



The Scopes Trial

Dr. George W Benthien

November 17, 2014

E-mail: george@gbenthien.net

Contents

1	Introduction	2
2	Events Leading Up to the Trial	2
3	Location of the Trial	3
4	The Butler Act	4
5	Major Players in the Trial	5
5.1	George Rappalyea	5
5.2	John Scopes	5
5.3	H.L. Mencken	6
5.4	Clarence Darrow	7
5.5	William Jennings Bryan	8
6	The Trial	9
7	The Appeal	14
8	After Effects	14
	References	17
	Appendix A Transcript of Darrow’s Examination of Bryan	18

1 Introduction

The Scopes trial has sometimes been called “the trial of the century” or “the monkey trial.” In this trial the defendant, John Scopes, was convicted of teaching evolution to high school students in violation of Tennessee law. The trial gained nationwide attention and attracted newsmen from all the major newspapers. It was also the first trial to be broadcast on the radio. The trial is often portrayed as a classic battle between science and Christianity. As we will see, the truth is much more complex. Many have had their view of the trial shaped by the movie and play “Inherit the Wind,” which is known to have many historical inaccuracies. A more balanced and accurate view of the trial is presented in the Pulitzer Prize winning book **Summer for the Gods** by historian Edward Larson. The other references I have used in this paper are listed at the end. In this paper we will start by describing the events leading up to the trial. This will be followed by a description of the trial location, Dayton Tennessee. Next we will describe the Butler Act which is the legal basis for the trial. This will be followed by brief descriptions of the major players in this trial. Next we provide a brief overview of the trial proceedings including the strategies employed by the prosecution and the defense. Finally, we look at how the trial has affected the public’s view of the interaction between science and Christianity. In the Appendix there is a complete transcript of the famous examination of William Jennings Bryan by Clarence Darrow.

2 Events Leading Up to the Trial

In 1925 Tennessee passed the Butler Act that made it unlawful “to teach any theory that denies the story of divine creation as taught by the Bible and to teach instead that man was descended from a lower order of animals.” The American Civil Liberties Union (ACLU) objected to the law on the grounds that it violated a teacher’s right to choose what was taught. The ACLU advertised in a number of newspapers that they would defend any teacher who would challenge this law in court. George Rappalyea, a businessman in Dayton Tennessee, convinced the town leaders that a trial challenging the Butler Act would be beneficial to their town. They chose John Scopes, a young high school teacher, to be the one who would serve as the defendant. John was not the regular biology teacher, but he admitted that he had once substituted for the regular teacher and had assigned a section of Hunter’s Civic Biology, dealing with evolution, for the students to read. Scopes was absent the following day due to illness, and couldn’t recall there ever being a discussion of the assigned material. However, he was willing to challenge the law. The town leaders had Scopes arrested and charged him with violating the Butler Act. The ACLU agreed to defend Scopes. William Jennings Bryan, a three time presidential candidate, was invited to join the prosecution team and gladly accepted. A group of civil libertarians were assembled to select the defense team. Over strong objections by the ACLU, the famed defense lawyer Clarence Darrow was chosen to be part of the defense team. The atmosphere in Dayton was almost like a circus. The town was anxious to cash in on all the publicity.

3 Location of the Trial

The trial was held in the Rhea County Courthouse in Dayton Tennessee. The courthouse had seating for about 700, but there were approximately 300 who stood during the trial. Dayton Tennessee was a prosperous and quiet town in the Cumberland mountains with about 1800 inhabitants. There were many beautiful homes, two banks, a hosiery mill, a canning factory, and the Cumberland Coal and Iron Company. In the fields outside Dayton farmers grew soybeans, wheat, tobacco, and strawberries. The main gathering place for town leaders was Robinson's drugstore. Dayton was a Christian community with nine churches. The population of Dayton had decreased from about 3000 in the 1890s to 1800 in 1925. This may have been one reason that the town was looking for publicity.⁵



Figure 1: Downtown Dayton in 1925



Figure 2: Rhea County Courthouse in Dayton Tennessee

4 The Butler Act

The focus of the Scopes trial was the Tennessee law forbidding the teaching of evolution in schools that were tax-payer supported. The text of the Bill is given below⁷

House Bill No. 185

(By Mr. Butler)

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 in any 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 (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each offense.

Section 3. Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 13, 1925

W. F. Barry,

Speaker of the House of Representatives

L. D. Hill,

Speaker of the Senate

Approved March 21, 1925.

Austin Peay,

Governor.

5 Major Players in the Trial

5.1 George Rappalyea

George Rappalyea was a 31 year old chemical and mining engineer who had grown up in New York City. He was the local manager of the Cumberland Coal and Iron Company. Although he had never been a regular churchgoer, he began attending the Methodist church in Dayton. The young minister convinced George that evolution was not in conflict with Christianity if both were properly understood. George was later baptized and appointed superintendent of the Sunday school. His opposition to the Butler Act traces back to the funeral of a six-year-old boy, the son of one of his workers. The fundamentalist preacher, standing over the coffin, told those present that the young boy was doomed to the “flames of hell” because he had never been baptized. Rappalyea was angered by the insensitivity of this fundamentalist preacher. A few days later, when he heard that the fundamentalists had pushed through the anti-evolution Butler Act, he resolved to fight the new law. He found his chance when he discovered an article in the Chattanooga Times in which the ACLU offered to defend any teacher who would challenge the Butler Act in court. He presented his ideas to several community leaders at Robinson’s Drugstore. The town leaders agreed that a trial of this magnitude could bring much needed publicity to their town.⁵

5.2 John Scopes



Figure 3: Defendant John Scopes

At the time of the trial, John Scopes was twenty-four years old. Prior to coming to Dayton he had graduated from the University of Kentucky in 1924. He was a popular football coach and general science teacher at Rhea County High School in Dayton. From the point-of-view of the ACLU, he was the ideal defendant for their case. He was clean-cut, cared about teaching, and had no hostility toward religion. He attended the local Presbyterian church in Dayton. When once asked about his religious beliefs by reporters, he replied “I don’t know if I’m a Christian, . . .but

I believe there is a God.” Usually a defendant gets to choose his attorney, but in this case the decision was up to the ACLU. Scopes was invited to come to New York City where the selection of the defense team was to be made. He attended a luncheon-conference along with 15–20 of the leading civil libertarians. Among those present were Harvard’s Felix Frankfurter (a future Supreme Court Justice) and Socialist Party leader Norman Thomas. Dudley Malone, a prominent New York divorce lawyer, urged the group to accept Clarence Darrow’s offer to join the defense. He said that Darrow would pay all of his own expenses and would accept no fee. The ACLU didn’t want Clarence Darrow because they felt that he would detract from the main civil rights issue they were pursuing. A number of the attendees were worried that Darrow’s outspoken agnosticism and his controversial defense of two young thrill killers (Nathan Leopold and Richard Loeb) would make him a poor choice. During the discussion, Scopes was asked his opinion. He pointed out that the prosecution already had a well known figure in William Jennings Bryan. He thought that it would be nice to have a high profile figure on their side as well. A vote was taken and Darrow was narrowly approved. ACLU Director Baldwin was so upset by the decision that he canceled his plans to attend the trial. Scopes was very happy with the decision to accept Darrow.⁵

5.3 H.L. Mencken

There were many journalists in Dayton for the trial, but none was better known than H.L. Mencken of the Baltimore Sun. His syndicated articles appeared in newspapers across the country. He was well known for his caustic and satirical writing style. One of his favorite targets was religion, in particular fundamentalist Christianity. Like Clarence Darrow, the one thing he was intolerant of was intolerance. He once asserted that the human race is so obviously imperfect that man could not possibly have been the creation of an omnipotent God, but—at best—the bungled effort of “an incompetent committee of gods.” During the trial he referred to the locals as “babbits”, “morons”, “peasants”, “hill-billies”, “yaps”, and “yokels”. He chastised the “degraded nonsense which country preachers are ramming and hammering into yokel skulls.” Mencken said of Bryan “Once he had one leg in the White House and the nation trembled under his roars. Now he is a tinpot pope in the Coca-Cola belt and a brother to forlorn pastors who belabor halfwits in galvanized iron tabernacles behind the railroad yards. . . . It is a tragedy, indeed, to begin life as a hero and to end it as a buffoon.” Following Bryan’s death he wrote in an obituary

Bryan was a vulgar and common man, a cad undiluted. He was ignorant, bigoted, self-seeking, blatant and dishonest. His career brought him into contact with the first men of his time; he preferred the company of rustic ignoramuses. It was hard to believe, watching him at Dayton, that he had traveled, that he had been received in civilized societies, that he had been a high officer of state. He seemed only a poor clod like those around him, deluded by a childish theology, full of an almost pathological hatred of all learning, all human dignity, all beauty, all fine and noble things. He was a peasant come home to the dung-pile. Imagine a gentleman, and you have imagined everything that he was not.

However, when speaking of the defense lawyers Darrow and Malone he had nothing but the highest praise.

Shortly after arriving in Dayton, he tried to perpetrate a hoax on the local residents. He printed a handbill announcing that an imagined “fundamentalist and miracle worker,” Dr. Elmer Chubb, would be coming to Dayton for a “public demonstration of healing, casting out devils, and prophesying.” The flyer, complete with numerous made-up testimonials, bragged that “Dr. Chubb will allow himself to be bitten by any poisonous snake, gila monster, or other reptile. He will also drink any poison brought to him.” The handbill also declared that Chubb will “preach in Aramaic, Hebrew, Greek, Latin, Coptic, Egyptian, and in the lost languages of the Etruscans and the Hittites.” He hired a boy to pass out the one thousand copies of the handbill, and then waited to see what would happen. To his dismay the locals simply shrugged and went about their business.⁵

5.4 Clarence Darrow



Figure 4: Defense counsel Clarence Darrow

For many years Darrow was a very successful labor lawyer representing various labor unions. However, in 1911 he was hired by the AFL to defend the McMamara brothers who were charged with dynamiting The Los Angeles Times building during a bitter labor struggle. Twenty people were killed in the fire following the blast. During the trial Darrow was accused of masterminding a scheme to bribe a perspective juror. He faced two long trials on these charges. In the first he was acquitted, but the second ended in a hung jury. After the second trial a deal was struck in which the state agreed to not retry Darrow in exchange for Darrow’s promise to never practice law again in California. In view of the bribery allegations the labor unions no longer desired his services. Darrow then turned to criminal law and became a very successful defense lawyer. In 1924 he took the case of 18-year-old Nathan Leopold and 17-year-old Richard Loeb, two wealthy teenagers in Chicago. The two were accused of kidnapping and murdering 14-year-old Bobby Franks. Leopold was a law student at the University of Chicago and Loeb was the youngest ever graduate of the University of Michigan. When asked why they would do such a thing, they said it was for the pure

love of excitement. Darrow, in order to avoid facing a jury intent on vengeance, entered a guilty plea. Thus, the trial was a very long sentencing hearing before the judge. Darrow argued that Leopold and Loeb were mentally diseased. His closing statement lasted 12 hours. In the end the boys avoided the death penalty and were sentenced to life in prison. Needless to say, this decision was very controversial.

Clarence Darrow was an avid reader, reading such authors as Voltaire, Nietzsche, Tolstoy, Darwin, Marx, and Freud. Scopes said that he was the best read man he had ever known. Darrow was a fixture in the intellectual circles of Chicago. He was also an outspoken agnostic. Meeting before the Scopes trial with local prosecutors, Darrow told them, “I wish I could believe in the Bible, like you people—I just can’t. And I wish I could get hope out of it like you do.” He added, sadly, “I’ve got no hope.”⁵

5.5 William Jennings Bryan



Figure 5: William Jennings Bryan of the prosecution team

Theodore Roosevelt said of Bryan, “By George, he would make the greatest Baptist preacher on earth.” He probably would have become a Baptist preacher if it were not for his great fear of water. After witnessing a baptismal immersion at age six, he decided that this was not for him. At age 14 he left the Baptist church and became a Presbyterian. After graduating from law school, he and his wife moved to Nebraska. He became the first Democratic congressman in Nebraska’s 20 years of statehood. He served two terms in congress. In 1896 he gave a famous speech at the Democratic National Convention advocating the use of silver rather than gold to back the dollar. He concluded with “You shall not press down on the brow of labor this crown of thorns; you shall not crucify mankind upon a cross of gold.” Tumultuous applause erupted from the audience. A while later he became the youngest person ever nominated for president. He lost to William McKinley. He ran again in 1900 and 1908. In 1900 he lost again to McKinley and in 1908 he lost to Howard Taft. Although he never became president, he had a big effect on the Democratic party. He helped change the party from conservative Civil War losers to a party focused on the interests of blue-

collar workers, farmers, and religious and ethnic minorities. Because of his advocacy for issues affecting the common man, he became known as “The Great Commoner.” In 1912 he became Secretary of State under Woodrow Wilson. However, he resigned when he saw Wilson pushing the nation toward World War I. After leaving the Wilson administration he advocated for social reform issues such as women’s suffrage and prohibition. Bryan’s Christian faith was influential in all that he did. He became very concerned about the teaching of evolution in schools. He felt that it was eroding the faith of young people. He was influential in introducing bills in several states prohibiting the teaching of evolution. In Tennessee such a bill became law. Five days after Scopes was arrested, Bryan was asked to join the prosecution team. He gladly accepted. Sadly Bryan died a few days after the trial while preparing to publish the closing statement that he didn’t get to make at the trial.⁵

6 The Trial

The trial began on Friday, July 10, 1925. It was held in the Rhea County Courthouse, Dayton Tennessee. The presiding judge was John T. Raulston (a conservative Christian). The primary members of the prosecution team were Tom Stewart (Attorney General), William Jennings Bryan, and Bryan’s son. The principal members of the defense team were John Neal (former Dean of the University of Tennessee law school), Clarence Darrow, Arthur Hays (ACLU representative), and Dudley Malone (international Divorce Lawyer). The strategy for the prosecution was simple: stay away from peripheral issues relating to the wisdom and constitutionality of the law and emphasize that Scopes had broken the law. The defense strategy is more complicated. They wanted to challenge the constitutionality of the law. They knew that the chances of this challenge succeeding in this trial were small, but they wanted to establish a case for appeal to a higher court. The secondary strategy was to show that evolution was consistent with a non literal reading of the Biblical creation account, and therefore the law was not broken. Much of the material in this section is from the book **Creation & the Courts**.²

Day 1, Friday July 10 The session opened with prayer and the charges were then read. Since the law in question involved teaching a theory of creation contrary to the Biblical account, the first chapter of Genesis was read as background. As the defense wanted to bring in scientists to discuss evolution and its compatibility with Christianity, the competency of scientists as witnesses was discussed. The rest of the day was spent interviewing potential jurors. Eight potential jurors were excused prior to selection of the final twelve. The jurors selected were all men, ten were farmers, and eleven were regular church-goers. After the jury selection court was adjourned until Monday.

Day 2, Monday July 13 The session was opened with prayer. The defense made a motion to quash the indictment. They argued that the Butler Act violated the defendants rights both under the Tennessee constitution and the Federal constitution. They also argued the charges in the indictment were not clear. The prosecution presented counter arguments. In particular, Stewart cited a precedent in Meyer v. State of Nebraska where the court stated “Nor has challenge been made to

the state's power to prescribe a curriculum for institutions which it supports." Darrow gave a very long speech. In it he frequently used terms such as "bigotry", "bigoted", "fundamentalist", and "ignorant". He argued that the Bible should not be given special status in the law over other books such as the Koran or Book of Mormon. He also argued that there are many denominations and sects within Christianity, each having their own interpretation of Scripture. Yet the law demands adherence to one interpretation, and considers anyone who breaks it a criminal.

Day 3, Tuesday July 14 The third day began with Darrow objecting to opening the session in prayer on the grounds that it might bias the case. The judge overruled Darrow's objection on the grounds that it was a well established custom to open the court in prayer. The defense asked that other groups such as Jews and Unitarians be allowed to present some of the prayers. The judge gave the local pastor's association the job of choosing who would give the prayers. There was also a discussion of press leaks where some of the major newspapers published what was alleged to be the judge's opinions prior to their being given in court.

Day 4, Wednesday July 15 The judge rejected the defense motion to quash the indictment. He stated that

The courts are not concerned in questions of public policy or the motive that prompts passage or enactment of any particular legislation.

He also stated that

there is no law in the state of Tennessee that undertakes to compel this defendant, or any other citizen, to accept employment in the public schools. ...The relations between the teacher and his employer are purely contractual and if his conscience constrains him to teach the evolution theory, he can find opportunities elsewhere ...

The defense entered a plea of "not guilty" on behalf of the defendant. Attorney Malone outlined the case for the defense. In it he stated

The defense contends that to convict Scopes the prosecution must prove that Scopes not only taught the theory of evolution, but that he also, and at the same time, denied the theory of creation as set forth in the Bible.

He also said that the defense believes that "there is no branch of science which can be taught today without teaching the theory of evolution."

Next the prosecution called their witnesses. The first witness was Walter White, superintendent of the Rhea County School District. He verified that Scopes was a science teacher and that he taught out of the textbook *A Civic Biology* by G.W. Hunter. He also stated that Scopes had told him that

“he couldn’t teach biology without violating the law . . .” A student, Henry Morgan, testified that Scopes had taught them evolution. Another student, Harry Shelton, confirmed that Scopes had taught them evolution. The next witness, Fred Robinson, testified that Scopes had told him that “any teacher in the state who was teaching Hunter’s Biology was violating the law; and that science teachers could not teach Hunter’s Biology without violating the law.” The prosecution had a third boy who was ready to testify, but the defense said it would not be necessary since his testimony would be the same as the others. The prosecution rested its case.

The defense had assembled eight scientists and theologians that they wanted to call as expert witnesses. The judge agreed to hear the testimony of one of these experts before deciding whether to allow all the defense experts to testify. Professor Maynard Metcalf, a zoologist, took the stand. The jury was not present for most of Professor Metcalf’s testimony. Professor Maynard Metcalf was the former head of the department of zoology at Oberlin college. He was presently a researcher at Johns Hopkins University. He also was a member of a Congregational church and had taught Bible classes. Near the beginning he made the statement

I am acquainted with practically all of the zoologists, botanists and geologists of this country who have done any work; that is, any material contribution to knowledge in those fields, and I am absolutely convinced from personal knowledge that any one of these men feel and believe, as a matter of course, that evolution is a fact, but I doubt very much if any two of them agree as to the exact method by which evolution has been brought about, but I think there is — I know there is not a single one among them who has the least doubt of the fact of evolution.

In answering the questions presented to him, he gave a general description of evolution, but presented little in the way of evidence. When asked about the age of the earth, he said that 600 million years would be a modest estimate. Following Metcalf’s testimony court was adjourned.

Day 5, Thursday July 16 Day 5 was devoted to discussing the merits of expert testimony. Bryan’s son gave a speech opposing expert testimony. He said that it was the weakest and most dangerous form of testimony as there is no way to contradict it since it is only an opinion. There is also the danger that the jury might substitute the expert’s testimony for their own, even though it is largely speculation. He continued with the statement “It is generally safer to take the judgment of unskilled jurors than the opinions of hired and generally biased experts.” The defense agreed that Scopes taught evolution, but whether this is contrary to the Bible should be a matter of evidence. How can the jury make this judgment without knowing what evolution is? Furthermore, they questioned which Bible and whose interpretation does evolution contradict. William Jennings Bryan gave an hour long speech opposing expert testimony. In this speech he said

Mr. Scopes knew what the law was and what evolution was, and knew that it violated the law, [and] he proceeded to violate the law. That is the evidence before this court, and we don’t need any expert to tell us what the law means

He went on to say

The question is can a minority in this state come in and compel a teacher to teach that the Bible is not true and make the parents of these children pay the expenses of the teacher to tell their children what these people believe is false and dangerous? . . . And the parents have a right to say that no teacher paid by their money shall rob their children of faith in God and send them back to their homes, skeptical, infidels, or agnostics, or atheists.

Following Bryan's speech, Malone gave probably the best received speech at the trial. Malone complimented his old boss at the State Department: "Probably no man in the United States has done more to establish certain standards of conduct in the . . . world of politics" But Malone reminded the crowd that Bryan "is not the only one who believes in God." He argued that now was not the time to fear truth. "The children of this generation are pretty wise," Malone observed.

If we teach them the truth as best we understand it, they might make a better world of this than we have been able to make of it For Gods sake let the children have their minds kept open — close no doors to their knowledge; shut no door from them. Make the distinction between theology and science. Let them have both. Let them both be taught.

There was sustained applause after Malone's speech. Bryan told Malone, "Dudley, that was the greatest speech I ever heard." "Thank you, Mr. Bryan," Malone replied. "I am terribly sorry that I was the one who had to do it."

Day 6, Friday July 17 The session was opened with prayer. The judge ruled on expert testimony as follows:

In the final analysis this court, after a most earnest and careful consideration, has reached the conclusion that under the provisions of the act involved in this case, it is made unlawful thereby to teach in the public schools of the state of Tennessee the theory that man descended from a lower order of animals. If the court is correct in this, then the evidence of experts would shed no light on the issues. Therefore, the court is content to sustain the motion of the attorney general to exclude the expert testimony.

The defense insisted on having the evolutionist's testimonies read into the record. The judge agreed providing that it is done without the jury present. These testimonies could prove to be important in an appeal. Since the expert's testimonies were not allowed, most of the journalists, including H.L. Mencken, left Dayton. They felt the trial was essentially over. Ironically, they missed the most memorable part of the trial.

Day 7, Monday July 20 The session opened with prayer. The defense experts testimonies were read into the record. In a surprise move, the defense called William Jennings Bryan as a witness.

Ben McKenzie, one of the prosecutors, objected, but Bryan said that he was willing to take the stand provided that he would have an opportunity to question the defense attorneys afterward. The judge reluctantly allowed it. Darrow questioned Bryan on a number of controversial topics such as the whale swallowing Jonah, Joshua commanding the sun to stand still, Adam being tempted by a snake, the flood in the time of Noah, and the creation story in Genesis. Near the beginning of the testimony Darrow asked Bryan, “Do you claim that everything in the Bible should be literally interpreted?” Bryan replied,⁷

I believe that everything in the Bible should be accepted as it is given there; some of the Bible is given illustratively. For instance: “Ye are the salt of the earth.” I would not insist that man was actually salt, or that he had flesh of salt, but it is used in the sense of salt as saving God’s people.

This indicates that Bryan was not a strict literalist. Later he testified that he believed Jonah was swallowed by a great fish. He also said that he believed that the sun stood still at Joshua’s command, although he didn’t believe that this contradicted the scientific belief that the earth orbits the sun. It was a miracle that was stated in a manner that would be understood by the people of that time. He accepted the historicity of Noah’s flood, but he denied that the earth is only 6000 years old and that the “days” of Genesis were only 24 hours long. Throughout the testimony it was apparent that the main point of contention was that Bryan believed in miracles and Darrow didn’t. A transcript of this examination can be found in the Appendix.

For many years the prevailing opinion has been that Darrow exposed the ignorance of Bryan during this exchange and severely embarrassed him. This opinion is probably due to a great extent on the influence of the play and movie *Inherit the Wind* that bears little resemblance to the actual trial. As we will see in the next section, many modern historians have a more balanced view of this examination. Readers should also keep in mind the following points when looking at Darrow’s examination of Bryan:

1. Although the prosecution was taken by surprise when the defense called Bryan to the stand, this was not a spur of the moment decision by the defense. The defense had carefully planned and rehearsed this examination. Bryan, on the other hand, had to answer off the top of his head as best he could.
2. Bryan never claimed to be an expert on Biblical interpretation.
3. Bryan was under the impression that he would have an opportunity to question the defense attorneys afterward (this never happened).

The reader can form his own opinion by reading the transcript in the Appendix.

Day 8, Tuesday July 21 As usual the session was opened with prayer. The judge expressed regret that he had allowed Bryan’s testimony, and he struck it from the record. He said that he had allowed the testimony in a desire to be absolutely fair to all parties. Darrow then entered a plea of

guilty and waived his right to closing arguments. He said, “we have no witnesses to offer, no proof to offer on the issues that the court has laid down here. . . . I think to save time we will ask the court to bring in the jury and instruct the jury to find the defendant guilty.” Because of this move, Bryan did not have an opportunity to question Darrow or to give closing arguments. It took the jury only nine minutes to find Scopes guilty. The judge set a fine of \$100. After the sentence Scopes made his only statement in the trial.

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 our constitution, of personal and religious freedom. I think the fine is unjust.

7 The Appeal

An appeal was made before the Supreme Court of Tennessee in May of 1926. The defense again argued that the Butler Act was vague and that it was unconstitutional. The Supreme court took its time in reaching a decision. The decision was presented on January 17, 1927. The court ruled that the antievolution statute only applied to public employees acting in their official capacity, and therefore did not infringe on individual liberty. Scopes “had no right or privilege to serve the state except upon such terms as the state prescribed.” Furthermore, the law “requires the teaching of nothing,” and therefore “we are not able to see how the prohibition . . . gives preference to any religious establishment.” However, they ruled that the judge was in error when he set the fine at \$100. The fine should have been set by the jury. Because of this technicality, the court set aside the verdict of the lower court. Setting aside the verdict is not the same as declaring Scopes not-guilty. He could have been tried again on the same charge. However, the Supreme Court recommended that the Attorney General not pursue the case any further. The Attorney General complied. This action by the Supreme Court eliminated any possibility for an appeal to the U.S. Supreme court. The Butler act remained in effect until its repeal in April 1967, i.e. it remained in effect for 42 years after the Scopes trial.⁷

8 After Effects

The views expressed immediately following the trial were mixed. Some saw Darrow as the hero and others thought Bryan carried the day. However, neither side declared absolute victory. Many of the issues raised are still debated today. The editor of the Memphis Commercial Appeal observed that they had seen an attempted duel between science and religion at Dayton, but both sides lost ground. Historian Ronald Numbers examined the coverage of five geographically scattered newspapers and over a dozen national magazines and proclaimed “I discovered not a single declaration of victory by the opponents of antievolutionism, in the sense of their claiming that the crusade

was at an end.” Bryan himself spent the days following the trial lecturing and preparing his final summation (which he didn’t get to give) for publication. In this summation he said

Let us, then, hear the conclusion of the whole matter. Science is a magnificent material force, but is not a teacher of morals. It can perfect machinery, but it adds no moral restraints to protect society from the misuse of the machine. . . . It not only fails to supply the spiritual element needed but some of its un-proved hypotheses rob [society of its moral] compass and thus endangers humanity.

The final words of his summation were lifted from his favorite hymn “Faith of our fathers — holy faith. We will be true to thee till death.” Bryan died five days after the trial while taking an afternoon nap. For most people, interest in the trial died quickly after the intense media coverage came to an end. Bryan’s death seemed to have overshadowed the events of the trial itself. In education, most book publishers cut back on the presentation of evolution in high school textbooks. By 1930, one pro-evolution commentator, Maynard Shipley, estimated that 70% of all high schools omitted any mention of evolution in their science classes. Harvard Professor of palaeontology George G. Simpson observed that “Most [US high school science textbooks] relegate evolution to a single section, preferably in the back of the book, which need not be assigned.” This situation persisted into the 1960s when worries about Russian technology spurred an increased interest in improving science education.

The views of many have been formed not so much by the trial itself, but by the play and movie *Inherit the Wind*. The play opened in 1955 and the movie came out in 1960. The play and movie portray the character corresponding to Bryan as a bigoted religious fanatic and the character corresponding to Darrow as a courageous champion of tolerance and a protector of civil liberties. Unfortunately, the movie is still often used to represent the Scopes trial even though it has little resemblance to the actual trial. The playwrights never claimed that the movie and play accurately represented history, but their main purpose was to attack the McCarthyism of the 1950s. The title comes from Proverbs 11:29, “He that troubleth his own house shall inherit the wind.” Recently a number of historians have presented a more balanced view of the trial. Edward Larson published an excellent account of the trial in his Pulitzer Prize winning book “Summer for the Gods.”¹ In addition, Alan Dershowitz has a chapter in his book *America on Trial* that deals with the Scopes trial. In it he says⁴

Nor was Bryan the know nothing biblical literalist of Inherit the Wind. For the most part, he actually seems to have gotten the better of Clarence Darrow in the argument over the Bible (though not in the argument over banning the teaching of evolution).

And also

All in all, a reading of the transcript shows Bryan doing quite well defending himself, while it is Darrow who comes off quite poorly — in fact, as something of an antireligious cynic.

Overall, I don't think that the trial itself really changed many people's attitudes about the relation of science and religion, but the play and movie *Inherit the Wind* have had an effect. They reinforced the popular idea that science has now replaced religion as the arbiter of truth.

References

- [1] Larson, Edward J., **Summer for the Gods: The Scopes Trial and America's Continuing Debate Over Science and Religion**, Basic Books (2006).
- [2] Geisler, Norman, **Creation & the Courts: Eighty Years of Conflict in the Classroom and the Courtroom**, Crossway Books (2007).
- [3] Foote, Fred, **The Complete Scopes Trial Transcript**, Kindle Edition (2012)
- [4] Dershowitz, Alan M., **America on Trial: Inside the Legal Battles That Transformed Our Nation**, Warner Books (2004).
- [5] Linder, Douglas, *Tennessee vs. John Scopes: The "Monkey Trial"*, available on the web at <http://law2.umkc.edu/faculty/projects/ftrials/scopes/scopes.htm>.
- [6] *The Scopes Trial (1925)*, The Clarence Darrow Digital Collection, available on the web at <http://darrow.law.umn.edu/trials.php?tid=7>.
- [7] Bradbury, Andrew, *The Scopes Monkey Trial*, available on the web at <http://www.bradburyac.mistral.co.uk/tennesse.html>.
- [8] *Scopes Trial*, Wikipedia, available on the web at http://en.wikipedia.org/wiki/Scopes_Trial.

Appendix A Transcript of Darrow's Examination of Bryan

This section was taken from the book **The Complete Scopes Trial Transcript** by Foote.³ The format was changed slightly, but the content should agree with what's there. The examination took place on the seventh day of the trial in the afternoon. It was later removed from the official trial records.

Defense Wants Bryan as a Witness

Mr. Hays – The defense desires to call Mr. Bryan as a witness, and, of course, the only question here is whether Mr. Scopes taught what these children said he taught, we recognize what Mr. Bryan says as a witness would not be very valuable. We think there are other questions involved, and we should want to take Mr. Bryan's testimony for the purposes of our record, even if Your Honor thinks it is not admissible in general, so we wish to call him now.

Judge Raulston – Do you think you have a right to his testimony or evidence like you did these others?

B. G. McKenzie – I don't think it is necessary to call him, calling a lawyer who represents a client.

Judge Raulston – If you ask him about any confidential matter, I will protect him, of course.

Mr. Darrow – I do not intend to do that.

Judge Raulston – On scientific matters, Col. Bryan can speak for himself.

Mr. Bryan – If Your Honor please, I insist that Mr. Darrow can be put on the stand, and Mr. Malone and Mr. Hays.

Judge Raulston – Call anybody you desire. Ask them any questions you wish.

Mr. Bryan – Then, we will call all three of them.

Mr. Darrow – Not at once?

Mr. Bryan – Where do you want me to sit?

Mr. Bryan Willing

Judge Raulston – Mr. Bryan, you are not objecting to going on the stand?

Mr. Bryan – Not at all.

Judge Raulston – Do you want Mr. Bryan sworn?

Mr. Darrow – No.

Mr. Bryan – I can make affirmation; I can say “So help me God, I will tell the truth.”

Mr. Darrow – No, I take it you will tell the truth, Mr. Bryan.

Bryan Goes on Witness Stand

Examination of W. J. Bryan by Clarence Darrow, of counsel for the defense:

Mr. Darrow – You have given considerable study to the Bible, haven't you, Mr. Bryan?

Mr. Bryan – Yes, sir, I have tried to.

Mr. Darrow – Well, we all know you have, we are not going to dispute that at all. But you have written and published articles almost weekly, and sometimes have made interpretations of various things?

Mr. Bryan – I would not say interpretations, Mr. Darrow, but comments on the lesson.

Mr. Darrow – If you comment to any extent these comments have been interpretations.

Mr. Bryan – I presume that my discussion might be to some extent interpretations, but they have not been primarily intended as interpretations.

Mr. Darrow – But you have studied that question, of course?

Mr. Bryan – Of what?

Mr. Darrow – Interpretation of the Bible.

Mr. Bryan – On this particular question?

Mr. Darrow – Yes, sir.

Mr. Bryan – Yes, sir.

Mr. Darrow – Then you have made a general study of it?

Mr. Bryan – Yes, I have; I have studied the Bible for about fifty years, or sometime more than that, but, of course, I have studied it more as I have become older than when I was but a boy.

Mr. Darrow – Do you claim that everything in the Bible should be literally interpreted?

Mr. Bryan – I believe everything in the Bible should be accepted as it is given there; some of the Bible is given illustratively. For instance: “Ye are the salt of the earth.” I would not insist that man was actually salt, or that he had flesh of salt, but it is used in the sense of salt as saving God's people.

Did Jonah Swallow the Whale?

Mr. Darrow – But when you read that Jonah swallowed the whale – or that the whale swallowed Jonah – excuse me please – how do you literally interpret that?

Mr. Bryan – When I read that a big fish swallowed Jonah – it does not say whale.

Mr. Darrow – Doesn't it? Are you sure?

Mr. Bryan – That is my recollection of it. A big fish, and I believe it, and I believe in a God who can make a whale and can make a man and make both do what He pleases.

Mr. Darrow – Mr. Bryan, doesn't the New Testament say whale?

Mr. Bryan – I am not sure. My impression is that it says fish; but it does not make so much difference; I merely called your attention to where it says fish – it does not say whale.

Mr. Darrow – But in the New Testament it says whale, doesn't it?

Mr. Bryan – That may be true; I cannot remember in my own mind what I read about it.

Mr. Darrow – Now, you say, the big fish swallowed Jonah, and he there remained how long – three days, and then he spewed him upon the land. You believe that the big fish was made to swallow Jonah?

Mr. Bryan – I am not prepared to say that; the Bible merely says it was done.

Mr. Darrow – You don't know whether it was the ordinary run of fish, or made for that purpose?

Mr. Bryan – You may guess; you evolutionists guess.

Mr. Darrow – But when we do guess, we have a sense to guess right.

Mr. Bryan – But do not do it often.

Mr. Darrow – You are not prepared to say whether that fish was made especially to swallow a man or not?

Mr. Bryan – The Bible doesn't say, so I am not prepared to say.

Mr. Darrow – You don't know whether that was fixed up specially for the purpose?

Mr. Bryan – No, the Bible doesn't say.

Mr. Darrow – But do you believe He made them – that He made such a fish and that it was big enough to swallow Jonah?

Mr. Bryan – Yes, sir. Let me add: One miracle is just as easy to believe as another.

Mr. Darrow – It is for me.

Mr. Bryan – It is for me.

Mr. Darrow – Just as hard?

Mr. Bryan – It is hard to believe for you, but easy for me. A miracle is a thing performed beyond what man can perform. When you get beyond what man can do, you get within the realm of miracles; and it is just as easy to believe the miracle of Jonah as any other miracle in the Bible.

Mr. Darrow – Perfectly easy to believe that Jonah swallowed the whale?

Mr. Bryan – If the Bible said so; the Bible doesn't make as extreme statements as evolutionists do.

Mr. Darrow – That may be a question, Mr. Bryan, about some of those you have known?

Mr. Bryan – The only thing is, you have a definition of fact that includes imagination.

Mr. Darrow – And you have a definition that excludes everything but imagination, everything but imagination?

Gen. Stewart – I object to that as argumentative.

Mr. Bryan – You

Mr. Darrow – The witness must not argue with me, either.

Mr. Darrow – Do you consider the story of Jonah and the whale a miracle?

Mr. Bryan – I think it is.

Did the Sun Stand Still?

Mr. Darrow – Do you believe Joshua made the sun stand still?

Mr. Bryan – I believe what the Bible says. I suppose you mean that the earth stood still?

Mr. Darrow – I don't know. I am talking about the Bible now.

Mr. Bryan – I accept the Bible absolutely.

Mr. Darrow – The Bible says Joshua commanded the sun to stand still for the purpose of lengthening the day, doesn't it, and you believe it?

Mr. Bryan – I do.

Mr. Darrow – Do you believe at that time the entire sun went around the earth?

Mr. Bryan – No, I believe that the earth goes around the sun.

Mr. Darrow – Do you believe that the men who wrote it thought that the day could be lengthened or that the sun could be stopped?

Mr. Bryan – I don't know what they thought.

Mr. Darrow – You don't know?

Mr. Bryan – I think they wrote the fact without expressing their own thoughts.

Mr. Darrow – Have you an opinion as to whether or not the men who wrote that thought –

Gen. Stewart – I want to object, Your Honor; it has gone beyond the pale of any issue that could possibly be injected into this lawsuit, except by imagination. I do not think the defendant has a right to conduct the examination any further and I ask Your Honor to exclude it.

Judge Raulston – I will hear Mr. Bryan.

Mr. Bryan – It seems to me it would be too exacting to confine the defense to the facts; if they are not allowed to get away from the facts, what have they to deal with?

Judge Raulston – Mr. Bryan is willing to be examined. Go ahead.

Mr. Darrow – Have you an opinion as to whether – whoever wrote the book, I believe it is, Joshua, the Book of Joshua, thought the sun went around the earth or not?

Mr. Bryan – I believe that he was inspired.

Mr. Darrow – Can you answer my question?

Mr. Bryan – When you let me finish the statement.

Mr. Darrow – It is a simple question, but finish it.

Mr. Bryan – You cannot measure the length of my answer by the length of your question. (Laughter in the courtyard.)

“I Believe Bible Inspired”

Mr. Darrow – No, except that the answer be longer. (Laughter in the courtyard.)

Mr. Bryan – I believe that the Bible is inspired, an inspired author, whether one who wrote as he was directed to write understood the things he was writing about, I don't know.

Mr. Darrow – Whoever inspired it? Do you think whoever inspired it believed that the sun went around the earth?

Mr. Bryan – I believe it was inspired by the Almighty, and He may have used language that could be understood at that time.

Mr. Darrow – Was –

Mr. Bryan – Instead of using language that could not be understood until Darrow was born. (Laughter and applause in the courtyard.)

Mr. Darrow – So, it might not, it might have been subject to construction, might it not?

Mr. Bryan – It might have been used in language that could be understood then.

Mr. Darrow – That means it is subject to construction?

Mr. Bryan – That is your construction. I am answering your question.

Mr. Darrow – Is that correct?

Mr. Bryan – That is my answer to it.

Mr. Darrow – Can you answer?

Mr. Bryan – I might say, Isaiah spoke of God sitting upon the circle of the earth.

Mr. Darrow – I am not talking about Isaiah.

Judge Raulston – Let him illustrate, if he wants to.

Mr. Darrow – Is it your opinion that passage was subject to construction?

Mr. Bryan – Well, I think anybody can put his own construction upon it, but I do not mean that necessarily that is a correct construction. I have answered the question.

Mr. Darrow – Don't you believe that in order to lengthen the day it would have been construed that the earth stood still?

Mr. Bryan – I would not attempt to say what would have been necessary, but I know this, that I can take a glass of water that would fall to the ground without the strength of my hand and to the extent of the glass of water I can overcome the law of gravitation and lift it up. Whereas without my hand it would fall to the ground. If my puny hand can overcome the law of gravitation, the most universally understood, to that extent, I would not set power to the hand of Almighty God that made the universe.

Mr. Darrow – I read that years ago. Can you answer my question directly? If the day was lengthened by stopping either the earth or the sun, it must have been the earth?

Mr. Bryan – Well, I should say so.

Mr. Darrow – Yes? But it was language that was understood at that time, and we now know that the sun stood still as it was with the earth.

Mr. Darrow – We know also the sun does not stand still?

Mr. Bryan – Well, it is relatively so, as Mr. Einstein would say.

Mr. Darrow – I ask you if it does stand still?

Mr. Bryan – You know as well as I know.

Mr. Darrow – Better. You have no doubt about it?

Mr. Bryan – No. And the earth moves around.

Mr. Darrow – Yes?

Mr. Bryan – But I think there is nothing improper if you will protect the Lord against your criticism.

Mr. Darrow – I suppose He needs it?

Mr. Bryan – He was using language at that time the people understood.

Mr. Darrow – And that you call “interpretation?”

Mr. Bryan – No, sir; I would not call it interpretation.

Mr. Darrow – I say, you would call it interpretation at this time, to say it meant something then?

Mr. Bryan – You may use your own language to describe what I have to say, and I will use mine in answering.

What If Earth Had Stood Still?

Mr. Darrow – Now, Mr. Bryan, have you ever pondered what would have happened to the earth if it had stood still?

Mr. Bryan – No.

Mr. Darrow – You have not?

Mr. Bryan – No; the God I believe in could have taken care of that, Mr. Darrow.

Mr. Darrow – I see. Have you ever pondered what would naturally happen to the earth if it stood still suddenly?

Mr. Bryan – No.

Mr. Darrow – Don’t you know it would have been converted into a molten mass of matter?

Mr. Bryan – You testify to that when you get on the stand, I will give you a chance.

Mr. Darrow – Don’t you believe it?

Mr. Bryan – I would want to hear expert testimony on that.

Mr. Darrow – You have never investigated that subject?

Mr. Bryan – I don’t think I have ever had the question asked.

Mr. Darrow – Or ever thought of it?

Mr. Bryan – I have been too busy on things that I thought were of more importance than that.

Mr. Darrow – You believe the story of the flood to be a literal interpretation?

Mr. Bryan – Yes, sir.

Mr. Darrow – When was that flood?

Mr. Bryan – I would not attempt to fix the date . The date is fixed , as suggested this morning.

Mr. Darrow – About 4004 B. C.?

Mr. Bryan – That has been the estimate of a man that is accepted today. I would not say it is accurate.

Mr. Darrow – That estimate is printed in the Bible?

Mr. Bryan – Everybody knows, at least, I think most of the people know, that was the estimate given.

Mr. Darrow – But what do you think that the Bible, itself, says? Don't you know how it was arrived at?

Mr. Bryan – I never made a calculation.

Mr. Darrow – A calculation from what?

Mr. Bryan – I could not say.

Mr. Darrow – From the generations of man?

Mr. Bryan – I would not want to say that.

Mr. Darrow – What do you think?

Mr. Bryan – I do not think about things I don't think about.

Mr. Darrow – Do you think about things you do think about?

Mr. Bryan – Well, sometimes. (Laughter in the courtyard.)

The Policeman – Let us have order.

Mr. Darrow – Mr. Bryan, you have read these dates over and over again?

Mr. Bryan – Not very accurately, I turn back sometimes to see what the time was.

Mr. Darrow – You want to say now you have no idea how these dates were computed?

Mr. Bryan – No. I don't say, but I have told you what my idea was. I say I don't know how accurate it was.

Mr. Darrow – You say from the generation of man –

Gen. Stewart – I am objecting to his cross-examining his own witness.

Mr. Darrow – He is an hostile witness.

Judge Raulston – I am going to let Mr. Bryan control –

Mr. Bryan – I want him to have all the latitude he wants. For I am going to have some latitude when he gets through.

Mr. Darrow – You can have latitude and longitude. (Laughter.)

Judge Raulston – Order.

Gen. Stewart – The witness is entitled to be examined as to the legal evidence of it. We were supposed to go into the origin of the case, and we have nearly lost the day, Your Honor.

Mr. McKenzie – I object to it.

Gen. Stewart – Your Honor, he is perfectly able to take care of this, but we are attaining no evidence. This is not competent evidence.

Bryan Charges Defense With Evil Motive

Mr. Bryan – These gentlemen have not had much chance – they did not come here to try this case. They came here to try revealed religion. I am here to defend it, and they can ask me any question they please.

Judge Raulston – All right. (Applause from the courtyard.)

Mr. Darrow – Great applause from the bleachers.

Mr. Bryan – From those whom you call “yokels.”

Mr. Darrow – I have never called them yokels.

Mr. Bryan – That is the ignorance of Tennessee, the bigotry.

Mr. Darrow – You mean who are applauding you? (Applause.)

Mr. Bryan – Those are the people whom you insult.

Mr. Darrow – You insult every man of science and learning in the world because he does not believe in your fool religion.

Judge Raulston – I will not stand for that.

Mr. Darrow – For what he is doing?

Judge Raulston – I am talking to both of you.

Gen. Stewart – This has gone beyond the pale of a lawsuit, Your Honor. I have a public duty to perform, under my oath and I ask the court to stop it. Mr. Darrow is making an effort to insult the gentleman on the witness stand, and I ask that it be stopped, for it has gone beyond the pale of a lawsuit.

Judge Raulston – To stop it now would not be just to Mr. Bryan. He wants to ask the other gentleman questions along the same line.

Gen. Stewart – It will all be incompetent.

Mr. Bryan – The jury is not here.

Judge Raulston – I do not want to be strictly technical.

Mr. Darrow – Then Your Honor rules, and I accept.

Gen. Stewart – The jury is not here.

What About the Flood?

Mr. Darrow – How long ago was the flood, Mr. Bryan?

Mr. Bryan – Let me see Usher's calculation about it?

Mr. Darrow – Surely. (Handing a Bible to the witness.)

Mr. Bryan – I think this does not give it.

Mr. Darrow – It gives an account of Noah. Where is the one in evidence, I am quite certain it is there?

Mr. Bryan – Oh, I would put the estimate where it is, because I have no reason to vary it. But I would have to look at it to give you the exact date.

Mr. Darrow – I would, too. Do you remember what book the account is in?

Mr. Bryan – Genesis.

Mr. Hays – Is that the one in evidence?

Mr. Neal – That will have it; that is King James' version.

Mr. Darrow – The one in evidence has it.

Mr. Bryan – It is given here, as 2348 years B. C.

Mr. Darrow – Well, 2348 years B. C. You believe that all the living things that were not contained in the ark were destroyed.

Mr. Bryan – I think the fish may have lived.

Mr. Darrow – Outside of the fish?

Mr. Bryan – I cannot say.

Mr. Darrow – You cannot say?

Mr. Bryan – No, except that just as it is, I have no proof to the contrary.

Mr. Darrow – I am asking you whether you believe?

Mr. Bryan – I do.

Mr. Darrow – That all living things outside of the fish were destroyed?

Mr. Bryan – What I say about the fish is merely a matter of humor.

Mr. Darrow – I understand.

Mr. Bryan – Due to the fact a man wrote up here the other day to ask whether all the fish were destroyed, and the gentleman who received the letter told him the fish may have lived.

Mr. Darrow – I am referring to the fish, too?

Mr. Bryan – I accept that, as the Bible gives it and I have never found any reason for denying, disputing, or rejecting it.

Mr. Darrow – Let us make it definite, 2,348 years?

Mr. Bryan – I didn't say that. That is the time given there (indicating a Bible) but I don't pretend to say that is exact.

Mr. Darrow – You never figured it out, these generations, yourself?

Mr. Bryan – No, sir, not myself.

Mr. Darrow – But the Bible you have offered in evidence says 2,340 something so that 4,200 years ago there was not a living thing on the earth, excepting the people on the ark and the animals of the ark and the fishes?

Mr. Bryan – There have been living things before that.

Mr. Darrow – I mean at that time?

Mr. Bryan – After that.

Mr. Darrow – Don't you know there are any number of civilizations that are traced back to more than 5,000 years?

Mr. Bryan – I know we have people who trace things back according to the number of ciphers they have. But I am not satisfied they are accurate.

Mr. Darrow – You are not satisfied there is any civilization that can be traced back 5,000 years?

Mr. Bryan – I would not want to say there is because I have no evidence of it that is satisfactory.

Mr. Darrow – Would you say there is not?

Scientists Will Have to Get Closer

Mr. Bryan – Well, so far as I know, but when the scientists differ, from 24,000,000 to 306,000,000 in their opinion, as to how long ago life came here, I want them nearer, to come nearer together before they demand of me to give up my belief in the Bible.

Mr. Darrow – Do you say that you do not believe that there were any civilizations on this earth that reach back beyond 5,000 years?

Mr. Bryan – I am not satisfied by any evidence that I have seen.

Mr. Darrow – I didn't ask you what you are satisfied with. I asked you if you believe it?

Mr. Bryan – Will you let me answer it?

Judge Raulston – Go right on.

No Evidence Satisfying

Mr. Bryan – I am satisfied by no evidence, that I have found, that would justify me in accepting the opinions of these men against what I believe to be the inspired Word of God.

Mr. Darrow – And you believe every nation, every organization of men, every animal to the world outside of the fishes –

Mr. Bryan – The fish, I want you to understand, is merely a matter of humor.

Mr. Darrow – I believe the Bible says so. Take the fishes in?

Mr. Bryan – Let us get together and look over this.

Mr. Darrow – Probably we would better, we will after we get through.

Darrow Relentless on Question of Years

Mr. Darrow – You believe that all the various human races on the earth have come into being in the last 4,000 years or 4,200 years, whatever it is?

Mr. Bryan – No, it would be more than that.

Mr. Darrow – 1,927?

Mr. Bryan – Sometime after creation, before the flood.

Mr. Darrow – 1,927 added to it?

Mr. Bryan – The flood is 2,300 and something, and creation, according to the estimate there, is further back than that.

Mr. Darrow – Then you don't understand me. If we don't get together on it, look at the book. This is the year of grace 1925, isn't it? Let us put down 1,925. Have you a pencil? (One of the defense attorneys hands Mr. Darrow a pencil.)

Mr. Bryan – Add to that 4,004?

Mr. Darrow – Yes.

Mr. Bryan – That is the date (referring to the Bible) given here on the first page, according to Bishop Usher, which I say I only accept because I have no reason to doubt it. In that page he gives it.

Mr. Darrow – 1,925 plus 4,004 is 5,929 years. If a fallible person is right in his addition. Now, then, what do you subtract from that?

Mr. Bryan – That is the beginning.

Mr. Darrow – I was talking about the flood.

Mr. Bryan – 2,348 on that, we said.

Mr. Darrow – Less than that?

Mr. Bryan – No; subtract that from 4,000; it would be about 1,700 years.

Mr. Darrow – That is the same thing?

Mr. Bryan – No; subtracted it is 2,300 and something before the beginning of the Christian era, about 1,700 years after the creation.

The Policeman – Let us have order.

Mr. Darrow – If I add 2,300 years, that is the beginning of the Christian era?

Mr. Bryan – Yes, sir.

Mr. Darrow – If I add 1,925 to that I will get it, won't I?

Mr. Bryan – Yes, sir.

Mr. Darrow – That makes 4,262 years. If it is not correct, we can correct it.

Mr. Bryan – According to the Bible there was a civilization before that, destroyed by the flood.

Mr. Darrow – Let me make this definite. You believe that every civilization on the earth and every living thing, except possibly the fishes, that came out of the ark were wiped out by the flood?

Mr. Bryan – At that time.

Mr. Darrow – At that time. And then, whatever human beings, including all the tribes, that inhabited the world, and have inhabited the world, and who run their pedigree straight back, and all the animals, have come onto the earth since the flood?

Mr. Bryan – Yes.

Mr. Darrow – Within 4,200 years. Do you know a scientific man on the face of the earth that believes any such thing?

Mr. Bryan – I cannot say, but I know some scientific men who dispute entirely the antiquity of man as testified to by other scientific men.

Mr. Darrow – Oh, that does not answer the question. Do you know of a single scientific man on the face of the earth that believes any such thing as you stated, about the antiquity of man?

Mr. Bryan – I don't think I have ever asked one the direct question.

Mr. Darrow – Quite important, isn't it?

Mr. Bryan – Well, I don't know as it is.

Mr. Darrow – It might not be?

No Interest in Remote Ancestors

Mr. Bryan – If I had nothing else to do except speculate on what our remote ancestors were and what our remote descendants have been, but I have been more interested in Christians going on right now, to make it much more important than speculation on either the past or the future.

Mr. Darrow – You have never had any interest in the age of the various races and people and civilization and animals that exist upon the earth today? Is that right?

Mr. Bryan – I have never felt a great deal of interest in the effort that has been made to dispute the Bible by the speculations of men, or the investigations of men.

Mr. Darrow – Are you the only human being on earth who knows what the Bible means?

Gen. Stewart – I object.

Judge Raulston – Sustained. To which ruling of the court counsel for the defendant duly excepted.

Mr. Darrow – You do know that there are thousands of people who profess to be Christians who believe the earth is much more ancient and that the human race is much more ancient?

Mr. Bryan – I think there may be.

Mr. Darrow – and you never have investigated to find out how long man has been on the earth?

Mr. Bryan – I have never found it necessary.

Mr. Darrow – For any reason, whatever it is?

Mr. Bryan – To examine every speculation; but if I had done it I never would have done anything else.

Mr. Darrow – I ask for a direct answer?

Mr. Bryan – I do not expect to find out all those things, and I do not expect to find out about races.

Mr. Darrow – I didn't ask you that. Now , I ask you if you know if it was interesting enough, or important enough for you to try to find out about how old these ancient civilizations were?

Mr. Bryan – No; I have not made a study of it.

Mr. Darrow – Don't you know that the ancient civilizations of China are 6,000 or 7,000 years old , at the very least?

Mr. Bryan – No; but they would not run back beyond the creation, according to the Bible, 6,000 years.

Mr. Darrow – You don't know how old they are, is that right?

Mr. Bryan – I don't know how old they are, but probably you do. (Laughter in the courtyard.) I think you would give the preference to anybody who opposed the Bible, and I give the preference to the Bible.

Mr. Darrow – I see. Well, you are welcome to your opinion. Have you any idea how old the Egyptian civilization is?

Mr. Bryan – No.

Any Other Record of the Flood?

Mr. Darrow – Do you know of any record in the world, outside of the story of the Bible, which conforms to any statement that it is 4,200 years ago or thereabouts that all life was wiped off the face of the earth?

Mr. Bryan – I think they have found records.

Mr. Darrow – Do you know of any?

Mr. Bryan – Records reciting the flood, but I am not an authority on the subject.

Mr. Darrow – Now, Mr. Bryan, will you say if you know of any record, or have ever heard of any records, that describe that a flood existed 4,200 years ago, or about that time, which wiped all life off the earth?

Mr. Bryan – The recollection of what I have read on that subject is not distinct enough to say whether the records attempted to fix a time, but I have seen in the discoveries of archaeologists where they have found records that described the flood.

Mr. Darrow – Mr. Bryan, don't you know that there are many old religions that describe the flood?

Mr. Bryan – No, I don't know.

Mr. Darrow – You know there are others besides the Jewish?

Mr. Bryan – I don't know whether these are the record of any other religion or refer to this flood.

Mr. Darrow – Don't you ever examine religion so far to know that?

Mr. Bryan – Outside of the Bible?

Mr. Darrow – Yes.

Mr. Bryan – No; I have not examined to know that, generally.

Mr. Darrow – You have never examined any other religions?

Mr. Bryan – Yes, sir.

Mr. Darrow – Have you ever read anything about the origins of religions?

Mr. Bryan – Not a great deal.

Mr. Darrow – You have never examined any other religion?

Mr. Bryan – Yes, sir.

Mr. Darrow – And you don't know whether any other religion ever gave a similar account of the destruction of the earth by the flood?

Christian Religion Sufficient

Mr. Bryan – The Christian religion has satisfied me, and I have never felt it necessary to look up some competing religions.

Mr. Darrow – Do you consider that every religion on earth competes with the Christian religion?

Mr. Bryan – I think everybody who does not believe in the Christian religion believes so –

Mr. Darrow – I am asking what you think?

Mr. Bryan – I do not regard them as competitive because I do not think they have the same source as we have.

Mr. Darrow – You are wrong in saying “competitive”?

Mr. Bryan – I would not say competitive, but the religious unbelievers.

Mr. Darrow – Unbelievers of what?

Mr. Bryan – In the Christian religion.

Mr. Darrow – What about the religion of Buddha?

Mr. Bryan – I can tell you something about that, if you want to know.

Confucius or Buddha?

Mr. Darrow – What about the religion of Confucius or Buddha?

Mr. Bryan – Well, I can tell you something about that, if you would like to know.

Mr. Darrow – Did you ever investigate them?

Mr. Bryan – Somewhat.

Mr. Darrow – Do you regard them as competitive?

Mr. Bryan – No, I think they are very inferior. Would you like for me to tell you what I know about it ‘?

Mr. Darrow – No.

Mr. Bryan – Well, I shall insist on giving it to you.

Mr. Darrow – You won’t talk about free silver, will you?

Mr. Bryan – Not at all.

Gen. Stewart – I object to him counsel going any further with this examination and cross-examining his own witness. He is your own witness.

Have Right to Cross-Examine Hostile Witness

Mr. Darrow – Well, now, General, you understand we are making up a record, and I assume that every lawyer knows perfectly well that we have a right to cross-examine a hostile witness. Is there any doubt about that?

Gen. Stewart – Under the law in Tennessee if you put a witness on and he proves to be hostile to you, the law provides the method by which you may cross-examine him. You will have to make an affidavit that you are surprised at his statement, and you may do that.

Mr. Bryan – Is there any way by which a witness can make an affidavit? That the attorney is also hostile?

Mr. Darrow – I am not hostile to you. I am hostile to your views, and I suppose that runs with me, too.

Mr. Bryan – But I think when the gentleman asked me about Confucius I ought to be allowed to answer his question.

Mr. Darrow – Oh, tell it, Mr. Bryan, I won't object to it.

Reciprocity and the Golden Rule

Mr. Bryan – I had occasion to study Confucianism when I went to China. I got all I could find about what Confucius said, and then I bought a book that told us what Menches said about what Confucius said, and I found that there were several direct and strong contrasts between the teachings of Jesus and the teaching of Confucius. In the first place, one of his followers asked if there was any word that would express all that was necessary to know in the relations of life, and he said, "Isn't reciprocity such a word?" I know of no better illustration of the difference between Christianity and Confucianism than the contrast that is brought out there. Reciprocity is a calculating selfishness. If a person does something for you, you do something for him and keep it even. That is the basis of the philosophy of Confucius. Christ's doctrine was not reciprocity. We were told to help people not in proportion as they had helped us not in proportion as they might have helped us, but in proportion to their needs, and there is all the difference in the world between a religion that teaches you just to keep even with other people and the religion that teaches you to spend yourself for other people and to help them as they need help.

Mr. Darrow – There is no doubt about that; I haven't asked you that.

Mr. Bryan – That is one of the differences between the two.

How Old is Confucianism?

Mr. Darrow – Do you know how old the Confucian religion is?

Mr. Bryan – I can't give you the exact date of it.

Mr. Darrow – Did you ever investigate to find out?

Mr. Bryan – Not to be able to speak definitely as to date, but I can tell you something I read, and will tell you.

Mr. Darrow – Wouldn't you just as soon answer my questions? And get along?

Mr. Bryan – Yes, sir.

Mr. Darrow – Of course , if I take any advantage of misquoting you, I don't object to being stopped. Do you know how old the religion of Zoroaster is? [293]

Mr. Bryan – No, sir.

Mr. Darrow – Do you know they are both more ancient than the Christian religion?

Mr. Bryan – I am not willing to take the opinion of people who are trying to find excuses for rejecting the Christian religion when they attempt to give dates and hours and minutes, and they will have to get together and be more exact than they have yet been able, to compel me to accept just what they say as if it were absolutely true.

Mr. Bryan – Are you familiar with James Clark's book on the ten great religions?

Mr. Bryan – No.

Mr. Darrow – He was a Unitarian minister, wasn't he? You don't think he was trying to find fault, do you?

Mr. Bryan – I am not speaking of the motives of men.

Mr. Darrow – You don't know how old they are, all these other religions?

Mr. Bryan – I wouldn't attempt to speak correctly, but I think it is much more important to know the difference between them than to know the age.

Mr. Darrow – Not for the purpose of this inquiry, Mr. Bryan? Do you know about how many people there were on this earth at the beginning of the Christian era?

Mr. Bryan – No, I don't think I ever saw a census on that subject.

Mr. Darrow – Do you know about how many people there were on this earth 3,000 years ago?

Mr. Bryan – No.

Mr. Darrow – Did you ever try to find out?

Mr. Bryan – When you display my ignorance, could you not give me the facts, so I would not be ignorant any longer? Can you tell me how many people there were when Christ was born?

Mr. Darrow – You know, some of us might get the facts and still be ignorant.

Mr. Bryan – Will you please give me that? You ought not to ask me a question when you don't know the answer to it.

Mr. Darrow – I can make an estimate.

Mr. Bryan – What is your estimate?

How Many People 5,000 Years Ago?

Mr. Darrow – Wait until you get to me. Do you know anything about how many people there were in Egypt 3,500 years ago, or how many people there were in China 5,000 years ago?

Mr. Bryan – No.

Mr. Darrow – Have you ever tried to find out?

Mr. Bryan – No, sir. You are the first man I ever heard of who has been interested in it. (Laughter.)

Mr. Darrow – Mr. Bryan, am I the first man you ever heard of who has been interested in the age of human societies and primitive man?

Mr. Bryan – You are the first man I ever heard speak of the number of people at those different periods.

Mr. Darrow – Where have you lived all your life?

Mr. Bryan – Not near you. (Laughter and applause.)

Mr. Darrow – Nor near anybody of learning?

Mr. Bryan – Oh, don't assume you know it all.

Mr. Darrow – Do you know there are thousands of books in our libraries on all those subjects I have been asking you about?

Mr. Bryan – I couldn't say, but I will take your word for it.

Mr. Darrow – Did you ever read a book on primitive man? Like Tyler's Primitive Culture, or Boaz, or any of the great authorities?

Mr. Bryan – I don't think I ever read the ones you have mentioned.

Mr. Darrow – Have you read any?

Mr. Bryan – Well I have read a little from time to time. But I didn't pursue it, because I didn't know I was to be called as a witness.

Never Interested in Primitive Peoples

Mr. Darrow – You have never in all your life made any attempt to find out about the other peoples of the earth – how old their civilizations are – how long they had existed on the earth, have you?

Mr. Bryan – No, sir, I have been so well satisfied with the Christian religion that I have spent no time trying to find arguments against it.

Mr. Darrow – Were you afraid you might find some?

Mr. Bryan – No, sir, I am not afraid now that you will show me any.

Mr. Darrow – You remember that man who said – I am not quoting literally – that one could not be content though he rose from the dead – you suppose you could be content?

Mr. Bryan – Well, will you give the rest of it, Mr. Darrow?

Mr. Darrow – No.

Mr. Bryan – Why not?

Mr. Darrow – I am not interested.

Mr. Bryan – Why scrap the Bible“ they have Moses and the prophets”?

Mr. Darrow – Who has?

Mr. Bryan – That is the rest of the quotation you didn’t finish.

Mr. Darrow – And so you think if they have Moses and the prophets they don’t need to find out anything else?

Mr. Bryan – That was the answer that was made there.

Mr. Darrow – And you follow the same rule?

“All the Information I Need”

Mr. Bryan – I have all the information I want to live by and to die by.

Mr. Darrow – And that’s all you are interested in?

Mr. Bryan – I am not looking for any more on religion.

Mr. Darrow – You don’t care how old the earth is, how old man is and how long the animals have been here?

Mr. Bryan – I am not so much interested in that.

Mr. Darrow – You have never made any investigation to find out?

Mr. Bryan – No, sir, I have never.

Mr. Darrow – All right?

Mr. Bryan – Now, will you let me finish the question?

Mr. Darrow – What question was that. If there is anything more you want to say about Confucius I don’t object.

Mr. Bryan – Oh, yes, I have got two more things.

Mr. Darrow – If Your Honor please I don't object, but his speeches are not germane to my question.

Mr. Hicks (Sue K.) – Your Honor, he put him on.

Judge Raulston – You went into it and I will let him explain.

Mr. Darrow – I asked him certain specific questions about Confucius.

Mr. Hicks (Sue K.) – The questions he is asking are not germane, either.

Mr. Darrow – I think they are.

Other Differences

Mr. Bryan – I mentioned the word reciprocity to show the difference between Christ's teachings in that respect and the teachings of Confucius. I call your attention to another difference. One of the followers of Confucius asked him "what do you think of the doctrine that you should reward evil with good?" and the answer of Confucius was "reward evil with justice and reward good with good. Love your enemies. Overcome evil with good," and there is a difference between the two teachings – a difference incalculable in its effect and in – The third difference – people who scoff at religion and try to make it appear that Jesus brought nothing into the world, talk about the Golden Rule of Confucius. Confucius said "do not unto others what you would not have others do unto you." It was purely negative. Jesus taught "do unto others as you would have others do unto you." There is all the difference in the world between a negative harmlessness and a positive helpfulness and the Christian religion is a religion of helpfulness, of service, embodied in the language of Jesus when he said "let him who would be chiefest among you be the servant of all." Those are the three differences between the teachings of Jesus and the teachings of Confucius, and they are very strong differences on very important questions. Now, Mr. Darrow, you asked me if I knew anything about Buddha.

Mr. Darrow – You want to make a speech on Buddha, too?

Mr. Bryan – No, sir; I want to answer your question on Buddha.

Mr. Darrow – I asked you if you knew anything about him?

Mr. Bryan – I do.

Mr. Darrow – Well, that's answered, then.

Mr. Bryan – Buddha

Mr. Darrow – Well, wait a minute, you answered the questions.

Judge Raulston – I will let him tell what he knows.

Mr. Darrow – All he knows?

Judge Raulston – Well, I don't know about that.

Mr. Bryan – I won't insist in telling all I know. I will tell more than Mr. Darrow wants told.

Mr. Darrow – Well, all right, tell it, I don't care.

Buddhism is Agnostic

Mr. Bryan – Buddhism is an agnostic religion.

Mr. Darrow – To what? – what do you mean by agnostic?

Mr. Bryan – I don't know.

Mr. Darrow – You don't know what you mean?

Mr. Bryan – That is what “agnosticism” is – I don't know. When I was in Rangoon, Burma, one of the Buddhists told me that they were going to send a delegation to an agnostic congress that was to be held soon at Rome and I read in an official document.

Mr. Darrow – Do you remember his name?

Mr. Bryan – No, sir, I don't.

Mr. Darrow – What did he look like, how tall was he?

As Tall As You, But Not So Crooked

Mr. Bryan – I think he was about as tall as you but not so crooked.

Mr. Darrow – Do you know about how old a man he was – do you know whether he was old enough to know what he was talking about?

Mr. Bryan – He seemed to be old enough to know what he was talking about. (Laughter.)

Mr. Darrow – If Your Honor please, instead of answering plain specific questions we are permitting the witness to regale the crowd with what some black man said to him when he was traveling in Rang – who, India?

Mr. Bryan – He was dark-colored, but not black.

Judge Raulston – I will let him go ahead and answer.

Mr. Bryan – I wanted to say that I then read a paper that he gave me, an official paper of the Buddhist church and it advocated the sending of delegates to that agnostic congress at Rome, arguing that it was an agnostic religion and I will give you another evidence of it. I went to call on a Buddhist teacher.

Objects to Bryan Making Speeches

Mr. Darrow – I object to Mr. Bryan making a speech every time I ask him a question.

Judge Raulston – Let him finish this answer and then you can go ahead.

Mr. Bryan – I went to call on a Buddhist priest and found him at his noon meal, and there was an Englishman there who was also a Buddhist. He went over as ship's carpenter and became a Buddhist and had been for about six years and while I waited for the Buddhist priest I talked to the Englishman and I asked him what was the most important thing in Buddhism and he said the most important thing was you didn't have to believe to be a Buddhist.

Mr. Darrow – You know the name of the Englishman?

Mr. Bryan – No, sir, I don't know his name.

Mr. Darrow – What did he look like? What did he look like?

Mr. Bryan – He was what I would call an average looking man.

Mr. Darrow – How could you tell he was an Englishman?

Mr. Bryan – He told me so.

Mr. Darrow – Do you know whether he was truthful or not?

Mr. Bryan – No, sir, but I took his word for it.

Judge Raulston – Well, get along, Mr. Darrow, with your examination.

Mr. Darrow – Mr. Bryan ought to get along.

Tower of Babel

Mr. Darrow – You have heard of the Tower of Babel haven't you?

Mr. Bryan – Yes, sir.

Mr. Darrow – That tower was built under the ambition that they could build a tower up to heaven, wasn't it? And God saw what they were at and to prevent their getting into heaven he confused their tongues?

Mr. Bryan – Something like that, I wouldn't say to prevent their getting into heaven. I don't think it is necessary to believe that God was afraid they would get to heaven –

Mr. Darrow – I mean that way?

Mr. Bryan – I think it was a rebuke to them.

Mr. Darrow – A rebuke to them trying to go that way?

Mr. Bryan – To build that tower for that purpose.

Mr. Darrow – Take that short cut?

Mr. Bryan – That is your language, not mine.

Mr. Darrow – Now when was that?

Mr. Bryan – Give us the Bible.

Mr. Darrow – Yes, we will have strict authority on it – scientific authority?

Mr. Bryan – That was about 100 years before the flood, Mr. Darrow, according to this chronology . It is 2247, the date on one page is 2218 and on the other 2247 and it is described in here –

Mr. Darrow – That is the year 2247?

Mr. Bryan – 2218 B. C. is at the top of one page and 2247 at the other and there is nothing in here to indicate the change.

Mr. Darrow – Well, make it 2230 then?

Mr. Bryan – All right, about.

Mr. Darrow – Then you add 1500 to that –

Mr. Bryan – No, 1925.

Mr. Darrow – Add 1925 to that, that would be 4,155 years ago. Up to 4,155 years ago every human being on earth spoke the same language?

Mr. Bryan – Yes, sir, I think that is the inference that could be drawn from that.

Mr. Darrow – All the different languages of the earth, dating from the Tower of Babel, is that right? Do you know how many languages are spoken on the face of the earth?

Mr. Bryan – No, I know the Bible has been translated into 500 and no other book has been translated into anything like that many.

Mr. Darrow – That is interesting, if true? Do you know all the languages there are?

Mr. Bryan – No, sir, I can't tell you. There may be many dialects besides that and some languages, but those are all the principal languages.

Mr. Darrow – There are a great many that are not principal languages?

Mr. Bryan – Yes, sir.

Mr. Darrow – You haven't any idea how many there are?

Mr. Bryan – No, sir.

Mr. Darrow – How many people have spoken all those various languages?

Mr. Bryan – No, sir.

Mr. Darrow – And you say that all those languages of all the sons of men have come on the earth not over 4,150 years ago?

Mr. Bryan – I have seen no evidence that would lead me to put it any further back than that.

Mr. Darrow – That is your belief anyway – that that was due to the confusion of tongues at the tower of Babel. Did you ever study philology at all?

Mr. Bryan – No, I have never made a study of it – not in the sense in which you speak of it.

Mr. Darrow – You have used language all your life?

Mr. Bryan – Well, hardly all my life ever since I was about a year old.

Mr. Darrow – And good language, too, and you have never taken any pains to find anything about the origin of languages?

Mr. Bryan – I have never studied it as a science.

Mr. Darrow – Have you ever by any chance read Max Mueller?

Mr. Bryan – No.

Mr. Darrow – The great German philologist?

Mr. Bryan – No.

Mr. Darrow – Or any book on that subject?

Mr. Bryan – I don't remember to have read a book on that subject, especially, but I have read extracts, of course, and articles on philology.

How Old is Earth?

Mr. Darrow – Mr. Bryan, could you tell me how old the earth is?

Mr. Bryan – No, sir, I couldn't.

Mr. Darrow – Could you come anywhere near it?

Mr. Bryan – I wouldn't attempt to. I could possibly come as near as the scientists do, but I had rather be more accurate before I give a guess.

Mr. Darrow – You don't think much of scientists, do you?

Mr. Bryan – Yes, sir, I do, sir.

Mr. Darrow – Is there any scientist in the world you think much of?

Mr. Bryan – I do.

Mr. Darrow – Who?

Mr. Bryan – Well, I think the bulk of the scientists

Mr. Darrow – I don't want that kind of an answer, Mr. Bryan, who are they?

Mr. Bryan – I will give you George M. Price, for instance.

Mr. Darrow – Who is he?

Mr. Bryan – Professor of geology in a college.

Mr. Darrow – Where?

Mr. Bryan – He was out near Lincoln, Neb.

Mr. Darrow – How close to Lincoln Neb.?

Mr. Bryan – About three or four miles. He is now in a college out in California.

Mr. Darrow – Where is the college?

Mr. Bryan – At Lodi.

Mr. Darrow – That is a small college?

Mr. Bryan – I didn't know you had to judge a man by the size of the college – I thought you judged him by the size of the man.

Mr. Darrow – I thought the size of the college made some difference?

Mr. Bryan – It might raise a presumption in the minds of some, but I think I would rather find out what he believed.

Mr. Darrow – You would rather find out whether his belief corresponds with your views or prejudices or whatever they are before you said how good he was?

Mr. Bryan – Well, you know the word "prejudice" is –

Mr. Darrow – Well, belief, then.

Mr. Bryan – I don't think I am any more prejudiced for the Bible than you are against it.

Mr. Darrow – Well, I don't know?

Mr. Bryan – Well, I don't know either, it is my guess.

Mr. Darrow – You mentioned Price because he is the only human being in the world so far as you know that signs his name as a geologist that believes like you do?

Mr. Bryan – No, there is a man named Wright, who taught at Oberlin.

Mr. Darrow – I will get to Mr. Wright in a moment. Who publishes his book?

Mr. Bryan – I can't tell you. I can get you the book.

Mr. Darrow – Don't you know? Don't you know it is Revell & Co., Chicago?

Mr. Bryan – I couldn't say. He publishes yours, doesn't he?

Mr. Bryan – Yes, sir.

Gen. Stewart – Will you let me make an exception . I don't think it is pertinent about who publishes a book.

Says Bryan Quotes Mountebank

Mr. Darrow – He has quoted a man that every scientist in this country knows is a mountebank and a pretender and not a geologist at all.

Judge Raulston – You can ask him about the man , but don't ask him about who publishes the book.

Mr. Darrow – Do you know anything about the college he is in?

Mr. Bryan – No, I can't tell you.

Mr. Darrow – Do you know how old his book is?

Mr. Bryan – No, sir, it is a recent book.

Mr. Darrow – Do you know anything about his training?

Mr. Bryan – No, I can't say on that.

Mr. Darrow – Do you know of any geologist on the face of the earth who ever recognized him?

Mr. Bryan – I couldn't say.

Mr. Darrow – Do you think he is all right? How old does he say the earth is?

Mr. Bryan – I am not sure that I would insist on some particular geologist that you picked out recognizing him before I would consider him worthy if he agreed with your views?

Mr. Darrow – You would consider him worthy if he agreed with your views?

Mr. Bryan – Well, I think his argument is very good.

Mr. Darrow – How old does Mr. Price say the earth is?

Mr. Bryan – I haven't examined the book in order to answer questions on it.

Mr. Darrow – Then you don't know anything about how old he says it is?

Mr. Bryan – He speaks of the layers that are supposed to measure age and points out that they are not uniform and not always the same and that attempts to measure age by those layers where they are not in the order in which they are usually found makes it difficult to fix the exact age.

Mr. Darrow – Does he say anything whatever about the age of the earth?

Mr. Bryan – I wouldn't be able to testify.

Mr. Darrow – You didn't get anything about the age from him?

Mr. Bryan – Well, I know he disputes what you say and has very good evidence to dispute it – what some others say about the age.

Mr. Darrow – Where did you get your information about the age of the earth?

Mr. Bryan – I am not attempting to give you information about the age of the earth.

Wright of Oberlin?

Mr. Darrow – Then you say there was Mr. Wright, of Oberlin?

Mr. Bryan – That was rather I think on the age of man than upon the age of the earth.

Mr. Darrow – There are two Mr. Wrights, of Oberlin?

Mr. Bryan – I couldn't say.

Mr. Darrow – Both of them geologists. Do you know how long Mr. Wright says man has been on the earth?

Mr. Bryan – Well, he gives the estimates of different people.

Mr. Darrow – Does he give any opinion of his own?

Mr. Bryan – I think he does.

Mr. Darrow – What is it?

Mr. Bryan – I am not sure.

Mr. Darrow – What is it?

Mr. Bryan – It was based upon the last glacial age – that man has appeared since the last glacial age.

Mr. Darrow – Did he say there was no man on earth before the last glacial age?

Mr. Bryan – I think he disputes the finding of any proof – where the proof is authentic – but I had rather read him than quote him. I don't like to run the risk of quoting from memory.

Mr. Darrow – You couldn't say then how long Mr. Wright places it?

Mr. Bryan – I don't attempt to tell you.

Mr. Darrow – When was the last glacial age?

Mr. Bryan – I wouldn't attempt to tell you that.

Mr. Darrow – Have you any idea?

Mr. Bryan – I wouldn't want to fix it without looking at some of the figures.

Mr. Darrow – That was since the tower of Babel, wasn't it?

Mr. Bryan – Well, I wouldn't want to fix it. I think it was before the time given in here, and that was only given as the possible appearance of man and not the actual.

Mr. Darrow – Have you any idea how far back the last glacial age was?

Mr. Bryan – No, sir.

Mr. Darrow – Do you know whether it was more than 6,000 years ago?

Mr. Bryan – I think it was more than 6,000 years.

Mr. Darrow – Have you any idea how old the earth is?

Mr. Bryan – No.

Bible Gives Age of Earth?

Mr. Darrow – The book you have introduced in evidence tells you, doesn't it?

Mr. Bryan – I don't think it does, Mr. Darrow.

Mr. Darrow – Let's see whether it does ; is this the one?

Mr. Bryan – That is the one, I think.

Mr. Darrow – It says B. C. 4004?

Mr. Bryan – That is Bishop Usher's calculation.

Mr. Darrow – That is printed in the Bible you introduced?

Mr. Bryan – Yes, sir.

Mr. Darrow – And numerous other Bibles?

Mr. Bryan – Yes, sir.

Mr. Darrow – Printed in the Bible in general use in Tennessee?

Mr. Bryan – I couldn't say.

Mr. Darrow – And Scofield's Bible?

Mr. Bryan – I couldn't say about that.

Mr. Darrow – You have seen it somewhere else?

Mr. Bryan – I think that is the chronology usually used.

Mr. Darrow – Does the Bible you have introduced for the jury's consideration say that?

Mr. Bryan – Well, you will have to ask those who introduced that.

Mr. Darrow – You haven't practiced law for a long time, so I will ask you if that is the King James version that was introduced? That is your marking, and I assume it is?

Mr. Bryan – I think that is the same one. Mr. Darrow There is no doubt about it, is there, gentlemen?

Mr. Stewart – That is the same one.

Mr. Darrow – Would you say that the earth was only 4,000 years old?

Mr. Bryan – Oh, no; I think it is much older than that.

Mr. Darrow – How much?

Mr. Bryan – I couldn't say.

Mr. Darrow – Do you say whether the Bible itself says it is older than that?

Mr. Bryan – I don't think the Bible says itself whether it is older or not.

Mr. Darrow – Do you think the earth was made in six days?

Bryan – “Not Six Days of Twenty-four Hours”

Mr. Bryan – Not six days of twenty-four hours.

Mr. Darrow – Doesn't it say so?

Mr. Bryan – No, sir.

Gen. Stewart – I want to interpose another objection . What is the purpose of this examination?

Mr. Bryan – The purpose is to cast ridicule on everybody who believes in the Bible, and I am perfectly willing that the world shall know that these gentlemen have no other purpose than ridiculing every Christian who believes in the Bible.

Mr. Darrow – We have the purpose of preventing bigots and ignoramuses from controlling the education of the United States and you know it, and that is all.

Mr. Bryan – I am glad to bring out that statement. I want the world to know that this evidence is not for the view Mr. Darrow and his associates have filed affidavits here stating, the purposes of which I understand it, is to show that the Bible story is not true.

Mr. Malone – Mr. Bryan seems anxious to get some evidence in the record that would tend to show that those affidavits are not true.

Bryan Wants World to Know He Is Not Afraid

Mr. Bryan – I am not trying to get anything into the record. I am simply trying to protect the word of God against the greatest atheist or agnostic in the United States. (Prolonged applause.) I want the papers to know I am not afraid to get on the stand in front of him and let him do his worst. I want the world to know. (Prolonged applause.)

Mr. Darrow – I wish I could get a picture of these clackers.

Gen. Stewart – I am not afraid of Mr. Bryan being perfectly able to take care of himself, but this examination cannot be a legal examination and it cannot be worth a thing in the world, and, Your Honor, I respectfully except to it, and call on Your Honor, in the name of all that is legal, to stop this examination and stop it here.

Mr. Hays – I rather sympathize with the general, but Mr. Bryan is produced as a witness because he is a student of the Bible and he presumably understands what the Bible means. He is one of the foremost students in the United States, and we hope to show Mr. Bryan, who is a student of the Bible, what the Bible really means in connection with evolution. Mr. Bryan has already stated that the world is not merely 6,000 years old and that is very helpful to us, and where your evidence is coming from, this Bible, which goes to the jury, is that the world started in 4004 B. C.

Mr. Bryan – You think the Bible says that?

Mr. Hays – The one you have taken in evidence says that.

Mr. Bryan – I don't concede that it does.

Mr. Hays – You know that that chronology is made up by adding together all of the ages of the people in the Bible counting their ages; and now then, let us show the next stage from a Bible student, that these things are not to be taken literally, but that each man is entitled to his own interpretation.

Gen. Stewart – The court makes the interpretation.

Mr. Hays – But the court is entitled to information on what is the interpretation of an expert Bible student.

Stewart Bitterly Opposes Proceedings

Gen. Stewart – This is resulting in a harangue and nothing else.

Mr. Darrow – I didn't do any of the haranguing; Mr. Bryan has been doing that.

Gen. Stewart – You know absolutely you have done it.

Mr. Darrow – Oh, all right.

Mr. Malone – Mr. Bryan doesn't need any support.

Gen. Stewart – Certainly he doesn't need any support, but I am doing what I conceive my duty to be, and I don't need any advice, if you please, sir. (Applause.)

Judge Raulston – That would be irrelevant testimony if it was going to the jury. Of course, it is excluded from [300] the jury on the point it is not competent testimony, on the same ground as the affidaviting.

Mr. Hicks – Your Honor, let me say a word right there. It is in the discretion of the court how long you will allow them to question witnesses for the purpose of taking testimony to the supreme court. Now, we as taxpayers of this county, feel that this has gone beyond reason.

Judge Raulston – Well, now, that taxpayers doesn't appeal to me so much, when it is only fifteen or twenty minutes time.

Mr. Darrow – I would have been through in a half-hour if Mr. Bryan had answered my questions.

Gen. Stewart – They want to put in affidavits as to what other witnesses would swear, why not let them put in affidavits as to what Mr. Bryan would swear?

Mr. Bryan – God forbid.

Mr. Malone – I will just make this suggestion

Gen. Stewart – It is not worth anything to them, if Your Honor please, even for the record in the supreme court.

Mr. Hays – Is not it worth anything to us if Mr. Bryan will accept the story of creation in detail, and if Mr. Bryan, as a Bible student, states you cannot take the Bible necessarily as literally true?

Mr. Stewart – The Bible speaks for itself.

Mr. Hays – You mean to say the Bible itself tells whether these are parables? Does it?

Gen. Stewart – We have left all annals of procedure behind. This is a harangue between Col. Darrow and his witness. He makes so many statements that he is forced to defend himself.

Mr. Darrow – I do not do that.

Gen. Stewart – I except to that as not pertinent to this lawsuit.

Judge Raulston – Of course, it is not pertinent, or it would be before the jury.

Gen. Stewart – It is not worth anything before a jury.

Judge Raulston – Are you about through, Mr. Darrow?

Mr. Darrow – I want to ask a few more questions about the creation.

Judge Raulston – I know. We are going to adjourn when Mr. Bryan comes off the stand for the day. Be very brief, Mr. Darrow. Of course, I believe I will make myself clearer. Of course, it is incompetent testimony before the jury. The only reason I am allowing this to go in at all is that they may have it in the appellate courts, as showing what the affidavit would be.

Bryan Insists He Is Not Afraid of Agnostics or Atheists

Mr. Bryan – The reason I am answering is not for the benefit of the superior court. It is to keep these gentlemen from saying I was afraid to meet them and let them question me, and I want the Christian world to know that any atheist, agnostic, unbeliever, can question me any time as to my belief in God, and I will answer him.

Mr. Darrow – I want to take an exception to this conduct of this witness. He may be very popular down here in the hills. I do not need to have his explanation for his answer.

Judge Raulston – Yes.

Mr. Bryan – If I had not, I would not have answered the question.

Mr. Hays – May I be heard? I do not want Your Honor to think we are asking questions of Mr. Bryan with the expectation that the higher court will not say that those questions are proper testimony. The reason I state that is this, your law speaks for the Bible. Your law does not say the literal interpretation of the Bible. If Mr. Bryan, who is a student of the Bible, will state that everything in the Bible need not be interpreted literally, that each man must judge for himself; if he will state that, of course, then Your Honor would charge the jury. We are not bound by a literal interpretation of the Bible. If I have made my argument clear enough for the Attorney General to understand, I will retire.

Gen. Stewart – I will admit you have frequently been difficult of comprehension, and I think you are as much to blame as I am.

Mr. Hays – I know I am.

Gen. Stewart – I think this is not legal evidence for the record in the appellate courts. King James' versions of the Bible, as Your Honor says –

Judge Raulston – I cannot say that.

Gen. Stewart – Your Honor has held the court takes judicial knowledge of King James's version of the Bible.

Judge Raulston – No, sir; I did not do that.

Gen. Stewart – Your Honor charged the grand jury and read from that.

Judge Raulston – I happened to have the Bible in my hand, it happened to be a King James edition, but I will charge the jury, gentlemen, the Bible generally used in Tennessee, as the book ordinarily understood in Tennessee, as the Bible, I do not think it is proper for us to say to the jury what Bible.

Gen. Stewart – Of course, that is all we could ask of Your Honor. This investigation or interrogation of Mr. Bryan as a witness, Mr. Bryan is called to testify, was of the counsel for the prosecution in this case, and has been asked something, perhaps less than a thousand questions, of course, not personal to this case, and it has resulted in an argument, and argument about every other question cannot be avoided. I submit Your Honor, it is not worth anything in the record at all, if it is not legal testimony. Mr. Bryan is willing to testify and is able to defend himself. I accept it, if the court please, and ask Your Honor to stop it.

Mr. Hays – May I ask a question? If your contention is correct that this law does not necessarily mean that the Bible is to be taken literally, word for word, is not this competent evidence?

Gen. Stewart – Why could you not prove it by your scientists?

Mr. Darrow – We are calling one of the most foremost Bible students. You vouch for him.

Mr. Malone – We are offering the best evidence.

Gen. McKenzie – Do you think this evidence is competent before a jury?

Mr. Darrow – I think so.

Judge Raulston – It is not competent evidence for the jury.

Gen. McKenzie – Nor is it competent in the appellate courts, and these gentlemen would no more file the testimony of Col. Bryan as a part of the record in this case than they would file a rattlesnake and handle it themselves. Messrs. Darrow,

Hays and Malone (In Unison) – We will file it. We will file it. File every word of it.

Mr. Bryan – Your Honor, they have not asked a question legally, and the only reason they have asked any question is for the purpose, as the question about Jonah was asked, for a chance to give this agnostic an opportunity to criticize a believer in the word of God; and I answered the question

in order to shut his mouth so that he cannot go out and tell his atheistic friends that I would not answer his question. That is the only reason, no more reason in the world.

Mr. Malone – Your Honor, on this very subject, I would like to say that I would have asked **Mr. Bryan** – and I consider myself as good a Christian as he is – every question that Mr. Darrow has asked him for the purpose of bringing out whether or not there is to be taken in this court only a literal interpretation of the Bible, or whether, obviously, as these questions indicate, if a general and literal construction cannot be put upon the parts of the Bible which have been covered by Mr. Darrow’s questions. I hope for the last time no further attempt will be made by counsel on the other side of the case, or Mr. Bryan, to say the defense is concerned at all with Mr. Darrow’s particular religious views or lack of religious views. We are here as lawyers with the same right to our views. I have the same right to mine as a Christian as Mr. Bryan has to his, and we do not intend to have this case charged by Mr. Darrow’s agnosticism or Mr. Bryan’s brand of Christianity. (A great applause.)

Judge Raulston – I will pass on each question as asked, if it is objected to. Mr. Darrow:

Mr. Darrow – Mr. Bryan, do you believe that the first woman was Eve?

Mr. Bryan – Yes.

Mr. Darrow – Do you believe she was literally made out of Adam’s rib?

Mr. Bryan – I do.

Where Did Cain Get His Wife?

Mr. Darrow – Did you ever discover where Cain got his wife?

Mr. Bryan – No, sir; I leave the agnostics to hunt for her.

Mr. Darrow – You have never found out?

Mr. Bryan – I have never tried to find.

Mr. Darrow – You have never tried to find?

Mr. Bryan – No.

Mr. Darrow – The Bible says he got one, doesn’t it? Were there other people on the earth at that time?

Mr. Bryan – I cannot say.

Mr. Darrow – You cannot say. Did that ever enter your consideration?

Mr. Bryan – Never bothered me.

Mr. Darrow – There were no others recorded, but Cain got a wife.

Mr. Bryan – That is what the Bible says.

Mr. Darrow – Where she came from you do not know. All right. Does the statement, “The morning and the evening were the first day,” and “The morning and the evening were the second day,” mean anything to you?

Mr. Bryan – I do not think it necessarily means a twenty-four-hour day.

Mr. Darrow – You do not?

Mr. Bryan – No.

Mr. Darrow – What do you consider it to be?

Mr. Bryan – I have not attempted to explain it. If you will take the second chapter – let me have the book. (Examining Bible.) The fourth verse of the second chapter says: “These are the generations of the heavens and of the earth, when they were created in the day that the Lord God made the earth and the heavens,” the word “day” there in the very next chapter is used to describe a period. I do not see that there is any necessity for construing the words, “the evening and the morning,” as meaning necessarily a twenty-four-hour day, “in the day when the Lord made the heaven and the earth.”

Mr. Darrow – Then, when the Bible said, for instance, “and God called the firmament heaven. And the evening and the morning were the second day,” that does not necessarily mean twenty-four hours?

Mr. Bryan – I do not think it necessarily does.

Mr. Darrow – Do you think it does or does not?

Mr. Bryan – I know a great many think so.

Mr. Darrow – What do you think?

Mr. Bryan – I do not think it does.

Mr. Darrow – You think those were not literal days?

Mr. Bryan – I do not think they were twenty-four-hour days.

Mr. Darrow – What do you think about it?

Mr. Bryan – That is my opinion – I do not know that my opinion is better on that subject than those who think it does.

Mr. Darrow – You do not think that?

Mr. Bryan – No. But I think it would be just as easy for the kind of God we believe in to make the earth in six days as in six years or in 6,000,000 years or in 600,000,000 years. I do not think it important whether we believe one or the other.

Mr. Darrow – Do you think those were literal days?

Mr. Bryan – My impression is they were periods, but I would not attempt to argue as against anybody who wanted to believe in literal days.

Mr. Darrow – Have you any idea of the length of the periods?

Mr. Bryan – No; I don't.

Mr. Darrow – Do you think the sun was made on the fourth day?

Mr. Bryan – Yes.

Mr. Darrow – And they had evening and morning without the sun?

Mr. Bryan – I am simply saying it is a period.

Mr. Darrow – They had evening and morning for four periods without the sun, do you think?

Mr. Bryan – I believe in creation as there told, and if I am not able to explain it I will accept it. Then you can explain it to suit yourself.

Mr. Darrow – Mr. Bryan, what I want to know is, do you believe the sun was made on the fourth day?

Mr. Bryan – I believe just as it says there.

Mr. Darrow – Do you believe the sun was made on the fourth day?

Mr. Bryan – Read it.

Mr. Darrow – I am very sorry; you have read it so many times you would know, but I will read it again: “And God said, let there be lights in the firmament of the heaven, to divide the day from the night; and let them be for signs, and for seasons, and for days, and years. “And let them be for lights in the firmament of the heaven, to give light upon the earth; and it was so. “And God made two great lights; the greater light to rule the day, and the lesser light to rule the night; He made the stars also. “And God set them in the firmament of the heaven, to give light upon the earth, and to rule over the day and over the night, and to divide the light from the darkness; and God saw that it was good. And the evening and the morning were the fourth day.” Do you believe, whether it was a literal day or a period, the sun and the moon were not made until the fourth day?

Mr. Bryan – I believe they were made in the order in which they were given there, and I think in dispute with Gladstone and Huxley on that point

Mr. Darrow – Cannot you answer my question?

Mr. Bryan – I prefer to agree with Gladstone.

Mr. Darrow – I do not care about Gladstone.

Mr. Bryan – Then prefer to agree with whoever you please.

Mr. Darrow – Can not you answer my question?

Mr. Bryan – I have answered it. I believe that it was made on the fourth day, in the fourth day.

Mr. Darrow – And they had the evening and the morning before that time for three days or three periods. All right, that settles it. Now , if you call those periods, they may have been a very long time.

Mr. Bryan – They might have been.

Mr. Darrow – The creation might have been going on for a very long time?

Mr. Bryan – It might have continued for millions of years.

Eve and the Serpent

Mr. Darrow – Yes. All right. Do you believe the story of the temptation of Eve by the serpent?

Mr. Bryan – I do.

Mr. Darrow – Do you believe that after Eve ate the apple, or gave it to Adam, whichever way it was, that God cursed Eve , and at that time decreed that all womankind thenceforth and forever should suffer the pains of childbirth in the reproduction of the earth?

Mr. Bryan – I believe what it says, and I believe the fact as fully –

Mr. Darrow – That is what it says, doesn't it?

Mr. Bryan – Yes.

Mr. Darrow – And for that reason, every woman born of woman, who has to carry on the race, the reason they have childbirth pains is because Eve tempted Adam in the Garden of Eden?

Mr. Bryan – I will believe just what the Bible says. I ask to put that in the language of the Bible, for I prefer that to your language. Read the Bible and I will answer.

Mr. Darrow – All right, I will do that: “And I will put enmity between thee and the woman” – that is referring to the serpent?

Mr. Bryan – The serpent.

Mr. Darrow – (Reading) “and between thy seed and her seed; it shall bruise thy head, and thou shalt bruise his heel. Unto the woman he said, I will greatly multiply thy sorrow and thy conception; in sorrow thou shalt bring forth children; and thy desire shall be to thy husband , and he shall rule over thee.” That is right, is it?

Mr. Bryan – I accept it as it is.

Mr. Darrow – And you believe that came about because Eve tempted Adam to eat the fruit?

Mr. Bryan – Just as it says.

Mr. Darrow – And you believe that is the reason that God made the serpent to go on his belly after he tempted Eve?

Bryan Insists on Bible Being Quoted Verbatim

Mr. Bryan – I believe the Bible as it is, and I do not permit you to put your language in the place of the language of the Almighty. You read that Bible and ask me questions, and I will answer them. I will not answer your questions in your language.

Mr. Darrow – I will read it to you from the Bible : “And the Lord God said unto the serpent, because thou hast done this, thou art cursed above all cattle, and above every beast of the field; upon thy belly shalt thou go and dust shalt thou eat all the days of thy life.” Do you think that is why the serpent is compelled to crawl upon its belly?

Mr. Bryan – I believe that.

Mr. Darrow – Have you any idea how the snake went before that time?

Mr. Bryan – No, sir.

Mr. Darrow – Do you know whether he walked on his tail or not?

Mr. Bryan – No, sir. I have no way to know. (Laughter in audience).

Mr. Darrow – Now, you refer to the cloud that was put in the heaven after the flood, the rainbow. Do you believe in that?

Mr. Bryan – Read it.

Mr. Darrow – All right, Mr. Bryan, I will read it for you.

Mr. Bryan – Your Honor, I think I can shorten this testimony. The only purpose Mr. Darrow has is to slur at the Bible, but I will answer his question. I will answer it all at once, and I have no objection in the world, I want the world to know that this man, who does not believe in a God, is trying to use a court in Tennessee

Mr. Darrow – I object to that.

Mr. Bryan – (Continuing) to slur at it, and while it will require time, I am willing to take it.

Mr. Darrow – I object to your statement. I am exempting you on your fool ideas that no intelligent Christian on earth believes.

Judge Raulston – Court is adjourned until 9 o’clock tomorrow morning.