sense. Here are points he should stress:

1. The Butler Act is clear and understandable. It is “an act prohibiting the teaching of evolution theory in all universities, normals, and all other public schools of Tennessee which are supported in whole or in part by the public school funds of the state.”

---

# LEGAL PLAN FOR THE PROSECUTION - 2

---



*When you question witnesses, don't question them from these handout sheets.*

*Instead, take sentence fragment notes from these handouts and write them on 3" x 5" notecards which you use during your questioning.*

2. Stress the wording of the act which states "that it shall be unlawful for any 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 has descended from a lower order of animals."
3. Point out that the act specifies the sentence if a teacher is found guilty: "That any teacher ... guilty of a misdemeanor and upon conviction shall be fined not less than \$100 nor more than \$500 for each offense." As the prosecution, you should push for the maximum fine!
4. Explain that the Butler Act is part of the state's police powers and is therefore constitutional.
5. Stress that the state has the right to determine what is taught in textbooks because the legislature has the public trust on expenditures; that is, it appropriates the money for the books.
6. Emphasize that any person who "preaches" a theory which puts godless science in authority over Divine Scriptures should be punished. Scopes fits this category.

## **Examination of your witnesses**

You have four witnesses. Ask them the questions below plus any others that you think might help your case. Thank your witnesses when they complete their testimony.

### **Walter White**

1. Mr. White, what is your official position in the school system of Rhea County?
2. In your position as superintendent of schools, did you ever talk to the defendant, John T. Scopes?
3. What did you talk about?
4. Did Scopes ever make a comment about teaching the theory of evolution in his biology class?
5. Would you say he defended his course of action with regards to breaking the law?
6. Mr. White, as superintendent, do you have any axe to grind, or any dislike for Mr. Scopes?
7. Do you, sir, see any danger if a teacher like Mr. Scopes violates the Butler Act with regards to the religious beliefs or moral values of our youth?
8. Mr. White, do you consider yourself a good Christian man who has an unshakable faith in the Holy Scriptures?

### **Howard Morgan**

1. Howard, how old are you?
2. Do you like your school and your friends at Dayton High School?
3. How about your teachers. Are they pretty good men and women?
4. Who was your regular biology teacher this past school term?

---

## LEGAL PLAN FOR THE PROSECUTION - 3

---



*When you question witnesses, don't question them all the same way.*

*Reflect upon each witness' age and standing in the community while you are planning how to question each person.*

5. Was he a good teacher?
6. Was he always in class ready to excite you and your classmates in the mysteries of biology?
7. How often did you have substitute teachers?
8. Who substituted the most in your class?
9. What is your opinion of Mr. Scopes?
10. You know that Mr. Scopes is on trial charged with teaching your class about the theory of evolution? Right! Last April, wasn't it?
11. Tell us what his lesson on evolution contained. In other words, what did he tell you?
12. Did he spend some time classifying animals?
13. What other animals did he classify with human beings?
14. Was Mr. Scopes, in fact, very direct and factual?
15. So then, Howard, you're saying that Mr. Scopes, as a substitute teacher for your regular biology teacher, Mr. Ferguson, in April, taught the theory of evolution from a textbook?

### **Harry Shelton**

1. Harry, how old are you?
2. Like Howard Morgan over there, you were a student in Mr. Scopes class, weren't you?
3. Did he give a lesson on man's origins in which he emphasized man's development from a simple single-celled creature to humans today?
4. What did Mr. Scopes, using Hunter's *Civic Biology*, call this theory?
5. Was this the first time you had heard such a theory?
6. How does this theory conflict with what you've learned in church with regards to man's origin?

### **F.E. "Doc" Robinson**

1. Mr. Robinson, is that what people call you, or is it something else?
2. Okay, Doc. What is your profession?
3. Do you hold down any other jobs locally that we could call a civic responsibility?
4. Have you ever heard of the controversial textbook, Hunter's *Civic Biology*?
5. Has this textbook been around for a while?
6. What role did you play in getting this case into court?
7. In other words, you had a part in asking Scopes to test the Butler Act. Is that so?
8. Who is George Rappelyea, and how is he involved in the early stages of this case?

---

# LEGAL PLAN FOR THE PROSECUTION - 4

---



*When you cross-examine witnesses, don't question them from these handout sheets.*

*Instead, take sentence fragment notes from these handouts and write them on 3" x 5" notecards which you use during your cross-examining.*

## **Cross-examination of the defense witnesses**

After the defense attorneys have examined their witnesses, ask them these questions and any others you believe are relevant.

### **Dr. Maynard Metcalf**

1. Dr. Metcalf, are you a Godless man of science?
2. Why are you here to testify for a simple biology teacher who has broken a law?
3. Tell us, sir, what is evolution?
4. You make no mention of the Divine Creator in your testimony. Did you deliberately leave out God, or has science dislodged him?
5. Do you really believe man—we human beings—are related to those hairy African primates whom we make fun of in the zoos?
6. What proof do you have to convince all of us doubters of the theory of evolution?
7. Could you explain how geologic rock strata proves evolution?
8. What do we have in common with mammals?

### **Professor Harlow T. Ross**

1. You're just another one of these Godless scientists called here to sneak in some heretical evidence and damage our beliefs, aren't you, professor?
2. "Peking man," "Java man," "Heidelberg man," "Australopithecus"—to you these are all direct links to us today?
3. Where is God in your scheme? Have you purposely omitted the greatest Creator of all?
4. Physical anthropology, from what I've read, is very imprecise. On what evidence do you base your conclusions?
5. I understand that a small piece of jaw bone or femur is enough for your anthropologists to proclaim another great discovery. Is that about it, professor?
6. You claim Raymond Dart just last year discovered Australopithecus and that this find pushes man's origins back to perhaps one million years. Do you really believe man is that old?
7. A few centuries back, a fine scholar, Bishop Ussher, calculated through the age of the prophets in the Holy Bible that the earth was created in 4004 B.C. Do you reject that calculation entirely?

### **William Jennings Bryan**

You will ask no questions of Bryan, who defends himself. Yet you must be ready to object often to the questions the defense asks Mr. Bryan.

---

## PROSECUTION WITNESS: Walter White

---

You are Walter White, a witness for the prosecution of John T. Scopes. During this time you are Rhea County's superintendent of schools. Although you are not a friend of Scopes, you did talk to him before his "arrest" about the teaching of evolution in his classroom. When you are asked about this meeting, you will disclose what happened. You will say that Scopes said, "I couldn't teach the book (Hunter's *Civic Biology*) without teaching that theory and I could not teach that without violating the statute." Scopes admitted, too, that he defended his own course by saying that the Butler Act, which forbids him to teach any creation theory other than the biblical version, was indeed unconstitutional and was a bad law.

As superintendent you have no personal axe to grind. In fact, John T. Scopes is a nice young man, a good teacher, and has been a decent sort of fellow since he hired on as a science teacher and a coach last year for \$150 per month. Yet, as superintendent, you are aware of the danger of allowing public officials, such as teachers, to break the law, especially when such lawbreaking affects the morality and religious beliefs of the town's and county's young people.

When asked about Hunter's *Civic Biology*, which was the text Scopes used in his lesson on man's origin, you should tell the court that it was the text specified for use by the Tennessee State Textbook Commission. Be prepared also to tell what the Butler Act is and how Scopes violated it. (Study the Background Essay for more details.)



*You will be a better witness if you consider and then act upon answers to the following questions:*

- 1. How does what your role does for a living affect the way you should dress in court?*
- 2. What is your role's attitude toward John Scopes and both sets of attorneys?*
- 3. How does your role's religious faith—if he/she has one—affect the person's daily living?*



---

## PROSECUTION WITNESS: Howard Morgan

---

You are a 14-year-old boy who sat in John T. Scopes' biology class at Dayton High School. Although you were taught by Mr. W.F. Ferguson most of the year, Mr. John T. Scopes, a coach and part-time science teacher, substituted in the science class several times. You are directly connected with the case because you will testify that Scopes, while substituting for Mr. Ferguson, did give a lesson or two on the theory of evolution.

On or about April 2, 1925, Mr. Scopes told you and your fellow classmates about the evolutionary theory. He used material from *Civic Biology* by George W. Hunter and *General Science* by Elhuff. At that class meeting, Mr. Scopes told you that the earth was once a hot, molten mass, too hot for plant or animal life to exist upon it. When the sea and earth cooled off, little germs of single-celled organisms formed. One organism kept evolving until it got to be a pretty good-sized animal. This animal eventually came onto the land and kept evolving for millions of years until it became man.

Mr. Scopes also spent some time classifying man as a mammal, along with horses, cows, cats, dogs, monkeys, apes, lions, and many more. Scopes in his presentation was very direct and factual. You and all the other students sat and listened attentively and didn't feel at the time that what he was telling you was so controversial.

You are a normal young man with interests and hobbies not unlike others your own age. Scopes' lecture on evolution has not affected you very much. Your fundamentalist religious beliefs have not changed. You still respect your parents, friends, and elders. In fact, despite what the townspeople say about Scopes being the villain along with Clarence Darrow, you have a certain respect for Mr. Scopes. He did, after all, speak for what he believed to be the truth about man's origin. He told the class that man, however classified as a mammal and however descended from lower forms of animals and apes, has special qualities such as the power to reason and to think for himself. You believe Mr. Scopes is a good, decent man. You respect him as a teacher who taught you nothing that could be considered "wicked."



*You will be a better witness if you consider and then act upon answers to the following questions:*

- 1. How do the historical moment, your age, and your family background affect the way you should dress in court?*
- 2. What is your role's attitude toward John Scopes and both sets of attorneys?*
- 3. How does your role's religious faith—if he/she has one—affect the person's daily living?*



---

## PROSECUTION WITNESS: Harry Shelton

---

You are a 17-year-old student who, like Howard Morgan, was a student when John Scopes, substituting for Mr. W.F. Ferguson, the regular biology teacher, gave lessons on man's origin in a biology class at Dayton High School. Your testimony will be brief. Like Howard Morgan, you are called by the prosecution to prove that Scopes did in fact talk about the theory of evolution in your biology class.

Your testimony will focus on this: Scopes told the entire class that all life began from a single cell. This was the first time you had heard this idea. In church you had been taught that God created man and woman in human form as they are today. Although a bit shocked by Scopes' lesson on man's origin, you are still a strong church member with your traditional views intact. Your faith in God has not been shaken by Scopes' teaching.

Oddly, your parents, especially your mother Mrs. John Shelton, wanted you to learn more about everything, including evolution. She and some others in the community feel that no subject or issue is too dangerous to be discussed, especially in an academic setting. Surely, believed your mother, no one's religion or moral views can be damaged just by a controversial theory, even if it were taught "every day of the year."

An amazing fact of your testimony is that you hardly remember Scopes' lesson. You even had to go back and review evolution and man's origin.



*You will be a better witness if you consider and then act upon answers to the following questions:*

- 1. How do the historical moment, your age, and your family background affect the way you should dress in court?*
- 2. What is your role's attitude toward John Scopes and both sets of attorneys?*
- 3. How does your role's religious faith—if he/she has one—affect the person's daily living?*

---

## PROSECUTION WITNESS: F. E. Robinson

---

You are F.E. (Frank Earle) “Doc” Robinson, proprietor of the town’s most popular drugstore. In fact, your business place is the social center for youngsters and anyone who wants a soda or ice cream sundae. You also happen to be chairman of Rhea County’s Board of Education, the town’s leading textbook merchant, and a leader of the Dayton Progressive Club. The latter is made up of Dayton’s liberal, free-thinking citizens.

Your testimony should center on several points. First, you will emphasize that Hunter’s *Civic Biology* has been the state biology textbook for quite a while. Actually it has been the accepted text since 1909. Further, as recently as May 1924, the controversial textbook was readopted with not too much discussion. Yet after the Butler Act was passed, teachers who taught from the textbook would be breaking the law.

Second, you should testify about how the test case was launched in your drugstore in May with the leadership of a local engineer named George Rappelyea. Elaborate on how Scopes agreed to be “arrested” for violating the Butler Act to test its constitutionality. All this was in response to a newspaper ad paid for by the ACLU—the American Civil Liberties Union. This national civil rights organization was willing to pay all court expenses to test the Butler Act. Bring in the name of George Rappelyea, the man who instigated the whole affair. (See the Background Essay.)

Third, you should humorously admit that you yourself are not breaking the law by dealing with Hunter’s *Civic Biology*, because the law only says a teacher cannot teach about evolution. Nothing in the Butler Act forbids anyone from selling it.

Fourth, when asked about the book itself, you should say that you are somewhat familiar with it, especially the controversial chapter on evolution. Having read it over, you know and can answer the following: There are 518,000 species of animals, including 3,500 species of mammals, of which man is one kind of mammal, with special similarities to apes.

While you are a witness for the prosecution, it should be clear from this sheet that much of what you say in court could benefit the defense, for you are supportive of science and modern thinking. Play to both sides and give as much accurate testimony as you can.



*Be a better witness by acting upon answers to the following questions:*

- 1. How does what your role does for a living affect the way you should dress in court?*
- 2. What is your role’s attitude toward John Scopes and both sets of attorneys?*
- 3. How does your role’s religious faith—if he/she has one—affect the person’s daily living?*

---

# LEGAL PLAN FOR THE DEFENSE - 1

---

*(For Clarence Darrow, Dudley Field Malone,  
and Arthur Garfield Hays)*

## General strategy

You three men are well-known attorneys who represent the rational views of modern, urban America. Clarence Darrow, of course, is the “big gun” for the defense, for he has a reputation for taking cases of persons nearly ready for the gallows. Recently, Darrow defended two merciless killers, Nathan F. Leopold and Richard A. Loeb; his eloquent two-day speech on the inhumanity of the death penalty got the young men off with life imprisonment. As you might expect, the people of Dayton feel threatened by you attorneys, for you represent many things they don’t understand. Yet, since they are hospitable Southerners, they have treated you with cordiality.



*To argue the defense side in The Trial of John Scopes, you definitely have to be an idealist who is willing to work hard!*

From the start you must realize that you have almost no chance of getting a verdict of not guilty from this biased and basically unlettered jury. Consequently, your goal must be broader in scope. If John T. Scopes is found guilty, you will appeal his conviction to a higher court. Then the case and the issue of academic freedom will reach ears, eyes, and brains far beyond Tennessee. Publicity is what you want! And while you’re at it you’d like to poke holes in the religious hokum of these ignorant fundamentalists who stare at you in puzzlement. Follow the suggestions below and you will reach your goal.

1. Don’t put Scopes on the witness stand. He really isn’t a biology science teacher. During the time the community member approached him to help the ACLU test the Butler Act, Scopes was merely a substitute teacher more interested in coaching than in biology.
2. Try to be eloquent in your statements, but use plain, simple language. In this way, the jury may eventually sympathize with your defense.
3. Emphasize how outdated is a literal interpretation of the Bible. As you examine, cross-examine, or make opening and closing statements, squeeze in all the inaccuracies and inconsistencies mentioned in the Bible (e.g., “Where did Cain find a wife after he left Adam and Eve?” “How did the serpent get around before God made him crawl on his belly?” etc.).
4. Try to get scientific testimony admitted in the trial. Use men and women of science to prove that the earth is older than 4,000 years; that the earth is perhaps more than four billion years old; and that man did indeed evolve from single-cell animals over millions of years.
5. When the defense objects to your putting scientists and other men of learning on the witness stand, and the judge, in their favor, possibly disallows them to testify, you should then convince William Jennings Bryan to take the stand as an authority on the Bible. Here’s your chance to ridicule and to get the Orator from Nebraska to speak inconsistencies and historical errors.
6. While attacking portions of the Bible as religious myth, show that you respect the decent moral code the Bible preaches. Point out how the ideas of God, Jesus, and evolution are not incompatible at all. Cannot God’s plan for man include development? Cannot the Bible and Darwin coexist? Is it so important that laws have to be passed to forbid something as non-dangerous as Darwin’s theory of evolution to be taught in the schools?

---

## LEGAL PLAN FOR THE DEFENSE - 2

---

7. Bring into the trial the idea of how no one has been hurt by being exposed to the theory of evolution. Has it really changed, altered, or brought misery into anyone's life—for example, the students in the biology class?
8. Emphasize the danger of eroding our precious freedoms in the first amendment, if one—freedom of expression or academic freedom—is threatened by narrow-minded legislators who limit a school's curriculum and restrict ideas about man's origin.

### Opening statement

Clarence Darrow should make the opening statement for the defense—as eloquently as possible. Below is an outline of Darrow's actual opening remarks in the real trial:



**Clarence Darrow:**  
*These are really wonderful questions and statements. Be dramatic as you open the case for the defense!*

1. Are we living in the 16th century? Law must not restrict the freedom of the spirit. Bigotry and ignorance can destroy rights of the individual.
2. The Butler Act is an attempt to destroy learning as powerful as any attempt made in the Middle Ages. The only difference: Scopes will not, hopefully, be burned at the stake.
3. Many fine persons receive consolation from the Bible. We should not take it away from them as a source of reverence and solace. Yet it is only a book, actually 66 books written over a period of 1,000 years. And it is a book of *religion*, not *science*.
4. Don't let the opinions of one man or one book mold the opinions of others. Religion is a matter of personal conscience.
5. The idea of evolution and books written about evolution are widespread even in beautiful Tennessee. Many intelligent citizens of this state believe in evolution. They could and can believe in both the simple message of Jesus and the complex evolutionary scheme of things—until the Butler Act came along.
6. The law itself is bad, for it makes a teacher a criminal. It makes the Bible a yardstick to measure every man's intellect and to measure every man's learning. Should we learn how to do our sums from the Bible? Should we go to the book of Genesis for an astronomy lesson?
7. We must all be tolerant and accept the theories and opinions of our fellow men. If we cannot live in a state of tolerance, no man's life will be safe.
8. By banning the teaching of evolution, you open the door to the burning of certain books and newspapers. Soon you may set Protestant against Catholic, Protestant against Protestant, and Christians against Jews. We then would be marching backward to the 16th century when bigots burned men and women who dared to introduce intelligence and enlightenment to improve the human mind.

### Cross-examination of prosecution witnesses

After the prosecution attorneys have examined the prosecution witnesses, ask these witnesses these questions and any others you believe are relevant.

#### Walter White

1. Are you saying you have no personal axe to grind, no personal dislike for Mr. Scopes?
2. What kind of young man is he?
3. Does the community generally respect Mr. Scopes, would you say?

---

## LEGAL PLAN FOR THE DEFENSE - 3

---



*When you question and cross-examine witnesses, do not question or cross-examine from these handout sheets.*

*Instead, take sentence fragment notes and write them on 3" x 5" notecards which you use during your questioning or cross-examining.*

4. Could you tell us in your own words what the Butler Act is? Since you are the superintendent, we'll assume you know the law.
5. Mr. Scopes admitted to you that he had used Hunter's *Civic Biology* in his biology classes. Are there other biology teachers in this state who might say the same thing?
6. Are you aware that Hunter's *Civic Biology* is a widely used, state-adopted textbook?
7. Are you saying then that Mr. Scopes is only one of many hundreds of Tennessee science teachers who need to be tried for violating the Butler Act?
8. You said that perhaps teaching evolution to young people could endanger their beliefs. Let me read a passage from Hunter's *Civic Biology*: (Open a textbook and read the following.) "The Doctrine of Evolution—We have now learned that animal forms may be arranged so as to begin with a very simple one-cell form and culminate with a group which contain man himself. This arrangement is called the evolutionary series. Evolution means change, and these groups are believed by scientists to represent stages in complexity of development of life on the earth. Geology teaches us that millions of years ago life upon the earth was very simple and that gradually more and more complex forms of life appeared, as the rocks formed latest in time show the most highly developed forms of animal life. The great English scientist, Charles Darwin, from this and other evidence explained the theory of evolution. This is the belief that simple forms of life on the earth slowly and gradually gave rise to those more complex and that thus, ultimately, the most complex forms came into existence." Sir, do you see any danger in these words? I mean could these words endanger a lifetime of religious and moral indoctrination?
9. Would this passage cause a 15 year old to commit a murder? Or to leave his church? Or to break one of the Ten Commandments?
10. In your opinion, then, is Mr. Scopes here a dangerous fellow?

### **Howard Morgan**

1. Howard, you look like a decent lad. Do you like school? Do you play sports, enjoy dates, go to the movies, and so on?
2. You said Mr. Scopes was a frequent substitute teacher for Mr. W.F. Ferguson. Was Mr. Scopes a good teacher compared to your other teachers?
3. Now how about all this theorizing on the origin of man, and all this classifying and such. Do you think all this is controversial stuff?
4. Has exposure to Darwin and his theory of evolution affected you very much?
5. You still attend church, don't you?
6. You still honor your mother and father?
7. You haven't murdered anybody since Mr. Scopes lectured last April have you?
8. Howard, is Mr. John T. Scopes a villain in any way? Is he wicked?
9. So you respect a person for speaking up for his opinion, especially one who is a teacher trying to open up young minds with up-to-date scientific evidence?
10. One last question, Howard. Did Mr. Scopes tell you what qualities separate man from the other animals?



---

# LEGAL PLAN FOR THE DEFENSE - 4

---



*When you question and cross-examine witnesses, do not question or cross-examine them all the same way.*

*Reflect upon each witness' age and standing in the community while you are planning how to question or cross-examine each person.*

## **Harry Shelton**

1. Harry, can you see that we're trying to see if Mr. Scopes did any harm by teaching evolution to you and the others?
2. Tell us what Mr. Scopes said about man's origin.
3. Has knowing about evolution destroyed your faith in the Scriptures?
4. Has it destroyed your respect for your mother and father?
5. How does your father, John Shelton, feel about all this law-breaking by your biology teacher?
6. Do you agree that no subject or issue is too dangerous to be talked about?
7. Do you remember much of what Mr. Scopes taught you last spring?
8. How is it that you remember so much about the specifics of Mr. Scopes' lesson? Did you review the subject recently?
9. Did Mr. Scopes ever mention that the theory of evolution should replace the story of creation as mentioned in the Bible?

## **F.E. Robinson**

1. Doc, it appears from your testimony that you could be a witness for the defense as well as for the prosecution. Is this about right?
2. If I listened closely, you and George Rappelyea, a local engineer, instigated the whole case when you got Mr. Scopes here to agree to be the teacher in this test case. Is that right?
3. I'll bet you sell a lot of textbooks down at your drug store, hey? Hunter's *Civic Biology* is one of them, right?
4. How long has this text, which is the one Mr. Scopes supposedly used in giving a lesson on evolution, been a state-adopted book?
5. Was it recently readopted? When?
6. So, to most people who are concerned, *Civic Biology* is the accepted textbook for biology classes in this part of Tennessee. Is that right?
7. Mr. Robinson, would you call yourself a free-thinker and a "progressive"?
8. So you think you're guilty of something if, in fact, you have been selling the book the Butler Act condemns indirectly for mentioning Darwin's theory of evolution?
9. Are you familiar with what *Civic Biology* has to say about evolution?
10. Tell us how many species of animals there are? How many species of mammals?
11. You believe man is a mammal, related to the apes?

## **Examination of your own defense witnesses**

You will call up the following witnesses in defense of John T. Scopes. Keep in mind that these questions are only suggestions. You may add others.

### **Dr. Maynard M. Metcalf**

1. Dr. Metcalf, what is your profession and what is your title?
2. Would you say that you have a vast knowledge of science, and more specifically of man's origin?
3. Do you know what the theory of evolution is?
4. Could you explain it to us?
5. So you, too, believe man is related to all animals, especially mammals, and especially the ape family?
6. What are the similarities between man and apes?

---

# LEGAL PLAN FOR THE DEFENSE - 5

---

7. In the scheme of geologic time, man has only been here, according to what most scientists believe, for about 50,000 years. How old is the earth?
8. Fundamentalist Christians believe the earth is 6,000 years old. What is your assessment of that belief?
9. What makes man, man—in your opinion?
10. What does the work and research of Sir Charles Lyell tell us about evolution?

## **Professor Harlow T. Ross**

1. What is your background, Professor Ross?
2. How long have you been studying science, especially anthropology?
3. Just what is anthropology?
4. How long have scholars been studying fossilized remains of early man?
5. When was the discovery made which positively linked thinking man today with prehistoric man? And with the primates or apes?
6. What has been discovered in the early years of the 20th century? Tell us about other important fossilized skeletons which have been found.
7. Has there been any very recent finds which prove an anthropological link between man today and early man?
8. Does all this evidence, in your opinion, Professor Ross, damage Christian beliefs or destroy the moral fabric of person or community?
9. What was John Scopes trying to teach his students when he presented different theories to them?
10. Professor, do you believe a teacher has the right to express his academic freedom—within good taste, of course, in a classroom?



*If you have a chance to do so, rent the videotape of the film Inherit the Wind and watch Spencer Tracy—playing a character patterned after Clarence Darrow—as he questions a character patterned after William Jennings Bryan. If you do, you will get all kinds of ideas about how to question your classmate playing Bryan.*

## **William Jennings Bryan**

1. Mr. Bryan, you have given considerable study to the Bible, haven't you?
2. You have made a general study of it?
3. Do you claim that everything in the Bible should be literally interpreted. That is, if a miracle is mentioned in the Bible, it really happened?
4. Do you believe Jonah, for example, was actually swallowed by a whale or a large fish?
5. Did Joshua make the sun stand still?
6. How did he do that?
7. Do you know what would happen to our planet if the sun stopped? ... Everything would freeze up, continents and mountains would topple—that's what science tells us. Or don't you respect scientific evidence, Mr. Bryan?
8. Scientists tell us the earth is billions of years old. How old do your so-called Biblical scholars think it is?
9. Are you aware that the Chinese and Egyptians had ancient civilizations which go back in time much further than 6,000 years ago?
10. Have you read about other religions?
11. Do you regard them as competition?
12. Are they inferior to Christianity?
13. Is there nothing positive about other religions?
14. Mr. Bryan, do you believe that the earth was made in six literal days of 24 hours each?



---

## LEGAL PLAN FOR THE DEFENSE - 6

---



*Statement #21 will be a difficult one to act correctly as you play Clarence Darrow. If you do some extra research, you will find out that Darrow's feelings about Bryan were ambiguous: he felt both respect and disdain for this man who had fought so many battles for Americans.*

15. Could these six days actually be hundreds of years, or thousands of years, or millions of years?
16. Let's get back to the Bible. (Pick up Bible.) Where did Cain get his wife? I mean, if Adam and Eve, the first people, had two sons, and then Cain killed Abel, where did Cain go to find a wife? After all, he's the only one left to have children to continue the human race, right?
17. Is the serpent the real villain of the Bible?
18. Do you think God, because the serpent tempted Eve, caused that animal to crawl on his belly since then?
19. Have you any idea how the snake went around before that time?
20. Did he walk around on his tail?
21. Mr. Bryan, these questions prove to all of us that your answers are examples of beliefs no intelligent Christian on earth believes. It is time you and your flock know that. Your honor, Mr. Bryan is mercifully excused before the world sees what a fool he is.

---

# DEFENSE WITNESS: Dr. Maynard Metcalf

---

## AT ACTING TIP

*Be a better witness as you play your character by considering and then acting upon answers to questions such as these:*

- 1. How do the historical moment, your age, and your profession affect the way you should dress in court?*
- 2. What is your role's attitude toward John Scopes, Clarence Darrow, and William Jennings Bryan—all key persons involved in this trial?*
- 3. How does your role's religious faith—if he/she had one—affect the person's daily living?*

You are one of two defense witnesses allowed to testify at the Scopes trial. Since the prosecution is in control, you must speak your testimony in a dignified and professional manner. Called to testify on what the theory of evolution is, you will draw upon your vast knowledge of science as a research professor of zoology at the renowned Johns Hopkins University in Baltimore.

Your testimony will reflect your devotion to science, the evolutionary theory, and to facts which have come to light in the fields of physical anthropology (the study of human fossils) and geology (the study of the earth's crust). Oddly enough, you are one of many scientists who, while being an authority on science, believe that science—especially evolution—and religion are compatible: that is, you believe it is probable that God allowed man to develop over a long period of time in an evolutionary manner. In short, you are an orthodox Christian who happens to believe in evolution.

Somewhere in the midst of your testimony, the prosecution will interrupt and question the right of the defense to get any scientific testimony admitted into the trial. When this happens, Dudley Field Malone will make a brilliant speech on why scientific testimony should be admitted into the trial. Once the judge has ruled on the admissibility of evidence, you will either be dismissed from the witness stand or continue with your testimony.

Focus your testimony on the following as well as the information above:

1. You believe in evolution; that is, you believe man developed from a single-celled animal over millions of years to the human being he is today. Man is a mammal similar to monkeys and, especially, apes, which share an incredible likeness to our physical appearance and habits.
2. While the fundamentalists believe that the earth was created around 4,000 B.C., you think in terms of geologic time—which means you believe the earth is closer to four billion years old. Man, as we know him, developed less than 50,000 years ago.
3. You have nearly memorized the works of English geologist Sir Charles Lyell, who proved evolution by studying rock strata. By looking at rocks' layers, a trained individual can see the earlier forms of life on the lower strata and more complex forms of life on more recent rock strata.
4. Man himself is merely the most intelligent of all the species. This fact is a good thing because the elephant is larger, the gorilla is stronger, and the cheetah is swifter. Through a study of skeletons of all animals, a trained person can only deduce that human beings and other mammals have common ancestors in early geologic time. Bones, vertebrae, brain size, and shape all give clues to man's similarity to other species.

---

## DEFENSE WITNESS: Professor Harlow T. Ross

---

You are an 84-year-old scholar from Brown University in Providence, Rhode Island. You are called to testify on behalf of John T. Scopes. You will emphasize Scopes' right to speak up on controversial issues in his classroom in spite of prevailing religious views in his community. Like Dr. Metcalf before you, your scientific testimony will give support to the theory of evolution.

While you are a fictional person and never appeared at the real Scopes trial, there were several scientists ready to testify who were never given the chance to do so. To involve more students and balance out the number of witnesses, you have been given a chance to take the witness stand.



*Playing this role should be an entertaining and enlightening experience. Notice the suggestions here on how you might dress to intensify your characterization.*

*Another possibility: Should you attempt to bring in fossils in anticipation of answers you hope to give?*

Perhaps you can strengthen your testimony by dressing up like an old man with white hair and cane. Strive to look like a scholarly college professor who has spent his entire life studying fossilized skeletons of animals and early man. As a professor of anthropology for more than 50 years, you will relate the various scientific finds. As early as the 1850s, fossil hunters found skeletal pieces of what could only be those of an early form of man. Then in 1880 a Dutch doctor named Eugene Dubois discovered a primitive fossil human on the island of Java in the Dutch East Indies called “Java man” then and *homo erectus* now. This creature, Dubois theorized, was a link between primate and thinking man.

In the early years of the 20th century, similar fossil remains have been unearthed supporting Dubois' find. In China “Peking man” and in Germany “Heidelberg man” inspired further excavations all over the world by scientists who wanted evidence of man's evolutionary journey. Then just last year in 1924, an anatomist from South Africa, Raymond Dart, announced his epochal find. Christened *australopithecus*, this “new” man apparently goes back in time nearly a million years.

All this testimony gives you the clout to proclaim that physical anthropology, though a relatively new science and far from being precise, is pushing back the age of man and stimulating fresh research.

You believe that knowing about evolution, fossilized bones of early man, and the age of early man cannot damage or destroy any person's religious views. Besides, as a teacher John T. Scopes was forcing his students *to think critically—the only attribute which gives man domination over all other species.*

---

# DEFENSE WITNESS: William Jennings Bryan - 1

---



*Find some photos of Bryan so that you can figure out how to dress properly.*

*Be sure you have read carefully this important American's background. He made real contributions to our history.*

*Stand tall and proud during this trial. Wrap your religious beliefs around you like a warm comforter.*

*Stride into the courtroom confident that you can stand up to Clarence Darrow!*

## Your character

You are the great orator from Nebraska, the man nationally known as the “Great Commoner” because of your support for the common man in the course of your political life from 1890 to 1920. A former U.S. senator and three-time losing presidential candidate (1896, 1900, 1908), and Woodrow Wilson’s secretary of state, you have nonetheless lost the luster that you once had. For you the trial of John Scopes in Tennessee, where your supporters have great strength, is a chance to perhaps regain that luster. In addition, by prosecuting this teacher for teaching evolution (which you will pronounce “evil-ution”), you will accomplish several things: a chance to “attack” an old “friend” and “adversary,” the agnostic Clarence Darrow, who is heading the defense team; a national spotlight to tear down the arguments of scientists who support a godless theory of man’s origin; and an opportunity to gather new converts to the fundamentalist cause. But your primary role is to be the chief prosecutor against John Scopes. It will be a bitter struggle, because Darrow, Dudley Field Malone, and their associates are an awesome force. Further, they will attack your religious beliefs as archaic, stupid, and fit only for the ignorant.

## Your role as prosecution attorney

Your first task will be an opening statement as listed on the Trial Sequence. Either memorize the points you are going to make or use only brief notes. Speak quietly and sincerely. Of course, you must also carefully study your other responsibilities as found in the LEGAL PLAN FOR THE PROSECUTION.

During the trial you will also have the responsibility to give a speech after Judge John T. Raulston asks for a statement regarding whether or not to admit the scientific testimony put into the record by Mr. Metcalf and Professor Ross. If your words are not effective here, the judge may rule to admit this testimony. Such a ruling would hurt your case. The real Bryan used the following reasoning to plead against admitting the scientific evidence (either memorize these points or write abbreviated notes on a small card):

1. Defend the Butler Act. Point out that this trial is a duel between science and religion. There is no compromise. A person cannot be devoted to both causes.
2. We need no expert to tell us what the law means or to confuse us about the theory of evolution. It’s illegal to teach it—period!
3. Praise the state and people of Tennessee who passed the Butler Act. They know the dangers of the Darwin doctrine.
4. The defense has tried to come down to this beautiful state and denounce things everyone ought to believe in.
5. Ridicule the theory of evolution by talking about the gall the defense has in saying that we came from ants, monkeys, apes, whales, lions, and tigers, etc. Make fun of this idea of comparing man to animals. Man is a separate Divine creation.
6. Parents have a right to say that no teacher paid by their money shall rob their children of their faith in God and then send them back to their homes with their religious faith shaken by doubts.

---

## DEFENSE WITNESS: William Jennings Bryan - 2

---

7. The facts are simple, the case is plain, and if these gentlemen want to ruin what God has given us—then admit this scientific testimony. I plead for your honor not to allow it.

### As a defense witness and authority on the Bible

One of the most unusual occurrences to happen in this or any other major trial will be your appearance as a witness for the defense even though you are a prosecuting attorney. Darrow's request for you to take the stand will give you the chance to damage the case of the defense and a rare opportunity to spread the fundamentalist cause to a national audience. While most thought the real action of the trial ended on Friday, July 17, your upcoming confrontation with Darrow on Monday, July 20 will become history. The unbearable heat has forced all 2,000 spectators outside to the courthouse lawn. The defendant Scopes later called your legal confrontation with Darrow "probably the most famous courtroom examination of the century."



*Clarence Darrow is going to really come after you during this dramatic climax of the trial.*

*Portray a man totally confident of his faith in God and the Holy Scriptures.*

As you take the stand as an authority on the Bible, be aware of some crucial points to make so that your testimony will be believable:

1. In spite of the judge's and your colleagues' desire for you not to testify, you do it anyway. After all you have devoted more than 50 years to intensive study of the Bible.
2. You believe that every word in the Bible should be interpreted *literally*.
3. The miracles of the Bible—Jonah being swallowed by the whale, Joshua commanding the sun to stand still, etc.—all really happened as described. God can do anything He wants.
4. The earth is only 5,929 years old. A bishop, James Ussher, calculated its age two centuries ago. He accomplished this by tallying the ages of the prophets in the Old Testament. The earth was created in 4004 B.C.
5. The Great Flood mentioned in the Bible did happen—in 2348 B.C. Every animal and human being came into the world after that date.
6. You are not interested in the so-called ancient civilizations of Egypt, Sumer, or China. Nor are you interested in how old the defense claims these civilizations are.
7. All religions other than fundamentalist Christianity are inferior, agnostic, or selfish faiths.
8. The earth was created in six days, but these six days were not days of 24 hours. A day then could have been years, decades, or centuries.
9. Adam and Eve were the first beings. God created them in His image. Cain and Abel were their sons. You don't know where Cain got his wife when he was cast out to the land of Nod, east of Eden.
10. God's creation of the earth could have been going on for millions of years.
11. The serpent is the real villain in the Bible. It forced Eve to tempt Adam with Original Sin. And because of the serpent's evil deed, God forced this creature to crawl around on his belly since then. You don't know how the serpent got around before that.

Darrow will try to stump you and make you sound ignorant and silly. Answer according to the statements above. When Darrow finishes questioning you, make a short speech on how "Clarence Darrow, an agnostic and a disbeliever, has abused his right here in Dayton. He has slurred the Word of God."

---

# CLARENCE DARROW - 1

---

## Your character

You are the most famous trial lawyer in America. Celebrated and respected everywhere except in the rural South, you have the reputation of taking cases involving people who are mostly underdogs. You have built this reputation by being a brilliant legal strategist who delivers lengthy, eloquent speeches to spellbound juries.

Your last case ended only months before in Chicago. There you defended two young geniuses named Loeb and Leopold for their senseless murder of Bobby Franks. Your two-day speech on the cruelty of the death penalty convinced a jury to give Loeb and Leopold life imprisonment. An agnostic most of your life, you are critical of the backward beliefs of the fundamentalists to a point where you like to poke fun at Christianity. After the Loeb-Leopold case, you and your wife went on a tour of the Holy Land. Ready to cross the Sea of Galilee, you found out that an Arab boatman wanted \$15 to ferry you across. Your reply: “No wonder Jesus walked!”



In Dayton, your presence has stirred the people in a strange way. Most Daytonians fear your agnosticism. Though they feel you are dangerous, a threat to their beliefs, nevertheless they want to listen to you express a different point of view.

*How should you dress while playing Darrow?*

*Try your best to find actual photographs of Darrow to answer this question.*

Your purpose for defending Scopes, as stated in your LEGAL PLAN FOR THE DEFENSE, is not to get the jury to vote not guilty (this is nearly impossible); rather, it is to use the courtroom as a forum to enlighten observers, listeners, and readers about academic freedom, the theory of evolution, science, and what you consider the foolish ideas of fundamentalism.



---

## CLARENCE DARROW - 2

---

### Your role as defense attorney

You must provide leadership for the defense team, which has the task of supporting the cause of John T. Scopes, now on trial for teaching the theory of evolution, an illegal act according to the Butler Act passed by the Tennessee legislature several months ago. You offered your services to help Scopes and his supporters in the American Civil Liberties Union.

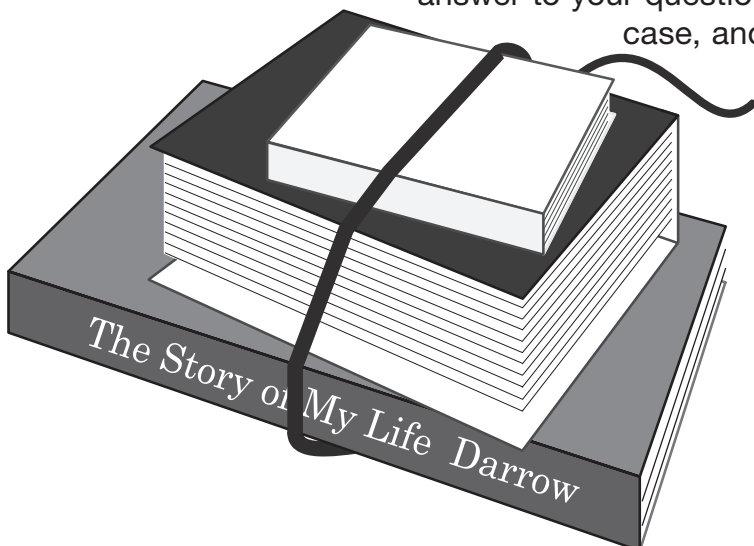
Read carefully the Trial Sequence in the Student Guide. Notice your speaking parts and the moments when you and your team examine and cross-examine witnesses. Share these responsibilities with your colleagues. Notice, as you read through the Trial Sequence, that you have running dialog with the judge. Be familiar with these words. (Better yet, memorize them.) Much of your energy will be focused on objecting to many things: religious signs, the prosecution team being called “colonels,” prayer before court starts, etc.

Notice also in the LEGAL PLAN FOR THE DEFENSE the outline for the defense’s opening statement. Deliver this as passionately and eloquently as possible. Either memorize the points you are going to make or use only brief notes.

No doubt your most important duty will be to examine William Jennings Bryan after he consents to take the stand as an authority on the Bible. This is the most dramatic part of the trial. Your purpose at this moment is to make Bryan look and sound ignorant and ridiculous when you question him on the Scriptures. This classic historical confrontation in 1925 between you and Bryan has become one of the most famous courtroom events in American history. The key is to get Bryan to admit that the earth was not created in six literal 24-hour days. His

answer to your question is pivotal because the prosecution’s case, and in fact the Butler Act itself, is based on a *literal* interpretation of the Bible. Bryan’s answer will be an interpretation of what each “day” stands for in the Bible. Thus, he will not give a literal view of the earth’s age. This turning point actually happened this way in the real trial. The entire courtroom gasped at Bryan’s answer, for they knew he had abandoned their cause. Whether Bryan himself was aware of it is unknown.

*If you wish to be inspired during your planning to role-play Clarence Darrow, find and read portions of his autobiography.*





---

# DUDLEY FIELD MALONE

---



*Be a better witness as you play your character by considering and then acting upon answers to questions such as these:*

- 1. How do the historical moment, your age, and your family background affect the way you should dress in court?*
- 2. What is your role's attitude toward John Scopes, Clarence Darrow, and William Jennings Bryan—all key persons involved in this trial?*
- 3. How does your role's religious faith—if he/she had one—affect the person's daily living?*

You are one of several defense attorneys who volunteered to aid in the case of John T. Scopes, who, as a high school teacher, was “arrested” for violating a state law, the Butler Act, which made it illegal to teach a theory of man’s origin which contradicted the biblical version of creation.

While your job is to support Clarence Darrow in his quest to ridicule fundamentalist beliefs, to battle against ignorance, and to speak up for a teacher’s right to have academic freedom, you also have a pivotal speech, near the end of the trial. After your team has finished with witnesses Metcalf and Ross, the prosecution will object to your “trick” of using expert testimony to sneak in scientific information which would prejudice the observers and jurors.

When Judge Raulston asks for both sides to make a statement about whether or not scientific evidence should be admitted into the trial as testimony, both you and William Jennings Bryan will offer words. Bryan will go first; you will then follow. In your plea to have the judge admit the testimonies of Metcalf and Ross, consider the following points used in a 25-minute speech by the real Malone in the 1925 trial. (By the way, Scopes himself later wrote that your speech was the highlight of the entire trial.)

1. Whether we like it or not, *we are all mammals*. Mr. Bryan here is both an animal and a man.
2. The question is not whether we differ on our origins, but whether teaching a theory has any liability in it. Does it really offend or hurt anyone?
3. Mr. Bryan affirms that believing in the Bible excludes believing in science and evolution. This is not true. Like myself there are many orthodox Christians who also believe in science.
4. Are we to have our children know nothing about science except what their church says they shall know. Surely, there is no harm in learning.
5. What is the difference between the theological mind (like Mr. Bryan) and the scientific mind? The theological mind is *closed*.
6. I would like to know if you have heard any evidence from the witnesses that has damaged our youth?
7. This theory of evolution, in one form or another, has been present in Tennessee since 1832. Therefore, I think it is incumbent on the prosecution to introduce at least one person in this state whose morals have been affected by the teaching of this theory.
8. Let us face this issue and allow the jurors to consider scientific testimony.
9. Let’s not underestimate our young people. Allow them to keep their minds open. Let both theology *and* science be taught.
10. We the defense stand for tolerance and intelligence. We are not afraid. Why are some of you afraid?
11. In summary, we ask your honor to admit the scientific evidence as a matter of correct law, as a matter of sound procedure, as a matter of justice to the defense in this case.

---

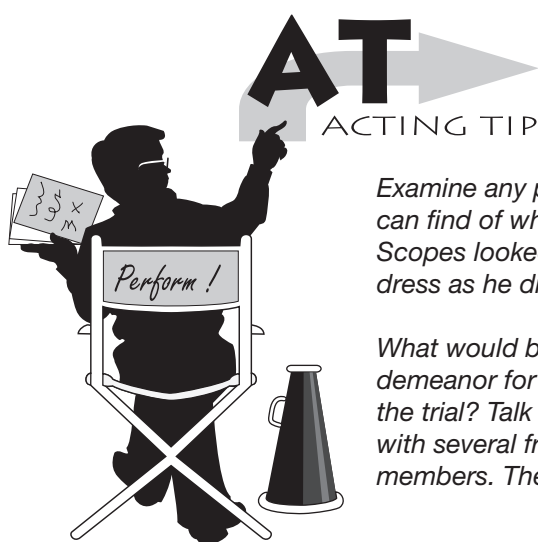
# JOHN T. SCOPES

---

You are 24-year-old John T. Scopes, the main attraction, or “the center of the storm,” as you later called it, of the trial ready to begin soon in Dayton, Tennessee. Although you have a minor role to play in the trial, you still should know about the case. Prepare yourself by reading the Background Essay carefully. The Trial Sequence will tell you when you give your only speech at the trial’s very end. Try to memorize the following words and speak them after Judge Raulston asks if you have any last words to speak:

“Your honor, I feel that I have been convicted of violating an unjust statute. I will continue in the future, as I have in the past, to oppose this law in any way I can. Any other action would be in violation of my ideal of academic freedom—that is, to teach the truth, as guaranteed in the Constitution, of personal and religious freedom. I think the fine is unjust.”

In addition to your short trial-ending speech, you should be prepared to sit with your defense attorneys and give them any assistance you feel will aid your case. To add some realism to the trial, you might wear a white shirt, small bow tie, and a pair of light-colored pants. Also, look over the LEGAL PLAN FOR THE DEFENSE to know your team’s strategy. Last, read over any other materials you can get to increase your knowledge of your case.



*Examine any pictures you can find of what the real John Scopes looked like. Then try to dress as he did.*

*What would be the proper demeanor for you to have during the trial? Talk over this question with several friends and family members. Then act accordingly.*

---

# JUDGE JOHN T. RAULSTON - 1

---

You have been selected to be the judge in the case of the State of Tennessee versus John Thomas Scopes. A native of Tennessee, you hold traditional views comparable to most persons of the rural South. Yet, as a judge of the Eighteenth Circuit Court, you are determined that justice will be served and that John T. Scopes will receive a fair trial.



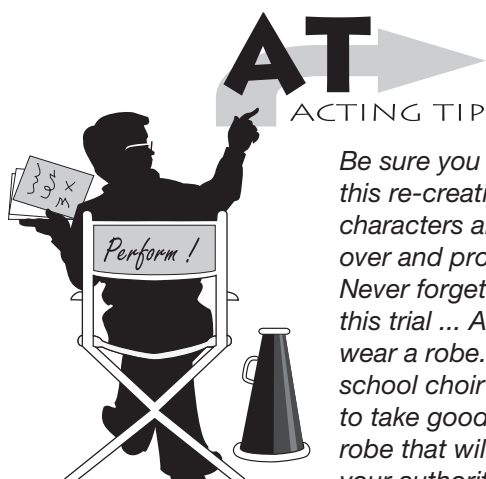
1. Carefully study the Trial Sequence in the Student Guide. Of course, the smoothness of the trial depends on all the participants, yet as the judge you are especially responsible.
2. Besides guiding the trial along in an orderly fashion, at the beginning of the trial you will read from the Butler Act and from Genesis, Chapter 1. At this moment when the Trial Sequence tells you to read from the Butler Act, the statute the defendant is accused of violating, then say:

“This law reads: An act prohibiting the teaching of the evolution theory in all the universities, normals, and all other public schools of Tennessee which are supported in whole or in part by the public school funds of the state, and to provide penalties for the violations thereof.

“Section 1. Be it enacted by the General Assembly of the State of Tennessee, that it shall be unlawful for any teacher of the universities, normals, and all other public schools of the state which are supported in whole or in part by the public school funds of the state, 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 has descended from a lower order of animals.

“Section 2. Be it further enacted, that any teacher found guilty of the violation of this act, shall be guilty of a misdemeanor and upon conviction, shall be fined not less than One Hundred (\$100) Dollars nor more than Five Hundred (\$500) Dollars for such offense.

“Section 3. Be it further enacted, that this act take effect from and after its passage, the public welfare requiring it.”

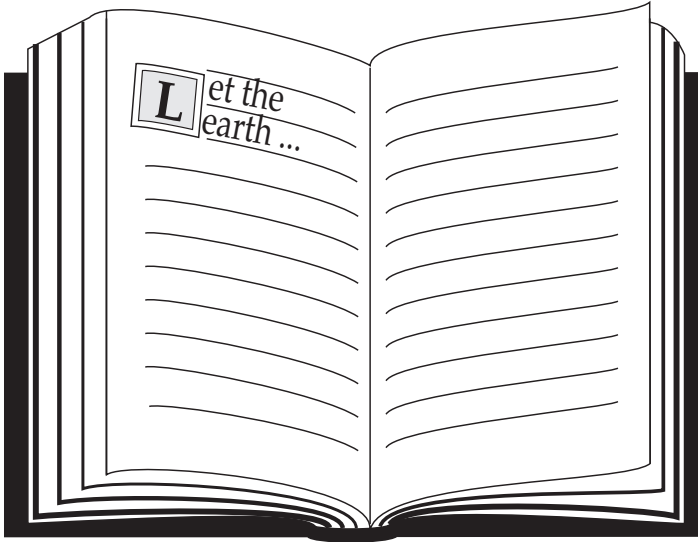


*Be sure you take charge during this re-creation. All kinds of characters are trying to take over and prove something. Never forget who is running this trial ... And don't forget to wear a robe. See your friendly school choir director. Promise to take good care of a black robe that will help establish your authority and dignity.*

---

## JUDGE JOHN T. RAULSTON - 2

---



*Consider bringing a real Bible to the trial and reading from it rather than from this handout. In such a case, be sure you have a bookmark in the Bible so that you can rapidly turn to Genesis 1:24 at the proper moment.*

Having completed the foregoing, then say: “Now I will read from Genesis 1:24–27:

24. And God said, ‘Let the earth bring forth living creatures according to their kinds; cattle and creeping things and beasts of the earth according to their kinds.’ And it was so.

25. And God made the beasts of the earth according to their kinds and the cattle according to their kinds, and everything that creeps upon the ground according to its kind. And God saw that it was good.

26. Then God said: ‘Let us make man in our image, after our likeness, and let them have dominion over the

fish of the sea, and over the birds of the air, and over the cattle and over all the earth, and over every creeping thing that creeps upon the earth.’

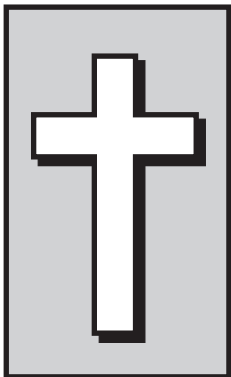
27. So God created man in his own image, in the image of God he created them; male and female.”

3. While studying the Trial Sequence before the trial begins, practice saying the statements you are going to make. Do this so that you are familiar enough with the words so that you will *speak* them, not read them. They should sound spontaneous. *Avoid sounding like a robot.*
4. When Clarence Darrow or any other member of the defense team objects, you may sustain his objection if the objection is worthy. If not, overrule his objection. The same goes for the prosecution. Make sure each side tells the court why (on what grounds?) it objects.
5. On allowing scientific testimony, allow the defense team to present its two witnesses, Dr. Maynard M. Metcalf and Professor Harlow T. Ross. After that you will listen to Dudley Malone’s speech on the admission of scientific testimony and rule that no more scientists will be allowed to testify for the defense. You make this decision on the grounds that such testimony would have little bearing on the actual charge—violating the Butler Act of Tennessee. *If the defense presents a poor case, you may—if you wish—strike from the record the testimonies of Metcalf and Ross.*
6. Concerning Bryan’s testimony near the trial’s end as a defense witness, have this entire part expunged from the record because Bryan’s words have embarrassed the prosecution’s case. Also, instruct the jury to disregard this testimony.

---

## REVEREND L.M. CARTWRIGHT

---



One of the local fundamentalist preachers, L.M. Cartwright, you will give brief prayers during the trial. Your role is a small one in the trial, yet if you prepare for it and carry it off, you will definitely help set a proper tone and help the re-creation succeed. When asked for a prayer to start the one or two days of the trial, you should stand in front of the judge's "bench" and ask all persons present to bow their heads while you offer prayer. Clarence Darrow, the head defense attorney, will probably object, but it is Judge John T. Raulston who will give you permission to continue your blessing.

The real Reverend Cartwright delivered long prayers—six or seven minutes—when he was asked, along with a few other local reverends, to offer a prayer during the 10 to 13 days of the trial. Your prayer should be brief. Use words such as "We beseech Thee, Our Heavenly Father" ... "Oh God, our divine Father, we recognize Thee as the Supreme Ruler and maker of the universe ...." You might even slip in some words to support the prosecution's case about how man was divinely created.

Be prepared a day before the trial starts. If you need help, ask your teacher for suggestions. Be sure you carefully read over the Trial Sequence to know when your prayers are requested.



*Carry a copy of the Bible with you into the court room. Also dress for your part. You can simulate a minister's dress by wearing a dark sport coat. Wear a white dress shirt buttoned to the top with no tie.*

---

# RADIO ANNOUNCER QUIN RYAN

---



You are Quin Ryan, a radio announcer for station WGN, the *Chicago Tribune's* outlet for this budding communications industry. As this is one of the first major non-political events broadcast to the entire nation, you want to make sure you fill most of the trial's recesses and lulls with your colorful descriptions of the personalities, issues, and highlights of the trial.

Ideally you have been picked for your ability to ad-lib. You'll not be given notice when a recess or lull will occur. When there is such a short recess or lull, you should grab a large, homemade microphone and dash to the front of the courtroom in front of the judge's bench. Then say, for example: "Ladies and gentlemen of the listening audience, the tension of this trial is unbelievable.

"Clarence Darrow, the infamous agnostic but brilliant trial lawyer for the underdog, has just laid a bombshell before the prosecution by calling—guess who?—William Jennings Bryan, chief prosecutor, to be a witness for the defense as an authority on the Bible. Oh my! You, my friends, have the privilege of being here for this heart-stopping episode ...."

You will probably have three or four such chances to colorfully describe the action. Remember, the millions listening in want color, want opinion, and want sensationalism. Therefore, rush to the front at every opportunity and speak assertively into your microphone some news of the trial that the entire nation hungers to hear.



*See if you can find photographs of how reporters dressed during this trial. Also remember how high the temperature was. Consequently, you'll likely want to wear a shirt with its collar open and its sleeves rolled up.*

*Above all, be energetic. People expect you to be a character who gets excited...*



# JURORS



Twelve of you (actually 14 since two of you will serve as alternates to replace absent jurors) are assigned the roles of jurors in the trial of John T. Scopes. As you will hear, Scopes has been charged with violating the Butler Act, a statute recently passed by the Tennessee legislature. The prosecution will point out that Scopes taught the theory of evolution to a biology class in April 1925. His lesson contradicted the biblical theory of creation. The Butler Act makes this act illegal.

The 12 of you are a good cross-section of the rural and small-town population in and around Dayton and Rhea County, Tennessee. Although one of you is completely illiterate, most of you can read some. As it was very hot in the courthouse during the real trial, you should try to keep “cool” with palm-shaped fans with the words “Do your gums bleed?” on them. One of you should take the role of Jack R. Thompson, the foreman of the jury.

As jurors you should listen carefully and keep an open mind even though all of you except one are fundamentalist Protestants. Though much of what the defense will bring out will conflict with your personal religious beliefs, you still have an obligation to hear both sides. The duties you must perform are going to require concentration. Try to place yourself in small-town America in 1925. Consider how well witnesses give testimony, key questions by attorneys, and the reactions by all participants.

As you hear each witness, take notes on the JUROR'S CONFIDENTIAL FORM. Then at the bottom of this form assess why you would vote guilty or not guilty. If you reach a collective verdict of guilty, make a request for a minimum fine of \$100.





# JUROR'S CONFIDENTIAL FORM - 1

**Directions:** To help you judge the case, neatly write the most pertinent information in the spaces below.

**Your name:**

The Charge:		
	Prosecution	Defense
Opening Statements		
Witness: WALTER WHITE		
Witness: HOWARD MORGAN		
Witness: HARRY SHELTON		
Witness: F.E. ROBINSON		

# JUROR'S CONFIDENTIAL FORM - 2

**Directions:** To help you judge the case, neatly write the most pertinent information in the spaces below. **Your name:**

	Prosecution	Defense
Witness: DR. MAYNARD METCALF		
Witness: PROF. HARLOW T. ROSS		
Speech: DUDLEY MALONE		
Witness: WILLIAM JENNINGS BRYAN		
Closing Statements:		
I vote (guilty/not guilty) because ...		
Signed:		

---

# COURTROOM OBSERVERS

---

You are one of the various 700 to 2,000 local Tennesseans and out-of-staters who attended the trial in Dayton from July 10–21, 1925. At times the observers were boisterous and applauded the prosecution's speeches; yet, many were very quiet and leaned forward to hear Clarence Darrow and Dudley Field Malone make points in defense of the defendant, John T. Scopes. Scopes, of course, had been arrested for teaching the theory of evolution in his science classroom at Rhea County Central Dayton High School last spring.

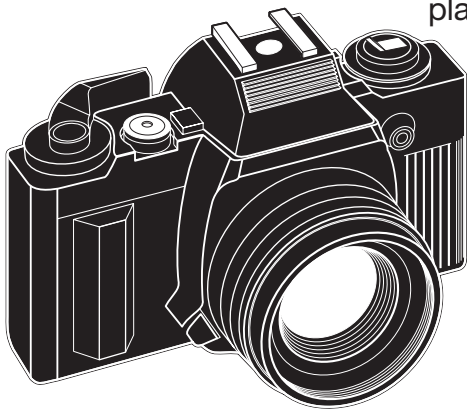
It is important that you listen to everything that happens in court: testimony from witnesses, cross-examination, speeches, comments by the judge, etc. To show that you have been learning from the trial, please fulfill two tasks:

**Task 1:** Write a one-page letter-to-the-editor of *The Chattanooga Times*, the largest newspaper in your area of Tennessee. Express your opinion about the trial. Take a stance for the prosecution as it tries to get a conviction from the jury. Your viewpoint should be that of a fundamentalist worried about the evolutionary scientific ideas taught by John Scopes to our youth in the classroom.

**Task 2:** Write a personal diary entry for July 23, 1925. Imagine you are one of Mr. Scopes' students who had been in class when he taught a lesson on the theory of evolution and man's origins. Now that the trial is over, you feel a need to reflect on the people, issues, and events that you've witnessed. Your entry should focus on how unfair the prosecution, town, and individuals have been toward Mr. Scopes. Write down your sympathies, using details from the trial to support your feelings.

## Role-playing alternative: Trial photographer

If you have special skills in photography, check with your teacher and see if you can be one of the several photographers who took pictures of the trial for news services like INS or UPI. Tell your teacher what you plan to do. Then, on the days of the trial, try to be unobtrusive as you snap photos of this historic trial of 1925. Later make several enlargements for your school newspaper and possibly your town's local newspaper.



---

# HISTORICAL AFTERMATH - 1

---

Given the issue, the people involved, the setting of the trial, and even the strategy of the attorney teams, it wouldn't be hard to guess how the real Scopes trial turned out. Scopes was asked by the American Civil Liberties Union (one of its first cases) to test the constitutionality of the recently passed Butler Act. Although Scopes spent only a few days as a substitute teacher in the biology class and was virtually a non-expert on the theory of evolution, it made no difference. The defense knew it was going to lose and Scopes would be fined. An appeal to a higher court and national exposure is what the defense wanted. The defense got both.

Most of the country followed the trial over the radio and in the daily newspapers. Persons soon learned that the jury deliberated on the courthouse lawn for nine minutes, returned with a guilty verdict, but recommended no fine. Judge Raulston imposed a \$100 fine, the minimum amount under the statute. H.L. Mencken of the *Baltimore Sun*, an acerbic wit and critic of fundamentalism, the South, and many of America's traditions, posted the bond of \$500. Almost immediately the crowd, mostly fundamentalists, flocked to Darrow to congratulate him; he shook hands for several minutes. Darrow then approached the jury and shook hands heartily with each one, saying: "We wanted you folks to do just what you did."

Briefly overlooked, Bryan was surrounded by a smaller following and was justifiably hurt. The three-time presidential candidate lashed out at Darrow and evolutionists and used his eloquence to make the most of the prosecution's "victory," even if it seemed a hollow one to observers. Within a few days nearly all the trial's main participants and hangers-on had cleared out of the sedate town of Dayton, a sharp contrast to its carnival-like existence only days before.

Scopes



John T. Scopes, who called himself the "center of the storm," became for a short time an American household name despite his small role in the trial. (He spoke for about 15 seconds at the end.) Promoters swamped the part-time teacher for endorsements and personal appearance contracts. One offer Scopes turned down shows the lure of notoriety Scopes was faced with: A vaudeville company offered him \$50,000 to lecture on evolution.

Raulston



Turning down a teaching contract for the 1925–1926 school year, Scopes went on to the University of Chicago to work on a Ph.D. degree in geology. However, the university's president told Scopes to take his "atheistic marbles and play elsewhere." Embittered by this, he accepted a job with Gulf Oil of South America until the depression hit America. Finally, he went to work for United Production Corporation as a geologist until his death in the mid-1960s.

Judge Raulston, who, despite his sectional and religious beliefs, had secured a "fair" trial for Scopes, was defeated for re-election in 1926. Later, after losing a race for governor of Tennessee, he returned to a private law practice until his death in 1956. Walter White, the superintendent of schools, was just as unlucky. He was not even renominated for his job and faded from the limelight. Attorney General A.T. Stewart, said by many to be the only legal person to take the case seriously, was elected senator in 1942, but he lost the next time around to Estes Kefauver, a politician who made a run at the presidency in 1952. Stewart, like Raulston, returned to private law practice.

---

## HISTORICAL AFTERMATH - 2

---

Darrow  
?

Clarence Darrow, the famous agnostic lawyer from Chicago, as he was so often billed, had energy enough to take on two more cases before his retirement and eventual death in 1938. He remains the quintessential lawyer for the defense in American history, a true original. Darrow's colleagues on the defense team in Dayton also went on to their separate destinies. Arthur Garfield Hays went on defending the underdog in his private law practice. A stranger fate awaited the brilliant Dudley Field Malone, whose oration on the admissibility of scientific evidence in mid-trial was perhaps the pinnacle of the Scopes case. He went back to his practice but began to drink heavily. Soon divorced, Malone found work during the depression as a bit player in movies, once playing the English statesman Winston Churchill. He died in 1950. The vitriolic reporter from the *Baltimore Sun*, H.L. Mencken, whose daily reports from Dayton delighted his readers, continued his crusade against censorship until headlines of the Great Depression and world events of the late 1930s blurred his cause. He passed away in 1956, remembered as America's angry critic.

Bryan  
?

And what of the Great Commoner, the Peerless Leader, the three-time presidential candidate, William Jennings Bryan? Bryan had the worst fate of all. Following the trial, he went through a personal depression but tried to put the Scopes affair behind him with a flurry of activity which included speeches and large meals. (A diabetic, Bryan often ignored medical advice.) Within a week after Scopes was fined, Bryan lay down for an afternoon nap and quietly died. The day before he had undergone a successful medical checkup. Just what he died of remains a mystery. There was no doctor present and no autopsy performed. Guesses range from apoplectic stroke, to cerebral hemorrhage, to the opinion of his own physician: combination of heat exhaustion and diabetes. Darrow, less forgiving, offered another opinion. When told Bryan had died of a broken heart, Darrow said: "Broken heart nothing. He died of a busted belly." However, kindlier words from Darrow came soon afterward.

Finally, the law which led to the case, the anti-evolution Butler Act, should be traced to its end. Similar cases involving academic freedom sprang up all over the South over the next few years. The appeal which came out of the Scopes trial was finally overturned on January 14, 1927, by the State Supreme Court of Tennessee. It was reversed on a technicality: the jury should have set the \$100 fine, not Judge Raulston. Yet, the Butler Act itself remained on the statute books until May 18, 1967, when the Tennessee legislature voted to repeal the 42-year-old law.

The Scopes trial will remain perhaps a classic American trial. Its components, characters, and setting have set it aside from the rest. Since the trial was made into *Inherit the Wind*—a Broadway play in 1955 and a Hollywood film in 1960—the event has become almost mythical. Slightly exaggerated to cater to theatrical tastes, the characters in the play and movie, nonetheless, rekindle the spirit of the two real titans who battled wits and careers on those sultry days in July 1925.



# Teacher Feedback Form

At Interact, we constantly strive to make our units the best they can be. We always appreciate feedback from you—our customer—to facilitate this process. With your input, we can continue to provide high-quality, interactive, and meaningful instructional materials to enhance your curriculum and engage your students. Please take a few moments to complete this feedback form and drop it in the mail. Address it to:

**Interact • Attn: Editorial**  
10200 Jefferson Blvd. • P.O. Box 802  
Culver City, CA 90232-0802

or fax it to us at **(800) 944-5432**

or e-mail it to us at **[access@teachinteract.com](mailto:access@teachinteract.com)**

***We enjoy receiving photos or videos of our units in action!***  
***Please use the release form on the following page.***

Your Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

E-mail: \_\_\_\_\_

Interact Unit: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



# Release Form for Photographic Images

## ***To Teachers:***

To help illustrate to others the experiential activities involved and to promote the use of simulations, we like to get photographs and videos of classes participating in the simulation. Please send photos of students actively engaged so we can publish them in our promotional material. Be aware that we can only use images of students for whom a release form has been submitted.

## ***To Parents:***

I give permission for photographs or videos of my child to appear in catalogs of educational materials published by Interact.

Name of Student: \_\_\_\_\_ (print)

Age of Student: \_\_\_\_\_ (print)

Parent or Guardian: \_\_\_\_\_ (print)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Address:

---

---

---

---

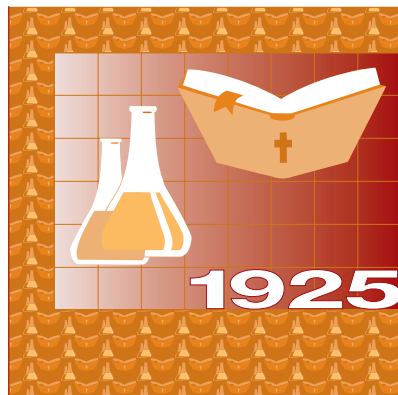
Phone: \_\_\_\_\_

## **Interact**

10200 Jefferson Blvd.  
Culver City, CA 90232-0802  
310-839-2436







# THE TRIAL OF JOHN SCOPES

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

## OVERVIEW

John T. Scopes is not really a famous person in our history, yet he was the center of one of the 20th century's most celebrated and colorful trials. This July 1925 trial has often been called "The Scopes 'Monkey' Trial." Its key issue of academic freedom reaches beyond the decade of the 1920s. Since cases involving teachers' rights and book censorship in the schools still make today's headlines, this early case has a special historical significance and makes an excellent item to study and to re-create in your classroom.

In many ways the Scopes trial has all the ingredients of a Hollywood B-movie script. In fact, *Inherit The Wind*, the Broadway and film versions of the trial, were both resounding successes which introduced millions of Americans to the case's issues. The decade of the 1920s, the time of the trial, adds to its luster. While many Americans nostalgically remember the 1920s as frivolous, fun-loving, and "golden," we must not forget the underside of this time—the plight of many groups, the exultation of business virtues at the expense of cultural progress, and the hidden flaws of an economy destined to crash.

Scopes himself was not the stuff from which legends are made. However, he will live in history because of the articulate, colorful debate the trial generated between two of the most distinguished orators of the day. The people prosecuting the young teacher—for breaking a law which forbade him from teaching the theory of evolution rather than the Biblical version of creation—acquired the legal services of William Jennings Bryan, a crusader for fundamentalist religion, a three-time candidate for the presidency, and one of the great political speakers in our history. Not to be outdone or afraid because of Bryan's involvement in the case, the defense then announced that it had accepted an invitation from Clarence Darrow, America's most distinguished trial lawyer, to aid in Scopes' defense. Clearly, a small-town case had now gained national interest. Dayton, Tennessee, would never be the same.

The outcome of the trial never seemed in doubt. A male jury of mostly unlettered farmers and small businessmen listened intently to Darrow and his associates, but they weren't about to forgive teacher Scopes for breaking the law and going against the traditions of their faith. However, the verdict seems almost unimportant today as we review the attractions of the trial: the carnival-like atmosphere of Dayton, the clash of wills between Bryan and Darrow, and the issue of academic freedom itself.

During the decades since Scopes' trial many teachers have faced no less a struggle. Whether it is what they say or what books they recommend or use, the nation's classroom teachers continue to come under attack. Censorship has been imposed and pressure and harassment have been used to limit a teacher's academic freedom in much the same way Scopes was censured in 1925. Consequently, the issue of academic freedom remains vital and needs to be examined.

## PURPOSE

While re-creating the trial of John T. Scopes as an American history student, you will gain in several ways.

- Your first gain from this re-creation experience will be knowledge of the attitudes, vital issues, and personalities surrounding the Scopes trial which loom as large today as they did in 1925.
- Second, you will be able to define more clearly words such as academic freedom, bigotry, evolution, and fundamentalism.

- Third, you will realize how a law is put to the “test” by courageous people in an effort to expose a particular law as wrong, unjust, and perhaps unconstitutional.
- Fourth, you will appreciate how strong feelings about man’s origins, about what is taught in school, and about groups’ religious faiths can lead to a trial of national and historical significance.
- Fifth, you will develop or sharpen skills in note-taking, delivering speeches, and making decisions related to the trial.
- Finally, playing a role as a witness, judge, attorney, bailiff, clergyman, reporter, or courtroom observer will give you a sense of what it must have been like to be a participant in one of America’s most famous and important trials.

## BACKGROUND ESSAY

### The battle draws near

When Clarence Darrow squared off with William Jennings Bryan on Friday, July 10, 1925, in the heat and confines of the county courthouse in Dayton, Tennessee, he did so because of forces set in motion years before. Indeed, these two legendary figures were merely playing out the last battle in the long campaign between modern science and fundamentalist religion.

### Fundamentalism

For decades leaders of fundamentalism—the belief that the Bible is infallible and literally true and needs no modern scientific interpretation to alter it—had been witnessing a decline in their numbers. Their faith was a conservative, Protestant Christianity which accepted all the stories and miracles of the Holy Scriptures as being literally true. For example, since the Bible says that Jonah was swallowed by a whale, fundamentalists believed he was, indeed, swallowed by a whale.

### Darwin’s theory

Since the 1860s many fundamentalist beliefs have been challenged by scientists. Skeletal remains found in Java and other parts of Asia at the turn of the century, along with increasing geological information from rock strata, are taken by scientists as confirmation of what Charles Darwin published in his monumental work, *The Origin Of Species* (1859). Darwin theorized that man was not created exactly as he is now. Rather, man is a product of a long biological journey from a single-cell protozoa through many stages (including one during which he was an ape-like creature) to the human form he is now. This evolution, or gradual change, has taken millions of years. To the fundamentalist, however, this theory sounded like man was descended from apes (or monkeys) and, hence, was directly contrary to their belief in the story of man’s creation as is given in Genesis. This account states that God created Adam and Eve about 6,000 years ago and that Adam and Eve both looked as people look now. To them any other theory was not only Godless and wrong but also a threat to established religion.

### The Butler Act

Worried that children were being taught evolution and the new sciences, a few Southern legislatures passed acts forbidding any teacher in private or public schools to teach any theory of creation which contradicted the story of creation found in the Holy Bible. In Tennessee one conservative lawmaker, John Washington Butler, seeing the erosion of traditional religious beliefs in his state, was influential enough to push through the legislature in March 1925 a bill which made it “unlawful for any teacher ... to teach any theory that denies the story of the Divine Creation of man as taught in the Bible.” This Butler Act also provided for a fine of between \$100 and \$500.

### John Scopes and the ACLU

In spring 1925 John T. Scopes was 24 years old and had just completed his first year of teaching. He spent most of his time coaching, but occasionally he substituted for Mr. W. F. Ferguson in science classes at Dayton High School. When the second term ended in mid-May, Scopes decided to stay around town for a few days. One day in the middle of a tennis game, a small boy came up to him and asked him to come down to the drugstore of F.E. “Doc” Robinson, who was also chairman of the school board in town.

Rushing to the popular drugstore, Scopes was met inside by several prominent local people—a few attorneys and a local mining engineer named George Rappelyea. Rappelyea asked Scopes if, while substituting in biology classes this year, he had used a textbook called *Hunter’s Civil Biology*. Scopes answered that he had. Then Rappelyea pointed out that he had violated the recently passed Butler Act.



Robinson showed Scopes a newspaper ad from Chattanooga paid for by the newly formed American Civil Liberties Union (ACLU). The ACLU was looking for a teacher to test the constitutionality of the Butler Act and was offering to pay all expenses.

Scopes, sensing why he had been summoned, told the assembled group that he would be that teacher, not knowing of the fame and notoriety awaiting him. Rappelyea wired the ACLU that they had a teacher to test the law. Immediately the wire services picked up the story, and the Scopes case became national front-page news. As Scopes later wrote: "I had been tapped and trapped by the rush of events."

### Ballyhoo in Dayton

Within a few days the people selected to prosecute Scopes announced that William Jennings Bryan would aid in the state's case against Scopes. Soon after, a letter came from Clarence Darrow and Dudley Field Malone offering their legal skills to the defense. On May 25, Scopes was indicted in a hearing before a grand jury. The trial was set for July 10 in Dayton.

From early June until mid-July, when the trial ended, an incredible thing happened: the usually sedate town of Dayton, Tennessee, became a circus. Scopes reflected years later: "A showman like P.T. Barnum would have gloated over the possibilities that Dayton offered and called it a natural." Every bogus preacher, huckster, and "snake-oil" salesman from miles around came into town looking for easy prey. Hot dog stands, lemonade peddlers, booths selling books on religion and evolution sprang up. Persons awaited the appearance of Elmer Chubb, D.D., who advertised in handbills that he was a miracle man who could sustain poisonous snake bites and drink poisons with no ill effects. Soon, however, persons discovered that the handbills were the prank of poet Edgar Lee Masters, a friend of Baltimore Sun reporter H.L. Mencken. Mencken, in Dayton to cover the trial, focused his barbs on the unbelievable ballyhoo that was part of the trial. One promoter even brought apes to town and paraded them up and down the main streets fully clothed in pants, coats, ties, spats, and felt hats. No wonder that the label "Monkey Trial" attached to the Scopes case, however incorrect it might be scientifically.

### "Darwin is right (inside)"

Signs went up all over Dayton. Religious factions proclaimed "God is Life" ... "Read Your Bible Daily" ... "Come To Jesus." Not to be outdone, one shrewd merchant named J. R. Darwin put a sign on his door which read: "Darwin is right (inside)." Even during the trial, religious signs appeared in the courthouse prompting Darrow to object. The judge ordered the signs taken down. When because of the heat the trial moved outside onto the courthouse lawn, Darrow still had to stare at a "Read Your Bible Daily" sign.

### The stage is set

On the eve of the trial's first day, the town of Dayton seemed ready to continue its revival-like binge. The summer heat continued unabated. Most men shed their white coats for shirt sleeves and colorful garter belts. Mortuaries loaned out palm-leaf fans to stir the lifeless air. Jury members had fans—advertising a toothpaste—with the words "Do your gums bleed?" on them. The stage was set for an incredible trial.

The crowd—out on the streets of Dayton buying Bibles, pennants, souvenirs, lemonade, "monkey fizzes," hot dogs, and popcorn—may have been unaware of the dramatic issue at stake. But the major participants were aware of the trial's significance. Scopes might have wondered about the risk involved in the upcoming fight, but he knew how important the trial was. As he later wrote: "The basic freedoms of speech, religion, academic freedom to teach, and to think for oneself defended at Dayton are not so distantly removed. Each generation, each person must defend these freedoms or risk losing them forever."

For the 700 other persons who scrambled for seats or another 300 who were forced to accept standing room when court convened each day at 9 a.m., the trial was perhaps a once-in-a-lifetime-show. In an era of zany people, theatrical stunts, and "wonderful nonsense," this trial of a teacher in Dayton, Tennessee, promised to be the grandest show of all.

“

... unlawful to teach any theory that denies the story of the Divine Creation of man as taught in the Bible...

”

## BRIEF SUMMARY OF MAJOR ROLES

(Except for the bailiff, you will each receive special identity handouts.)

### **Judge John T. Raulston**

You are in charge of the trial with the power to overrule and sustain all objections, ask pertinent questions, limit debate, and even control the outcome of the trial. Born and raised a Southerner, you strongly support local and state laws and hope to be re-elected. Nevertheless, you will try to insure that Scopes receives a fair trial in your courtroom.

### **Bailiff Kelson Rice**

You are in charge of carrying out Judge Raulston's orders and insuring that the trial runs smoothly. Be very familiar with the TRIAL SEQUENCE handout when you swear in witnesses, begin court, and generally work to facilitate the trial.

### **Radio Announcer Quin Ryan**

A representative of station WGN, the Chicago Tribune's outlet, you are assigned to cover the trial for a national audience. As this is one of the first major events broadcast to the entire nation, you want to make sure you fill most of the trial recesses and lulls with your colorful descriptions of the personalities, issues, and highlights of the trial.



### **Reverend L. M. Cartwright**

You are the local preacher who has been given the opportunity to open each day's court session with a short or long prayer. Since you favor the state's case against John Scopes, you should include in your daily prayers words to bolster the prosecution. Mention your deep faith in God and a literal interpretation of his Holy Scriptures.

### **Clarence Darrow**

You are the famous (infamous in the rural South) trial lawyer from Chicago who wrote a letter and asked to help defend John T. Scopes. You are concerned about two things: that John Scopes get a fair trial and that academic freedom, freedom of religion, and freedom of speech are protected and receive national exposure as the trial progresses. Since you head the defense team, you will carry a heavy portion of its responsibility.

### **Dudley Field Malone, Arthur Garfield Hays, and John P. Neal**

You three play important roles in defending John T. Scopes. You have the responsibility of preparing your witnesses, cross-examining the prosecution witnesses, giving opening and closing statements, and objecting to the prosecution's strategy in court. While Darrow will no doubt do most of the oratory, Malone will have a major speech in the middle of the trial, and Hays and Neal will want not only to aid Darrow and Malone but also to examine a few witnesses and generally help your case.

### **William Jennings Bryan**

Having been one of America's most famous men since 1896, you love the spotlight given to you in this trial as the head attorney prosecuting John T. Scopes. You fervently believe in the fundamentalist cause and will do anything to further it while ridiculing science, Clarence Darrow, and the defense team. Further, you must go on the witness stand as a defense witness to defend the Bible, a book about which you claim to be an authority.

### **A. T. "Tom" Stewart, General Ben McKenzie, and William Jennings Bryan Jr.**

In any way you can, you three aid the case against John T. Scopes. This may include preparing your witnesses, making opening and closing statements, objecting to legal tricks of the defense, and, in general, helping William Jennings Bryan Sr. whose mere fame and reputation add to the prosecution's luster. Don't take a back seat. Work to support Bryan and take some initiative by working hard and asserting yourself in the courtroom.



### **Prosecution witness Walter White**

As a witness for the prosecution, you will testify about Scopes: the textbook he used to teach the theory of evolution, his character, and his attitude toward the Butler Act.

### **Prosecution witness Howard Morgan**

You are a 14-year-old student. Along with several other students, you were in Scopes' class when he taught the theory of evolution. You will go over details of Scopes' lesson, including the progression of man's development from a single-cell animal to what he is today.

### **Prosecution witness Harry "Bud" Shelton**

You are a 17-year-old student, who, like Howard Morgan, was present when Scopes gave a lesson on man's origin. You support entirely the testimony of Howard Morgan with your details of Scopes' lesson from Hunter's Civic Biology textbook.

### **Prosecution witness F. E. (Frank Earle) "Doc" Robinson**

You are the local proprietor of the town's popular drugstore and soda fountain. Your drugstore is the social center of the town, and it was here that the plan to test the Butler Act was hatched. You will testify that you, not only as one of Rhea County's Board of Education members but also as one of the town's leading textbook merchants, sold biology textbooks for years. You will make statements concerning the effect of evolution and science on a child's morality and religious views.

### **Defense witness Dr. Maynard M. Metcalf**

You are one of the few defense witnesses called to enlighten the courtroom on matters of scientific facts. You will relate the story of evolution as it has been established over the last 75 years. You will begin with the findings of men like Sir Charles Lyell, Eugene DuBois, Charles Darwin, and Raymond Dart. The prosecution will badger you because they don't want scientific "evidence" to clutter up the trial.

### **Defense witness Professor Harlow T. Ross**

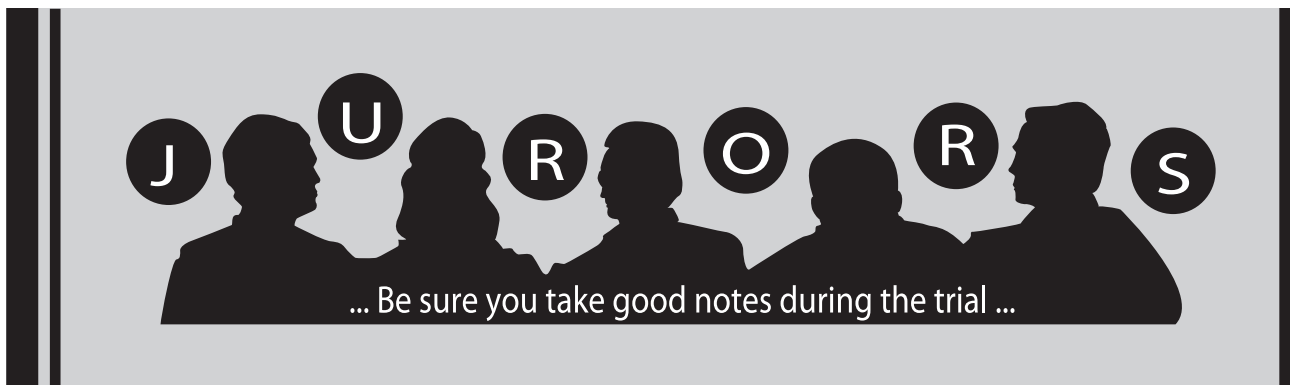
At age 84, you are an aging scholar from Brown University in Providence, Rhode Island. You are called to testify on behalf of Scopes with special focus on Scopes' right to speak up in his classroom in spite of prevailing religious views in the community. Like Metcalf, you will bring out some recent scientific anthropological discoveries which support the evolutionary theory.

### **Defendant John Scopes**

Although your role in the trial is not as extensive as the other participants, it is an essential part of the trial.

### **Jurors**

Twelve of you will be chosen to be jurors in this trial, and two others will serve as alternates in case illness or absence creates vacancies in the jury box. Although one of you is completely illiterate, and all of you are rural or small town people who believe in fundamentalist religion, you will listen attentively to both sides as they present their cases.



# TRIAL SEQUENCE

1. **Judge Raulston** enters and everyone rises to honor him.
2. **Bailiff:** *"Hear ye! Hear ye! Hear ye! This honorable circuit court is now open, pursuant to adjournment. Sit down, please."*
3. **Judge Raulston**, attorneys, and all main participants are asked to pose for a picture or two in front of the bench.
4. **Judge Raulston** bangs his gavel and sits. Then everyone else sits. He says: *"The court will come to order. The Reverend Cartwright will please open court with prayer."*
5. **Reverend Cartwright** delivers his opening prayer.
6. Several in the courtroom say *"Amen"* when he finishes.
7. **Darrow** objects to the prayer, but Judge Raulston overrides his objection.
8. **Judge Raulston:** *"I will read from the Butler Act and from the book of Genesis to allow the jury and court observers to understand the charge."* He reads from the Butler Act and from Genesis. (See role handout.) *"Mr. Scopes and his attorney should be aware that Mr. Scopes is indicted for violating the Butler Act. Trial Case No. 5232, the State of Tennessee versus John Thomas Scopes, will now begin."*
9. **Judge Raulston:** *"Mr. Darrow, how pleads the defendant to this charge?"*
10. **Darrow** answers: *"Not guilty, your honor."*
11. **Judge Raulston:** *"Mr. Rice, will you as bailiff swear in the jury?"*
12. **Bailiff Nelson Rice:** *"Jurors, please rise."* (Pause) *"Do you solemnly swear to judge this case fairly and without partiality. Say 'I do.'"*
13. **Judge Raulston:** *"You may be seated. Unless anyone has anything to say before the prosecution makes its opening remarks, we'll get this trial moving."*
14. **Defense** (with a facetious smile): *"Your honor, we of the defense would like you to consider a motion, which is a parallel to the Butler Act. We propose, your honor, that the state forbid the teaching of any theory which contradicts the theory of evolution and which says that the earth is the center of the universe. We further propose that a death penalty be imposed on any teacher who so teaches."*
15. **Judge Raulston:** *"What is this, a joke? Isn't there carnival enough outside? Ridiculous requests such as this should not be brought into the courtroom. Motion denied. Sit down. Now will the prosecution make its opening remarks?"*
16. **Prosecution** makes its opening statement.
17. **Judge Raulston:** *"Does the defense wish to make an opening statement at this time?"*
18. **Darrow:** *"We do, your honor."* (Darrow gives the defense's opening remarks.)
19. **Judge Raulston:** *"Are there any more opening remarks for the prosecution?"*
20. **Prosecution** concludes its opening remarks.
21. **Judge Raulston:** *"Defense counsel, do you have further remarks to make before we call witnesses?"*
22. **Defense** (Dudley Field Malone) concludes its opening summation.
23. **Judge Raulston:** *"Is the prosecution ready to call its first witness in the case of the State of Tennessee versus John Thomas Scopes?"*
24. **Prosecution:** *"Yes, your honor, we are. We call Walter White to the stand."*
25. **Walter White** takes the stand as a prosecution witness. First he is sworn in by the bailiff: *"Do you swear to tell the truth, nothing but the truth, so help you God?"* Then he is examined by the prosecution.
26. **White** is cross-examined by the defense.
27. **Howard Morgan** is examined by the prosecution.
28. **Morgan** is cross-examined by the defense.
29. **Harry Shelton** is examined by the prosecution.
30. **Shelton** is cross-examined by the defense.
31. **F.E. Robinson** is examined by the prosecution.
32. **Robinson** is cross-examined by the defense.
33. **Prosecution**, if it wishes, reads aloud from the Bible, Genesis 1:24-27.
34. **Judge Raulston:** *"Does the prosecution have any more witnesses to present?"*
35. **Prosecution:** *"No, your honor, we rest our case."*
36. **Judge Raulston:** *"Will the defense please call its first witness?"*



37. **Defense:** *"Your honor, we call Dr. Maynard M. Metcalf to the stand."*
38. **Maynard Metcalf** is examined by the defense.
39. **Metcalf** is cross-examined by the prosecution.
40. **Professor Harlow T. Ross** is examined by the defense.
41. **Ross** is cross-examined by the prosecution.
42. After the prosecution objects to expert testimony, the judge tells the jury it is dismissed as a formal panel so the judge may listen to attorneys argue the law on evidence. (The jury may remain in the classroom, though in history it had to leave the courtroom.)
43. Both sides briefly make a case to admit or not to admit expert testimony: a. Bryan speaks on admissibility of science test. b. Malone speaks on admissibility of scientific testimony.
44. **Bryan** says to Malone: *"Dudley, that was the greatest speech I ever heard."*
45. **Judge Raulston** asks for a short recess and then rules not to allow expert scientific testimony in the trial.
46. **Judge Raulston** does allow defense to read into the record a definition of evolution.
47. **Defense** asks Judge Raulston to allow one more witness to take the stand.
48. **Judge Raulston:** *"Your request is granted, as long as the witness is not a scientist."*
49. **Defense:** *"Your honor, the defense desires to call Mr. Bryan as a witness. We think there are other questions involved and we want to take Mr. Bryan's testimony for the purpose of our records."*
50. **Prosecution** objects.
51. **Bryan** stands: *"If the judge will allow any of the defense attorneys to be called as witnesses by the prosecution, I will testify for the defense, although it is unorthodox."*
52. **Judge Raulston:** *"Mr. Bryan, you do not object to going on the stand?"*
53. **Bryan:** *"No, not at all."*
54. **Judge** to Darrow: *"Do you want Mr. Bryan sworn in?"*
55. **Darrow:** *"No, I take it you will tell the truth, Mr. Bryan."*
56. **Bryan** is examined by defense counsel Clarence Darrow on matters of religion and the Bible.
57. **Judge Raulston** rules on Bryan's testimony.
58. **Judge Raulston** reads charge to the jury again, telling them they need not consider whether what Scopes had taught conflicted with Genesis, but only whether Scopes had taught man's descent from lower animals.
59. **Darrow** addresses jury: *"Jurors, if you think my client taught that man descended from a lower order of animals, you should find him guilty. Scopes did not go on the stand because he could not deny the statements made by the boys from his class. This case and this law will never be decided until it gets to a higher court, and it cannot get to a higher court unless you bring in a verdict. You should return a verdict of guilty. We shall take it to a higher court and settle whether the law is good and also whether he should have permitted the evidence. I guess that is plain enough."*
60. **Prosecution** (Stewart) retorts: *"What Mr. Darrow wanted to say to you was that he wanted you to find his client guilty, but he did not want to be in the position of pleading guilty, because it would destroy his rights in the appellate court."*
61. **Judge Raulston:** 56 Neither does.
62. **Judge Raulston:** *"If there are no closing statements, the jury will now leave the courtroom and deliberate until a verdict has been reached. The foreman has the responsibility of guiding the jurors to a verdict."*
63. Jury leaves to deliberate.
64. Jury returns after reaching a verdict.
65. **Judge Raulston:** *"Mr. Foreman, will you please tell us whether you have agreed on a verdict?"*
66. **Foreman:** *"Yes, sir, we have, your honor."*
67. **Judge Raulston:** *"What do you find?"*
68. **Foreman:** *"We have found for the state. We have found the defendant guilty."*
69. **Judge Raulston:** *"Did you fix the fine?"*
70. **Foreman:** *"We leave that to the court, your honor."*
71. **Judge Raulston:** *"Mr. Scopes, will you come to the bench, please, sir? Mr. Scopes, the jury has found you guilty under the indictment. The minimum penalty under the law is one hundred dollars; the maximum is five hundred dollars. The court now fixes your fine at one hundred dollars and imposes that fine upon you."*
72. **Prosecution:** *"Your honor, the defendant wants to be heard. I believe you've overlooked him."*
73. **Judge Raulston:** *"Oh, have you anything to say, Mr. Scopes, as to why the court should not impose punishment upon you?"*
74. **Scopes** makes a short speech.



75. **Judge Raulston** imposes the fine again and then asks if the two sides wish to say a few words.
76. **Bryan** gives a short speech if desired.
77. **Darrow** gives a short speech.
78. **Hays** offers the judge a copy of Darwin's *Origin of Species* and *The Descent of Man* and says a few words.
79. **Judge Raulston** adjourns court and asks Reverend Cartwright to bless the proceedings.
80. **Reverend Cartwright** offers a benediction.
81. **Bailiff** takes Scopes out of the courtroom.
82. **Darrow** goes over to the jury and shakes hands. Then he remarks: *"We wanted you folks to do just what you did."*

## ROLE RESPONSIBILITIES

Following the trial, give your teacher written evidence explaining how much you understand and how effectively you played your assigned role. Write four brief paragraphs—about one to two pages—covering the following:

- a summary of your role;
- how your role affected the outcome of the trial;
- general impressions of the trial (what you learned, etc.); and
- how effectively you played your role.

Study your handouts while writing your assessment of your contribution to the trial.

## DEBRIEFING

Once you have finished the trial, you will discuss the pivotal questions below. If time permits, you will be placed in an activity group of about six members. After discussion, a representative from your group will report your conclusions to the whole class.

1. What testimony was most effective in convincing you as to John Scopes' guilt or innocence?
2. If you have time, call a member of your local school board, see your principal, or ask your teacher about any restrictions on academic freedom in your school. What are your feelings about these restrictions?
3. Could such a trial over the teaching of any theory cause a reaction in your community?
4. A teacher in North Dakota was dismissed by a school board after members found out that the teacher taught the Biblical theory of creation as the only theory of man's origin. The teacher had dismissed the theory of evolution as false and completely irreligious. In what ways is this case similar to or different from the Scopes case of 1925?
5. In your opinion are there any topics a teacher should not discuss or should not take a personal stand on having to do with these subject headings: History, government, science, health/hygiene, psychology, language and literature?
6. Are John Scopes and the Scopes trial overrated topics in American history? Does Scopes really deserve a special place in history? Do Darrow and Bryan deserve special attention for their part in the trial?
7. Did Scopes have any chance for a fair trial in Dayton, Tennessee, in 1925?
8. Do you suppose many of the observers and jurors at the Scopes trial were "converted" to the scientific point of view despite the verdict against Scopes? If not, what does this tell you about political or religious arguments?

Carefully study and answer these pivotal questions.