

Perpetuating the Myth:  
A Critical Examination of the Film *Inherit the Wind* and its Portrayal  
of the Scopes Trial

By  
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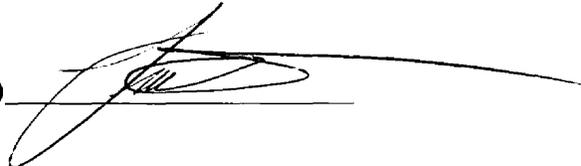
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I dedicate this work to Eugene Rutledge, an enthusiastic and caring educator who sparked my interest in history as a student at Sobey Elementary School all those years ago. I would also like to thank Dr. Bruce A. Rubenstein, a history professor of the first order at the University of Michigan-Flint, whose expectations I always sought to exceed.

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## Introduction

In January of 1925, John Washington Butler, a Democrat member of the Tennessee House of Representatives, proposed a bill that would “prohibit the teaching of evolution in the public schools of Tennessee.” The language of the Butler Act, as it became known, applied to all schools that were supported “in whole or in part by the public school funds of the state.” Further, it became a crime 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.”<sup>1</sup>

The Tennessee House of Representatives passed the Butler Act in quick fashion by a 71 to 5 margin. In the Senate however, the Butler Act came under more scrutiny. There were opponents on each side of the issue pressing the Senate to act in their favor. A group of Nashville ministers gathered petitions in an effort to defeat the act, while Billy Sunday and other like minded evangelists spoke out in favor of the legislation. In the end, the Senate agreed with the House and passed the measure by a vote of 24 to 6. With the bill approved by the entire legislature, it was sent to the Governor of Tennessee, Austin Peay, for his signature. Thus, on March 23, 1925, the Butler Act became a law.<sup>2</sup> After signing the document, Governor Peay noted that:

After a careful examination I can find nothing of consequence in the books now being taught in our schools with which this bill will interfere in the slightest manner. Therefore it will not put our teachers in any jeopardy. Probably the law will never be applied. It may not be sufficiently definite to admit of any specific application or enforcement. Nobody believes that it is going to be an active statute.<sup>3</sup>

What Governor Peay did not anticipate was that barely six weeks after the passage of the Butler Act, a high school teacher in Dayton Tennessee named John Thomas Scopes would be arrested for breaking the new law. The resulting trial of Scopes

would become known as the “trial of the century” before the first juror had been seated. What happened at Dayton that blazingly hot July would have a lasting impact on American culture that has extended to the present. The story of the Scopes trial has been told and retold so extensively that it has become difficult to discern what actually took place.

Adding to the confusion was the 1960 film *Inherit the Wind*, directed by Stanley Kramer. The movie, based on the 1955 play written by Jerome Lawrence and Robert E. Lee, was praised by reviewers at the time of its release for its historical significance. *Life* magazine noted that “The movie is fiction but still a fair picture of the furies that drove William Jennings Bryan when, in 1925 he prosecuted John Thomas Scopes for teaching evolution in defiance of the old time religion and Tennessee legislature.”<sup>4</sup> *Newsweek*, in its review, commented that the film *Inherit the Wind*, as most people should know by now, is based on the actual trial of John Scopes.”<sup>5</sup> Bosley Crowther, in his review in *The New York Times*, called the film a “barely fictionalized account of the famous or infamous Scopes trial in Dayton, Tennessee in 1925.”<sup>6</sup> These perceptions have continued into recent history. In 1994, the National Center for History in Schools published a list of instructional standards. In the section that addressed the shifting values of the 1920’s, the center recommended that teachers utilize the 1960 movie *Inherit the Wind* to explain how the views of William Jennings Bryan differed from those of Clarence Darrow.<sup>7</sup>

As of 2007, the Public Broadcasting Service, (PBS) has played the movie on a monthly basis as part of their block of educational films that they regularly present. This has only served to further entrench the movie as fact in the minds of the American public. Is this film an accurate portrayal of what happened during the Scopes trial? This paper

will take a comparative look at the film *Inherit the Wind* and the actual Scopes trial that took place in 1925.

Although the film was widely considered to be a documentary drama, the playwrights chose not to use the actual names of the characters. William Jennings Bryan was called Matthew Harrison Brady. Clarence Darrow was named Henry Drummond. *The Baltimore Sun* reporter H. L. Mencken was represented by E. K. Hornbeck, and John Thomas Scopes became Bert Cates. The town of Dayton, Tennessee was called Hillsboro. When a character in the movie is entirely fictional that will be noted.

## Prelude to a Trial

The movie *Inherit the Wind*, filmed in black and white, opened with a group of solemn looking men gathered on a street corner. In the background, director Stanley Kramer had the song “Old Time Religion” being sung in an ominous manner. The group of men collectively checked their watches and then proceeded to march toward the local high school. The scene then shifted to the interior of a biology class as the teacher, Bert Cates (Scopes), pulled down a chart that displayed the muscular anatomy of the male gorilla. As he began his lecture, the anonymous group of men filed into the rear of the classroom. Cates (Scopes) began speaking about Darwin’s descent of man. This prompted one of the men to halt the class and cite Cates (Scopes) for violation of the Butler Act. Cates (Scopes) responded, “Come on, Sam, you have known me all of my life.” A photographer appeared to record the event for posterity; then Cates (Scopes) was taken away to jail where he remained throughout the trial.

The subsequent scene opened with upbeat music and with the movie screen plastered with newspaper headlines from around the country that touted the impending trial as the “Trial of the Century.” The headlines read “Teacher Jailed in Test of Evolution,” “Are We Men or Monkeys,” “Monkey Trial in Hillsboro (Dayton),” “Heavenly Hillsboro (Dayton) a Return to the Middle Ages,” “Monkey Shines in Hillsboro (Dayton),” and “Heavenly Hillsboro (Dayton), Does It Have a Hole In Its Head or Its Head In a Hole?” These headlines angered the town’s fathers. They had gathered to discuss the trial and felt the nation’s papers were using their town as a punch line to a joke. One man shouted, “What do we care about what a bunch of foreigners and city slickers think!” The mood of the room changed dramatically however, when the latest

newspaper was placed on the table. The headline proclaimed, “Matthew Harrison Brady (Bryan) Volunteers to Prosecute in Monkey Trial.” With this development, the mood of those in the room became optimistic. The town’s leaders saw a business opportunity in hosting “the trial of the century.” Their comments were, “They will come pouring out of the hills and this town will fill up like a rain barrel in a flood.” “This will put Hillsboro (Dayton) on the map of this country,” “This will be bigger than the Chautauqua at Chattanooga,” and “They will have to have someplace to stay and they gotta eat.”

The roots of the Scopes trial did not take hold in the fertile soil of Eastern Tennessee as director Stanley Kramer described. They instead began in the offices of the American Civil Liberties Union (ACLU) in New York City. It was here that a secretary named Lucile Milner spotted a story in a Tennessee newspaper that announced the passage of the Butler Act. Founded a few years earlier, the ACLU maintained that its primary function was to defend the United States Constitution from what it determined to be unjust laws. The Butler Act was just the type of law it wanted to pursue. Its first priority was to find a teacher who would admit to breaking the law. To find a law breaker, the ACLU sent out press releases to major newspapers in Tennessee to inform them of its intentions. In Dayton, Tennessee, a mining engineer named George W. Rappelyea, who managed the Cumberland Coal and Iron Company, read one of these articles in *The Chattanooga Daily Times*.<sup>8</sup> While not a supporter of the Butler Act, Rappelyea was a realist who recognized an opportunity when it presented itself. His position with the mining company made him acutely aware of the financial troubles that Dayton was experiencing. The “trial of the century” could be the answer to the city’s prayers. Rappelyea made his way to Frank E. Robinson’s drugstore, where he went

about the business of recruiting others to join his project. After some minor arm twisting, he managed to convince Robinson, John Godsey, a local attorney, and school Superintendent Walter White to participate in his scheme.<sup>9</sup> What the group lacked, however, was a teacher who would admit to violating the Butler Act. It was at this point that they sent for John Thomas Scopes. When he arrived, Rappelyea and the others peppered him with questions. They asked if Biology could be taught without discussing evolution. Scopes' stance was that it could not be done. After an extensive discussion, the question was finally posed. "John, would you be willing to stand for a test case?" Initially Scopes was reluctant to join the plan, but after some additional discussion, he finally acquiesced and signed on to the endeavor. Scopes then departed for a tennis match, and Rappelyea wired the ACLU to notify it that he had secured a teacher who was willing to be prosecuted for violating the Butler Act.<sup>10</sup>

These series of events are in stark contrast to what Stanley Kramer portrayed in the film. In the movie, Scopes was depicted as a principled teacher who stood up against the Butler Act. In reality, he could be considered a reluctant collaborator of the "drugstore conspirators" who were led by Rappelyea. Scopes was also not a lifetime resident of Dayton as the film suggested. He had arrived in town the previous year, newly graduated from the University of Kentucky.<sup>11</sup> While the town's leaders were shown as religious zealots, this clearly was not the case. In fact, Dayton's two city attorneys, Herbert E. Hicks and Sue K. Hicks (named after his mother, who had died giving birth, and who was the boy named "Sue" Johnny Cash later made famous) as well as school Superintendent Walter White were the only men among the conspirators who declared their support for the Butler Act, even though they doubted its constitutionality.<sup>12</sup>

Kramer portrayed the town's leaders as trapped by circumstances beyond their control. This was also misleading, since they had arranged the entire trial. Without Rappelyea leading the way, the trial would not have come to fruition in Dayton. The newspaper headlines in the film also did not accurately reflect national reaction to Scopes' initial arrest. In the movie, the papers trumpeted the arrest in a mocking fashion with the emphasis placed on the town's lack of mental acumen. In truth, the papers treated Scopes' initial arrest with an almost casual disinterest. *The New York Times* published a small two paragraph article with the heading "Arrest Evolution Teacher." *The Washington Post* announced "Hold Teacher under Antievolution Law." *The Chicago Daily Tribune* proclaimed "Teacher Tests Evolution Law in Tennessee." The text of the *Tribune* article was a good representation of what had been written at the time, when it noted, "J. T. Scopes, Biology instructor in the local high school, is under arrest charged with telling his pupils that man is not a divine creation but the product of evolution from the lower animals." These headlines did not indicate any malice toward the people of Dayton as Kramer represented in the film.

The movie then shifted to a scene of Bert Cates (Scopes) playing cards with his jail guard. During the course of their conversation, the guard asked Cates (Scopes), "Who is going to be your lawyer?" He responded, "I don't know yet. I wrote to that paper in Baltimore, they're sending somebody." At this point their conversation was interrupted by a knock at the jail house door. Here entered Rachel Brown, the girlfriend of Cates (Scopes). The purpose of her visit was to beg her boyfriend to "Tell them you're sorry. Tell them it was all a mistake." Despite her best efforts, Cates (Scopes) refused to back away from his position, stating, "Tell them if they let my body out of jail, I'd lock

up my mind.” Their dialogue was then interrupted by the entrance of E. K. Hornbeck (Mencken) who remarked, “So this is where the fate of learning will be decided for the next ten thousand years.” He then proceeded to tell Cates (Scopes) that he had been writing about him, calling him the “Romeo with a biology book.” After reading some of Hornbeck’s (Mencken’s) article, Cates (Scopes) became upset, and commented, “You make me sound like a martyr.” At this point, Rachel asked Hornbeck (Mencken) to leave them alone, saying, “You reporters have caused enough trouble.” The scene closed with Hornbeck (Mencken) telling Cates (Scopes) that his paper would provide him with a lawyer. He then counseled Rachel, “I may be rancid butter, but I am on your side of the bread.”

In this scene, Kramer continued to paint his portrait of Scopes as a martyr by having him sitting in jail without any prospects for an attorney to represent him. In truth, he never spent a day in jail, and because the ACLU pressed for the case, Scopes was never in danger of being without a lawyer. The introduction of Rachel Brown as his girlfriend was a classic Hollywood ploy to generate empathy for Scopes. In fact, her character was entirely fictional.

The next scene of the movie documented the arrival of Matthew Harrison Brady (Bryan) to the town of Hillsboro (Dayton). The film opened with a wide angle shot of the town. The camera then began to zoom in, and the viewer became aware of the excitement that was beginning to grip the area. Banners were strung all around town welcoming Brady (Bryan). They read “We Love Brady (Bryan),” “Welcome Matthew Harrison Brady (Bryan),” and “March on with Brady (Bryan).” As the camera continued to pan, the viewer became aware that a parade was taking place. Leading the procession

was a band playing the song “Old Time Religion” in an up tempo, positive manner. In a car following the band were Brady (Bryan) and his wife, waving to the crowd that had packed each side of the street. Trailing them were a group of women, singing boisterously, swinging their arms, and marching in an exaggerated fashion. The crowd that fell in behind them held signs that read, “Down with Darwin,” “Godliness and Gorillas,” “The Bible and God,” “God Bless Matthew Harrison Brady (Bryan),” “Atheist Go Back to your Apes,” “Don’t Pin a Tail on Me,” “Deliver Us from Evil,” “Am I My Brothers Keeper?” “I Love The Lord,” “Doomsday for Darwin,” “Don’t Monkey with Us,” “Atheist Go Back to your Apes,” “Keep Satan out of Hillsboro (Dayton),” “Brother, thy Tail Hangs Down Behind,” and a sign that advertised the “Heavenly Food” that was available at a local lunch counter. In the midst of this crowd, the camera focused on Hornbeck (Mencken), who could be seen with a perplexed look on his face, as he was overwhelmed by the fervor of the parade participants. The parade terminated at the courthouse steps, where the mayor of Hillsboro (Dayton) introduced Brady (Bryan) to the throng by chronicling a few of the causes he had championed over the years. They included his support of women’s suffrage, as well as his support of Woodrow Wilson’s WWI effort as Secretary of State.

At this point, Brady (Bryan) launched into a speech that outlined why he had come to Hillsboro (Dayton) to assist in the prosecution of Bert Cates (Scopes). The gist of his oration focused on his intent to not just prosecute a law breaker, but to defend the town’s school rooms from a “most wicked attack” from the big cities of the North and to allow their children to be taught “the ways of righteousness and of the Lord.” Brady (Bryan) also confirmed that he was there to stop “these idolaters, these priests of

evolution” from corrupting their children. Toward the end of Brady’s (Bryan’s) speech, E.K. Hornbeck (Mencken) stepped forward to disagree with the premise of the speech. While he did not offer a contrary view, he took this opportunity to announce that his paper had secured the services of Henry Drummond (Darrow) to defend Bert Cates (Scopes) in the upcoming trial. This pronouncement sent the crowd into a minor frenzy. They shouted “We will send him back to hell!” and “Ride him out on a rail and keep him out!” Brady (Bryan), at this point, went about trying to calm the crowd, asking them to welcome Henry Drummond (Darrow). He reasoned that if the enemy sent their Goliath into battle, this would only serve to magnify their cause. Brady (Bryan) continued that they “have not only the opportunity to slay the devil’s disciple, but the devil himself.” The crowd then burst into the song “Old Time Religion” and began to disperse. As Hornbeck (Mencken) began to walk away, a lady grabbed his arm and asked, “You the stranger, ain’t ya? Are you looking for a nice clean place to stay?” He responded, “I had a nice clean place to stay, madam, and I left it to come here.”

In this sequence, Kramer portrayed Bryan’s arrival in Dayton as a festive occasion. In this instance, the images that he presented were accurate. Bryan arrived on July 7th on the train The Royal Palm Limited from Miami at 1:30 p.m. As he stepped from the train, he was greeted as a conquering hero by a large adoring crowd. One reporter noted, “He was greeted with applause and flutters of handkerchiefs. He was met by at least half the normal population of the town, and the temporary increase composed of newspaper people and photographers. While there was not an actual parade, Bryan walked the streets of Dayton in his shirtsleeves holding a palm-leaf fan, greeting and chatting with locals and reporters.<sup>13</sup> One component of the parade that had an element of

truth was the large group of women that trailed Bryan's car. In 1925, the anti-evolution movement was strongly backed by women. One writer estimated that 70 percent of anti-evolutionists were women, despite the fact that the leaders of the movement were exclusively men. The Speaker of the Tennessee House of Representatives maintained that it was "the women of the state and the Teacher's Association" who appealed for his support of the Butler Act when it was being debated.<sup>14</sup> In her poem that supported the legislation, Mrs. E. P. Blair announced that the fight against evolution was "for country, God, and mother's song."<sup>15</sup> Not all women were in support of the anti-evolutionary movement, however. In a letter to the *Los Angeles Times*, one woman wrote:

Since our silver-tongued orator, Mr. Bryan is making such a howling success of his evolution addresses, could you in some way through your paper send out a distress call requesting that he enlighten a number of distressed (?) mothers along the line of Santa Claus, otherwise known as Kris Kringle? A grateful mother.<sup>16</sup>

When Kramer had the Mayor of Dayton introduce Bryan, he was, in fact, kind in his assessment of "the commoner," as the press occasionally referred to Bryan. Bryan did indeed champion women's suffrage, but he was not a supporter of Woodrow Wilson's WWI efforts. In fact, he stuck to his pacifist principles and resigned from his position as Secretary of State rather than support Wilson's war plans.

In the film, Bryan's speech from the courthouse steps was given in a mild, folksy manner. He pointed out that it was his intent to protect the town's children from this "attack from the North" from these "priests of evolution." However, the rhetoric and demeanor that Kramer had the character utilize seemed understated compared with that of the actual speech that Bryan gave to the Dayton Progressive Club on the evening of his arrival. In this speech, Bryan threw down the gauntlet when he proclaimed:

The contest between evolution and Christianity is a duel to the death. If evolution wins in Dayton, Christianity goes - not suddenly of course, but gradually; for the two cannot stand together. The atheists, agnostics and all other opponents of Christianity understand the character of the struggle, hence this interest in this case. From this time forth, the Christians will understand the character of the struggle also. In an open fight the truth will triumph.<sup>17</sup>

The next evening, Bryan reiterated his remarks to a group of people at a resort in the Tennessee hills. A reporter from *The New York Times* who had witnessed the speech remarked that Bryan “is more than a great politician, more than a lawyer in a trial, more even than one of our greatest orators; he is a symbol of their simple religious faith.”<sup>18</sup>

The movie does not factually portray H. L. Mencken’s announcement that his paper had secured the services of Clarence Darrow to defend John Thomas Scopes. Perhaps it would be best to let Darrow himself describe the circumstances that led to his involvement in the “trial of the century.”

I was in New York not long after the arrest of Mr. Scopes, and saw that Mr. Bryan had volunteered to go to Dayton to assist in the prosecution. At once I wanted to go. For the first, the last, the only time in my life, I volunteered my services in a case. My object, and my only object, was to focus the attention of the country on the programme of Mr. Bryan and the other fundamentalists in America. I knew that education was in danger from the source that has always hampered it – religious fanaticism. To me it was perfectly clear that the proceedings bore little semblance to a court case, but I realized that there was no limit to the mischief that might be accomplished unless the country was roused to the evil at hand.<sup>19</sup>

Thus, he volunteered to go.

As the scene concluded, Mencken made a negative comment towards the inhabitants of Dayton. The director Kramer had his character display this attitude from the moment he stepped on screen. While it was true that Mencken held a certain disdain for the people of Rhea County, referring to them alternately as “morons, hillbillies, and

peasants,” not everything he wrote was negative.<sup>20</sup> In fact, in one of his initial dispatches from Dayton he wrote:

The town, I confess, greatly surprised me. I expected to find a squalid southern village, with darkies snoozing on the horseblocks, pigs rooting under the houses and the inhabitants full of hookworm and malaria. What I found was a country town full of charm and even beauty. The houses are surrounded by pretty gardens, with cool green lawns and stately trees. The stores carry good stocks and have a metropolitan air, especially the drug, book, magazine, sporting goods and soda-water emporium of the estimable Robinson. The younger bucks are very nattily turned out. Scopes himself, even in his shirt sleeves, would fit into any college campus in America save that of Harvard alone.<sup>21</sup>

The next scene in the movie detailed a confrontation between the Reverend Jeremiah Brown, the spiritual leader of Hillsboro (Dayton), and his daughter Rachel. The crux of their disagreement was that Reverend Brown did not approve of Rachel's relationship with Bert Cates (Scopes). The scene concluded with the Reverend Brown collapsed on his knees, praying feverishly to God to forgive his daughter for her sins. As stated earlier, the Rachel Brown character was purely fictional; thus, her father was also fabricated. Director Kramer used the Reverend Brown's religious fanaticism in this scene as a tool to incrementally increase the tension in the film.

The following sequence in the movie opened with a close-up shot of Hornbeck (Mencken) as he viewed the festivities that had enveloped Hillsboro (Dayton). The music playing in the background was again “Old Time Religion,” but this time it was played with a ragtime flair that contributed to the carnival-like atmosphere. In the background, a Ferris wheel was clearly visible, which added to the ambiance that the director wanted portrayed. The camera then focused on a bus that had just arrived. This marked the entrance of Henry Drummond (Darrow) as he disembarked under a banner that read “Buy Your Bible Today.” Hornbeck (Mencken) then greeted Drummond

(Darrow) with his trademark sarcasm, with the remark, "Hello devil, welcome to hell." With that, the two set off to explore the spectacle that surrounded them. They initially stopped at a street vendor where they inquired about his opinion on evolution. The vendor responded, "I don't have an opinion; it's bad for business." The duo then came upon a carnival barker with his monkey, who claimed that, "Man did not evolve from an ape, but the ape devolved from man." As the pair progressed through the crowd, they were confronted by a farmer who scolded them, "We're just plain folk down here and we don't need no outsiders to tell us how or what to think." He concluded with a warning, "Go back to where you came from." Drummond (Darrow) and Hornbeck (Mencken) finally reached their hotel when they were confronted a second time by a group of high school boys wearing their letter sweaters. In the background, the director had music playing that heightened that sense of foreboding. This was a trick, however, as the students told Drummond (Darrow) and Hornbeck (Mencken) that they liked and admired Bert Cates (Scopes). The boys concluded that they wanted Drummond (Darrow) to "do right" by Cates (Scopes). This scene concluded Stanley Kramer's portrayal of the events that preceded the start of the Scopes trial.

In this section of the film, Stanley Kramer gave another fairly accurate depiction of carnival atmosphere that gripped the town of Dayton. There may not have been ferris wheels, but that may have been the only amusement the town lacked. When he arrived, Darrow noted that banners were strung all over town with mottoes such as "The Lord Will Provide," "Jesus Loves You," "Put Your Trust In Him," as well as "Come to Jesus," "Prepare To Meet Thy Maker," and the most popular "Read Your Bible Daily."<sup>22</sup> He

also provided some of the best descriptions of the bizarre atmosphere that he encountered upon his arrival. In his autobiography, he noted that:

Hot dog booths and fruit peddlers and ice cream vendors and sandwich sellers had sprung into existence like mushrooms on every corner and everywhere between, mingling with the rest, ready to feed the throng. Evangelist tents were propped up at vantage points around the town square. They (the preachers) were crying out against the wickedness of Darwin and the rest of us, and advocating as substitutes cool meadows and melodious harps in kingdom come. Popcorn merchants and sleight-of-hand artists vied with evangelists for the favor and custom of the swarms that surged back and forth along the few squares that were the center of the community; speeches were bawled at street corners under the glare of artificial lighting arrangements; the vendors raised their voices to drown the evangelists who were the old time sort who seemed to believe every word they said and were really interested in saving souls; and each worked his own side of the street, up and down. Then over the river, under the trees, a band of Holy Rollers gathered every night. As they grew excited and shouted and sang and twitched and twirled, the people crowded closer around them in curiosity and wonder.<sup>23</sup>

The treatment that Darrow received from the farmer in the movie was not indicative of the reception that greeted him. When he stepped from the train he did not draw the fanfare that Bryan had received, yet Scopes and a few others greeted him warmly. The Dayton Progressive Club gave him a dinner where he was allowed to give his views of the upcoming trial, just as they had for Bryan. While the town was shocked to learn his views, they did not begrudge him his opinion. Darrow noted further in his autobiography that he was “received most kindly and courteously” – as a local banker allowed him to stay at their home because the town had become crowded to the point where securing accommodations had become impossible. Darrow liked to recount the story of his return from a weekend sabbatical to find his icebox stocked with a slab of ice, a miracle in the sweltering heat, as well as milk, cream, butter, and a cantaloupe. He commented that his neighbors were always taking care of them in this manner, and that

he and his wife “felt that we tasted and would ever after recognize that far-famed true Southern hospitality.”<sup>24</sup>

The final sequence in this scene was accurate in its portrayal of Scopes as a popular teacher among the students. In fact, one of the reasons he was chosen to test the law was that he was considered cooperative and well-liked; thus he “would not alienate parents or taxpayers with soapbox speeches on evolution or give the appearance of a radical or ungrateful public employee.”<sup>25</sup> When the grand jury was seated to determine if the trial would move forward, three of Scopes students, boys fourteen and fifteen years of age, were scheduled to testify. When the time came for them to tell what Scopes had taught them in class, they were nowhere to be found. The wayward boys were eventually retrieved from the woods and asked why they had fled, they said they were friends of John Scopes, and they did not want to see him in trouble.<sup>26</sup>

## The Trial

Stanley Kramer opened the trial with Brady (Bryan) and Drummond (Darrow) walking into the court house. He again set the mood by utilizing the tune “Old Time Religion,” this time played by a Dixieland band. The sidewalk that led to the courthouse door was lined with hundreds of spectators. Many held signs that read “Down with Darwin,” “Cates (Scopes), the Devil’s Disciple,” and “Drummond (Darrow), the Devils Advocate.” As Brady (Bryan) walked through the crowd, he was given a hero’s welcome with loud boisterous cheers, while Drummond (Darrow) followed behind and was booed lustily. The scene inside the courtroom opened with the court calling for the selection of the twelfth and final juror. When the juror’s name was called, the court erupted in cheers. As the judge hammered his gavel in an effort to gain control of the courtroom, the camera panned the perimeter of the courtroom until it rested on Hornbeck (Mencken). It is at this point, that the viewer became privy to the report he was giving via the telephone to his newspaper in Baltimore. His report attacked Brady (Bryan) and the Tennessee people who supported him with these venom-filled words:

As you know for all last night and today the legion of the unwashed and holy have been rivering out of the rustic backways to listen to their puff messiah cool and mellow. Their high priest of mumbo jumbo, Matthew Harrison Brady (Bryan), has alternatively been stuffing himself with fried chicken and belching platitudes since his arrival here two days ago.

Throughout this attack, the moviegoer could see Brady (Bryan) in the background with a disapproving furrow in his brow. Once court came to order, the prosecution, at this point led by Mr. Davenport, asked the prospective juror if he believed in the Bible. When he answered in the affirmative, the prosecution immediately accepted him. When it became Drummond’s (Darrow’s) turn to interview the juror, he rejected him without asking a

single question. The prosecution insisted that the juror could not be excused without being asked even a single question. Drummond (Darrow) responded by asking if the juror was hot. With that the juror was recused. At this point in the film, a disagreement emerged between Brady (Bryan) and Drummond (Darrow). Brady (Bryan) objected to the note of levity that Drummond (Darrow) had introduced into the proceedings. Drummond (Darrow) retaliated by objecting to Brady (Bryan) being referred to as Colonel, when he was not aware of his military record. He continued to argue that the use of that title would prejudice the case against his client, since it would conjure up “a picture of the prosecution astride a white horse ablaze in the uniform of a military Colonel with all of the forces of right and righteousness marshaled behind it.” To diffuse the situation, the mayor and judge conferred and decide to award Drummond (Darrow) the title of “temporary honorary Colonel” in the state militia. With that indignity corrected, the bailiff called the next prospective juror, George Silers. The text of that interview is as follows:

Court: State your name and occupation.

Juror: George Silers. I work at the feed store.

Prosecutor Davenport: Tell me sir. Would you call yourself a religious man?

Juror: Well yes. I am as religious as the next fella.

Brady (Bryan): In Dayton, sir, that means a great deal. Tell me, Mr. Silers, do you have any children?

Juror: Not as I know of. (Laughter erupted in courtroom)

Brady (Bryan): If you had a son or a daughter, what would you think if that sweet child came home from school and told you that a godless teacher...

Drummond (Darrow): Objection. We're supposed to be selecting jury members. The prosecution is denouncing the defendant before the trial has even begun.

Judge: Objection sustained.

Brady (Bryan): Mr. Silers do you have any personal opinions with regards to the defendant that prejudices you on his behalf?

Juror: Scopes? I don't hardly know the man. He bought some peat moss from me one time. He paid his bill.

Brady (Bryan): Mr. Silers impresses as an honest God fearing man. I accept him.

Drummond (Darrow): Now Mr. Silers, you said you are a religious man. Do you work at it very hard?

Juror: Well, I am pretty busy down at the feed store. My wife tends to the religion for both of us.

Drummond (Darrow): You take care of this life, and she takes care of the next one. Is that it?

Prosecutor Davenport: That is objected to as immaterial and argumentative.

Judge: Objection sustained.

Drummond (Darrow): Now tell me Mr. Silers, while your wife has taken care of the religion for the family, have you ever heard of a fellow called Charles Darwin?

Juror: Not till recent.

Drummond (Darrow): Tell me something. From what you have heard of this fellow Darwin, do you think he is the kind of a man you might invite up for a Sunday dinner?

Brady (Bryan): Your Honor. My worthy opponent from Chicago is cluttering up the issue with hypothetical questions.

Drummond (Darrow): I have already established that Mr. Silers is not working very hard at religion. Now for your sake I am trying to establish that he is not working at evolution.

Juror: Oh, I am just working at the feed store. (Laughter in courtroom)

Brady (Bryan): Mr. Silers, do you think you can render an impartial...

Drummond (Darrow): Objection, objection! The prosecution has already accepted this man.

Brady (Bryan): All I want is a fair trial.

Drummond (Darrow): So do I.

Brady (Bryan): Unless the state of mind of the members of the jury conforms to the laws and patterns of society...

Drummond (Darrow): Conform, conform. What do you want to do, run the jury through a meat grinder to have them all come out the same? Take a box seat there, Mr. Silers.

Prosecutor Davenport: Your Honor, this is ludicrous.

Judge: Gentlemen, you are both out of order. The bench rules that the jury has been selected. Due to the excessive heat, court is adjourned until 10:00 o'clock tomorrow morning. One moment, please. One moment, order in the court! Reverend Brown has asked me to announce that there will be a prayer meeting tonight at the picnic grounds to pray for justice and guidance. All are invited.

Drummond (Darrow): Your Honor. I object to that commercial announcement.

Judge: Commercial announcement?

Drummond (Darrow): Of the Reverend Brown's product. Why don't you announce there is going to be an evolution meeting?

Judge: I have no knowledge of such a meeting.

Drummond (Darrow): That's understandable. It isn't enough that everybody that comes into this courtroom has to pass under a sign that says "Read Your Bible." I want that sign taken down, Your Honor, or else I want another sign put up just as big with just as big letters which says "Read Your Darwin."

Brady (Bryan): That's what I mean about this man.

Prosecutor Davenport: Your Honor, Your Honor. We want the learned council from the North to get every fairness and consideration in this trial. We must not forget that he is our guest.

Drummond (Darrow): Guest, hell! I am a lawyer in a courtroom.

Brady (Bryan): Then behave like a lawyer. Stop using this courtroom for a platform for your obscene ideas trying to dirty the minds of our young people here.

Judge: You are both out of order. Court is adjourned.

Despite the fact that the first day of the trial had officially come to a conclusion, the two combatants continued their verbal jousting. Their point of contention was Brady's (Bryan's) dislike of Drummond's (Darrow's) use of foul language. At one point, a female spectator in the gallery shouted, "Henry Drummond (Darrow), atheist!" She then turned her venom towards Hornbeck (Mencken) when she asked him, "What are you going to say in your paper now?" As the courtroom spectators filed out, a man shouted at Cates (Scopes) "We'll fix you, we'll run you out of town!" As the scene continued, Kramer brought Cates' (Scopes) girlfriend Rachel Brown back on screen. She again asked Cates (Scopes) to back away from the trial. Her argument this time was that the lawyers were using him against his own people. Rachel then asked Drummond (Darrow), "Why do you have to come here to make a difference?" The scene concluded

with Rachel, Drummond (Darrow), and Cates (Scopes) debating the merits of continuing with the trial. In the end, Cates (Scopes) made the decision to proceed.

Kramer's depiction of the trial's beginning was accurate with regards to the atmosphere that enveloped the courtroom. When the lawyers arrived on July 10, 1925, they had to weave their way through a number of popcorn and Bible sellers, as well as several large banners that read "Come to Jesus," "Prepare to meet thy Maker," and "Read your Bible daily." The courtroom's four hundred seats were taken, and it was estimated that another three hundred spectators stood along the perimeter of the room. The tables set up for the press were full with over one hundred members represented.<sup>27</sup> Court opened with a prayer given by a local clergyman, and then Judge Raulston reconvened the same grand jury that had indicted Scopes six weeks earlier. This was due to the fact that the jury that had met in May had done so without sufficient notice; thus, a new indictment was required. The original charges were repeated by the judge, and several witnesses were re-interviewed. Court then recessed for more than an hour, and when court reconvened, the jury had re-indicted John Thomas Scopes.<sup>28</sup>

In the film, Stanley Kramer had the entire trial portrayed as a battle between William Jennings Bryan, with a little help from Prosecutor Davenport, and Clarence Darrow. In truth, there were multiple lawyers for both the prosecution and the defense. The prosecution was represented by William Jennings Bryan, Ben McKenzie, J. Gordon McKenzie, Sue Hicks, Herbert Hicks, E. T. Stewart, Walter White, W. C. Haggard, and William Jennings Bryan, Jr. For the defense there were Clarence Darrow, John R. Neal, Dudley Field Malone, and Arthur Garfield Hays.<sup>29</sup> The defense joked that there were so many prosecutors that they "stole some of our chairs." After the recess for lunch, court

resumed with the selection of the jury. Early in the jury selection process, director Kramer had Darrow make a huge issue out of the use of the term “Colonel” when the court was addressing Bryan. In truth, it was a Southern tradition for gentlemen to address each other as “General,” “Colonel,” and “Captain.” From the beginning of the proceedings, local officials “had conferred on Darrow the honorary title of Colonel, which put him on an even footing with the others.” In fact, the practice actually amused Darrow.<sup>30</sup> The first juror presented to Darrow in the film was rejected without a question being asked, because the juror professed a belief in God. In truth, if Darrow had taken that tack, he would have had a difficult time seating even a single juror. In the course of choosing the twelve jurors, twenty people were interviewed. Of those selected, seven identified themselves as Baptist, three as Methodist, one Campbellite, and one claimed no church affiliation. The occupations of the potential jurors gave a good indication of their mindset as well. Sixteen stated that they were farmers, one was a U.S. Marshall, one a minister, one a merchant, and one a shipping clerk. In the interview process, Darrow excused four men for cause. One juror was granted a release because of his age, two were recused by the court, and one was challenged by the prosecution. Darrow was relaxed and casual as he questioned the potential jurors. This was in contrast to the attitude he portrayed in the film where it seemed he was a powder keg waiting to explode at a moment’s notice. When he interviewed J. P. Massingill, a minister he eventually recused, Darrow did not dismiss him outright but questioned him extensively as follows:

Darrow: What is your Business?

Massingill: I am a minister.

Darrow: Ever preach on evolution?

Massingill: I don't think so, definitely; that is on evolution alone.

Darrow: Now, you wouldn't want to sit on this jury unless you were fair would you?

Massingill: Certainly, I would want to be fair; yes, sir.

Darrow: Did you ever preach on evolution?

Massingill: Yes. I haven't as a subject; just taken that up; in connection with other subjects. I have referred to it in discussing it.

Darrow: Against it or for it?

Massingill: I am strictly for the Bible.

Darrow: I am talking about evolution. I am not talking about the Bible. Did you preach for or against evolution?

Massingill: Is that a fair question judge?

Court: Yes, answer the question.

Massingill: Well, I preached against it of course! (applause)

Darrow: You have a very firm conviction – a very strong opinion against evolution, haven't you?

Massingill: Well, some points in evolution.

Darrow: Are you trying to get on this jury?

Massingill: No, sir.

Darrow: Have you formed a strong conviction against evolution?

Massingill: Well, I have.

Darrow: You think you would be a fair juror in this case?

Massingill: Well, I can take the law and the evidence in the case, I think, and try a man right.

Darrow: I asked if you think you thought you could be a fair juror.

Massingill: Yes, sir.

Darrow: You have heard about Mr. Scopes?

Massingill: Yes, sir; yes.

Darrow: You have heard that he is an evolutionist, haven't you?

Massingill: Yes, sir, I have heard that.

Darrow: Have you, in your mind now, Mr. Massingill, a fixed opinion that he has taught a theory contrary to the theory of the Bible as to the creation of man?

Massingill: Yes, sir.

Darrow: Would that have any weight with you or any bearing with you in the trial of this case if you were selected as a juror?

Massingill: I think I am fair and honest enough to lay aside things and give a man justice.

Darrow: Could you disregard any opinion you have and go in the jury box and render a fair verdict to both sides regardless of any impression you now have?

Massingill: The opinion I have is from the public press and what I heard. Of course, I could surrender that.<sup>31</sup>

Darrow asked several more questions before he dismissed this juror, which illustrated that it was not his intent to dismiss a juror outright for his religious proclivity. The text of the second juror interview in the movie closely mirrored the questioning of juror J. R. Thompson by Darrow.

Darrow: I presume that you belong to the church?

Thompson: I do. I am not a good member, not as good as I ought to be.

Darrow: Of what church?

Thompson: Methodist.

Darrow: Do you work at it very hard?

Thompson: Well, no, sir; not as hard as I ought to.

Darrow: Is that church here in Dayton?

Thompson: No sir; it is up in the country.

Darrow: You go to church sometimes?

Thompson: Yes I do.

Darrow: Your wife probably goes more than you do.

Thompson: More than I do.

Darrow: Have you ever heard evolution argued?

Thompson: Yes, I have read that a good deal, and also in the papers.

Darrow: Now, Mr. Scopes is charged with violating the law. Have you ever given much, if any, attention to the question of evolution?

Thompson: I never have.

Darrow: That is one of the things you have not studied?

Thompson: No, sir.

Darrow: You haven't any opinion about it at the present time?

Thompson: Well, I couldn't say that I have no opinion. I have never – it is a question I have made no study of.<sup>32</sup>

Darrow proceeded to ask Mr. Thompson a few more questions before he finally accepted him. It is interesting to note that in the film, Darrow asked the prospective juror if he had ever heard of Charles Darwin. Kramer in essence was attempting to put

Darwin on trial instead of the actual defendant Scopes. In the transcript of the trial, Darrow asked a number of questions about evolution, such as, “Is evolution contrary to the Bible?” “Have you ever heard of anyone preach on evolution?” and “Do you have an opinion whether the Bible was against evolution or not?” He also asked if they thought that they could give Scopes a fair trial on a number of occasions. He did not, however, ask a single juror about Charles Darwin.

The film’s portrayal of the prosecution’s jury interviewing techniques was on the mark as they were short and to the point. A typical exchange was as follows:

Mr. McKenzie: What church do you belong to, Mr. Wright?

Mr. Wright: Belong to the Baptist.

Mr. McKenzie: Pass him to you, Colonel.<sup>33</sup>

At this point, it would be Darrow’s turn to question him. This was the pattern the prosecution followed throughout the selection process. In fact, a single juror - J. C. Dunlop - was asked more than a handful of questions. He was eventually disqualified when he admitted to having had a conversation with Scopes in which the teacher confided that he had taught evolution.<sup>34</sup> The flurry of activity at the end of the first day of trial in the film was a ploy by the director Kramer to further heighten the tension in the courtroom. The fictional girlfriend, Rachel, was interjected into the scene to create a dilemma for Scopes. The townspeople in the gallery become agitated to the point that they began shouting at Darrow, Mencken, and Scopes which further raised the stress level. Finally Kramer brought the scene to a crescendo with Darrow railing against the “Read Your Bible” sign, as well as the announcement for the prayer meeting. The truth is that none of these events took place, since there was not any hostility towards Scopes

or Darrow at this point. The only hint of controversy occurred when Judge Raulston asked a local clergyman to open the court proceedings with a prayer. While most everyone bowed their head in prayer, Darrow scanned the room with a surprised look on his face. He later wrote “This was new to me. I had practiced law for more than forty years, and had never heard God called in to referee a court trial.” Realizing that he would not increase his popularity among the “Bible-toting throngs” that enveloped Dayton, Darrow made the decision not to voice any objection until the actual court proceedings had begun.<sup>35</sup> This concluded the events of the first day of the Scopes trial.

The next scene in the film began with the Reverend Brown’s prayer meeting which had been “advertised” earlier in court. Reverend Brown stood on a platform looking over his flock, as he slowly, methodically began describing how God had created the earth in six days. As his sermon progressed, he became more animated, shouting out questions to which the audience responded.

Reverend Brown: Do we believe?

Crowd: Yes!!!

Reverend Brown: Do we believe in the truth of the word?

Crowd: Yes!!!

Reverend Brown: Do we curse the man that denies the word?

Crowd: Yes!!!

Reverend Brown: Do we call down hell fire on the man who has sinned against the word?

Crowd: Yes!!!

Reverend Brown: Oh Lord of the tempest and the thunder, strike down this sinner. Let him know the terror of thy sword. Let his soul for all eternity writhe in anguish and damnation.

At this juncture, the Reverend Brown's daughter, Rachel, begged her father not to pray to destroy Cates (Scopes). This plea only angered Reverend Brown, as he then directed his prayer towards his daughter, asking God to curse those who asked for grace for this sinner. The director then had Brady (Bryan) step forward to calm the situation, reminding Reverend Brown of what Solomon said in Proverbs 11:29, "He that troubleth his own house shall inherit the wind." Brady (Bryan) dispersed the crowd, encouraging them to go home.

This scene transisted into another that had Brady (Bryan) and his wife taking a stroll on a hot July evening. As they approach the door to their boarding house, they found Drummond (Darrow) sitting in a rocking chair on the front porch. At this time Kramer had the two old friends take a walk down memory lane, reminiscing about the past battles that they had waged together. Brady (Bryan) asked Drummond (Darrow) how they could have started out at the same point yet drifted so far apart. Drummond (Darrow) responded by noting that all motion was relevant, and it was Brady (Bryan) who had moved by standing still. Brady (Bryan) responded by stating that if progress meant abandoning God, abandoning the faith of their fathers, then he was against it. Brady (Bryan) further commented, "These are simple people, poor people. They work hard and they need to believe in something, something beautiful. They are seeking for something more perfect than what they have." Drummond (Darrow) responded, "Window shopping for heaven." Drummond (Darrow) then proceeded to tell a story

from his childhood in which he received a rocking horse for his birthday. When he attempted to ride his “Golden Dancer,” it fell apart because it had been put together with spit and sealing wax, the same as the Reverend Brown’s sermon that evening: all shine and no substance. Drummond (Darrow) continued “You are not giving them hope, you’re stealing their hope. As long as the prerequisite for that shining paradise is ignorance, bigotry and hate, I say the hell with it.” This concluded the initial interlude in the film that took place between the first and second day of court.

In an effort to continue to build tension in the movie, Stanley Kramer had the fictional Reverend Brown preach a fire and brimstone sermon that attacked Scopes and his apologists, which included his daughter Rachel. In reality, the mood in Dayton was not at a fevered pitch. The first day of the Scopes trial took place on a Friday; thus, court would not resume until Monday. One reporter, Jack Lait of William Randolph Hearst’s *International News Service*, noted that the town of Dayton was suffering from “a case of the morning after today.” He called the opening day of the trial a fiasco because “the procedure lacked drama; and then came the forty-eight hour adjournment to let what warmth that had radiated cool off.” Many spectators left with the local observers returning home, while a majority of the visitors from outside of the state fled to Chattanooga for a “hot time” or to the Great Smoky Mountains for a cool breeze.<sup>36</sup>

Many speeches were given that opening weekend of the trial, two by William Jennings Bryan. The first was given in the form of a sermon to a packed house at Dayton’s Southern Methodist Church. Here he addressed some statements released by Darrow. He remarked:

The attorneys for the defense charge that our objection to expert testimony is an attempt to evade the issue. On the contrary, it is an effort

to confine the case to the issue. The statute itself distinctly forbids the teaching of evolutionary hypothesis. They will only call those who still cling to religion and try to harmonize evolution with it. They will thus present a very one-sided view of evolution and its results. A half truth is sometimes worse than a lie, and evolution as they want to present it is less than half a truth.<sup>37</sup>

The second speech Bryan delivered took place on a platform erected on the courthouse lawn before a crowd of three thousand people. Because Dayton had enacted a law that forbade public speaking about evolution, Bryan was not able to speak about the trial directly. He instead referred to the inspiration he had received from Dwight L. Moody and how he had tried to shame young men out of “the conceit that it is smart to be skeptical.” Bryan then spoke from the story of the blind man near Jericho, told in the tenth chapter of Mark. He said that intellectual blindness was worse than physical blindness, and that spiritual darkness was worse than all. Bryan continued:

Christ today is the leader of the thought of the world. He was unlettered and had no school advantages. No scholar dares add a sentence to his moral code. A dull brain with a passion for service is better than a brilliant mind with not such passion. Today we need Jesus more than ever before. We will need no police if men have the love of God in their hearts. Christ is the only one who can bring peace to the human heart and peace between man and man.<sup>38</sup>

Bryan did not mention Scopes or speak against him in either address. He instead focused on the larger issues, dealing with details of the trial as well as using the Bible to illustrate his points.

The picture that Kramer painted in the film was that the entire town was of a singular mindset, which in fact was not the case. That very same Sunday on which Bryan spoke at the Southern Methodist Church, The Reverend William B. Kinkead in his sermon at the Trinity Church described the Scopes trial as a “silly performance.” He noted that “it was surprising that such an array of lawyers, educators and scientists should

represent the case as a duel to the death between Christianity and evolution.” He continued:

As a matter of fact, there is no necessary conflict between Christianity and evolution. Evolution, it must be remembered, is a theory, a theory which attempts to explain the processes and the order in which living things came to be on earth. In the main, the theory seems to work and to be substantiated by the fact as we know them now. Yet it is only a theory of method and order. No matter how far back the process may be traced, the fact is not disproved that there is a God and that He is the creator of heaven and earth and of all things visible and invisible.

The Reverend Kinkead concluded:

There are still some gaps in the steps which science seems to have discovered. But if it should be conclusively proved that the method God used was the gradual development of the lower into the higher forms of life through millions of years, that our remotest ancestor was the oscillava, the scum which floats upon the surface of the water, or the amoeba, I might have a greater respect for the oscillaria and the amoeba, but I should have no less respect for man and certainly no less belief in God. It would still be true that He created man, and that He created him from the dust of the earth. What a vision it gives us of the greatness of God. To think of all creation from the beginning of the world, through all the millions of years, working and struggling, in accordance with the great design, that there might be brought forth a creature in the image of God.

That same Sunday at the Community Church, the Reverend John Haynes Holmes preached a sermon titled “William Jennings Bryan, Fundamentalist.” In speaking from the pulpit, he asserted:

Fundamentalism can be summed up in one word, ignorance. Ignorance which is sincere, devout, militant, but still ignorance. Mr. Bryan is a true fundamentalist in the sense that his ignorance is fundamental. Indeed, his ignorance is not only fundamental - it is universal and apparently eternal as well. Nothing else can explain his present religious attitude, and the attitude of the great host of intellectually benighted fundamentalists whom he so perfectly represents. Mr. Bryan’s ignorance on the subject of evolution is so prodigious as to be pitiful. He knows little about any aspect of the question and that little is so twisted and perverted that it is worse than no knowledge at all. Thus he declares again and again that no evidence has ever been presented in favor of evolution. As a matter of fact our natural history museums are filled with evidence. Our libraries

groan beneath the weight of books which list multitudinous facts with precision.

He continued:

In the biblical field, his ignorance is just as colossal as it is in the scientific field. He has apparently never heard of the higher criticism of the Bible. Thus he does not know what has been a commonplace of respectable scholarships for one hundred and fifty years; that Moses did not write and could not have written, any of the so called 'Books of Moses'. He does not know that Genesis contains not one, but two accounts of the creation, which do not agree in important particulars as, for example, the creation of man.

Reverend Holmes concluded:

Mr. Bryan is ignorant of his own ignorance. It is this fact which explains his arrogance, his intolerance, his mania for repression and persecution. We might pardon his ignorance if it were the ignorance of a simple and humble man. But Mr. Bryan pretends to know when he does not know.

Across town at the Metropolitan Methodist Episcopal Temple, the Reverend Stanley B. Niles weighed in on the trial with his thoughts which included:

Mr. Bryan, great exponent of a creed he would force us to believe is standing in a Southern court fighting what he calls the greatest battle of Christianity, the fight against evolution. No wonder he is aroused if he truly believes what he declares he does, namely that Christianity is the issue, and that it lives or dies with his cause. But the whole thing seems farcically foolish to me. If Christianity is simply a faith in our origin, then let it die. But it is more than that. It is a fellowship, a fellowship with a living God.<sup>39</sup>

As these examples illustrate, the town of Dayton did not unanimously support Bryan with the wild-eyed zeal that Stanley Kramer put forth in the movie. The final sequence in this section of the film had the two old friends, Bryan and Darrow, reminiscing about their past campaigns together, as well as the battles they fought for the common people. In truth, it would have been difficult for such a conversation to take place as each man was consumed with this own trial preparations. Bryan did not flee the

city; he instead remained at the home of F. R. Rogers to focus on trial logistics. Darrow, who had arrived only two days before the trial began, spent the weekend at the old mansion where the defense team boarded, to discuss strategy and plannings for the next day in court.<sup>40</sup> These circumstances would have precluded any such meeting taking place between the two combatants.

The next scene in the film opened with the second day in court. Here Matthew Harrison Brady (Bryan), the lead prosecutor in the movie, was questioning one of Cates' (Scopes') students about what had been taught in the classroom.

Brady (Bryan): Tell us what Mr. Cates (Scopes) told you in the classroom.

Student: Well, first he said the earth was too hot for any type of life. Then it cooled off a mite and cells and things began to grow.

Brady (Bryan): Cells?

Student: Little bugs like in the water. Then the little bugs got to be bigger bugs and sprouted legs and crawled upon the land.

Brady (Bryan): How long did this take according to Mr. Cates (Scopes)?

Student: A couple million years, maybe longer. Then comes the fishes and reptiles and the mammals. Man is a mammal.

Brady (Bryan): Along with the dogs and the cattle in the fields. Did he say that?

Student: Yes sir.

Brady (Bryan): How did man come out of this slimy mess of bugs and serpents according to your professor?

Student: Man was sort of evoluted from the old world monkeys.

Brady (Bryan): Did you hear that, my friends, old world monkeys? According to Mr. Cates (Scopes), you and I are not even descended from good American monkeys. (The court erupted in laughter.)

Brady (Bryan): Now Howard, listen carefully. With all this talk of bugs and evolution of slime and ooze, did Mr. Cates (Scopes) make any reference to God?

Student: Not as I remember.

Brady (Bryan): Of the miracle he achieved in seven days as described in the beautiful of Genesis.

Student: No sir.

Brady (Bryan): Ladies and gentlemen...

Drummond (Darrow): Objection. I ask the court to remind the learned council that he is not in a Chautauqua tent. He is supposed to be submitting evidence to a jury. There are no ladies of the jury.

Brady (Bryan): Your Honor, I have no intention of making a speech. There is no need. I am sure everyone on the jury, everyone within the sound of this boy's voice, is moved by his tragic confusion. He has been taught that he wriggled up like an animal from the filth and muck below. I say to these Bible ears, these evolutionist are brewers of poison, and the legislature of this sovereign state has had the wisdom to demand that the providers of this poison in bottles or in books clearly label the product they attempt to sell. I say that if this law is not upheld, this boy will become one of a generation unsure of its faith by the teaching of Godless science. But, if the full penalty of the law is meted out to Bert Cates (Scopes), the face of the whole world over while watching us here and listening to our every word will rise up and call this courtroom blessed. Your witness, sir.

Drummond (Darrow): I sure am glad the Colonel did not make a speech. Now Howard, I heard you say the world used to get pretty hot.

Student: That's what Mr. Cates (Scopes) said.

Drummond (Darrow): Is it any hotter than it is right now you think?

Student: I guess it must have been. Mr. Cates (Scopes) read it to us from a book.

Drummond (Darrow): Is this the book, Charles Darwin's *Theory of Evolution and the Descent of Man*?

Student: Yes sir.

Drummond (Darrow): That's right Howard. That's the very book he read to you in your classroom. Now Howard, can you tell me if there is anything wrong with that?

Student: Well, I don't know.

Prosecutor Davenport: Objection, Your Honor. The defense is asking that a fifteen year old boy hand down an opinion on a question of morality.

Drummond (Darrow): I am trying to establish that Howard or Colonel Brady (Bryan) or Charles Darwin or anyone sitting in this courtroom or you sir has the right to think.

Judge: Colonel Drummond (Darrow), the right to think is not on trial here.

Drummond (Darrow): Well, with all due respect to the court, I think the right to think is very much on trial here, and it is fearfully endangered in the proceedings of this courtroom.

Brady (Bryan): A man's on trial.

Drummond (Darrow): A thinking man, and he is faced with fines and imprisonment, because he chooses to speak what he thinks.

Judge: Colonel Drummond (Darrow), could you please rephrase your question?

Drummond (Darrow): Well, lets put it this way Howard, with all this fuss and feathers about evolution, do you think it hurt you any?

Student: Sir?

Drummond (Darrow): Did it do you any harm? Still feel reasonably fit? What Mr. Cates (Scopes) told you, did it hurt your baseball game any? Did it affect your pitching arm? (Pats right arm.)

Student: No sir, I am a lefty.

Drummond (Darrow): A southpaw huh. Still honor your father and mother?

Student: Sure.

Drummond (Darrow): Haven't murdered anybody since breakfast have you?

Prosecutor Davenport: Objection! This is an absurd piece of jactitation.

Judge: Council uses a word with which the bench is not familiar.

Prosecutor Davenport: Jactitation. A specious or false premise. In this instance, as to the murder of known or unknown persons.

Judge: Objection sustained.

Brady (Bryan): Ask him if his faith in the Holy Scriptures has been shattered.

Drummond (Darrow): When I need your help, Colonel Brady (Bryan), you may rest assured I shall humbly ask for it.

Brady (Bryan): Anytime, Colonel Drummond (Darrow), anytime.

Drummond (Darrow): Now Howard, tell me something. Did you believe everything Mr. Cates (Scopes) told you?

Student: I am not sure. I've got to think about it.

Drummond (Darrow): Good for you, good for you. Your Pa is a farmer, isn't he?

Student: Yes sir.

Drummond (Darrow): Got a tractor?

Student: Brand new one.

Drummond (Darrow): Do you think there is anything sinful about a tractor, because it isn't mentioned in the Bible?

Student: No

Drummond (Darrow): You know Moses never made a phone call. You figure that makes the telephone an instrument of the devil?

Student: I never thought of it that way.

Brady (Bryan): Neither did anybody else. Your Honor, the defense makes the same old error of all Godless men. He confuses material things with the great spiritual value of the revealed Word. Why do you bewilder this child? Does right have no meaning to you, sir?

Drummond (Darrow): Realizing that I may prejudice the case of my client, I must tell you right has no meaning for me whatsoever. But truth has meaning as a direction. But it is one of the peculiar imbecilities of our time, when we place a grid of morality upon human behavior so that the action of every man must be measured against an arbitrary latitude of right and a longitude of wrong in exact minutes degrees and seconds. Howard, do you understand what I am talking about?

Student: No, sir.

Drummond (Darrow): Maybe someday you will. That's all, son. Thank you.

The next witness called by the prosecution was Rachel Brown, the girlfriend of Bert Cates (Scopes) in the film. She was also questioned by Matthew Harrison Brady (Bryan).

Brady (Bryan): Now my dear, I just want you to repeat some of the things you told me last night.

Rachel Brown: Please, Mr. Brady (Bryan).

Brady (Bryan): Rachel, you said you wanted people here to understand. Didn't you my dear?

Rachel: Yes.

Brady (Bryan): Then just answer my question. Now Ms. Brown, you are an old friend of the defendant, Bert Cates (Scopes)?

Rachel: We are engaged to be married.

Brady (Bryan): Do you and Mr. Cates (Scopes) attend the same church?

Rachel: Yes. We did.

Brady (Bryan): Do you now?

Rachel: What?

Brady (Bryan): Attend the same church?

Rachel: No.

Brady (Bryan): Did Mr. Cates (Scopes) leave the church?

Rachel: No not really, not the spirit of it.

Brady (Bryan): But, the body of it, correct? Mr. Cates (Scopes) left the church you and he once attended together.

Rachel: Yes.

Brady (Bryan): Why?

Rachel: Because of the Stebbins boy.

Brady (Bryan): The Stebbins boy. Would you tell us about that please?

Rachel: It was two summers ago. The little Stebbins boy was thirteen years old. He was one of Bert's (Scope's) students. He lived right next door to the boarding house, and he used to come over and look through Bert's (Scope's) microscope. Bert (Scopes) said the boy had a bright mind, and he might even be a scientist when he grew up.

Brady (Bryan): Yes.

Rachel: He went to the river with the other boys and went swimming. He got a cramp and drowned.

Brady (Bryan): Go on.

Rachel: At the funeral, Pa preached that Tommy didn't die in a state of grace. Because, because his father wouldn't allow him to be baptized.

Cates (Scopes): Tell him what your father really said. That Tommy's soul was damned in hell fire.

A man in the gallery shouted, "Cates (Scopes), you sinner!"

Cates (Scopes): Religion is supposed to comfort people, not frighten them to death.

Judge: We will have order please. Sit down, Bert (Scopes).

Rachel: Don't you see, Bert (Scopes) thought it wasn't fair that a little child couldn't go to heaven. It wasn't God he abandoned, only the church.

Brady (Bryan): Very well, my dear. It is true then, because of what happened to the Stebbins boy, Bert Cates (Scopes) left the church. You have said nothing wrong; we are

merely beginning to gain some insight into the experiences that sometimes can lead a man to stray.

Drummond (Darrow): Objection. Whether my client went astray is a matter of interpretation. Strike it from the record.

Judge: Objection sustained. The jury is directed to disregard the remarks of council.

Brady (Bryan): Very well. Now, my dear, will you tell the jury some more of Mr. Cates' (Scopes') opinions on the subject of religion?

Drummond (Darrow): Objection. Hearsay evidence is not admissible.

Judge: Court sees no objection to this line of questioning. Proceed, Colonel Brady (Bryan).

Brady (Bryan): Just repeat in your own words some of the conversations you had with the defendant.

Cates (Scopes): Rachel, you can't. The things I said to you were questions. Questions you ask your own heart. If you say those things out loud, you will make them sound like answers.

At this juncture Brady (Bryan) continued to badger the witness until she began to cry. He continued to press his point, until his wife cried out for him to stop the questioning. Brady (Bryan) then excused the witness. The judge interceded and asked Drummond (Darrow) if he wished to cross examine Rachel. Drummond (Darrow) responded, "Your Honor, the defense must have a chance to challenge the words put into the mouth of the witness by the prosecutor. May I have a moment?" Drummond (Darrow) then consulted with Cates (Scopes), who refused to allow him to question Rachel. Cates (Scopes) went as far as to threaten to change his plea to guilty which

prompted Drummond (Darrow) to not question the witness. This concluded the prosecution of Cates (Scopes), as Prosecutor Davenport rested the case.

It was then Drummond's (Darrow's) turn to call witnesses for the defense. The first person he called was Dr. Amos Keller, the head of the Department of Zoology at the University of Chicago. Brady (Bryan) immediately objected to this witness, calling his testimony irrelevant, immaterial, and inadmissible. The two attorneys continued to spar, with Drummond (Darrow) arguing that if Cates (Scopes) were on trial for murder, "Would it not be relevant to examine the weapon?"

Brady (Bryan) argued that the very law excluded such testimony, and that the people of the state of Tennessee made it clear that they did not want this "zoological hogwash" slobbered around the school rooms. In the end, the judge ruled that zoology was irrelevant to their case. Drummond (Darrow) then called Dr. Alan Page, deacon of the congregational church and professor of geology and archeology at Oberlin College. Again Brady (Bryan) objected, and the judge sustained the objection. Drummond (Darrow) asked the judge if he denied the existence of zoology, geology, and archeology. The judge stated he did not deny the existence of these sciences, they just did not relate to this point of law. Drummond (Darrow) next attempted to call Walter Harrison, anthropologist, philosopher, and author. Brady (Bryan) again voiced his objection. Prosecutor Davenport argued further that the language of the law was clear, and that expert testimony was not needed to question its validity. The court again ruled in the prosecution's favor, which prompted Drummond (Darrow) to remark, "What do you need, a gallows to hang him from?" The tension continued to increase in the courtroom until Drummond (Darrow) requested permission from the judge to withdraw from the

case. But he did not stop there; he instead went on a lengthy diatribe where he attacked the Butler Act, noting that:

If you make it a crime to teach it in public schools, tomorrow you can make it a crime to teach it in private schools. It then could be a crime to read about it, and soon you may ban books and newspapers, and then you may turn catholic against protestant and protestant against protestant and try to force your own religion upon the mind of man.

He continued:

Soon, Your Honor, with banners flying and with drums beating, we'll be marching backward, backward through the glorious age of sixteenth century where bigots burned the man who dared bring enlightenment and intelligence to the human mind.

The bigot comment angered the judge, who ordered Drummond (Darrow) to show cause the next day in court why he should not be held in contempt. There was a bit more verbal jousting between Drummond (Darrow) and the judge, but this speech effectively ended this day in court.

There are a significant number of differences between the film and the actual trial with regards to the case presented by the prosecution. While it was true that William Jennings Bryan was the most well known lawyer on the prosecution's team, he was not the lead prosecutor to question their witnesses. That job was taken by Attorney General Tom Stewart. In fact, throughout the eight day trial Bryan did not speak in court until the fifth day. Because of time constraints inherent in making a film, the prosecution only presented two witnesses in court. One was the student identified only as Howard, and the other was Rachel Brown, John Scopes' girlfriend. In truth, the prosecution called four witnesses to the stand. Two were students of Scopes: one was Howard Morgan, age 14, and the other was Harry Shelton, age 17. The other two to testify were Walter White, the

superintendent of Rhea County Schools, and F. E. Robinson, owner of Robinson's Drug Store, the epicenter of the scheme.

The questions Bryan asked in the film were similar in nature to those asked by Attorney General Tom Stewart in the actual trial. When Stewart questioned Howard Morgan, the transcript read as follows:

Attorney General Stewart: Just state in your own words, Howard, what he taught you.

Howard Morgan: Yes sir, of this year. He said that the earth was once a hot molten mass, too hot for plant or animal life to exist upon it; in the sea the earth cooled off; there was a little germ of one cell organism formed, and this organism kept evolving until it got to be a pretty good sized animal, and then came on to be a land animal, and it kept on evolving, and from this was man.

Attorney General Stewart: I ask you further, Howard, how did he classify man with reference to the other animals; what did he say about them?

Howard Morgan: Well, the book and he both classified man along with cats and dogs, cows, horses, monkeys, lions, and all that.

Attorney General Stewart: What did he say they were?

Howard Morgan: Mammals.

Attorney General Stewart: Classified them along with dogs and cats, horses, monkeys and cows?

Howard Morgan: Yes, sir.

Attorney General Stewart: You say this was along about the 2<sup>nd</sup> or 3<sup>rd</sup> of April this year?

Howard Morgan: Yes, sir.

Attorney General Stewart: In high school of Rhea County?

Howard Morgan: Yes, sir.

Attorney General Stewart: At Dayton?

Howard Morgan: Yes, sir.<sup>41</sup>

This concluded Attorney General Stewart's questioning of Howard Morgan. As this transcript illustrated, the primary difference between the film and the actual trial was that Attorney General Stewart did not make loud proclamations and lengthy speeches directed at the gallery. William Jennings Bryan's long-winded speeches in the film were another implement that director Stanley Kramer used to keep emotions in the courtroom at a fevered pitch. To maintain that level, he had Bryan call the fictitious Rachel Brown to the stand. This section of the film was an unadulterated ploy by Kramer to portray Bryan as a desperate man who would do anything to secure a guilty verdict. Bryan was passionate in his fight against the teaching of evolution in public schools, but his cross examination of the fictional Rachel Brown cast him in a light that simply was not accurate. The other witnesses called by the prosecution, Superintendent of Rhea County Schools, Walter White, and F.E. Robinson, each testified that John Thomas Scopes had admitted teaching the theory of human evolution from Hunter's *Civic Biology*. This fact is significant because in the film it was cited that Scopes used Darwin's *Theory of Evolution and the Descent of Man* as the text book, which is inaccurate. Hunter's book merely summarized Darwin's theory in a section of the book entitled "Charles Darwin and Natural Selection."<sup>42</sup>

In the movie, Darrow's cross-examination of the student Howard was superficial at best. Some of the questions were similar to the ones actually asked – such as when he asked Howard Morgan if being taught about evolution had hurt him any. For the most

part, however, the questions he asked made the prosecution look silly, such as asking if a tractor or a telephone were in the Bible. By having Darrow ask these questions in the film, Kramer only wanted to reinforce the stereotype that the people of Dayton who “believed creationism were pitiful Bible thumping, backwoods buffoons, while evolutionists were cast as the educated, modern, forward thinking, level headed people ready to rescue the culture from its dull-witted opponents.”<sup>43</sup>

In truth, Darrow’s cross examination of Howard Morgan went into some detail as this text illustrates:

Clarence Darrow: Now, Howard, what do you mean by classify?

Howard Morgan: Well, it means classify these animals, we mentioned, that men were just the same as them. In other words –

Clarence Darrow: He didn’t say a cat was the same as a man?

Howard Morgan: No, sir. He said a man had a reasoning power; that these animals did not.

Clarence Darrow: Now, Howard, he said they were all mammals, didn’t he?

Howard Morgan: Yes, sir.

Clarence Darrow: Did he tell you what distinguished mammals from other animals?

Howard Morgan: I don’t remember.

At the end of this cross-examination one of Darrow’s assistant attorneys, Arthur Garfield Hays, asked Howard one final question.

Arthur Garfield Hays: Is there anything in this book that says man is descended from a monkey, you have read the book?

Howard Morgan: Yes, sir.

Arthur Garfield Hays: That man descended from monkeys?

Howard Morgan: No, sir; not that I know of.

At this point lead prosecutor Attorney General Stewart injected.

Attorney General Stewart: It is not in the book about man coming from the same cell that the monkey came from either, Colonel Darrow.

Clarence Darrow: Well, it doesn't.

It is interesting to note that this was brought out on cross examination, because it is contrary to what the Director, Stanley Kramer, had the moviegoer believe.

Darrow's cross-examination of the second student, Harry Shelton, for the most part was uneventful, but a portion of the text did have some parallels to the film.

Clarence Darrow: Are you a church member?

Harry Shelton: Yes, Sir.

Clarence Darrow: Do you still belong?

Harry Shelton: Yes, Sir.

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

Harry Shelton: No, Sir.

Clarence Darrow: That is all. <sup>44</sup>

The theme of this section of the court transcript was utilized extensively by Kramer in the film to hammer home the point he wanted to make, which was that teaching evolution in the public schools would not "hurt" the students. It is also interesting to note that the bombastic sarcasm that Kramer had Darrow display in the movie is absent in the transcript thus far. With Darrow's cross-examination complete,

Attorney General Stewart decided against calling any more witnesses. He stated “that others were prepared to offer similar testimony, and rested the state’s case incredibly less than an hour after it began.”<sup>45</sup>

With the prosecution’s case concluded, it was now Clarence Darrow’s turn to present the case for the defense. In the film, Darrow attempted to call three scientists to the stand. In each instance, the prosecution, led by Bryan, argued successfully that their testimony was not germane to the case.

In truth, this is not what took place. On the fourth day of the trial, defense attorney Clarence Darrow called witness Maynard M. Metcalf to the stand. With his initial series of questions, Darrow set about establishing Doctor Metcalf’s credentials.

Clarence Darrow: What is your profession or business?

Maynard M. Metcalf: I am a zoologist

Clarence Darrow: And what is included in that?

Maynard M. Metcalf: It is the study of animals.

Clarence Darrow: How long have you been a zoologist?

Maynard M. Metcalf: Why I began special study, with special interests, when I was about 14 years old. I do not know when I became a zoologist. I am now 58, I think – no 57, I think that is right.

Clarence Darrow: Where do you say you began studying?

Maynard M. Metcalf: Why, when I was a youngster starting in at Oberlin College, at the age of 14.

Clarence Darrow: How long did you study at Oberlin?

Maynard M. Metcalf: Four years.

Clarence Darrow: Then what did you do?

Maynard M. Metcalf: I went to the John Hopkins University for graduate study in Zoology.

Clarence Darrow: How long were you there?

Maynard M. Metcalf: Four years, the usual time.<sup>46</sup>

After establishing Doctor Metcalf's educational background, Darrow then focused on questions that verified his work experience. Here the Doctor revealed that he had spent time teaching Zoology and Botany as an associate professor of Biology at the Woman's College of Baltimore. Under further questioning by Darrow, it was disclosed that Metcalfe spent extensive time abroad working at the Naples Zoological Institution, as well as the Institute Fur in association with the Virschow Hospital in Berlin. Once this line of questioning was completed, Darrow began to probe into Doctor Metcalf's religious background. Through this line of questioning, Darrow was able to ascertain that Metcalf had been a member of the Presbyterian church since he was eleven years old, and that he currently belonged to the Congregationalist church in Oberlin, Ohio. Darrow was also able to bring to light that Doctor Metcalf had taught Bible classes to groups of college students. With the Doctor's background firmly established, Darrow began his assault on the Butler Act with the following questions:

Clarence Darrow: Doctor, do you understand, or at least ever studied and read evolution?

Maynard M. Metcalf: Surely.

Clarence Darrow: For how long?

Maynard M. Metcalf: I cannot answer the question. I think I heard the word, and the thought was long ago. I could not remember when, and an old brother with whom I used

to sleep, used to discuss with me evolutionary subjects until we went to sleep at night, night after night, before I was eight years old. I guess I had been brought up on it.

Clarence Darrow: Did your evolutionary studies include the development and evolution of man, in a general way?

Maynard M. Metcalf: I have never been a student of human morphology or human physiology distinctly, but I have been somewhat of a student of evolution and especially interested in man, and I have given some lectures here and there on prehistoric man, early man.

Clarence Darrow: And you have studied as to the origin of man, have you not?

Maynard M. Metcalf: Well, I have not studied first hand very much as to the origin of man, I have not been an archeologist or anthropologist, but I have read on it, and such lectures as I have given have been compendia from work done by other men, not my own work.

Clarence Darrow: But, you are familiar with that work?

Maynard M. Metcalf: Yes sir, fairly broadly.

Clarence Darrow: And your studies in Zoology, they have naturally been connected with the study of evolution?

Maynard M. Metcalf: Yes, I have always been particularly interested in the evolution of the individual organism from the egg, and also of the evolution of organisms as a whole from the beginning of life, that has been a sort of peculiar interest of mine, always.

Clarence Darrow: Are you an evolutionist?

Maynard M. Metcalf: Surely under certain circumstances, that question would be an insult; under these circumstances, I do not regard it as such.

Clarence Darrow: Do you know any scientific man in the world that is not an evolutionist?

It was at this point that Attorney General Stewart stood up and objected to that line of questioning. The two sides then had a brief argument over whether expert testimony would be regarded as hearsay evidence. Arthur Garfield Hays argued that hearsay testimony was allowed in cases where it is a question of how a scientific theory is substantiated.<sup>47</sup>

Clarence Darrow was then allowed to resume his questioning of the witness.

Clarence Darrow: What would you say, practically all scientific men were or were not evolutionists?

Maynard M. Metcalf: 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.<sup>48</sup>

At this juncture, Attorney General Stewart again objected to the line of questioning, and after some arguments on both sides, the Judge ruled that Darrow could continue questioning Dr. Metcalf, but not in the presence of the jury. Thus, the jury was excused less than two hours after the case had officially begun.<sup>49</sup> Darrow was then allowed to continue to question Dr. Metcalf about evolution and the theories of evolution.

When court resumed the following day, Darrow again attempted to resume his questioning of Metcalf. This time Judge Raulston did not agree to let the testimony continue, as the prosecution was objecting to every motion made by the defense. This sparked a debate that lasted the entire day in court. It was here that all the major speeches of the trial took place. Despite what Director Stanley Kramer would have the viewer believe, William Jennings Bryan spoke for the first time in the trial on the fifth day of the proceedings. Bryan's speech focused "less on the wording of the law than on the general principle that a small minority of experts – especially experts who lacked Christian faith – did not have the right to tell a large majority of Tennesseans what to believe." Much of what Bryan spoke about mirrored public speeches he had been giving in support of antievolutionary measures.<sup>50</sup> Darrow's assistant, Dudley Field Malone, responded for the defense, with the thrust of his speech drawing "a sharp line of separation between science and religion" and the argument "that the court and the nation's youths had nothing to fear from scientific truth."<sup>51</sup> When Malone concluded, the courtroom erupted in cheers.

One antievolution lawmaker turned press commentator, J.W. Butler, called it "the finest speech of the century."<sup>52</sup> The prosecution's rebuttal came from Attorney General Stewart, who returned to the argument that despite what expert testimony revealed, John Thomas Scopes had violated the Butler Act. Stewart concluded, "I ask Your Honor respectfully and earnestly, to disallow the admission of this testimony, and I ask it because I believe under the law of Tennessee it is absolutely inadmissible."<sup>53</sup>

The following day the judge ruled against allowing expert testimony, which angered Darrow to the point that he was cited for contempt, which loosely paralleled

what took place in the film. The defense argued successfully, however, to have their expert testimony become part of the appellate record, and after extended discussion, it was agreed to allow Arthur Garfield Hays to read selected excerpts into the court record. The judge allowed for one hour, but Hays took two as he read portions of statements from “the anthropologist Fay Cooper Cole, the psychologist Charles Hubbard Judd, and the zoologist Horatio H. Newman, all from the University of Chicago; the Rutgers agronomist Jacob G. Kipman; the Harvard geologist Kirtly F. Mather; the Johns Hopkins zoologist Maynard M. Metcalf; and the state geologist Hubert A. Nelson of Tennessee.”

<sup>54</sup> Testimony was also presented “from four religious experts: Sharler Mathews; Herman Rosenwasser (a Hebrew Bible scholar); and two Tennessee modernist, the Methodist minister Herbert E. Murkett of Chattanooga, and the Episcopal priest Walter C. Whitaker of Knoxville.”<sup>55</sup>

As the above text demonstrates, Stanley Kramer’s omission of Doctor Maynard M. Metcalf’s testimony before the jury was another factual error in the film that perpetuated the myth that Darrow was thwarted at every turn by the prosecution as well as the judge. In fact, in the course of questioning Doctor Metcalf about his educational and religious background, Darrow was able to frame the argument that science and religion were not mutually exclusive. In addition, the favorable response that Dudley Field Malone’s arguments received gave further proof that the courtroom gallery was not unanimously against Scopes and his defense team. In leaving out this material from the film, Kramer allowed the fable that Scopes was being railroaded to persist.

The subsequent scene in the movie opened with Bert Cates (Scopes) looking out of a jail cell window at a mob that had gathered to burn him in effigy. As the crowd

began singing, “We’ll hang Bert Cates (Scopes) from a sour apple tree,” a rock was thrown through the jail house window and hitting him. The mob, illuminated by lighted torches, then marched away from the jail house towards the hotel where Drummond (Darrow) was staying. Once the crowd arrived at his abode, they began to sing, “We’ll hang Henry Drummond (Darrow) from a sour apple tree.” The camera then panned the room where the viewer found Drummond (Darrow) washing his face in a basin. With the mob’s chants echoing in the background, there was a knock at the door. Drummond (Darrow) answered the door and saw a man standing before him wearing a hood, looking for all practical purposes like a member of the Klu Klux Klan. After an awkward moment, it was revealed that it was Hornbeck (Mencken) playing a prank on Drummond (Darrow). The two men then proceed to discuss the day’s court proceedings and concluded that their cause was lost. Drummond (Darrow) noted that it would take a miracle for them to prevail in the case. Hornbeck (Mencken) then tossed him a Bible and remarked, “There are plenty of them in there.” This scene concluded with Drummond (Darrow) holding the Bible against his chest, as he reclined in bed with a large smile on his face.

Although this scene was brief, it held some of the most powerful images in the film; unfortunately, none of them were true. As stated earlier, John Thomas Scopes did not spend a single day in jail. In fact as the trial progressed, Scopes literally became a forgotten man. In his memoirs, Scopes described returning to court late and having to squeeze through the packed aisles to secure a seat at the defense table. He noted that Arthur Garfield Hays asked, “Where the hell have you been?” but no one else appeared to realize that he had been absent.<sup>56</sup>

In the July 12, 1925 edition of *The Chicago Daily Tribune*, reporter John Herrick made this observation:

Where is John Thomas Scopes, in all this talking and milling around that he began when he read a few paragraphs out of a book to a handful of Dayton's boys and girls? Why, Scopes is lost. He's overwhelmed in the hurly-burly he stirred up. When he's around, nobody pays any attention to him. When they do want him, which isn't often, they find he's become tired of hanging on the edge of things and has gone off swimming or fishing in the creek. The Scopes trial? No, it's the trial of Bryan and Darrow. It's the trial of the two extremes, and Scopes and the middle grounders are lost in the shuffle.<sup>57</sup>

As these descriptions attested to, John Thomas Scopes was far removed from being pursued by an angry mob. In fact, the townspeople of Dayton never did reach an angry crescendo. In the waning days of the trial, the July 20, 1925 edition of *The Washington Post* reported that a large crowd had gathered on the Rhea County Courthouse lawn, but the purpose was for a picnic not a protest. The reporter noted that the town was in fact peaceful and "at ease." *The Nashville Tennessean* described the atmosphere in Dayton as "dead calm."<sup>58</sup> The only hint of trouble came from a group of locals who were angered by the sarcastic columns written by H.L. Mencken, in which he referred to the people of Dayton as "babbits," "morons," "hillbillies," "yokels," and "peasants."<sup>59</sup>

An article in the July 17, 1925 *New York Times* reported that "a considerable portion of Dayton's citizens have been considering and proposing to ask the editor of *The American Mercury* to leave town. Some have even suggested that he be taken into an alley." One preacher, the Reverend A.C. Shibling, pastor of The Cuberland Presbyterian Church of Dayton, wrote a reply to Mencken that was published in the *Chattanooga News*. It read in part, "What cheap blatherskite of a pen pusher can refer to courage

while he is the guest of the Great Volunteer State? None but a nut suffering with a malignant case of Menckenitis. Let your gourd seeds rattle, buddy; they don't sprout."<sup>60</sup>

The local sheriff reported that he had stopped one plot to run the columnist out of town, but he was not sure he could be successful twice. With the local population sufficiently inflamed, Mencken quietly left town before the trial's completion.<sup>61</sup>

The Klan imagery utilized by Kramer in the film was not without merit, as the organization had a role in the passage of the Butler Act. In February of 1925, the evangelist Billy Sunday conducted a crusade in Memphis in support of the bill. During the eighteen-day crusade, he spoke out forcefully against Darwin the "infidel," as well as the modernists. Teachers who taught evolution did not escape his disdain, as he proclaimed that "Education today is chained to the devil's throne." The *Memphis Commercial Appeal* reported that "All kinds, varieties and species came out to hear Sunday." Its front page coverage of the event noted that several thousand attended men's night, while even more women took advantage of their own special evening. The newspaper reported further that "15,000 black and tan and brown" Tennessean's showed up to voice their support for the Act while an equal number of "Kluxers", many wearing their robes and masks, attended the unofficial Klan Nights.<sup>62</sup> A former high ranking member of the Klu Klux Klan in the state of Georgia formed a campaign named "Supreme Kingdom" to expose teachers who were seen as sympathetic to Darwinism.<sup>63</sup> In Dayton however, the Klan wielded very little influence as they had attempted to organize a klavern there with no success.<sup>64</sup> It should be noted that William Jennings Bryan vehemently opposed the Klu Klux Klan as an organization. By using the Klan's image in the film, Kramer was again using the fanatic angle to play up the tension in the

scene. In reality, there was not any evidence that the Klan was present at the Scopes Trial.

The next scene in the film opened with defense attorney Henry Drummond (Darrow) apologizing to the judge for his conduct the previous day in court. The judge generously accepted the barrister's contrite words; thus, this day in court was opened. Drummond (Darrow) then asked the judge if he would allow expert evidence on a book known as the *Holy Bible*. Matthew Harrison Brady (Bryan) voiced no objection. He instead remarked:

Brady (Bryan): If counsel can advance the case for the defendant through the use of the Holy Scriptures, the prosecution will take no exception.

Drummond (Darrow): Good. I call to the stand one of the world's foremost experts on the Bible and its teaching, Matthew Harrison Brady (Bryan).

At this point Prosecutor Davenport objected, calling this move by the defense "preposterous." The judge and Brady (Bryan) believed that it was highly unorthodox, but they both agreed that justice would be served best if Brady (Bryan) took the stand. Thus Drummond (Darrow) began his interrogation of Brady (Bryan).

Drummond (Darrow): You won't have to swear him in.

Brady (Bryan): I have no objection to swearing to God.

Drummond (Darrow): I take it you will tell the truth. I am right as calling you an authority on the Bible?

Brady (Bryan): I believe it is not boastful to say that I have studied the Bible as much as any layman. I have tried to live according to its precepts.

Drummond (Darrow): Bully for you. So I suppose you can quote me chapter and verse right straight through the King James Version?

Brady (Bryan): There are many portions of the *Holy Bible* that I have committed to memory.

Drummond (Darrow): I don't suppose there are many portions of this book you have committed to memory - *The Origin of the Species*?

Brady (Bryan): I am not the least interested in the pagan hypothesis of that book.

Drummond (Darrow): Never read it?

Brady (Bryan): And I never will.

Drummond (Darrow): Then how can you whip up this holy war about something you don't know anything about? How can you be so cocksure that the body of scientific knowledge of Charles Darwin is in any way irreconcilable with the book of Genesis?

Brady (Bryan): Would you state that question again please?

Drummond (Darrow): Well now, let's put it this way; on page ten on *The Origin of the Species* ...

Prosecutor Davenport: I object to this Your Honor. Colonel Brady (Bryan) has been called as an authority on the Bible. Now the gentleman from Chicago is using this opportunity to read into the record scientific testimony which you, Your Honor have previously ruled irrelevant. If he is going to examine Colonel Brady (Bryan) on the Bible, let him stick to the Bible, the *Holy Bible*, and only the Bible.

Judge: You will confine your questions to the Bible.

Drummond (Darrow): All right, forget it. We'll play in your ballpark, Colonel. This is the book you are an authority on?

Brady (Bryan): That is correct.

Drummond (Darrow): Do you believe that every word that is written in this book should be taken literally?

Brady (Bryan): Everything in the Bible should be accepted exactly as it is given there.

Drummond (Darrow): What about this part right here where it talks about Jonah being swallowed by the whale? Do you figure that really happened?

Brady (Bryan): The Bible does not say a whale. He says a big fish.

Drummond (Darrow): As a matter of fact, he says a great fish. What do you think of this?

Brady (Bryan): I believe in a God that can make a whale and can make a man and make both do what He pleases.

A woman in the gallery stood and shouted, "God bless you, Matthew Harrison Brady (Bryan)! Amen!"

Drummond (Darrow): Now I recall a story about Joshua. Joshua making the sun stand still. As an expert, can you tell me, is that as right as the Jonah business? That's a pretty neat trick.

Brady (Bryan): I do not question or scoff at the miracles of the Lord, as do ye of little faith.

Drummond (Darrow): Have you ever pondered what would actually happen to the earth if the sun stood still?

Brady (Bryan): You can testify to that if I get you on the stand.

Drummond (Darrow): If they say the sun stood still, they must have some kind of idea that the sun moved around the earth. Do you think that is the way of things, or don't you believe that the earth moves around the sun?

Brady (Bryan): I have faith in the Bible.

Drummond (Darrow): You don't have much faith in the solar system?

Brady (Bryan): The sun stopped.

Drummond (Darrow): Good. Now if what you say actually happened, if Joshua stopped the sun in the sky, the earth stopped spinning on its axis. Continents toppled over one another, mountains flew into space, and the earth shriveled to a cinder and crashed into the sun. Now how come they missed that little tidbit?

Brady (Bryan): They missed it because it never happened.

Drummond (Darrow): It had to have happened, it must have had happened according to natural law, or don't you believe in natural law? Mr. Brady (Bryan), would you ban Copernicus along with Charles Darwin? Would you pass a law throwing out all scientific knowledge since Joshua's revelation period?

Brady (Bryan): Natural law was born in the mind of the heavenly Father. He can change it, cancel it, use it as he pleases. It constantly amazes me that you apostles of science, for all your supposed wisdom, fail to grasp this simple fact.

Drummond (Darrow): Now listen to this; this is Genesis 4 to 16. "And Cain went out from the presence of the Lord and dwelt in the land of Nod, on the East of Eden, and Cain knew his wife." Now where the hell did she come from?

Brady (Bryan): Who?

Drummond (Darrow): Mrs. Cain. Cain's wife. If in the beginning there were just Cain and Abel and Adam and Eve, where did this extra woman come from? Did you ever stop to think of that?

Brady (Bryan): No sir, I leave the agnostics to hunt for her.

Drummond (Darrow): Never bothered you?

Brady (Bryan): No

Drummond (Darrow): You figured someone else pulled another creation over in the next county?

Brady (Bryan): The Bible satisfied me. It is enough.

Drummond (Darrow): It frightens me to think of the state of learning in the world if everybody had your driving curiosity. Now this book goes into a lot of begats. Are these pretty important people?

Brady (Bryan): They are the generations of the holy men and women of the Bible.

Drummond (Darrow): How did they go about begating?

Brady (Bryan): What do you mean?

Drummond (Darrow): Well, I mean, did they begat in much the same way folks get themselves begat today?

Brady (Bryan): The process is about the same. I don't think you scientists have improved it any.

Drummond (Darrow): In other words, all these folks were conceived and brought forth by the normal biological function known as sex? What do you think of sex, Colonel

Brady (Bryan)?

Brady (Bryan): In what spirit is the question asked?

Drummond (Darrow): I am not asking you what you think of sex as a father, husband, or as a presidential candidate. You're up here as an expert on the Bible. What is the biblical evaluation of sex?

Brady (Bryan): It is considered original sin.

Drummond (Darrow): Then all these holy people got themselves begat through original sin? All that sinin' make them any less holy?

Prosecutor Davenport: Your Honor, where is this leading us? What does it have to do with the state versus Bert Cates (Scopes)?

Judge: Colonel Drummond (Darrow), the court must be satisfied that this line of questioning has some bearing on the case.

Drummond (Darrow): You ruled out all my witnesses. You must allow me to examine the one witness you left to me in my own way.

Brady (Bryan): Your Honor, I am willing to sit here and endure Mr. Drummond's (Darrow's) sneering and disrespect, for he is pleading his case with contempt for all that is holy.

Drummond (Darrow): I object, I object, I object!

Brady (Bryan): On what grounds? Is it possible that something is holy to the celebrated agnostic?

Drummond (Darrow): Yes. The individual human mind and the child's power to master the multiplication table. There is more sanctity than all your shouted "amen's" and holy "hosanna's." An idea is a greater monument than a cathedral, and the advance of man's knowledge is a greater miracle than all the sticks turned to snakes or the parting of the waters. But now are we to forgo all this progress, because Mr. Brady (Bryan) now

frightens us with a fable? Gentlemen, progress has never been a bargain; you have to pay for it. Sometimes I think there is a man who sits behind a counter and says,

Alright, you can have a telephone, but you lose privacy and the charm of distance. Madame, you may vote, but at a price. You lose the right to retreat behind a powder puff or a petticoat. Mister, you may conquer the air, but the birds will lose their wonder and the clouds will smell of gasoline.

Darwin took us forward to a hilltop from where we could look back and see the way from which we came. But for this insight and for this knowledge, we must abandon our faith in the pleasant poetry of Genesis.

Brady (Bryan): We must not abandon faith. Faith is a most important thing.

Drummond (Darrow): Then why has God appointed us the power to think? Mr. Brady (Bryan), why do you deny the one facility of man that raises him above the other creatures of the earth? The power of his brain to reason. What other merit have we? The elephant is larger, the horse is swifter and stronger. The butterfly is far more beautiful. The mosquito is more prolific. Even the simple sponge is more durable. What does a sponge think?

Brady (Bryan): I don't know. I am a man, not a sponge.

Drummond (Darrow): Do you think a sponge thinks?

Brady (Bryan): If the Lord wishes a sponge to think, it thinks.

Drummond (Darrow): Do you think a man should have the same privilege as a sponge?

Brady (Bryan): Of course.

Drummond (Darrow): This man wishes to be accorded the same privilege as a sponge. He wishes to think. (At this point the court room erupts with clapping.)

Brady (Bryan): But your client is wrong. He has lost his way.

Drummond (Darrow): It's sad that we all don't have your positive knowledge of what is right and wrong, Mr. Brady (Bryan). How old do you think this rock is?

Brady (Bryan): I am more interested in the Rock of Ages than I am the age of rocks.

Drummond (Darrow): Doctor Page of Oberlin College tells me this rock is at least ten million years old.

Brady (Bryan): Well, well, Colonel Drummond (Darrow), you managed to sneak in some of the scientific testimony after all.

Drummond (Darrow): Look Mr. Brady (Bryan), these are the fossil remains of a marine prehistoric creature found in this very country and which lived here millions of years ago, when these very mountain ranges were submerged in water.

Brady (Bryan): I know the Bible gives a fine account of the flood. But your professor is a little mixed up on his dates. That rock is not more than six thousand years old.

Drummond (Darrow): How do you know?

Brady (Bryan): A fine biblical scholar, Bishop Usher, has determined for us the exact date and hour of the creation. It occurred in the year four thousand four B.C.

Drummond (Darrow): Well that is Bishop Usher's opinion.

Brady (Bryan): It is not an opinion, it is a literal fact which the good Bishop arrived at through careful computation of the ages of the prophets as set down in the Old Testament. In fact, he determined that the Lord began the creation on the twenty-third of October 4004 B.C. at nine a.m.

Drummond (Darrow): That Eastern Standard Time or Rocky Mountain Time? It wasn't daylight savings time was it? Because the Lord did not make the sun until the fourth day.

Brady (Bryan): That is correct.

Drummond (Darrow): That first day, what do you think it was, twenty-four hours long?

Brady (Bryan): The Bible said it was a day.

Drummond (Darrow): Well, there was no sun out. How do you know how long it was?

Brady (Bryan): The Bible says it was a day.

Drummond (Darrow): Well, was it a normal day? A literal day? A twenty-four hour day?

Brady (Bryan): I don't know.

Drummond (Darrow): What do you think?

Brady (Bryan): I do not think about things I do not think about.

Drummond (Darrow): Do you ever think about things that you do think about? Isn't it possible that it could be twenty-five hours? There is no way to measure it, no way to tell. Could have been twenty-five hours?

Brady (Bryan): It's possible.

Drummond (Darrow): Then you interpret that the first day as recorded in the book of Genesis could have been a day of undetermined length?

Brady (Bryan): I mean to state that it is not necessarily a twenty-four hour day.

Drummond (Darrow): It could have been thirty hours? Could have been a week? Could have been a month, could have been a year, could have been a hundred years, or it could have been ten million years?

Prosecutor Davenport: I protest. This is not only irrelevant, immaterial, it is illegal. I demand to know the purpose of Mr. Drummond's (Darrow's) examination. What's he trying to do?

Brady (Bryan): I'll tell you what he is trying to do. He wants to destroy everyone's belief in the Bible and in God.

Drummond (Darrow): That's not true, and you know it. The Bible is a book, but it is not the only book.

Brady (Bryan): It is the revealed word of the almighty God, who spake to the man who wrote the Bible.

Drummond (Darrow): How do you know that God did not spake to Charles Darwin?

Brady (Bryan): I know, because God tells me to oppose the evil teachings of that man.

Drummond (Darrow): Oh, God speaks to you?

Brady (Bryan): Yes.

Drummond (Darrow): He tells you what is right and wrong?

Brady (Bryan): Yes.

Drummond (Darrow): And you act accordingly?

Brady (Bryan): Yes.

Drummond (Darrow): So you, Matthew Harrison Brady (Bryan), through oratory or the legislature pass on God's orders to the rest of the world. Well, meet the prophet from Nebraska. Is that the way you think? God tells Brady (Bryan) what is good for everyone?

Brady (Bryan): No. Each man is a free agent.

Drummond (Darrow): Then what is Bert Cates (Scopes) doing in the Dayton jail? Suppose Mr. Cates (Scopes) had the influence and the lung power to railroad through the state legislature a law saying that only Darwin could be taught in the schools?

Brady (Bryan): Ridiculous, ridiculous. There is only one great truth in the world.

Drummond (Darrow): The gospel, the gospel according to Brady (Bryan). God speaks to Brady (Bryan), and Brady (Bryan) tells the world. Brady, Brady, Brady (Bryan) almighty. Suppose a Cates (Scopes) or a Darwin had the audacity to think that God might whisper to him. That an un-Brady (un-Bryan) thought might still be holy. Must a man go to prison because he differs with a self appointed prophet? Extend the testaments. Let us have a book of Brady (Bryan). We shall slip you neatly between Numbers and Deuteronomy.

Brady (Bryan): My friends, I believe in the truth of Genesis.

Drummond (Darrow): Witness excused.

This scene in the film ended with Brady (Bryan) shouting out the books of the Bible. The courtroom was in chaos. In the background, the judge could be heard adjourning court until 10:00 a.m. the following day. The people in the gallery looked at Brady (Bryan) with pity, as his wife suggested that they return home.

When Clarence Darrow called William Jennings Bryan to the stand in the film, Director Stanley Kramer led the viewer to believe that this strategy was implemented hastily at the last moment. This was not accurate. In fact, over the final weekend of the trial, Clarence Darrow confided to the Unitarian minister, Charles Francis Potter, that he planned to put a Bible expert on the stand – “the greatest in the world – he thinks.” When the minister realized who the “expert” was, Darrow asked him to keep quiet as there were too many reporters around here. The Sunday before the trial resumed, Darrow practiced his cross-examination with Harvard geologist Kutley Mather playing the role of Bryan. The series of questions that Darrow utilized were ones he had asked Bryan previously in an article published in the *Chicago Tribune*. At that time, Bryan had refused to

acknowledge them. Not everyone was in the dark, however, as the *Nashville Banner* observed that “Rumors go about that the defense is preparing to spring a coup d’etat.”<sup>65</sup>

The movie’s portrayal of Bryan as a willing witness was accurate, as the official court transcript confirmed.

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

Bryan: Not at all.

Judge Raulston: Do you want Mr. Bryan sworn?

Darrow: No.

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

Darrow: No, I take it you will tell the truth, Mr. Bryan.<sup>66</sup>

Darrow’s initial inquiries of Bryan in the film mirrored the actual transcript of the trial, with Darrow confirming that Bryan had studied the Bible extensively. The film then departed from the truth, when Darrow asked Bryan if he believed that Darwin’s scientific theory was irreconcilable with the book of Genesis. Bryan replied that he was not interested in the book and would never read it. This question that was never asked, as well as Bryan’s response, was another assault by the director Stanley Kramer on the reputation of Bryan. In truth, Bryan was quite familiar with the writings of Darwin.

Lawrence W. Levene, in his biography of Bryan, noted that the “commoner” had read Darwin’s *Descent of Man* in 1905, a full twenty years before the Scopes trial took place.<sup>67</sup> Bryan also conducted a debate with noted evolutionist and president of the American Museum of Natural History, Henry Fairfield. The two exchanged their views in a series of articles published in *The New York Times* in 1922.<sup>68</sup>

In addition, on the fifth day of the Scopes trial, it was Bryan who picked up a copy of Darwin's *Descent of Man* and quoted extensively from the text. As these examples illustrate, Bryan was hardly the uninformed dupe portrayed in the film. After this initial exchange between the two combatants, Darrow focused the remainder of his questions on Bryan's literal interpretation of the stories of the Bible. The first two questions that Darrow asked in the film corresponded to the inquiries that were made in the actual trial. In the movie, when Darrow asked Bryan if he believed that a whale could have swallowed Jonah, Bryan responded, "I believe in a God who can make a whale and can make a man and make both do what He pleases." This sentence was taken word for word from the trial transcript. The second question Darrow asked addressed Bryan's belief in Joshua's ability to make the sun stand still. In this instance, Kramer did not use an exact quote, yet Bryan's answer did mirror the trial transcript, with Bryan accepting the Bible absolutely.<sup>69</sup>

As the film progressed, Kramer continued to use the actual trial as an outline, with Darrow asking, "Where did Cain's wife come from?", "When did the flood take place?", "How old is the earth?", as well as "How long is a day?" In the film, Bryan generally gave simple answers such as "I have faith in the Bible," or "The Bible satisfied me. It is enough." By following the text and using quotes from the original trial, Kramer led the viewer to believe that he had made a genuine effort to tell an accurate account of the confrontation between Darrow and Bryan. This was not the case, however. While it was true that Darrow controlled the content and pace of the questions, he did not control the examination to the extent portrayed in the film. On a number of occasions, Bryan gave as

good as he got in his exchanges with Darrow. For instance, when Darrow continued to badger Bryan about Jonah and the whale, this exchange occurred.

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

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

Darrow: It is for me.

Bryan: It is for me.

Darrow: Just as hard?

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.

Darrow: Perfectly easy to believe that Jonah swallowed the whale?

Bryan: If the Bible said so; the Bible doesn't make as extreme statements as evolutionists do.<sup>70</sup>

In questioning Bryan about Joshua's miracle, this exchange took place:

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?

Bryan: I believe that he was inspired.

Darrow: Can you answer my question?

Bryan: When you let me finish the statement.

Darrow: It is a simple question, but finish it.

Bryan: You cannot measure the length of my answer by the length of your question.  
(Laughter in the courtyard, where the trial had been moved because of concerns over the excess number of spectators in the second floor courtroom.)

Darrow: No, except that the answer be longer.

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.

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

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

Darrow: Was –

Bryan: Instead of using language that could not be understood until Darrow was born.  
(Laughter and applause in the courtyard.)<sup>71</sup>

The following exchange took place when Darrow was attempting to ascertain the earth's population.

Darrow: Do you know how many people there were on this earth 3,000 years ago?

Bryan: No.

Darrow: Did you ever try to find out?

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?

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

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

Darrow: I can make an estimate.

Bryan: What is your estimate?<sup>72</sup>

These examples provide ample proof that Bryan was able to match the wit and sarcasm of Darrow, and he certainly was not anyone's fool. Curiously, none of these exchanges could be found in the film. Perhaps they were left on the cutting room floor. The chaos that enveloped the courtroom at the conclusion of the examination was accurately portrayed, with the two combatants standing shaking their fists at each other.<sup>73</sup>

The following scene in the film involved Rachel Brown paying a visit to the Bradys (Bryans) that evening. The purpose of her visit was to proclaim that Matthew Harrison Brady (Bryan) was a fraud. Rachel was upset because of the way he had treated her on the witness stand. Mrs. Brady (Bryan) defended her husband, noting that while he had made a mistake at his core, he was still a good and honest man. Rachel did not buy this argument, however, as she continued to call Brady (Bryan) and everything he stood for evil. Mrs. Brady (Bryan) continued to defend her husband noting that he was not a saint or the devil; he was just a human being who made a mistake. Mrs. Brady (Bryan) concluded her argument by asking Rachel "What do you believe in?" She followed with, "I believe in my husband." At this juncture, Brady (Bryan) emerged from the next room where he had been resting. He attempted to console Rachel, but she would not listen, and she exited the room. The scene continued with the Brady's (Bryan's) talking about their life together. Mrs. Brady (Bryan) commented that up to this point, her husband had never compromised his principles. She seemed to insinuate that by calling Rachel to the stand,

he had. Brady (Bryan) did not listen to his wife, however, as he continued to be obsessed with winning the case, telling his wife that if he won, it would be a monument to God that would last a thousand years. Mrs. Brady (Bryan) warned her husband to “let others build monuments, as people will look for flaws in them and when they find them, they will pull them down.” Brady (Bryan) then went into a frenzy, looking for his speech, because as he told his wife, “I will make them understand, I will make them listen. It’s not just this case; it is God himself on trial.” He then collapsed into his wife’s arms in tears.

As mentioned previously, the Rachel Brown character was fictional. She was used by Kramer in this scene to reinforce the stereotype that William Jennings Bryan was evil. Ms. Brown was also utilized as a symbol of a “thinking” person who saw the light, as interpreted by Clarence Darrow. It is interesting to note that the scene concluded with Bryan collapsing into his wife’s protective arms, because in reality, it was Mrs. Bryan who needed to be taken care of, since she was wheelchair bound.

The next scene in the film opened in the courtroom with a radio technician adjusting a microphone that would broadcast the verdict to the city of Chicago. The camera then panned the courtroom, where the viewer found Brady (Bryan) reading over his notes while simultaneously eating a chicken leg from a large bucket of chicken. Cates (Scopes) and Rachel had a short conversation, where Rachel apologized for not standing with Cates (Scopes) sooner. He responded that he was just glad she was with him now. Drummond (Darrow) and Hornbeck (Mencken) joined them at the defense table to wait for the jury to return with a verdict. The camera then focused again on Brady (Bryan)

eating his chicken, as the jury filed into the room. The judge then entered the courtroom, as the radio announcer began detailing the proceedings.

In the middle of all this action, the mayor of the town approached the judge to notify him that he had been on the phone with the Lieutenant Governor all morning. The mayor stated that the Lieutenant Governor wanted the whole thing to simmer down, as the trial was gaining bad publicity from all the newspaper stories being written. The mayor concluded the conversation by reminding the judge that November, and thus his reelection, was not too far off. The judge then asked the jury if they had reached a verdict, and they responded “yes.” The judge read the guilty verdict, and the courtroom broke out in cheers. Banging his gavel to restore order, the judge asked Cates (Scopes) if he had anything to say. He responded:

Your Honor, I am not a public speaker. I do not have the eloquence of some of the men you have heard the last few days. I am just a school teacher. (A woman in gallery shouted, “Not anymore you ain’t”) I was a school teacher. I feel that I have been convicted of violating an unjust law. I will continue in the future, as I have in the past, to oppose this law in any way I can.

The Judge advised Cates (Scopes) that he could be fined or imprisoned, but because there had been no previous violation of this statute, there was no precedent to guide the bench in passing sentence. The judge then announced that the court would fine Cates (Scopes) one hundred dollars. Brady (Bryan) stood and took exception because, “The issue is so titanic the court must hand out a harsher sentence to make an example of this transgressor.” Drummond (Darrow) argued that the amount of the fine was of no consequence, because his client would not pay the fine, and they would appeal the decision to the state supreme court.

The judge set Cates' (Scopes') bond at two hundred dollars, and court was adjourned. At this point the courtroom was in chaos, with everyone shouting and talking at once. Brady (Bryan) attempted repeatedly to shout over the din to read his prepared speech. Suddenly he collapsed and died on the courtroom floor. The scene then shifted to Drummond (Darrow) and Hornbeck (Mencken) discussing how Brady (Bryan) would be remembered. Drummond (Darrow) expressed sympathy towards Brady (Bryan), while Hornbeck (Mencken) called him a "Bible beating bunko artist." Hornbeck (Mencken) then verbally attacked Drummond (Darrow), calling him a hypocrite and a fraud because of his kind words for Brady (Bryan). Drummond (Darrow) then asked Hornbeck (Mencken), "What do you believe in? You're all alone." Hornbeck (Mencken) responded, "You would defend my right to be lonely." Hornbeck (Mencken) exited the scene. Drummond (Darrow) stood alone as "The Battle Hymn of the Republic" began to play in the background. With the Bible in his right hand and Darwin's book in his left, Drummond (Darrow) turned and walked out of the courtroom to end the film.

In reality, the final day in court bore no resemblance to the tension filled atmosphere portrayed in the film. Kramer continued to paint an unflattering portrait of Bryan, with the prosecutor shown nervously eating fried chicken from a large bucket while awaiting the verdict. The actual conclusion of the trial, however, had a far more interesting twist than even Hollywood could have provided. When court reconvened, Judge Raulston made the following statement:

I fear that I may have committed an error in allowing Bryan to be questioned. I feel that the testimony of Mr. Bryan can shed no light upon any issues that will be pending before the higher courts. If the question before the higher court involved the issue as to what evolution was or as to

how God created man, or created the earth, or created the universe, this testimony might be relevant, but those questions are not before the court, and so taking this view of it, I am pleased to expunge this testimony, given by Mr. Bryan on yesterday, from the records of this court and it will not be further considered.<sup>74</sup>

This ruling ended Darrow's case, since he was left with no further witnesses to call in defense of John Thomas Scopes. At this juncture, Darrow gave up and asked the judge to find Scopes guilty, and Prosecutor Stewart readily agreed. Once the judge, Stewart, and Darrow agreed on the instructions for the jury, they were recalled to the courtroom.<sup>75</sup> Darrow then made this statement to the jurors:

As far as this case stands before the jury, the court has told you very plainly that if you think my client taught that man descended from a lower order of animals, you will find him guilty and you heard the testimony of the boys on that question and heard and read the books, and there is no dispute about the facts. Scopes did not go on the stand because he could not deny the statements made by the boys. We cannot argue to you gentlemen under the instructions given by the court – we cannot even explain to you that we think you should return a verdict of not guilty. We do not see how you could. We do not ask for it.<sup>76</sup>

The judge then allowed Prosecutor Stewart to make a brief statement to the jury. "What Mr. Darrow wanted to say to you was that he wanted you to find his client guilty, but did not want to be in the position of pleading guilty, because it would destroy his rights in the appellate court."<sup>77</sup> With that, the case was sent to the jury, who deliberated for a total of nine minutes before rendering a guilty verdict.

Judge Raulston then asked the jury foreman if they had fixed the fine. He replied, "Leave it to the court."<sup>78</sup> At this point fact and fiction merged, when Judge Raulston allowed John Thomas Scopes to speak in court. The short speech that Scopes gave in the film was taken virtually word for word from the original text. One element that was incorrect, however, concerned Scopes' future as a teacher. Despite what was shouted in

the courtroom gallery, he indeed had a future as a teacher if he had chosen to pursue it. In fact, shortly after the verdict was announced, the local school board offered to renew Scopes' teaching contract for another year with the provision that he complied with the antievolution law. Scopes instead decided to pursue graduate school on a scholarship fund that was arranged by the expert witnesses who had gathered in Dayton.<sup>79</sup>

The film continued to ignore the truth with regard to Bryan's demeanor during the trial. When the judge set the fine at one hundred dollars, it elicited a vigorous protest from Bryan. In truth, Bryan was consulted by the Tennessee legislature prior to the passage of the Butler Act. In response to their request, he made the following proposal:

The special thing that I want to suggest is that it is better not to have a penalty. In the first place, our opponents, not being able to oppose the measure on its merits, are always trying to find something to divert attention and the penalty furnishes the excuse. The second reason is that we are dealing with an educated class that is supposed to respect the law.<sup>80</sup>

In fact, Bryan was not concerned with the fine, since he had volunteered to pay it out of his own pocket.<sup>81</sup>

In the film, the trial ended with Bryan losing complete control of himself as he attempted to read his concluding statement. Ignored by everyone in the courtroom, he collapsed and died on the courtroom floor. This completed the destruction of Bryan's character by Stanley Kramer. In reality, while Bryan was indeed upset about being denied the opportunity to deliver his closing argument, he viewed the verdict as a legal victory and thus was upbeat as he considered a series of speaking engagements in states that were proposing antievolutionary legislations.<sup>82</sup> Bryan also went to great lengths to assure that his closing speech would be read, as he traveled to Chattanooga to have it typeset and printed; he continued to edit the printer's proofs right up until the end of his

life. If he was upset about what transpired during the trial, Bryan hid it well as he commented to one reporter, “If I should die tomorrow, I believe that on the basis of the accomplishments of the last few weeks, I could truthfully say, well done.”<sup>83</sup>

Having Bryan die in the courtroom at the conclusion of the film only served to further entrench the well-worn myth that the trial had killed him. After hearing of Bryan’s death, H.L. Mencken boasted privately, “We killed the son of a bitch.” Tennessee Governor Austin Peay announced that Bryan had died “a martyr to the faith of our fathers.”<sup>84</sup> While these comments were mean-spirited and well-meaning respectively, they were off the mark. Bryan had been diagnosed with diabetes in March 1914. His personal physician, Dr. J. Thomas Kelly, noted that he had been treating Bryan for this condition up until the time of his death.<sup>85</sup> The July 27, 1925 *New York Times* reported that Bryan had died of apoplexy, which was an early twentieth-century term for a stroke. There was little doubt that the stroke occurred as a result of his diabetic condition.

The closing scene of the film concluded with Darrow expressing sympathy for Bryan, while Mencken was predictably mean and sarcastic. This scene was not without merit, as Darrow did indeed show some compassion for Bryan after his death. Darrow recalled later:

I was truly sorry for Mr. Bryan. But I consoled myself by thinking of the years through which he had busied himself tormenting intelligent professors with impudent questions about their faith, and seeking to arouse the ignoramuses and bigots to drive them out of their positions.<sup>86</sup>

Mencken’s disdain for Bryan was also portrayed accurately, as this column entitled “Bryan,” published in July 27, 1925, illustrated.

One day it dawned on me that Bryan, after all, was an evangelical Christian only by sort of afterthought – that his career in this world, and the glories thereof, had actually come to an end before he ever began

whooping for Genesis. So I came to this conclusion: that what really moved him was a lust for revenge. The men of the cities had destroyed him and made a mock of him; now he would lead the yokels against them. Various facts clicked into the theory, and I hold it still. The hatred in the old man's burning eyes was not for the enemies of God; it was for the enemies of Bryan . . . But what of his life? Did he accomplish any useful thing? Was he, in his day, of any dignity as a man, and of any value to his fellow men? I doubt it. Bryan, at his best, was simply a magnificent job-seeker . . . He was ignorant, bigoted, self-seeking, blatant and dishonest. His career brought him into contact with the first men of this time; he preferred the company of rustic ignoramuses . . . Imagine a gentleman, and you have imagined everything that he was not.<sup>87</sup>

In these instances, art imitated life.

## Conclusion

In the introduction of this paper the question was posed: Is the film *Inherit the Wind* an accurate portrayal of the Scopes trial? On the surface it appeared that the director, Stanley Kramer, made an honest attempt to recreate the actual event. In casting the primary characters, he chose two actors who bore an uncanny resemblance to Bryan and Darrow. Kramer seemingly took that commitment a step further, as dialogue from the actual trial can be found throughout the script of the film. All this window dressing, however, did not guarantee an accurate depiction of the events that took place in Dayton, Tennessee.

One of the most grievous errors committed by Kramer was his decision to portray William Jennings Bryan as a comic character. By pursuing this course, he diminished the film's credibility, as it painted a portrait of Bryan that simply was not accurate. The people of Dayton also did not escape the director's penchant to embellish. Unlike the fiery-eyed zealots that Kramer created, the citizens of this sleepy southern town were decidedly less fervent than the film represented.

Kramer's true intentions were revealed when he asked former Tennessee Attorney General Tom Stewart to act as an advisor during the pre-production process. Stewart rebuffed Kramer's overture, because he wanted nothing to do with Hollywood. Kramer, in turn, warned the prosecutor that if he did not assist in the film's production, Kramer would depict him as a backwoods lawyer who played second fiddle to Bryan. Stewart refused to acquiesce and Kramer made his character a mere footnote in the film.<sup>88</sup>

Why then has the film *Inherit the Wind* maintained a reputation of being historically accurate? Its popularity can be traced back to the columns written by H.L.

Mencken. During the trial, the court transcript was printed daily in the newspaper. Most people, however, preferred to read Mencken's columns, because they were shorter and more entertaining.<sup>89</sup> In the same vein, it is much easier for a modern audience to watch a film than to read a history book.

## Epilogue

The conviction of John Thomas Scopes was appealed to the Tennessee Supreme court. Although Dr. John Neal was considered chief counsel for the defense, Clarence Darrow continued to control Scopes' defense team, despite repeated attempts by the ACLU to remove him. In addition to Neal, Arthur Garfield Hays returned, but Dudley Field Malone was replaced by Memphis attorney Robert S. Keebler. The prosecution for the state was led by two attorneys from Nashville, K.T. McConnico and Ed T. Seay. They were chosen by Governor Peay because he felt "that it would be better for us to use local counsel" during the appeal process.<sup>90</sup>

The Tennessee Supreme Court heard oral arguments in May of 1926. Darrow continued to be a lightning rod in the case as the prosecution sought to discredit him. Seay warned the justices that "If you permit the teaching that law of life is the law of the jungle, you have laid the foundation by which man can be brought to accept the doctrine of communism and to the point where he believes it right to advocate murder." Seay then labeled Darrow a defender of Communists, murders, and evolutionists. The defense countered with Keebler making the argument that the statute denied academic freedom and endorsed "that peculiar dogmatism of the Christian church known as fundamentalism."<sup>91</sup>

In his closing argument, McConnico sought to persuade the court that the legislature's intent in passing the law was not to establish religion; it instead provided that "since the Bible can't be taught, we wouldn't let this thing called anti-Bible be taught."<sup>92</sup>

Darrow gave the closing argument for the defense. His assertion was that religion was a personal choice and that “the schools of this state were not established to teach religion. They were established to teach science.” Darrow concluded his remarks stating “The future of American’s public school system and the complete education of her children can be safeguarded only by wiping this law off the statute books.”<sup>93</sup>

The Tennessee Supreme Court rendered its decision on January 15, 1927. By a slim majority it upheld the law as constitutional, but in a strange twist it threw out Scopes’ conviction, because Judge John Raulston had assessed the one hundred dollar fine, while state law required any fine that exceeded fifty dollars was to be set by the jury. Darrow was upset with the court’s decision and wanted to appeal again, but the Tennessee Supreme Court denied the motion for a new hearing.<sup>94</sup> This action effectively ended the Scopes trial.

In the decades that followed this decision, the Butler Act became a dead law that was not enforced, which is what Governor Peay had intended when it was initially passed. The Butler Act remained on the books until the Tennessee legislature repealed it in 1967.

## End Notes

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- <sup>1</sup> Jeffery P. Moran, The Scopes Trial: A Brief History with Documents (Boston: Bedford /St.Martin,2002), p.21.
  - <sup>2</sup> Moran, pp. 21-22.
  - <sup>3</sup> Don Nardo, The Scopes Trial (San Diego: Lucent Books, 1997), p. 25.
  - <sup>4</sup> "A New Image of Bryan," Life, September 26, 1960, p. 77.
  - <sup>5</sup> "New Films: The Monkey Trial," Newsweek, October 17, 1960, p. 14.
  - <sup>6</sup> Bosley Crowther, "Intellect in Films," New York Times, October 16, 1960, p. xi.
  - <sup>7</sup> Edward J. Larson, Summer for the Gods (Cambridge: Harvard University Press, 1997), p. 244.
  - <sup>8</sup> Nardo, p.28.
  - <sup>9</sup> Larson, pp. 88-90.
  - <sup>10</sup> Larson, pp. 90-91.
  - <sup>11</sup> Ray Ginger, Six Days or Forever? (Boston: Beacon Press Beacon Hill, 1958), p. 19.
  - <sup>12</sup> Larson, p. 89.
  - <sup>13</sup> Larson, p. 143.
  - <sup>14</sup> Moran, p. 70.
  - <sup>15</sup> Moran, p. 71.
  - <sup>16</sup> H. Howard, "Santa Claus Next," Los Angeles Times, May 23, 1925, p. A4.
  - <sup>17</sup> Louis W. Koenig, Bryan: A Political Biography of William Jennings Bryan (New York: G. P. Putnam's Son's, 1971), p.639.
  - <sup>18</sup> "Bryan Comes to Dayton: Progressive Club Speech," New York Times, July 8, 1925, p. 1.
  - <sup>19</sup> Clarence Darrow, The Story of My Life (New York: Charles Scribner's Son's 1932), p. 249.
  - <sup>20</sup> Ginger, p.129.
  - <sup>21</sup> Marvin Olasky and John Perry, Monkey Business (Nashville; Broadman & Holman Publishers, 2005), p. 135.
  - <sup>22</sup> Darrow, pp. 253-255.
  - <sup>23</sup> Nardo, pp. 37-38.
  - <sup>24</sup> Darrow, p.352.
  - <sup>25</sup> Larson, p. 91.
  - <sup>26</sup> Ginger, p. 95.
  - <sup>27</sup> Nardo, p. 38-39.
  - <sup>28</sup> Olasky, p. 35.
  - <sup>29</sup> "Who's Who and What's What in Scopes Trial," New York Times, July 11, 1925, p. 1.
  - <sup>30</sup> Nardo, p.39.
  - <sup>31</sup> World's Most Famous Court Trial (Cincinnati: Hilleary & Metzger, 1925), pp.14-15.
  - <sup>32</sup> World's, p.27.
  - <sup>33</sup> World's, p. 41.
  - <sup>34</sup> World's, p.24.
  - <sup>35</sup> Nardo, pp. 40 41.
  - <sup>36</sup> Larson, p. 155.
  - <sup>37</sup> Larson, p. 157.
  - <sup>38</sup> "Bryan Preaches Old -Time Creed on Court House Lawn," Chicago Daily Tribune, July 13, 1925, p. 3.
  - <sup>39</sup> "Calls Dayton a Silly Performance," New York Times, July 13, 1925, p.15.
  - <sup>40</sup> Olasky, p. 47.
  - <sup>41</sup> World's, pp. 126-127.
  - <sup>42</sup> Larson, p. 16.
  - <sup>43</sup> Olasky, p. 133.
  - <sup>44</sup> World's, p.129.
  - <sup>45</sup> Larson, p. 173.
  - <sup>46</sup> World's, p. 134.
  - <sup>47</sup> World's, p. 137.
  - <sup>48</sup> World's, p. 137.

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- <sup>49</sup> Larson, p. 174.  
<sup>50</sup> Moran, p. 116.  
<sup>51</sup> Moran, p. 126.  
<sup>52</sup> Larson, p. 179.  
<sup>53</sup> World's, p. 198.  
<sup>54</sup> Larson, pp. 185-186.  
<sup>55</sup> Larson, p. 186.  
<sup>56</sup> Larson, p. 170.  
<sup>57</sup> John Herrick, "Trial of Scopes? It's Bryan against Darrow," Chicago Daily Tribune, July 12, 1925, p. 3.  
<sup>58</sup> Larson, p. 184.  
<sup>59</sup> "Mencken Epithets Rouse Dayton's Ire," New York Times, July 17, 1925, p. 2.  
<sup>60</sup> Mencken, p. 3.  
<sup>61</sup> Olasky, p. 113.  
<sup>62</sup> Larson, p. 55.  
<sup>63</sup> Moran, p. 52.  
<sup>64</sup> Moran, p. 11.  
<sup>65</sup> Olasky, p. 147.  
<sup>66</sup> World's, p. 284.  
<sup>67</sup> Lawrence W. Levine, Defenders of the Faith (Cambridge: Harvard University Press, 1987), p.261.  
<sup>68</sup> Larson, pp.7, 31.  
<sup>69</sup> World's, p.286.  
<sup>70</sup> World's, p.285.  
<sup>71</sup> World's, p.286.  
<sup>72</sup> World's, p.293.  
<sup>73</sup> Larson, p.190.  
<sup>74</sup> World's, p.305.  
<sup>75</sup> Larson, p.191.  
<sup>76</sup> World's, p.311.  
<sup>77</sup> World's, p. 312.  
<sup>78</sup> World's, p.313.  
<sup>79</sup> Larson, pp. 200-201.  
<sup>80</sup> Larson, p. 54.  
<sup>81</sup> Larson, p.244.  
<sup>82</sup> Olasky, p.167.  
<sup>83</sup> Olasky, p. 170.  
<sup>84</sup> Olasky, p.173.  
<sup>85</sup> Levine, p. 357.  
<sup>86</sup> Nardo, p.78.  
<sup>87</sup> Olasky, p.178.  
<sup>88</sup> Olasky, p.138.  
<sup>89</sup> Olasky, p. 133.  
<sup>90</sup> Larson, p. 211.  
<sup>91</sup> Larson, p. 217.  
<sup>92</sup> Larson, p. 218.  
<sup>93</sup> Larson, pp. 218-219.  
<sup>94</sup> Olasky, pp. 174-175.

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